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CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

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VOLUME XIV, PART IV.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-SEVENTH CONGRESS, SECOND SESSION.

The Clerk read as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

The CHAIRMAN. The committee will observe that under this proviso an amendment, when offered by a committee having jurisdiction of the subject-matter—for example, the Committee on Military Affairs—need only have the effect of retrenching expenditures in any manner whatever. But the Chair is not advised that this subject of the sale of public property of the United States of this nature was referred to the Committee on Appropriations. Upon this point a distinction is always to be drawn. The rules intended to allow a committee having jurisdiction of the subject-matter to go farther than the Appropriations Committee. The latter committee is limited to propositions which are germane and which reduce expenditures in any of the three methods named. With this explanation the Chair will hear further the gentleman from New York [Mr. HISCOCK] if he desires.

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman must confine himself to the point of order.

Mr. BLACKBURN. It will be strictly in reference to the point of order. Does not the amendment proposed reduce the appropriation from $40,000 to $30,000?

The CHAIRMAN. The amendment proposes that not as an effect, but as a part of it.

Mr. BLACKBURN. The Chair does not consider it as an entirety but as two amendments.

The CHAIRMAN. The gentleman does not observe the rule. It provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

That is to say, the amendment must retrench expenditures *ex proprio vigori*, as the lawyers say. It must retrench by its own force.

Mr. BLACKBURN. I ask whether the amendment offered by the committee does not operate as an entirety, and whether it does not positively reduce the appropriation from $40,000 to $30,000, without saying anything of the saving hereafter to the Treasury in the maintenance of the arsenals it is proposed here to dispense with?

The CHAIRMAN. The gentleman fails to observe the language of the rule, namely: It must be an effect of the amendment objected to that reduces the amount covered by the bill; for otherwise any amendment would be in order when you added to it a reduction of $1, as an independent clause, and there would be no distinction between the proposition of the proviso and the proposition in the main body of the rule. It is not enough that some part of the amendment retrenches expenditure in a general way. The new legislation must do it in a special way. The Chair will keep close to the rule, and therefore sustains the point of order.

The Clerk read as follows:

Buildings and grounds in and around Washington:
For the improvement and care of public grounds, as follows:
For improving grounds south of the Executive Mansion, $15,000.

Mr. SINGLETON, of Illinois. I move in line 726 to strike out "15" and insert "10," and I propose that amendment for the purpose of inquiring of the chairman of the Committee on Appropriations what improvements south of the Executive Mansion call for the expenditure of $15,000? I hope he will inform this House what improvements under this appropriation were contemplated for the grounds south of the Executive Mansion? I can not imagine any required there unless it be to drain them and put them into grass. I hope the chairman of the Committee on Appropriations will inform us what improvement is proposed under this appropriation to those grounds.

Mr. HISCOCK. The grounds south of the Executive Mansion are those in the direction of the river and the Potomac flats. These improvements have been going on for years, and we are told they are necessary for the health, if you please, of the people in that part of the city, as well as for the health of those who reside in the Executive Mansion.

Mr. SINGLETON, of Illinois. Certainly the explanation of the chairman of the Committee on Appropriations is not a very clear or satisfactory one. He says these improvements have been going on for years, and that to my mind, Mr. Chairman, is one of the strongest reasons why we should now know exactly how this money is expended, so as to judge whether there is any necessity for this appropriation.

Certainly, looking at the grounds south of the Executive Mansion I would not suppose there were over a hundred acres to be improved. The appropriation here is at the rate of $150 an acre, assuming there are one hundred acres. That ought to reduce that ground to as perfect a condition, so far as vegetable decomposition and putrefaction are concerned and from which disease could arise, as would be necessary. I could take $150 an acre and put this ground in such condition there would be no fear of vegetable decomposition or putrefaction or anything deleterious to disturb the health of the people. While I am not sufficiently informed either by the answer of the chairman of the committee or what I know of my knowledge on this subject, I nevertheless insist on my amendment and will modify it so as to strike out the whole paragraph.

The committee divided; and there were—ayes 5, noes 41.

Mr. SINGLETON, of Illinois. I make the point of no quorum, Mr. Chairman, to call the attention of the country to the fact how few men are here present voting away the money of the country without proper explanation.

The CHAIRMAN. Does the gentleman insist on his point?

Mr. SINGLETON, of Illinois. No, I will withdraw the point.

So the amendment was disagreed to.

The Clerk read as follows:

For lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, plumbers, plumbing, lamps, lamp-posts, matches, and repairs of all kinds; fuel and lights for office, stables, watchmen's lodges, and for the greenhouses at the nursery, $15,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $22 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract can not be made at that rate the officer in charge of the public buildings and grounds is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That said officer shall not be authorized to make any contract for gas or other illuminating material, in accordance with the provisions of this paragraph, for any longer period than one year.

Mr. BLOUNT. I move to strike out the words "$22 shall be paid per lamp," for the purpose of inquiring whether this is the same amount per lamp provided in the District of Columbia appropriation bill for the city.

Mr. HISCOCK. It is precisely the same amount.

Mr. ROBINSON, of Massachusetts. I should like to ask a question. It seems to me the language in line 779 does not read the same as we left it in the other bill. On the criticism of the gentleman from Texas [Mr. MILLS] it was changed somewhat, so that in case a contract could not be made at that rate the commissioners might substitute other illuminating material.

Mr. HISCOCK. The idea of the committee on that subject was this: that for the purpose of illuminating the public grounds around the Executive Mansion and around this Capitol, it was scarcely worth while for the Government to undertake the experiment of electric light or anything of that kind. It would be on too small a scale, and therefore we did not put anything into this bill which would authorize anything of that sort in the grounds about the Capitol and the Executive Mansion until something had been done by the commissioners in the first place in the city.

Mr. ROBINSON, of Massachusetts. I think that is very wise, indeed.

The Clerk read as follows:

For the building of the State, War, and Navy Departments: For clearing the site, laying foundations, building walls of the lower stories, and continuing the preparation of cut granite for the west and center wings, and for each and every purpose connected with the same, $500,000.

Mr. HISCOCK. I move the following amendment: after the word "same," in line 806, insert the words "including the rent of necessary office room." The reason of that is that the officer who has charge of this building, or rather who is in control of its erection, has no office room in the old navy building; and it is necessary to tear that down to put in this new wing. Consequently his office room is destroyed; and this is to provide room for him during the time this work is going on.

The amendment was agreed to.

The Clerk read as follows:

For completion of the Washington Monument: For marble, granite, iron frame-work, machinery, tools, labor, office expenses, and for each and every purpose connected with the completion of the monument, $150,000.

Mr. HISCOCK. I had designed offering an amendment in line 808 to strike out the word "completion" and insert "for continuing," but I will leave it as it is.

Mr. BLOUNT. I think that will be better.

Mr. HISCOCK. The word "completion" has been used in this work from the beginning of the work up to this time. "For the completion" not for the final termination of it, which is a consummation most devoutly to be wished.

Mr. BLOUNT. It is always usual to put that word in when it is intended to exclude any contract beyond the mere wording of the bill.

Mr. HISCOCK. Mr. Chairman, I am under the necessity of objecting to the amendment, and for this reason: that this work has been continually carried on under the heading we here find in the bill "for the completion of the Washington Monument." That has been the heading always; all of the accounts have been made under that heading. The estimates are, I think, for $50,000 or $100,000 more than we have given here. Now, if you will read further in the paragraph you will discover that provision is made—

For marble, granite, iron frame-work, machinery, tools, labor, office expenses, and for each and every purpose connected with the completion of the monument, $150,000.

The CHAIRMAN. No amendment is pending, as the Chair understands, and this debate is entirely out of order.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 810, after the word "expenses," insert the words "including the rent of necessary office-rooms."

Mr. SPRINGER. I desire, Mr. Chairman, while this amendment is pending, to ask the gentleman from New York in charge of this bill if he can inform the committee at what time in the future, near or remote, this monument is likely to be finished? The American people are getting a little anxious to get this thing done, and they want to know when that consummation is to be reached. I hope the gentleman has estimates of such a character as will enable him to give us the information we seek and let us into the secret as to when this thing is to be finished?

Mr. HISCOCK. My understanding is that it will be finished or completed in two years from the 1st of next July.

Mr. SPRINGER. That is all right.

Mr. HISCOCK. And I am prepared to give the gentleman from Illinois the most positive assurance on this point.

Mr. SPRINGER. I am glad to hear it.

Mr. HISCOCK. I have investigated the subject with a great deal of care, and I can give the gentleman this information without the least doubt in the world as to its accuracy.

Mr. SPRINGER. That information is very satisfactory to me and will be, I am sure, to the country. [Laughter.] And I am glad to know that there is a time to which we may look forward with the hope of seeing this monument completed.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

MILITARY POSTS.

To enable the Secretary of War to have buildings constructed and improvements made at military posts, as follows: At Fort Colville, Washington Territory, $50,000; for the establishment of reserved posts at San Antonio and Fort Bliss, $75,000; at Fort Huachuca, Arizona, $52,000; at Fort Grant, Arizona, $60,000; at Atlanta, including purchase of necessary ground, $75,000; at Fort Douglas, Utah, $12,000; in all, $324,000.

Mr. VALENTINE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 817, after the word "dollars," insert:
"Fort Niobrara, Nebraska, $25,000."

Mr. VALENTINE. Mr. Chairman, the estimate made by the Secretary of War and forwarded to the Committee on Appropriations for the continuance of the building at this fort is $63,000. The total amount asked for by the Secretary of War for all of these fortifications was something over one and one-half millions of dollars; but the committee have for some reason seen proper to reduce it to less than one-half a million dollars, leaving out entirely any appropriation for this fort.

Now, Fort Niobrara is located on the extreme northern boundary of Nebraska, on the line between the settlements in the northern part of the State and the large reservation in the Territory of Dakota, where there are more than 25,000 Indians. It is the only means of defense of the settlers in that part of the State of Nebraska in case of an outbreak of these Indians. I know it is a part of the programme of the commanding officer of that department, as well as the Lieutenant-General and General of the Army, to consolidate these posts as far as possible, and do away with a large number of them altogether. But they have selected Fort Niobrara to be continued as the only post in that region, and made an estimate in accordance with that determination. It is absolutely necessary that this should be completed, and I hope therefore that there will be no objection to the amendment.

The committee divided; and there were—ayes 13, noes 21.

So (there being no further count demanded) the amendment was not agreed to.

Mr. DUNNELL. I move to strike out the word "five," in line 821; and I do this that I may ask the chairman of the committee whether this clause is evidence of a policy to be adopted by the Government in the expenditure of these large sums of money at these posts? Or, in other words, whether these expenditures provided for in this bill are the first that have been made at these posts?

Mr. HISCOCK. In part, yes; and in part, no. At Fort Colville, in Washington Territory, which is upon our extreme northwestern border, there has been an old fort of that name, and it is not intended to expend any of this money upon the old fort. It has been, I think, absolutely abandoned. It is a point, however, where the Government deems it absolutely necessary to keep a certain number of troops.

Mr. BLOUNT. I wish to ask if it is not the purpose of the Military Committee to offer an amendment providing for the sale of property no longer required for the purposes of these forts?

Mr. DUNNELL. I desire to say, if the gentleman from New York [Mr. HISCOCK] has closed his remarks, it seems to me the Government in this bill is appropriating large sums of money at these different posts and that these are but the beginnings of expenditures that will not fail to be very large. What may be to-day a desirable and eligible military post out on the frontier may not ten years from now be a desirable military post, and the making of these expenditures in the way of temporary perishable buildings is a policy the wisdom of which may be very well questioned.

Now, $50,000 is a very large sum to be appropriated for improvements at a post practically abandoned and practically outside of the range of military headquarters. We have here $324,000 appropriated, not for the construction of forts but simply for improvements about forts, some of which are substantially abandoned and which will soon become useless to the Government. There ought to be something fixed in the character of these points at which so much money is expended.

Take for instance the Department of Dakota, embracing the Territory of Dakota and the State of Minnesota largely. There are permanent works at Fort Snelling—very properly; and these are to be of the like kind, and these appropriations are looking to the same end touching these other places. Now if these other places are as well selected and as well fixed by nature as Fort Snelling, in the Department of Dakota, very well. I would like to hear the gentleman from New York give something of a military statement touching these positions and the part they play in the grand arrangement.

Mr. HISCOCK. If there is any subject in the world in reference to which I feel I am entirely competent to speak, learnedly and exhaustively, it is on this subject of the location of military forts. [Laughter.]

The Secretary of War and the General of the Army submitted to the Committee on Appropriations estimates amounting in the aggregate to $1,700,000 in round numbers. They said the purpose was, in these days of railroads, to locate military posts at railroad centers or where they could be reached by railroads in the West and on the extreme northwestern boundary with Canada, and at other points, so that the troops could be concentrated at those points. They said they believed that to a large extent the day of Indian hostilities had passed and the troops were to be concentrated at these points, always to be within call, but not to be scattered or maintained in the scattered condition in which they are now. They submitted to us a list of fortifications, barracks, or forts—call them by whatever name you please—for the construction of which they asked an appropriation of $1,700,000. After repeated interviews with these gentlemen we finally picked out these military posts indicated in this paragraph, at a cost of something near $350,000, and concluded to appropriate the money for them.

Thoroughly convinced that upon this theory of theirs, which we believed to be a proper and wise theory, of the concentration of troops at a given point, from which they could be sent in case of an emergency to the scene of hostilities—convinced that this was a wise policy, we concluded to adopt the scheme to the extent of giving the money for these posts. Now, take this one on the northwestern frontier. They say this of it:

From Fort Assinaboine, on the upper sources of Milk River, a tributary of the Missouri, to Puget Sound—a distance of more than a thousand miles—we have no fort or military establishment on the northern frontier. One such is deemed all-important, both to prevent Indian complications as well as trouble with lawless white men, who always exist on the national borders, who commit depredations on one side and escape to the other. We always hold the authorities of the Canadian Dominion to a prompt account for the depredations of their Indian and half-breed marauders, and should, in fairness, be prepared to keep reasonably good order on our side. The building of our Northern Pacific Railroad has filled that region with a lawless class, who will surely compromise our Government unless we are prepared to repress them promptly. For this purpose we need a military post somewhere between the Flathead agency, in Montana, and Puget Sound, preferably at some point near old Fort Colville. We succeeded to that post from the old Hudson Bay Company about 1848, and have patched it up from time to time, but at last it has become simply untenable, the buildings rotting down, and has been abandoned. The purpose is to select a new site near the Dominion border, either at old Fort Colville or some point in that region, before the land is taken up by settlers, who are only too willing to make a homestead entry and thereafter make the United States pay roundly for it. We now propose to select the best site available before it is too late, and thereon erect a post for two companies of cavalry or infantry, to form a nucleus for a larger establishment in the near future. The sum asked for is the minimum possible.

Mr. MCCOOK rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. DUNNELL. I withdraw the amendment.

Mr. MCCOOK. I wish to call the attention of the gentleman from Minnesota to the report of General Sherman. It furnishes a very distinct and conclusive answer to his suggestions.

Mr. HISCOCK. I move to amend in line 820 by inserting the word "Georgia" after the word "Atlanta."

Mr. VALENTINE. That is very much needed down there.

The amendment was agreed to.

Mr. MCCOOK. I desire now to offer a substantial amendment. I am directed by the Committee on Military Affairs to offer the amendment which I send to the desk, to be inserted after the word "dollars," in line 823. I hope before the amendment is read the committee will be in order, as it is quite lengthy and I do not desire to have it read more than once.

The CHAIRMAN. The committee will come to order.

The Clerk read the proposed amendment, as follows:

At the end of line 823 add the following:

"That all lands reserved for military purposes which, in the opinion of the President, may be no longer desirable for such purposes, or so much thereof as he may designate, shall be placed under the control of the Secretary of the Interior to be disposed of: *Provided*, That said lands shall not be placed under the control of the Secretary of the Interior until the direction of the President therefor shall have been filed in the Interior Department: *Provided also*, That said lands shall not be subject to location by warrant or scrip of any description, nor to the homestead or pre-emption laws of the United States: *And provided*

further, That said lands sl all not be sold until they shall have been surveyed and platted under the direction of the Secretary of the Interior and appraised by three competent men to be appointed by him and their appraisal approved by the President of the United States. And said lands shall be sold at public sale to the highest bidder for cash and shall not be sold at less than their appraised value and in such subdivisions as may be most advantageous to the Government, no subdivision to exceed one hundred and sixty acres."

Mr. VALENTINE. It is subject to a point of order.

Mr. McCOOK. Let us hear what the point of order is.

Mr. VALENTINE. It changes existing law and does not retrench expenditures.

Mr. McCOOK. Tell us what existing law it changes.

Mr. BLOUNT. Does it come from any committee?

Mr. McCOOK. It comes from the Committee on Military Affairs.

Mr. HISCOCK. I will say that this proposition has been fully investigated by the Committee on Appropriations, and I am authorized by that committee to accept it.

Mr. VALENTINE. I still maintain my point of order. If there was only a portion of the proposition offered I should not object to it; but the idea of taking all our military reservations in the West and throwing them open to the people of the whole country is something I object to.

The CHAIRMAN. The Chair would inquire if this subject was referred to the Committee on Military Affairs?

Mr. McCOOK. It was, and this is the unanimous report of that committee.

Mr. VALENTINE. It would seem to be implied from the question asked by the Chair of the gentleman from New York [Mr. McCOOK] that if the Committee on Military Affairs have passed upon this proposition it may go on a general appropriation bill, and not be subject to a point of order.

The CHAIRMAN. The Clerk will read the proviso of the rule which was read not long since.

Mr. VALENTINE. I would be glad to hear it.

The Clerk read as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

The CHAIRMAN. The gentleman will observe that the only question under that provision of the rule is whether the proposed amendment retrenches expenditures.

Mr. VALENTINE. I say it does not upon its face retrench expenditures. To be in order the amendment must carry upon its face the fact that it will retrench expenditures.

Mr. McCOOK. I will read on that point the opinion of the former Secretary of War, Mr. Ramsey, of the State of Minnesota.

Mr. VALENTINE. I do not know that the opinion of the former Secretary of War has anything to do with the point of order.

Mr. McCOOK. The gentleman asked the question whether it retrenched expenditures. I am going to give him the opinion of a former Secretary of War in regard to that point. Of course I have no personal knowledge of it, and I simply quote the opinion of one who I suppose was competent to give an opinion upon the subject.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. McCOOK] on that point.

Mr. McCOOK. Secretary Ramsey said:

There are a number of military reservations which are of no further use for military purposes, and every year the number increases. It is the custom of the Secretary of War to report such cases to Congress as soon as they are brought to his notice and ask for authority to transfer the reservations to the custody of the Secretary of the Interior for sale or disposition under the general land laws. As a rule several years elapse before such authority is granted, and in the mean time trespassers come upon the reserves as soon as the troops leave, and when ejected they appeal to the Department to reinstate them in the possession of land to which oftentimes they have no shadow of claim. These claims are a source of constant annoyance; and in addition—

This is what I wish to call attention to—

And in addition there is the expense of an agent——

Mr. SPRINGER. I hope the Chair will preserve order so that we can hear the gentleman from New York.

The CHAIRMAN. The gentleman will suspend until the committee comes to order.

Mr. McCOOK. I am simply reading this because the Chair requested me to, not because I believe the committee are listening to me or will listen to me.

I was just coming to the point to which I desired the attention of the Chair. Now, Mr. Chairman, just between us [laughter]—

These claims are a source of constant annoyance; and in addition there is the expense of an agent to take care of each "abandoned" reservation.

I therefore claim that on the face of the amendment, on the face of the proposition to dispose of these abandoned reservations, it is shown that the expense of an agent to take care of each reservation will be got rid of, and therefore it will retrench expenditures.

Mr. DUNNELL. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. DUNNELL. The amendment proposed by the gentleman from New York [Mr. McCOOK] provides for the appointment of an appraiser and makes provisions for expenditures in the disposition of these reservations, expenditures quite as large as might be had under the agency system to which he alludes.

Now, I insist that the Chair will be unable to determine whether there will be any retrenchment of expenditures by the adoption of this proposition. I am radically opposed to its adoption; it is all wrong. I wish to be heard for a moment upon the merits of the proposition.

Mr. McCOOK. That is just where we want to get you; on the merits of the proposition.

Mr. VALENTINE. Let us confine this debate to the point of order.

Mr. CANNON. I think this amendment is in order. The Chair will recollect that when these rules were adopted the House sought to limit the power of the Committee on Appropriations as such to place legislation upon appropriation bills.

Therefore it provided, in the clause of Rule XXI to which reference has often been made, that legislation to be in order must retrench expenditures in one of three ways. And the Chair has very properly held strictly to the wording of that clause of the rule for the purpose of carrying out the intention of the House in adopting the rule.

Now, as to the proviso to that rule, which permits legislation upon general appropriation bills, upon the report of different committees of the House, the construction of the proviso has always been liberal and not strict. If a proposition is made which fairly upon its face or by fair intendment will retrench expenditures in any way the practice of the Chair has been to hold it in order and allow the Committee of the Whole to vote upon it. To a certain extent, to a very large extent, we are proceeding legitimately under the recommendation of different committees of the House to legislate upon appropriation bills for the public interest.

Now, does this amendment retrench expenditures? It provides for the sale of military reservations which have become useless, which are not productive to the Government, which are an item of expense for their care. To my mind the amendment clearly comes within the proviso of Rule XXI.

Mr. VALENTINE. On the contrary, Mr. Chairman, I think the amendment itself indicates that it will increase expenditures. It provides for the appointment of appraisers, for the payment of surveys and many other things which directly tend to increase rather than diminish expenditures. I do not think it allowable for a committee to place upon a general appropriation bill any legislation that it pleases under the clause cited by the Chair. In the first place it must be germane, which in my opinion this certainly is not; and it must reduce the amount of money covered by the bill. That is the language of the rule.

Mr. ROBESON. Mr. Chairman, by the last clause of the third paragraph of Rule XXI it is provided—

That it shall be in order to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

That particular clause goes to the subject of the general reduction of expenditures. The other clauses give the Appropriations Committee power over subject-matters which are not generally committed to them, but which require expenditures in detail. But when an amendment comes from a committee which has appropriate charge of the subject, either by the nature of its general jurisdiction or under a reference by the House, then that rule broadens and embraces every matter which looks generally toward the reduction of expenditures.

Now, the provision to which this amendment is offered is a part of a system entered upon by the military authorities of this Government—the Secretary of War and the commanding general—for the purpose of retrenching expenditures in the maintenance of military posts. A part of the scheme is embraced in the provision of the paragraph itself. Instead of asking appropriations for numerous posts scattered all along the line of our boundaries, it concentrates these posts at railroad centers, where it is intended in the future to mass our troops so that they may be sent out to other points as necessity may require. Thus along the Rio Grande frontier, instead of a dozen subordinate posts we authorize but two posts, one at El Paso, the other at San Antonio—both railroad centers, from which other points may be readily reached. Thus at Atlanta, a high and healthy point in the southern country with a salubrious atmosphere, the troops for the Southern States are according to this plan to be massed so as to be sent out by railroad as occasion may require.

This is a system of general retrenchment of expenditures recommended by the Secretary of War and the commanding general. So far as the Committee on Appropriations had authority they have put it in their bill originally. But it is not complete unless some other committee acts upon it and carries it out. In order to carry out this reduction of expenditures the Military Committee comes in and acting strictly under the rule submits this provision for the sale and disposal of those posts which have been abandoned. It is a part of the general system of reduction, and therefore strictly in order.

I have said that the proposed amendment is strictly in accordance with the rule and with proper legislation. We have done everything that the Committee on Appropriations was authorized to do; that is

the initiation of this retrenchment. Now, the Military Committee comes in and adds its appropriate clause, the subject-matter being one over which it has jurisdiction, and carries the plan of retrenchment to its legitimate end; for it can not be denied that it is in the line of retrenchment to consolidate these posts; and when they are consolidated and two-thirds of them abandoned, it can not be denied that it is in the line of retrenchment for the Government to dispose of them properly and under such restrictions as the legislative power may prescribe.

Several members addressed the Chair.

The CHAIRMAN. The Chair must beg gentlemen now to be brief, as he has already heard the point of order very fully discussed on both sides. The Chair recognizes the gentleman from Ohio [Mr. CONVERSE] who has not spoken.

Mr. CONVERSE. I wish simply to inquire of the gentleman from New Jersey [Mr. ROBESON] whether, under the rules of the House, either the Appropriations Committee or the Military Committee has any control whatever over the sale of public lands or any other property of the United States. This entire provision, as I understand, is for the sale of the public domain. I wish to inquire whether either of these committees has any control over the sale or disposition of any public property.

Mr. ROBESON. I admit, if the gentleman puts to me that question, that these are lands owned by the United States; but they are not in the general sense the same lands that we call "public lands;" being originally a part of the public lands, or having been purchased from individuals, they have been appropriated by the Government for military purposes. Therefore it is a proper part of the jurisdiction of the Military Committee to recommend to the House the abandonment of them, and if possible their sale.

The CHAIRMAN. The Chair will now rule upon the question, having heard it discussed sufficiently at length.

Mr. SPRINGER. Will the Chair allow me just one word? In the decision made by Mr. Speaker Kerr, in the Forty-fourth Congress, it was stated that the Chair would take cognizance of the reports of the various Departments of the Government, of existing laws, and of the rules and proceedings of the House. The gentleman from New York has quoted one of the reports of the Department showing that there would be a retrenchment of expenditures in the discharge of the custodians of this property.

The CHAIRMAN. The Chair will direct the reading of the first part of the proposed amendment.

The Clerk read as follows:

After the word "dollars," in line 823, insert:

"That all lands reserved for military purposes, which, in the opinion of the President, may be no longer desirable for such purposes, or so much thereof as he may designate, shall be placed under the control of the Secretary of the Interior to be disposed of."

The CHAIRMAN. This is the first branch of the amendment, and the first question is whether this is germane to the paragraph of the bill under consideration. That paragraph is headed "military posts," and it provides for several of these posts. The amendment providing for others has already been entertained. The Chair is of the opinion, therefore, that it is germane to the subject-matter of the paragraph.

Further than that, even these stations and posts for which appropriation is made are included within the discretionary power given to the President.

Being germane, the next question is whether it is reported by a committee having jurisdiction of the subject-matter, and the Chair takes the statement of the gentleman from New York that the subject-matter has been referred to the Committee on Military Affairs.

Mr. McCOOK. What does the Chair mean by that?

Mr. VALENTINE. I do not think the gentleman will say that it has been referred to the Committee on Military Affairs.

The CHAIRMAN. The Chair asked whether this had been referred to that committee, and understood the gentleman from New York to say that it had.

Mr. VALENTINE. I think the Chair asked whether it had been under consideration by that committee, and I do not think it was ever referred to that committee under the rule.

Mr. McCOOK. What rule does the gentleman refer to?

The CHAIRMAN. The Chair begs again to make inquiry whether he misunderstood the gentleman to say that this subject was referred to the Committee on Military Affairs?

Mr. McCOOK. Referred by whom or in what manner?

The CHAIRMAN. That is for the gentleman to say.

Mr. VALENTINE. Was it referred by bill or resolution?

Mr. McCOOK. There was no bill or resolution so far as I know referring this to the Committee on Military Affairs. But, sir, the President's message time and again has called the attention of Congress to the subject, and the subject-matter is involved in the President's message and the accompanying letter of the Secretary of War, which have been referred to the Committee on Military Affairs.

The CHAIRMAN. The only question is have they gone to the Military Committee? Does the chairman of the committee, or any gentleman of that committee, state this subject-matter was before that committee by any paper coming either from the President or the Secretary of War?

Mr. HENDERSON. Yes; I say so.

The CHAIRMAN. The chairman of the Committee on Military Affairs now states the subject-matter was referred to his committee, and the Chair accepts that statement.

Mr. CONVERSE. I wish to call the attention of the Chair to the rule.

The CHAIRMAN. The Chair has the rule before him.

Mr. CONVERSE. The rule says it shall be proposed legislation which is referred to the committee. This is not proposed legislation which has been referred to the Military Committee.

Mr. McCOOK. Now, Mr. Chairman——

The CHAIRMAN. The Chair will state the rule before he is through.

Mr. McCOOK. Wait a moment until I can show the subject-matter was before the Military Committee.

The CHAIRMAN. The Chair will not undertake to decide until gentlemen have closed the debate.

Mr. McCOOK. The Chair asked me a question and I have been trying to answer it correctly and intelligently. This subject-matter has been referred to the Committee on Military Affairs in the ordinary and usual method in which such matters go to committees of this House.

The CHAIRMAN. The Chair has already had the statement of the gentleman from Illinois [Mr. HENDERSON], chairman of the Committee on Military Affairs, that the subject-matter was referred to that committee, and it desires to hear nothing further on that point.

Mr. McCOOK. If the Chair will pardon me I will read a few words from the President's message transmitted to the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as may provide for the disposal of military posts which are no longer needed for military purposes.

That is signed by Chester A. Arthur, President of the United States, and was referred to the Committee on Military Affairs.

The CHAIRMAN. The Chair will now proceed to decide the point of order. The first clause of the amendment as stated is germane. It appears the committee reporting this amendment has jurisdiction of the subject-matter.

The remaining question, as to whether it retrenches expenditure, has to be decided. In answer to the point made that other expenses are to be incurred in executing the law, the Chair does not regard that as objectionable. It is proposed to substitute a temporary expenditure for a permanent one, and further it may include the very posts for which appropriations are made in the bill by the terms of the amendment. The Chair therefore thinks it comes fairly within the provision at the end of subdivision 3 of Rule XXI.

Further, the Chair will state the distinction taken by the gentleman from Illinois [Mr. CANNON] is recognized by the Chair as an important one—that the previous clauses of the subdivision are very restrictive of the power of the Committee on Appropriations and are in favor of committees having regular and legitimate jurisdiction of the interests involved. This amendment seems to the Chair to meet the demands of the proviso including retrenchment, as certified by the letter of the Secretary of War, and he is of the opinion that it is in order and so decides.

Mr. DUNNELL. I desire to be heard for a moment on the merits of the proposition.

The CHAIRMAN. No action being desired further on the point of order, the Chair will recognize the gentleman from Minnesota [Mr. DUNNELL].

Mr. DUNNELL. Mr. Chairman, I can not suppose the Military Committee or the Committee on Appropriations will desire to incorporate into this bill a provision touching these military reservations which will work a hardship to the settlers. The policy of the Government hitherto has been, on the recommendation of the Secretary of War, for Congress to pass a special act throwing the military reservation in question open to settlement under the homestead and pre-emption laws of the United States. You will mark the proviso under discussion is an absolute overthrow of the policy of the Government from time immemorial.

Heretofore whenever a military reservation, on the recommendation of the Secretary of War, has been abandoned it has always throughout the entire history of the Government been made by act of Congress a part of the public domain and thrown open to pre-emption and homestead settlement. Now it is proposed to say that those reservations shall no longer be opened to pre-emption and homestead settlement. That is one of the subdivisions of this proviso sought to be incorporated into this bill. But, on the other hand, they are to be appraised and sold as provided here, in opposition to the policy that has long prevailed.

Some of these reservations, as I know, Mr. Chairman, embrace many square miles, hundreds of thousands of acres of land; and upon these reservations settlers have gone—squatters they are called technically—but always in its legislation heretofore Congress has regarded their rights and provided for them in making disposition of such property; and among the very first acts of the Forty-second Congress, after I became a member of Congress, there was passed a bill opening up a mil-

itary reservation to the homestead and pre-emption settlers. In that bill, at the time I refer to, provision was made that the persons found there who had made settlement under the homestead and pre-emption law, or the squatters upon this reservation, were to be protected in the rights which they had acquired by residence and occupation; and the very bills themselves protected these squatters on these reservations and provided that they were to have the right to perfect their entry and acquire title. The bills making these posts or reservations part of the public domain always so provided. It is here proposed practically in this bill to scoop out of the vast domain of the Republic a large amount of public land, and instead of allowing those lands to be opened, as the spirit of the law requires, to homestead and pre-emption entry, which is the settled policy of this Government, a new proposition is brought forward providing that these lands shall be taken away from the right of settlement and sold under an appraisement ordered to be made, thus depriving these settlers of their acquired rights of occupancy.

Mr. McCOOK. Because they have not acquired any rights.

Mr. DUNNELL. Mr. Chairman, I am for one terribly opposed to a change in our policy in this respect. It is all wrong, and it is open to corrupt practices; it is open to fraud, and it is open to bad government. I trust this committee will not force us into a policy so radically new and so radically different from the homestead and pre-emption principle which we have always followed so steadily in the disposition of our public lands.

Mr. DAWES. Are the lands here referred to settled to any extent?

Mr. DUNNELL. Upon some of these reservations there are old settlers, four, five, and ten years on the lands. They have made settlements upon them and have recognized homes which they have established there. It is now proposed by this amendment to oust them and forfeit their titles. I hope the committee will do nothing of the kind. I hope our public-land policy will not be changed at this time.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. McCOOK. It is proposed to oust them because they are trespassers and have no more right to the lands which they have taken up in this manner than they would have to take possession of my property or any other man's property in any part of the United States.

Mr. VALENTINE. Let me answer that objection of the gentleman from New York. They withdrew these lands as a military reservation and threw them open to these homesteaders and pre-emptioners. They continued on them I think in many instances all the time that it was occupied as a military reservation. But they were finally abandoned as such, and by this amendment you prospose to take the lands which they have acquired in this manner by long settlement and sell them by appraisement.

Mr. McCOOK. For the very reason, as I have said, that they have no right to the land.

Mr. VALENTINE. But they went and settled upon the lands before they were withdrawn for military purposes.

Mr. McCOOK. Mr. Chairman, the amendment which I offered by the authority of the Committee on Military Affairs will affect thirty-seven of the military reservations of this country, containing in round numbers 600,000 acres of land, which are affected by it should it become a law. Ever since the organization of the Government it has always been the custom of the President of the United States to declare and set aside by proclamation certain parts of the public domain for military reservations; and those acts of the President have time and again been ratified by Congress. A judicial decision by the Supreme Court of the United States, in 13 Peters, I think, is to the effect that after these reservations have been once declared by the President of the United States they can not be used for any other purpose save that of military reservations, except by an act of Congress surrendering them back to the public domain. That, I think, is a complete answer to the suggestion of the gentleman from Nebraska and the gentleman from Minnesota, who allege that the passage of such a law as this will affect the rights, as they choose to call them, of men who have settled upon these military reservations without authority of law.

Many of these posts immediately after they had been abandoned by the military authorities were at once occupied by squatters in the vicinity who have clustered around the posts; because it is not necessary for me to tell the committee that in the progress of this country, as a rule, the military reservations of the country, the Army being the great pioneer, are upon the very best lands in the West; and some of the most populous communities and the richest cities of the West today owe their existence to the fact that originally they were military posts. Large settlements clustered around them, which grew in importance as the country became more thickly settled; so that as soon as these lands were abandoned for military purposes these people settling in the vicinity have taken possession of the land and claimed to hold it under the homestead and pre-emption laws. This was done before these lands by act of Congress had been given back to the public domain. Now they come to Congress and claim the same right as the regularly authorized settlers upon the public lands. According to my views I repeat that they have no more right to do that than they would have to go and locate upon my property, if I had any, in the city of New York, or any other man's property.

Every Secretary of War for the last ten years, so far as I have any knowledge, has recommended the passage of some general law of this kind. The present Secretary of War recommends it; the General of the Army recommends it; and the Military Committee in taking charge of this question has thrown around the sale of this property all of the checks and guards that could possibly be thrown around it so as to prevent combination, so as to prevent men who had squatted upon the property from claiming any right; so that the Government of the United States should have the benefit of the sale of these lands to the highest bidder for cash, in small subdivisions of one hundred and sixty acres.

[Here the hammer fell.]

Mr. DAVIS, of Illinois. I move to strike out the last word.

As has been stated by my colleague on the Military Committee, all Secretaries for many years past have recommended that these lands be turned over to the Land Department to be disposed of. If this bill or this amendment is not passed it goes over another Congress. It is absolutely in the interest of the Government that these abandoned reservations be turned over for settlement and sale.

Mr. DUNNELL. Will the gentleman permit me to ask him a question?

Mr. DAVIS, of Illinois. With pleasure.

Mr. DUNNELL. Have these Secretaries recommended the manner of the disposition of these lands in addition to the request that they be turned over?

Mr. DAVIS, of Illinois. In some instances they have. They have recommended in certain instances that they be devoted to certain school purposes or delivered for certain other purposes. But our committee have acted upon this matter from this standpoint, that these posts are more valuable than common lands. Many of these reservations are wooded, covered with valuable timber in some instances, and having valuable water privileges in some instances. They are the best lands which have been selected in these regions. It is believed by our committee that the best, the most equitable, and the most incorruptible manner of disposing of these lands is to have them properly appraised and sold at public sale.

Mr. HISCOCK. I move that the committee rise.

Mr. DUNNELL. For what purpose does the gentleman make that motion?

Mr. HISCOCK. For the purpose of adjourning.

Mr. McCOOK. Does the gentleman propose to rise before having a vote on the pending amendment?

Mr. HISCOCK. Yes, sir.

The motion was agreed to.

The committee accordingly rose; and Mr. CALKINS having resumed the chair as Speaker *pro tempore*, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had come to no resolution thereon.

Mr. HISCOCK. I move that the House do now adjourn.

LOAN OF TENTS, ETC., BY SECRETARY OF WAR.

Mr. CONVERSE. I ask the gentleman from New York to withhold for a moment the motion to adjourn. I desire to ask unanimous consent to introduce a joint resolution for present consideration.

Mr. HISCOCK. I yield to the gentleman from Ohio for that purpose.

Mr. CONVERSE. The purpose of the resolution is to authorize the loaning of tents for the national soldiers and sailors' reunion at Columbus, Ohio. It is the usual resolution.

Mr. STEELE. I understand that the joint resolution is offered simply for reference.

The SPEAKER *pro tempore*. The gentleman from Ohio asks for the present consideration of the joint resolution, which will be reported.

The joint resolution was read, as follows:

A joint resolution to authorize the loan of tents and the firing of salutes at the soldiers and sailors' national reunion, Columbus, Ohio, in 1883.

Resolved by the Senate and House of Representatives, That the Secretary of War is authorized to deliver to the officers of the Ex-Soldiers and Sailors' Association, at Columbus, Ohio, five hundred hospital tents and equipments or their equivalents for the use of ex-soldiers and sailors during their national reunion at said city in the summer of 1883, the said officers giving security for the safe return in good condition of the said property at the close of said reunion. And he is further authorized to direct the firing of such salutes at Columbus barracks as may be proper and the said officers desire during said reunion.

Mr. STEELE. I object to the present consideration of the resolution unless I am permitted to offer as an amendment a bill which has been reported by the Military Committee.

The SPEAKER *pro tempore*. The gentleman from Indiana objects.

Mr. CONVERSE. Oh, no; he merely desires to offer an amendment.

Mr. STEELE. I desire to offer as an amendment a bill which has been favorably reported by the Military Committee and is now on the Calendar to loan tents for a soldiers' reunion in Colorado.

Mr. CONVERSE. I have no objection to that.

The SPEAKER *pro tempore*. The joint resolution will be subject to amendment if there is no objection to its present consideration. Is there objection to the present consideration of the joint resolution?

There was no objection, and the joint resolution (H. Res. 357) was read a first and second time.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. STEELE] now offers an amendment.

Mr. ROBINSON, of Massachusetts. I suggest it would be better for the gentleman from Indiana to pass his bill as a separate bill. There would be no objection to it.

The SPEAKER *pro tempore*. The Clerk informs the Chair it is impossible at this moment to find the bill referred to by the gentleman from Indiana.

Mr. STEELE. Then I offer as an amendment that 1,000 tents——

The SPEAKER *pro tempore*. The gentleman will have to send up his amendment in writing.

LEAVE TO PRINT.

Mr. MANNING, by unanimous consent, obtained leave to have printed in the RECORD certain remarks in addition to those he submitted this evening in support of his amendment in reference to the National Board of Health. [See Appendix.]

NATIONAL BANK AT WEST GREENVILLE, PENNSYLVANIA.

Mr. MILLER. While the gentleman from Indiana [Mr. STEELE] is looking for his bill or preparing his amendment there is a bill on the Speaker's table which has passed the Senate that I should like to have taken up.

Mr. BUTTERWORTH. Do you allude to the bonded bill? [Laughter.]

Mr. MILLER. No, sir. The bill simply strikes the word "West" out of the name of a bank in Pennsylvania. It has passed the Senate, and a similar bill is recommended by the Banking and Currency Committee.

Mr. ANDERSON. Does it develop American labor?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. MILLER] asks unanimous consent to take from the Speaker's table for present consideration a Senate bill, which the Clerk will read, subject to objection.

The Clerk read as follows:

A bill (S. 2490) to change the name of the First National Bank of West Greenville, Pennsylvania, to the First National Bank of Greenville, Pennsylvania.

Be it enacted, &c., That the name of the First National Bank of West Greenville, Pennsylvania, shall be changed to the First National Bank of Greenville, Pennsylvania, whenever the board of directors of such bank shall accept the new name by resolution of the board, confirmed by a vote of two-thirds of the stockholders, and cause a copy of such action duly authenticated to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank.

SEC. 2. That all the debts, demands, liabilities, rights, privileges, and powers of the First National Bank of West Greenville shall devolve upon and inure to the First National Bank of Greenville, Pennsylvania, whenever such change of name is effected.

There being no objection, the bill was taken up, read three several times, and passed.

Mr. MILLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOAN OF TENTS, ETC., BY THE SECRETARY OF WAR.

The SPEAKER *pro tempore*. The Clerk will now report the amendment proposed by the gentleman from Indiana [Mr. STEELE] to the joint resolution introduced by the gentleman from Ohio [Mr. CONVERSE].

The Clerk read as follows:

Resolved further, That the Secretary of War is hereby authorized to loan to the Grand Army of the Republic, to assemble in the city of Denver in August next, 1,000 tents, under such rules and regulations as he may prescribe, upon the execution of a sufficient bond for the safe return of the property without expense to the United States for transportation and for the compensation of the Government for any of said property not returned in like good order as when received from the Government.

Mr. CONVERSE. I have no objection to that amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I now insist upon the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from New York [Mr. HISCOCK] that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Memorial of the Legislature of Idaho Territory, relative to the services rendered by certain volunteers in the Nez Percé Indian war; also in relation to the construction of a military road—severally to the Committee on Military Affairs.

By Mr. G. R. DAVIS: The petition of Hon. W. M. Eagan, C. W. Elphicke, and 30 others, marine underwriters and vessel-owners of Chicago, protesting against the transfer of the revenue-marine, Life-Saving, and Marine Hospital services to the Navy Department, and also against the establishment of a mercantile bureau in the Navy Department—to the Committee on Commerce.

By Mr. HEILMAN: The resolutions adopted by the Legislature of Indiana, asking an extension of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of Alfred Harrison and others, for an appropriation for the improvement of Clinch River in Tennessee—to the Committee on Commerce.

Also, the petition of C. W. Hall, of Knox County, Tennessee—to the Committee on Claims.

By Mr. HUTCHINS: Two petitions signed by citizens of New York, asking the passage of the resolution to repeal article 11 of the amendments to the Constitution of the United States—severally to the Committee on the Judiciary.

By Mr. LADD: The petition of citizens of Bangor, Maine, protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

By Mr. LYNCH: The petition of P. B. S. Pinchback, for allowance of expenses of contest in the Forty-third Congress—to the Committee on Claims.

By Mr. WASHBURN: Memorial of the Legislature of Minnesota, asking that the headwaters of the Minnesota River be embraced in the reservoir system—to the Committee on Commerce.

By Mr. WEBBER: The petition of merchants, owners, and masters of vessels at Muskegon, Michigan, protesting against the transfer of the revenue-marine service to the Navy Department—to the same committee.

The following petitions and other papers relating to tariff legislation were presented, and referred to the Committee on Ways and Means:

By Mr. BAYNE: The resolutions adopted at a meeting of workingmen of Pittsburgh, Pennsylvania.

By Mr. ERRETT: The resolutions adopted at a meeting of workingmen, held at Arsenal Park, Pittsburgh, Pennsylvania.

By Mr. N. J. HAMMOND: Of Mack Gardner and others and of Thomas Spear and others, of Georgia.

By Mr. HEPBURN: Of C. H. Cappellar and 79 others of Farragut, Iowa.

By Mr. MONEY: Of citizens of Noxubee County, Mississippi.

By Mr. O'NEILL: Of John Wannamaker, of Philadelphia, Pennsylvania.

SENATE.

WEDNESDAY, *February* 21, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The PRESIDENT *pro tempore*. The Journal of yesterday's proceedings will be read.

Mr. HOAR. I understand the Journal is very long; it is full of details which are printed in the RECORD. Probably no Senator would object to dispensing with the reading.

Mr. HAWLEY. But I do not think we should be ready to do business if the reading should be suspended.

Mr. HOAR. Petitions, &c., can be presented.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] moves to dispense with the reading of the Journal. Is there objection? The Chair hears no objection, and the reading is dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Patents asking an appropriation of $1,000 to make inquiries concerning the public use or sale of inventions; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented joint resolutions of the General Assembly of New Jersey relating to the fisheries on the seacoast of that State; which were read, and referred to the Committee on Foreign Relations, as follows:

Joint resolutions to Congress asking relief and protection to citizens along the seacoast of New Jersey from steam-yacht menhaden fishing with purse-seines.

Whereas the inhabitants along the seashore of New Jersey have been in the habit of catching, in addition to other food-fish, large quantities of menhaden or mossbunkers, used by many for food; and

Whereas the menhaden are naturally inclined to draw toward the beach, and being a principal "feed" for other and better grades of food-fish the latter naturally follow the "feed," thereby affording those residing contiguous to the ocean favorable opportunities for securing the means of subsistence, and also of furnishing the home market, with its increasing demands along the entire coast as well as that of the country and cities, with a very important article of food; and

Whereas the said citizens, residing aforesaid—especially those accustomed to

the occupation of fishing in the ocean adjacent to the beach—have been and are being greatly injured in their business by men fishing with steamers and purse-seines from other States and Territories, who operate their machinery within a few hundred yards of the beach, by which means the life-time business and dependence for subsistence of a worthy, useful, and needy class of citizens are being destroyed, the people deprived of a luxury and needed article of food and the eastern section of the State of its natural sources of revenue and income; and while the aforesaid citizens neither ask nor seek any special immunities or franchises they are not willing to concede under similar circumstances to citizens of any other State, and realizing that they have no means of competing with or protecting themselves against so formidable an enemy, they feel compelled to seek relief and protection from the power they believe can render it: Believing, therefore, as we do, that the General Government exercises jurisdiction over the waters of the Atlantic Ocean a sufficient distance from the beach to answer all practicable purposes: Therefore,

1. *Be it resolved by the senate and general assembly of the State of New Jersey*, That our Senators and Representatives in Congress from this State be, and they are hereby, respectfully and urgently requested to use their influence and best endeavors for and urge such action as it may be the prerogative and right of Congress to adopt in order to afford the necessary relief and protection to the aforesaid citizens of New Jersey, by prohibiting the mode and means of fishing referred to for a reasonable distance from the beach, that the natural rights and privileges enjoyed by said citizens for time immemorial may be continued and guaranteed to them.

2. *And be it resolved*, That his excellency the governor of this State be, and he is hereby, respectfully requested to transmit to each of our Senators and Representatives in Congress a certified copy of the foregoing preamble and resolutions.

Mr. McPHERSON. I present the same resolution of the General Assembly of New Jersey, which I have received, and move its reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BLAIR. I present a remonstrance of citizens of Portsmouth, New Hampshire, merchants, ship-owners, and a large number of leading citizens, George T. Vaughan, William H. Sire, John H. Broughton, and many others, representing the business interests immediately concerned, remonstrating against the transfer of the revenue-marine service to the Navy, and stating their reasons at considerable length. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN presented a petition of citizens of Zanesville, Ohio, favoring the passage of the Tariff Commission bill; which was ordered to lie on the table.

Mr. VEST presented a petition of the Sherman Grange, No. 1539, of Harrison County, Missouri, and a petition of the Chilly Grove Grange, No. 180, of Schuyler County, Missouri, asking the establishment of a secretary of agriculture; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 5674) for the relief of Edward Bellows, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2485) to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles below and five miles above the city of Kansas City, Missouri, reported it with amendments.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, to report it without amendment. I will submit a written report to-morrow morning. I have it not at my desk now.

The PRESIDENT *pro tempore*. Leave will be granted to the Senator to submit a report to-morrow.

PRINTING OF EULOGIES.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. Res. 347) for the printing of certain eulogies delivered in Congress upon the late Godlove S. Orth, have instructed me to report it favorably and without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ANTHONY. From the same committee I report back the joint resolution (H. Res. 349) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. R. M. A. Hawk, of Illinois, without amendment, and with the recommendation that it pass. I ask for its present consideration.

The joint resolution was considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE NEWBURGH CENTENNIAL.

Mr. HAWLEY. The Committee on Military Affairs, to which was referred the joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's Headquarters, at Newburgh, New York, have instructed me to report it favorably and without amendment, and I request its immediate consideration.

The committee unanimously reported the resolution. It is in alteration of a resolution passed last July, which appropriated $25,000. So we are not asking for any more money. Ten thousand dollars of it was to be devoted to a monument and the remainder to the purchase of certain ground and the expense of the celebration. The committee of Congress charged with a partial supervision of the matter thought it better to devote the whole $25,000 to the monument and leave the expense of the celebration and the other local matters to the State of New York and the Newburgh local committee. That committee and the Congressional committee in conference with the Secretary of War decided upon this division of the labor. We recommend that the entire sum given last July be devoted to the monument, and New York State and the city of Newburgh will then take care of the local purchases and of the celebration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OATH OF NAVAL RECRUITS.

Mr. MILLER, of California. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 2486) to authorize the requirement of an oath as to age from recruits for the Navy before enlistment, and in the case of minors, from their parents or guardians, and to empower certain officers of the Navy to administer such oaths, to report it with an amendment. The committee recommend the passage of the bill as amended, and I should like to have it passed now, if possible.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that recruits for the Navy may be required, before enlistment, to make oath or affirmation as to their age, to the best of their knowledge and belief; and, in the case of minors, certificates of consent may be required from parents or guardians, with oath or affirmation as to date and place of birth. These oaths may be taken before any commissioned officer of the Navy authorized to enlist recruits.

The amendment reported by the Committee on Naval Affairs was to strike out lines 8 and 9, as follows:

These oaths may be taken before any commissioned officer of the Navy authorized to enlist recruits.

And insert in lieu thereof:

Any commissioned officer of the Navy authorized to enlist recruits is hereby empowered to administer all such oaths or affirmations and certify the same, with the same effect as if administered and certified by a civil magistrate.

The amendment was agreed to.

Mr. SAULSBURY. I should like to inquire of the gentleman in charge of the bill if it would not be proper to put in a proviso here, that where minors are enlisted in the service contrary to the provisions of the law, without the consent of their parents, they shall be discharged on the application of their parents?

Mr. MILLER, of California. That does not properly come within this bill, because this is merely to authorize a Navy officer to administer the oath, which lays the foundation for the enlistment.

Mr. ANTHONY. A minor enlisted without the consent of his parents is always discharged.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 2500) to regulate the sale of grape-sugar and glucose, and to prevent the adulteration of sugar, molasses, and sirup, the product of beets, sorghum, or sugar-cane; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 2501) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; which was read twice by its title, and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7193) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1884, and for other purposes.

The message further announced that the House had passed the following bill and joint resolution:

A bill (S. 2490) to change the name of the First National Bank of West Greenville, Pennsylvania, to the First National Bank of Greenville, Pennsylvania; and

Joint resolution (S. R. 137) to print certain eulogies delivered in Congress upon the late Benjamin H. Hill.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for

the fiscal year ending June 30, 1884, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. B. CASWELL of Wisconsin, Mr. E. JNO. ELLIS of Louisiana, and Mr. JOSEPH G. CANNON of Illinois, managers at the further conference on its part.

The message further announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 357) authorizing the Secretary of War to loan tents to the Soldiers and Sailors' Association at Columbus, Ohio, and to the Grand Army of the Republic at Denver, Colorado; and

Joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BECK submitted an amendment intended to be proposed by him to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. GARLAND. I offer a resolution, and ask that it be read.

The Acting Secretary read the resolution, as follows:

Resolved, That a committee of five Senators be appointed by the President to examine into the works now in progress for the improvement of the Mississippi River below Cairo, and the methods employed in making such improvements, and the contracts touching the same, and the application of the appropriations made by Congress for that purpose.

Also, all matters pertaining to and the feasibility of the outlet system for the improvement of said river.

Also, in the improvement made at the mouth of said river, the system of jetties, and the extent to which the same have facilitated the navigation of the river to the Gulf, their permanency, and the method now employed in the improvement thereof, and into all matters touching said improvement, the methods and effects thereof, and contracts touching the same.

The said committee may hold its sessions during the recess of Congress at such places on said river or elsewhere as may be necessary for full inquiry into the matters above referred to, may send for persons and papers, examine on oath any of the persons employed on the Mississippi River improvement commission, or by the same and others if deemed necessary, including all river men and river residents.

The said committee shall report to the Senate the result of such inquiries at the earliest day practicable of the next session of Congress.

A sum not exceeding $5,000 out of the contingent fund of the Senate may be applied by the Secretary to the payment of the actual expenses of said committee, including clerk and witness fees. But the Secretary is only authorized to pay such expenses on vouchers therefor, duly certified as correct by the chairman of the committee and specifying in detail the items thereof. But the entire expenses of said committee shall not exceed the sum above mentioned and no other expenses shall be incurred.

Mr. GARLAND. The Senate is very thin at this time, and I shall not ask action on the resolution now; but as it will go over it is probably well enough for me to state the views I have about it, so that Senators may look into the subject by the time the resolution is considered to-morrow.

The House of Representatives at the last session appointed a committee of nine of this character, a committee as I am informed by the public prints who have made some examination of the work contemplated in the resolution, but they have made no report, and no legislation has been had in reference to the subject at this session of Congress, and as a matter of course none will now be had. What the scope of the examination of the House Committee was, or what their views of the matters suggested may be, no one knows; at least I do not.

It is important that a committee of this sort should be appointed. It has now become more so in view of the overflow that is about to take place in that country of all that portion of the Mississippi River designated in the resolution between Cairo and the mouth. The expense is limited, possibly it is too much limited, to the sum of $5,000. Perhaps upon reflection that will have to be increased somewhat. For one, I am anxious that an investigation be had, and that legislation take place at the next session of Congress, which will be the regular session, that shall settle this matter in some permanent and practical way. I believe myself there was an error in providing for a commission without some members of Congress being placed upon it. If the original Mississippi River Commission had been composed partly of members of Congress action of this sort would be unnecessary, because their reports when made to Congress could be explained by the members who were on the commission representing the one House or the other. In that way information as to the reports could be had from persons on the floor who knew the facts.

I think there can be no reasonable objection urged to-morrow to the passage of this resolution. Of course I am willing to accept any amendment or any proposition that will reach the same purpose and accomplish the same end. I ask that the resolution may lie over; I shall call it up to-morrow.

The PRESIDENT *pro tempore*. Does the Senator wish it printed?

Mr. GARLAND. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over.

Mr. HOAR. I suggest to the Senator that he put in his resolution the authority to employ a stenographer. It is important that the testimony taken before the committee should be preserved.

Mr. GARLAND. I will do that.

Mr. HOAR. Perhaps before it is printed the Senator had better modify it in that way.

Mr. GARLAND. Very well, I shall do so.

CHILI AND PERU.

Mr. VAN WYCK. I offer a resolution, which I ask may lie over and be printed; I will call it up to-morrow, or as soon as it can be printed.

Resolved, That the President be respectfully requested, if not in his judgment incompatible with the public interest, to communicate to the Senate any information in his possession touching an alleged joint agreement between the ministers of the United States, of Great Britain, of France, and of Italy, now serving at Lima, or Peru, to make a joint effort to bring about peace between Chili and Peru, and to inform the Senate whether the minister of the United States has been instructed to invite or accept the mediation of European powers in the settlement of a purely American question.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

PRINTING OF INTERNAL-REVENUE AND TARIFF BILL.

Mr. MORRILL. I desire to make a motion that the revenue bill as passed by the Senate be printed—1,000 copies. Several Senators want a copy, and it will be wanted by members of the House. It will not be printed in the House until it shall be taken up for action. It will be convenient, I think, for both Houses to have it.

The PRESIDENT *pro tempore*. The bill will go to the House to-day.

Mr. MORRILL. I know; but I ask to have 1,000 copies of the bill printed for the use of the Senate.

The PRESIDENT *pro tempore*. Can 1,000 extra copies be printed without referring that question to the Committee on Printing?

Mr. MORRILL. Yes; that will not cost $500, nor half of it.

Mr. ANTHONY. The printing of the usual number can be ordered without a reference. It is better to print the usual number.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL].

The motion was agreed to.

EXECUTIVE SESSON.

Mr. HOAR. If there is no further morning business I desire to make a motion. I understand that it is desirable to have a very brief executive session at some time to-day, and that it would be more agreeable to the Senator who has charge of the appropriation bill to have it now than to interrupt that bill. I move, therefore, that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

MAJOR WILLIAM LUDLOW.

Mr. HAWLEY. The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position, have directed me to report it favorably and without amendment. I ask for its immediate consideration.

Mr. EDMUNDS. We ought not to take up bills and resolutions reported to-day. It is not fair.

Mr. INGALLS. I call for the regular order.

Mr. HAWLEY. If gentlemen will allow me to make a brief statement, I think this is a measure to which no possible objection will be made.

The city of Philadelphia is under the absolute necessity of beginning some great improvements in its water-works. Major Ludlow has been for six years on duty around the Delaware River and all about there, in charge of the river and harbor improvements. Philadelphia is unable to find elsewhere the proper man. With extraordinary unanimity on the part of both political parties they have selected Major Ludlow. He is needed immediately. They wish to put him in charge of the new system of works. This resolution will grant him a two years' leave of absence, but it is probable, if he proves acceptable, that he will resign from the Army before that time. It is without pay. His pay ceases the moment he accepts the position. He would be entitled now, if he had the benefits of the leaves of absence he has saved, to some fourteen months' absence. The Secretary of War approves it in a letter which states the facts clearly. The councils of Philadelphia ask it; the citizens ask it; here is a petition to Congress asking it which embraces the strongest names possibly of all parties in that city. It is no injury to the public service. It is particularly needed, and it will be a great benefit to that city. I ask for the immediate consideration of the joint resolution.

Mr. EDMUNDS. It is undoubtedly a very important matter, but I have reported a good many very important bills which if I could get them up would be disposed of in five minutes; but I can not do it. I

propose to take what time there is for the things on the Calendar when we can get at them. This is not fair play.

Mr. HAWLEY. It is in accordance with public justice. It is nothing more than fair to the people of that city. It is fair to the service. It does not interfere with anybody's promotion. He loses his pay from the day he goes on this duty. He is needed now.

Mr. EDMUNDS. I am not on the point of the merits of the resolution; I am on the point of doing the important business of the Senate first.

Mr. HAWLEY. If the Senate had heard the letter of the Secretary of War they would have passed the bill before this time, but if objection is made——

The PRESIDENT *pro tempore*. If objected to the resolution has to go over.

Mr. HAWLEY. I move to take up the resolution.

Mr. EDMUNDS. That will not do, as it is now reported.

Mr. HAWLEY. Then I withdraw the demand at present, but I shall renew it at the first favorable opportunity.

ARMY APPROPRIATION BILL.

Mr. LOGAN. I move to postpone the Calendar and all prior orders, for the purpose of taking up the Army appropriation bill.

The PRESIDENT *pro tempore*. It is moved to postpone the Calendar.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

Mr. LOGAN. I move to dispense with the formal reading of the bill, and that the amendments of the Committee on Appropriations be acted on as they are reached in the regular reading.

And then, after they are acted on, amendments offered by Senators not on the committee will be in order.

The PRESIDING OFFICER (Mr. GARLAND in the chair). If there be no objection to the course suggested by the Senator from Illinois it will be taken.

Mr. MAXEY. I understand the suggestion of the Senator from Illinois is that the amendments offered by the committee shall be taken up and disposed of in the order in which they are reached.

Mr. LOGAN. Yes, sir.

The PRESIDING OFFICER. If there be no objection that will be considered the sense of the Senate. The bill will be read.

The Acting Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 7, to increase the appropriation "for expenses of the commanding general's office" from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, in line 10, to strike out "twenty-five" and insert "ten;" so as to read:

For expenses of recruiting and transportation of recruits from rendezvous to depot, $110,000.

The amendment was agreed to.

The next amendment was, after line 16, to insert:

For salaries of one hundred and seventeen civilian clerks, at not exceeding $1,000 each per annum, for the Adjutant-General's Department, at the headquarters of military divisions and departments, $117,000: *Provided*, That this sum shall be in full for all clerical expense of the Adjutant-General's Department at the headquarters of military divisions and departments: *Provided further*, That soldiers rendering the clerical services above provided for shall be restored to duty with their respective companies.

Mr. LOGAN. The committee authorize me after a reconsideration of that to substitute for that amendment the following:

For salaries of one hundred and seventeen civilian clerks, namely, ten clerks at not exceeding $1,500, and one hundred and seven clerks at not exceeding $1,200 per annum each, in lieu of the general service men on duty at the headquarters of military divisions and departments, $143,400.

Mr. PLUMB. I suggest whether that should not be amended by adding to it the last proviso of the amendment as it originally stood:

Provided further, That soldiers rendering the clerical services above provided for shall be restored to duty with their respective companies.

And that ought to be followed by "or mustered out." Some of these men are what are called general-service men, who really, while enlisted as other soldiers, were enlisted with the understanding that they were to render clerical service, and have never been on duty with their companies. They ought to have an opportunity of being mustered out if they so desire. Some others should be returned to their companies.

Mr. LOGAN. I have no objection to add the last proviso there at the end of the amendment. I think that would be better.

Mr. PLUMB. Then add "or discharged from the service"

Mr. LOGAN. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. LOGAN], as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Pay Department," in line 38, before the word "aids-de-camp," to strike out "twenty" and insert "thirty-seven;" after "aids-de-camp," in the same line, insert "in addition to pay in the line;" and after the word "line," in line 39, to strike out:

And on and after the 1st day of July, 1883, the Lieutenant-General may have two aids-de-camp, to be selected from officers of the line below the rank of lieutenant-colonel; that each major-general may have two aids-de-camp, to be selected from the captains or first lieutenants of the line; that each brigadier-general may have one aid-de-camp, to be selected from the first lieutenants of the line: *Provided, however*, No officer shall remain absent from his regiment on such duty for a longer period than three years: *And provided further*, That such officers so detailed for staff duty shall not have or receive any additional rank or pay over and above their regular rank and pay by reason of such detail or assignment to such staff duty.

And insert in lieu of the words stricken out:

Provided, That no officer shall remain absent from his regiment on duty at Washington city, or on the staff of a major-general or a brigadier-general, for a longer period than three years at any one time; but this provision shall not apply to officers on the staff of the Commanding General of the Army.

Mr. BAYARD. That amendment is obnoxious to the provisions of Rule 29. It proposes general legislation, which can not be done on an appropriation bill. The rule is:

No amendment which proposes general legislation shall be received to any general appropriation bill.

I submit that point of order.

Mr. LOGAN. If the Senator would only have waited until I made the suggestion that I am authorized by the committee to make, it would have saved him perhaps the trouble.

Mr. BAYARD. The Senator tried to interrupt me before I stated my point.

Mr. LOGAN. I wanted to say that is all stricken out by order of the committee.

Mr. BAYARD. Are the words in Italics stricken out?

Mr. LOGAN. All is stricken out from line 39 down to and including the word "duty," in line 52, which is the first part of the amendment. I would rather have a vote taken on that first, and then on the insertion of the proviso inserted by the committee, and the Senate will see what it means.

Mr. HARRIS. Will the Senator state how the committee propose to amend the proviso?

Mr. LOGAN. The committee propose to amend it so as to read:

Provided, That no officer shall remain absent from his regiment on duty at Washington city for a longer period than three years at any one time, but this provision shall not apply to officers on the staff of the Commanding-General of the Army, nor to the officer in charge of the publication of the records of the war of the rebellion, or detailed to work on the Washington Monument.

Mr. HARRIS. I had offered an amendment which I had printed, but I see the committee has covered the point in respect to the war record office.

The PRESIDING OFFICER. The Chair thinks the question should be divided. The first question will be on the amendment striking out "twenty" and inserting "thirty-seven" in line 38.

Mr. HARRIS. I ask the Senator from Illinois if it would not be wise—it is a subject which I have not considered in every view—that the Army officers who are detailed and on duty in the Signal Bureau should be excepted from this general provision, it being a specialty that they are peculiarly qualified to fill, and they would have to educate new men if they were sent off to their commands and others detailed for that service.

Mr. LOGAN. I want the Senate first to vote on the proposition of the committee to strike out from line 39 down to and including the word "duty" in line 52. Then that other question will come up.

Mr. MAXEY. I agree with the Senator in charge of the bill that the true policy of the Senate at this stage is to act on striking out the lines proposed to be stricken out as an independent question. Then there are a good many questions about the words in Italics which I should like to be heard upon as well as others.

Mr. LOGAN. That is what I propose.

Mr. MAXEY. I think the committee is right in the striking out; I agree with the committee on that, but I disagree about the matter to be inserted.

The PRESIDING OFFICER. The question to be acted on is the amendment in lines 38 and 39. The Secretary will report the amendment distinctly to the Senate.

The ACTING SECRETARY. In line 38 it is proposed to strike out "twenty" and insert "thirty-seven," and in the same line, after "aids-de-camp," to insert "in addition to pay in the line;" so as to read:

Thirty-seven aids-de-camp, in addition to pay in the line.

The amendment was agreed to.

Mr. MORGAN. I should like to know why it is necessary to raise the number of aids-de-camp.

Mr. LOGAN. I will explain to the Senate in a moment. The House in putting in these words cut off part of the aids-de-camp to general officers.

Mr. MORGAN. Cut off seventeen?

Mr. LOGAN. Yes, sir; and by this amendment we restore them. It is necessary to put in "thirty-seven," because that is the number,

and it is necessary to insert "in addition to pay in the line" to include the extra pay which was stricken out by the House.

Mr. MORGAN. It leaves the law as it is?

Mr. LOGAN. Yes, sir.

Mr. MAXEY. It leaves the law as it is. That particular provision underwent the supervision of the Committee on Military Affairs. That committee recommended striking it out, so as to leave the law as it is.

Mr. LOGAN. The Committee on Military Affairs instructed me to make this report to the Committee on Appropriations, and the Committee on Appropriations agreed to it.

The amendment was agreed to.

The PRESIDING OFFICER. The next question is on the amendment to strike out the words beginning on line 39 and ending with line 52.

Mr. HARRISON. Is the question to be taken upon the proposition to strike out and insert?

The PRESIDING OFFICER. It is to be taken first on striking out.

Mr. LOGAN. If the point of order can be raised on the proviso first, then perhaps the vote had better be taken on striking out and inserting. If the Senator from Delaware proposes to raise the point of order, I do not propose to have the clause stricken out on the point of order.

Mr. CAMERON, of Wisconsin. The point of order undoubtedly can be raised.

Mr. BAYARD. It will be.

Mr. LOGAN. Then I would rather have the matter submitted in that way.

The PRESIDING OFFICER. Then the question will be on striking out the words indicated by the committee and inserting the proviso from line 53 to line 57, inclusive.

Mr. BAYARD. Does the Chair rule that the words in italics are connected with the cancellation above, from line 39 to line 52?

The PRESIDING OFFICER. The Chair holds that striking out and inserting comes up as one question.

Mr. BAYARD. Then I raise the point I did before, that the amendment is obnoxious to Rule 29, as it is providing general legislation on an appropriation bill.

Mr. LOGAN. Does the Senator mean the whole amendment, the provision by the House and the proviso proposed by the committee? Does his point go to the provision of the House bill and the amendment of the Senate committee?

Mr. BAYARD. The amendment is an amendment of the Senate Committee on Appropriations to substitute this language in italics for the matter stricken out. I should suppose the two things were separable, that we could concur in striking out and afterward vote on the insertion of the proviso. I ask the Chair, as a matter of parliamentary law, whether the vote is not separable upon the striking out the cancellation of the words from line 39 to line 52?

The PRESIDING OFFICER. If the rule is insisted upon, a motion to strike out and insert is not divisible.

Mr. BAYARD. My objection is that the effect of striking out these words and inserting the proviso in italics would be to receive an amendment which is obnoxious to the provision of Rule 29. That is the effect of it. That rule prevents a proposition of general legislation to be received on any general appropriation bill.

Mr. MAXEY. The lines stricken out by the committee are general legislation on an appropriation bill. They come from the House, and according to the theory we can not control their rules, and therefore we are bound to keep them on the bill because it is not amenable to our rules; but when we endeavor to correct that and strike that out, and as an amendment insert something different, that is amenable to our rules, and we can not avail ourselves of the benefit of legislating on an appropriation bill although we are bound to take legislation from the House however bad it may be, because we can not control their rules. That is the effect of the point precisely.

Mr. PLUMB. I should like to make a suggestion to the Senator from Delaware that the amendment shall be perfected according to the sense of the Senate reserving the point of order, and perhaps it may be when the provision is perfected that no member of the Senate may care to make the point of order and the occasion for it may entirely pass away. In the mean time it seems to me that in regard to the matter about which the House has legislated we should not, if we can avoid it, put ourselves in the negative position of simply striking out what they have put in, taking the chance of being obliged to restore it in conference. We ought to perfect it and see if we can not get it in such a shape that the Senate will be willing to agree to it, and, whatever the parliamentary law may be, not resort to the point of order.

Mr. LOGAN. I should like Senators to state their objections to this proviso. I think the Senate would generally agree to strike it out if the reason for doing so was stated to them. I do not see any objection to the proviso reported by our committee, but if there are objections I should like them to be stated; and if I can not answer them, then I will agree that it shall be stricken out.

Mr. HARRISON. I will state to the Senator from Illinois, in response to that suggestion, that it seems to me the proviso is subject to this objection: that the result of it will be to order presently back to their regiments the officers on duty in the Signal Corps. Now, without bringing up for discussion here at all—for I do not consider that it is before us—the general question of the present organization of that corps, or the question as to how its organization may be improved, or the broader question whether it should be kept in contact with the War Department at all, I simply suggest that it is there now, and that we ought not in this indirect way to destroy it. We ought to meet the question of its transfer to another bureau or Department of the Government, or the questson of its reorganization upon some permanent basis, with officers of its own, as a distinct issue upon a bill presenting that question. That would be open to amendment, and not subject to the limitations which attach to an appropriation bill coming to us from the House of Representatives.

Now, I am free to admit that some views which I have held upon that subject have undergone modification; but it must be, at least until the next session of Congress, that whatever is done in the way of weather observations and reports during that interval must be done by the Signal Corps as now organized. If, therefore, we are presently to return to their regiments all officers there on detail who have acquired valuable experience in connection with that work, it is practically to uproot and destroy the organization.

I would therefore suggest, if this amendment is to be considered and the point of order withdrawn, that the exception which is made as to the officer in charge of the Monument and as to the officer in charge of the compiling of the records of the rebellion should be extended to the officers on duty here in the Signal Corps, in order that at the next session of Congress, after an investigation that seems to be likely is made, we can reconsider this whole question, and meet the subject of the reorganization of the Signal Corps or its transfer to some other Department in a fair way, when our powers of dealing with it will not be circumscribed.

I say, then, in response to the Senator from Illinois, that as at present advised if this substitue is to be voted upon—and I trust the Senator from Delaware will not insist on the point of order, for it is simply tying our hands to deal with this question—if we are to deal with the subject I think that exception ought to be made for the present. In saying that to the Senate I do not mean at all to commit myself even to views already expressed on the question as to whether there may not be a better organization of this bureau.

The PRESIDING OFFICER. Does the Senator from Delaware reserve the question of order, or insist on it now?

Mr. BAYARD. I think the whole provision ought to go out.

The PRESIDING OFFICER. A request was made by the Senator from Kansas [Mr. PLUMB] that the question of order be reserved for the time being.

Mr. BAYARD. I have no objection to that.

The PRESIDING OFFICER. The Senate then will proceed to consider the amendment, the question of order being reserved.

Mr. CONGER. I wish to inquire whether if the point of order is not insisted upon now it will be available after this proviso has been amended?

The PRESIDING OFFICER. The point of order can be reserved by the Senator from Delaware and he can make it at any future time. The request made by the Senator from Kansas was that the clause should be perfected first in the absence of the point of order. The Senator from Delaware may reserve his point of order until afterward.

Mr. CONGER. I do not know what the rule is here; but if this should be amended or any action taken upon any of its parts, can the point of order then be made against it?

The PRESIDING OFFICER. The point of order can be made under the rule at any time.

Mr. CONGER. If it could not, I should wish to make the point of order now.

Mr. HOAR. I understand that the effect of the whole proceeding is that nothing can be done except what meets the unanimous consent of the Senate.

The PRESIDING OFFICER. The point of order can be made at any time before the bill gets out of the Committee of the Whole.

Mr. MAXEY. I wish in a very few words to state what I think about this proposed legislation. So far as the amendment we have adopted in lines 38 and 39, striking out "twenty" and inserting "thirty-seven," and adding "in addition to pay in the line," is concerned, I voted very cheerfully for that for the reason that it leaves the law precisely as it is; it does not attempt to legislate upon an appropriation bill, but simply makes an appropriation to meet existing law. So far so good, and I think we are just right in voting that way.

I also favored the striking out of the lines from 39 to 52, inclusive, for the same reason, that while they did not come from the Senate they are nevertheless legislation upon an appropriation bill, and usually that kind of legislation is not submitted to the trained and experienced committee having charge of the special matter to which it relates. Hence on such special legislation the Senate can not be so well advised as it would be if it had the benefit and skill of the committee specially charged with that kind of legislation before it came to this body for consideration.

Then we come to the lines from 53 to 57:

Provided, That no officer shall remain absent from his regiment on duty at Washington city or on the staff of a major-general or a brigadier-general for a

longer period than three years at any one time, but this provision shall not apply to officers on the staff of the Commanding General of the Army.

There are two or three objections that I desire in a very few words to present to that proposition.

There is not a Senator on this floor who has had command of large forces of men who is not aware (and no one knows it better than the Senator from Illinois in charge of this bill) that the staff officers of a general are confidential officers, and he ought to have the privilege of selecting them. Every officer in command of troops has his own methods of proceeding. When he trains his staff to understand him and he understands them and has them well prepared to carry out his wishes, it does seem to me that it is a privilege in the interest of the United States, of good order, and military discipline that you should not part that relation between the commanding general and his staff officers by such legislation as this bill proposes. I understand from the Senator from Illinois that so far as that particular point is concerned, in the amendment which he is authorized to make by the Appropriations Committee as a substitute, that difficulty is removed. Unquestionably there is no Senator on this floor who has commanded men in the Army but knows the importance of retaining that privilege. The generals should be left to make their own selection of staff officers, and that relation should not by force be broken up so long as it is satisfactory to the general and his staff officers.

Now, I come to another point. This amendment strikes down and removes and carries back to their regiments the officers who are detailed with the Signal Corps. That is the necessary effect of it. At the last session of Congress a bill was introduced for the purpose of reorganizing the Signal Corps. That bill was reported by the Senator from Indiana [Mr. HARRISON], and is now pending on the Calendar, reported favorably from the Committee on Military Affairs. The purpose of that bill is to make a permanent signal corps service and stop all this trouble, and it is a great trouble which necessarily must exist between the Chief of the Signal Service and the General of the Army and the division and brigade commanders and regimental commanders, because a general or colonel who has a first class officer is derelict in duty in my judgment if he will voluntarily give up that first-class officer to anybody if he can keep him. In other words, when you have good men you want to keep them. Equally so the signal officer wants to get the best men that he can get. That is perfectly natural, and he is doing his duty in doing that. There is trouble and collision necessarily between the signal officer, who is seeking the best men, and the division, brigade, and regimental commanders, who seek to retain the best in their own commands.

While that bill is pending, and it is not yet disposed of, there is a temporary provision going on whereby certain officers are assigned to duty in the Signal Corps, and the more experienced those officers are the better for the Signal Service. As a matter of practical fact, my judgment is, and I think I shall be sustained by nearly all Senators here or by most of them at least, that the public demand of this country is that the Signal Service should not be stricken down. You pass this bill as it is and require all these officers who have been away from their commands for three years on duty in Washington city in the Signal Corps to be sent back to their commands, and you strike down instantly the Signal Service. The people of this country do not demand that; but in every way that information can come, I happen to know—no one knows it better than the Senator from Connecticut [Mr. HAWLEY], the Senator from Indiana [Mr. HARRISON], and myself, for it became our duty as a sub-committee of the Committee on Military Affairs to investigate all this vast volume of testimony in regard to the Signal Corps, coming from every portion of this country—that the people of this country want that corps upheld and maintained. That is my judgment about it. But we can not act upon that bill at this session of Congress, because the time now allotted to other questions will not allow. So we have temporarily to leave the Signal Corps where we find it, with a general in command of the Signal Corps and five or six lieutenants at the foot end of the service with the rest of the detailed officers taken from various portions of the Army.

If they are sent back you strip that corps of all its vitality; you take from it all its energy; it at once becomes a helpless machine if you bring in new men who have no experience in the Signal Service and place them there between the Chief Signal Officer and the lieutenants. I believe none of the men in that corps proper are above the rank of second-lieutenant. Take out those who are detailed and send them back to their regiments and take new men and place them there, and you at once destroy the efficiency of the Signal Corps, and you do a thing which the American people do not want done, and which in my judgment would be a grievous blow at the best interests of our country, commercially and agriculturally, as well as at the interest of having proper signal service and signal stations along our great frontier and in the Indian Territory and everywhere else where the service is now operating so beneficially.

Nothing, in my judgment, could show the evil of legislation on appropriation bills more than hasty action of that kind, when the Senate has charged a committee with the investigation of that business and that committee charged a sub-committee with it, and that sub-committee, as I know, has worked for weeks and months in trying to perfect a bill and bring it here which would save the Signal Service, and present it in such a way as to meet the approbation of the Senate and House and of the country; and while that is pending we want simply to let the corps go on as it is with those officers detailed doing duty, and if this proviso is adopted you send these officers back to their commands and you destroy the Signal Corps.

Mr. LOGAN. There is nothing that demonstrates more fully to my mind than the arguments which have been made here this morning that nothing can ever be done to improve anything connected with the Army, no matter what efforts may be made. I notice in reference to the tariff bill and in reference to every other bill that comes before the Senate that if Senators object to any provision of a bill they try to make it better, if it is a proper provision; but if any provision appears in the Army bill which in the slightest degree affects any corps or individual of the Army the provision is always attacked without attempting to substitute anything that makes it better.

Mr. MAXEY. The Senator from Illinois will allow me to state that I ought to have given notice that on the 6th of February I proposed an amendment at the end of line 57, after the word "Army," to insert the words "nor to officers of the Army on duty with the Signal Corps;" so as to read:

But this provision shall not apply to officers on the staff of the commanding general of the Army, nor to officers of the Army on duty with the Signal Corps.

At the proper time I propose to offer that amendment.

Mr. LOGAN. I suppose it has gone all over the country that I am attacking the Signal Corps. You would think from the arguments here this morning that my intention is to destroy the Signal Corps. I have no desire to do that; I have never attempted to do it, and I will offer a proposition here before I sit down, and I want to see whether Senators who are so interested in not having this corps touched at all think it fair or not.

Now, I say to the Senator from Texas and the Senator from Indiana that I understand the Signal Service to be like any other service, except in this: The officers learn signaling, and that signaling taught in the Signal Corps applies to the whole Army, and every officer in the Army ought to have an opportunity to learn it. The Senator from Texas is an old Army officer, and I ask him if that is not true? Is it not a fact that the signaling for the Army is a service that ought to be taught to all the Army?

Mr. MAXEY. I so regard it. I do not wish to take up the Senator's time, but the Signal Corps does an immense amount of work of importance to commerce and agriculture.

Mr. LOGAN. I understand that; I understand that it does an immense amount of service outside of what it was intended for. For instance, there has been a report referred here to the Committee on Printing on the entomology of Alaska made by the Signal Corps. What has it got to do with that, will you tell me? What part of its service is it performing when it is doing that at the expense of the Government, when other bureaus are authorized by law to perform that service? Will you tell me what right it has to give the destruction and overflows, &c., of the Mississippi and other rivers after they have gone by, when we have a commission for that purpose? And yet it does it. It expends the Government money in reaching out and extending beyond the duties that are given to it under the law, as the Senate well knows.

I introduced a bill in the early stages of this session to divide the Signal Corps; that is, to leave the Signal Service to perform its duties as Signal Service officers, and the civil department of that corps to be assigned to a civil department to perform its duties in the civil department where it belongs. But the very moment I did that I was attacked in the newspapers all over this country. I was astonished at it, for I could not understand it. I was astonished to find editorials in leading newspapers in the country attacking me, saying that I was trying to destroy the Signal Service; but I will say to the Senator from Texas that afterward I found these editorials all inclosed to me in a letter. After I had read them, a letter was written to me stating that these editorials were written in the Signal Office.

Mr. PLUMB. I should like to ask the Senator from Illinois a question. I ask if he thinks that a new detail of officers would be able to write just as good editorials—if he does not think that kind of work can be better done by men who have been there seventeen or eighteen years?

Mr. LOGAN. I will answer the Senator.

The Signal Service, I do believe, if properly managed is a good service to the country; I do not wish to destroy it, but I wish the officers of the Army to have an equal chance in learning that which belongs to it if it is valuable to the Army; and if it does not belong to the Army, let it go where it does belong. If the examination that I have referred to of the entomology of Alaska belongs to the Army, well enough; but it does not, as all know. If the duties they perform belong to the civil department, not to the Army, why shall they be performed by the Army? If they are necessary, why not give the general officers of the Army a chance to understand these things? Is it to be a secret locked up in the breast of a few men? Is that the object? If the object is because you detail an officer of the Army to this service and after he is detailed and has learned it then he must stay there as long as he lives, because you say he is more efficient than anybody else you can detail

at this time, then why put it upon an establishment; why not make it an establishment of itself, and make the officers permanent and not take them from the Army? Let them belong, then, to a permanent establishment; let them belong to a civil establishment; and do not detail men from the Army to a position to perform duties in the Army and keep them there for life. You have officers in the Signal Service to-day who have been there twelve years, detailed from the Army.

Mr. PLUMB. Eighteen years.

Mr. LOGAN. I say, and the Senator well knows it, that no officer of the Army should be detailed on certain duties for eighteen years, depriving others of his service, when others can perform it just as well.

Now, I propose to offer this amendment before I sit down, that of these officers, I think twelve in number, three shall be returned to their regiments within the year 1883, and others detailed in their places; that three shall be returned to their regiments in 1884, and three shall be returned to their regiments in 1885, and others detailed in their places. Will not that give time enough for others to learn signaling? Is that trying to destroy the Signal Corps, or is it an attempt to give officers of the Army an opportunity of learning this service so that it may be taught elsewhere? I intend to make that proposition, or change "three" to "four," in order to get the twelve back to their proper positions in three years. I will insert "four," so as to have one-third go out each year, leaving four of them there for two years, so that others may learn it. Take the ones who have been here the longest and send them to their regiments; others who have been here eight or nine years are certainly sufficiently proficient to perform their duty.

It will not do for Senators to stand on the floor here at the dictation of a circular letter that has been sent around to them by the chief of that service telling them these officers ought not to be sent back because they are necessary here. There is no man who ever has been in the Army but knows that the statement is false that it is necessary to keep a man fifteen or eighteen years away from his command because nobody else can learn the duties he is performing, and therefore you must keep him here for life. Suppose they should all die with cholera, what would become of the Signal Service? Nobody could be detailed; no man would know anything about it. This argument that is made here in the Senate Chamber time and again in reference to men performing duties here that nobody else can perform is absurd. A lieutenant was kept in the War Department for eighteen years away from his command, and finally he became so necessary to the Government, the Government could not run without him, that the Senate and House passed a bill making him a major. What were his duties? To examine accounts. Nobody could do it but him. No man had the capacity to examine accounts and see whether they were correct but him. He had sufficient influence with the Congress of the United States to keep him there eighteen years. Finally a provision was adopted in an Army bill that sent him back to his regiment.

That is about the condition of things; that is about the way Congress acts in reference to men who want to stay always in Washington city. If a man gets here once, no matter what his duties may be in the field, you never can get him away; the Government will go to pieces if he is sent back to his regiment. The whole thing should stop. You could not get an account of how fast the Mississippi River is rising if three of these officers were sent back to their regiment! I do think that the influence that is brought to bear on Congress by a few men who do nothing but lobby Congress in Washington city is absolutely saying to the country that Congress has not capacity enough to run itself.

I agree with the Senator from Texas in reference to the aids-de-camp on General's staff, and I voted in committee to strike that out; but in striking out all that provision which was put there by the House we certainly thought we ought to put some proviso to it, and to at least carry out in some way a part of the proposition of the House. So we provided that officers should not remain in Washington city over a certain length of time except certain persons that it made no material difference whether other officers learned their duties or not. As far as the rebellion records are concerned, that is not a matter that somebody else wants to learn; that is not a matter that is going to have some influence on the Army as the Signal Service has. It is a mere matter of examining records, and inasmuch as the man is there and it is unnecessary to send him to his command, we said let him remain for the reason that he is not learning there anything that belongs to the science of war. So in reference to the officer in charge of the monument, where nothing is learned that belongs to the science or art of war. But where things are taught that are connected with and are part of the learning of the Army or Navy it is necessary that details should be made at different times.

So, then, instead of the words—

That no officer shall remain absent from his regiment on duty at Washington city or on the staff of a major-general or a brigadier-general for a longer period than three years at any one time, but this provision shall not apply to officers on the staff of the Commanding General of the Army—

I propose to say this:

And that officers on duty in the Signal Corps shall be ordered as follows: Four of said officers to be returned during the year 1883 to their regiments; four to be returned to their regiments during the year 1884; four to be returned to their regiments during the year 1885, and other officers detailed in their places.

That is what I shall propose.

Mr. MAXEY. I wish to call the attention of the Senator from Illinois to one intimation that I thought was rather unpleasant, that I or any other member of the Military Committee or any other Senator was acting in this matter on the dictation of anybody. I beg to say to the Senator that in my action here I am controlled by what I believe to be the best interests of the country. My motives, as I think, are as good as those of men generally.

Mr. LOGAN. I did not question the Senator's motives.

Mr. MAXEY. The ideas of men outside or newspaper articles that the Senator from Illinois refers to do not control my action.

Mr. LOGAN. I did not refer to those newspaper articles as controlling anybody's action here. I referred to them to show that these officers were engaged in matters which certainly do not pertain to their army duties. I do not wish to go into that discussion just now; but I will say to the Senator that officers in the Signal Corps have been sent through deception to far away cities under the pretense that they were going there for purposes necessary to the Signal Corps, when in fact they were sent there to get up resolutions against the action of members of Congress, against what they were attempting to do, to influence Congress in another direction. That the Senator can not deny. If that is the object of these gentlemen and what they are engaged in I think they had better go back to their regiments and let somebody else try to do regular signal work.

Mr. MAXEY. So far as my observations are concerned they are the results of my own examination and without regard to the dictation of any mortal man on earth. I have made my statement to the Senate according to what I believe to be the truth.

Mr. LOGAN. I will ask the Senator, does he not believe that by making these changes gradually, letting the men now here run on for a year, it would be as well for the service?

Mr. MAXEY. I believe that the best thing on earth we can do is to let the matter lie until the bill which is in charge of the Senator from Indiana is taken up and deliberately considered by the Senate, and in the mean time, let the Signal Service go on for the benefit of the country.

Mr. LOGAN. I have heard that speech made in the Senate Chamber now for many years. I have introduced several bills trying to reorganize the Army, in a certain sense benefiting it and for the benefit of the country, and I never could get the bills acted upon. I have been told always, "It is too late; we can not do it now." And when I have tried to do the same things in bills that came from the House, where we had a right to put them, that were absolutely necessary for the benefit of the Army, the point of order has always been raised, and I have been always told, "Wait until next Congress and we will get the bill through." That is always the argument.

Mr. HARRISON. Mr. President, I said when I addressed the Senate before that I did not understand that the question of what the probable permanent status of the Signal Corps was or should be was involved in this question at all. I repeat that declaration. In the very amendment which the Appropriations Committee have proposed they recognize the propriety of exceptions from the operation of this general rule, to the wisdom of which I agree, namely, that officers should not be detached from their regiment for a longer period than three years. They make two exceptions. They say that the officer in charge of the construction of the Washington Monument shall not come within the rule, and they say that the officer in charge of the publication of the records of the rebellion shall be made an exception to the rule.

It seems, then, that the committee and the Senatoa from Illinois recognize the principle that there may be special duties to which officers of the Army have been assigned here, and in which they have acquired peculiar skill that would make it to the detriment of the work in their charge to make them subject to this rule and send them back within three years to their regiments. The proposition I make is to extend the principle that the committee have admitted; and the only proper subject of discussion here is whether the exception which I propose comes within the spirit of the other exceptions which have been proposed by the committee.

Mr. President, this Signal Corps organization is an anomalous organization. The Senator from Illinois says that all the officers of the Army ought to learn this duty of signaling. They are taught army signaling proper, that is, the use of the flag to communicate messages at distances in the field. They are taught that at West Point; they are taught it at the school at Fortress Monroe; they are taught it, I believe, at the school at Leavenworth; but I am free to say for one that if this were the only duty to be discharged by that corps I should be for its entire abolition. It is an insignificant thing. With officers trained in the use of the flag in communicating messages, in any war that we might have, it would be entirely possible in three weeks to train men to use the flag.

In my judgment the business of the Signal Corps simply as an organization in connection with army signaling proper could not be justified. But there have grown up in connection with that the weather reports, observations of the weather; and however the usefulness of this service may be exaggerated, or however undue compliments may have been stimulated by the impertinent interference of any officer, as the Senator from Illinois suggests, it will not be denied by him, it will not be controverted by any Senator here that there is among the people, the

commercial classes, our marine, and among our farmers a very general impression that this business of reporting by telegraph from day to day the weather and the coming of storms is of great advantage to our marine as well as to our agricultural interests. It may be—there seems to be evidence indicating what the Senator from Illinois said to be true—that many of these impressions have been stimulated in a way that is not creditable.

If that has been done, I say to the Senator from Illinois that no one would condemn more strongly than I that conduct. I agree, again, that there is no possible natural connection between reports of the weather and the military arm of our service. It does not matter to a soldier; the Senator from Illinois would not care to know particularly, if he were ordered to march to-morrow, whether it was going to rain or shine; he would march anyhow. I agree with him that that function of the Signal Service is a civil function, and if it was an original question here to-day submitted to me as a Senator where that corps should be attached, where that weather observation should go, I should say at once, in some civil department of the Government, for it is purely civil. But I have been met, and was met as a member of the sub-committee of the Military Committee, with the fact that it was already established, that it had its roots in the Army organization, that the men who had become skilled in it were Army officers, and the question was whether we should presently transplant it to another Department. At that time my own opinion, as the Senator knows, was decidedly against it, and it may be that I should not have that opinion at the next session of Congress. It may be that some plan can be devised by which this service can be transplanted from the military to one of the civil Departments of our Government without injury to the service, but I do not believe that can be done now.

The practical question before the Senate this morning is, during this interval that must elapse, as the Senator's proposition seems to contemplate a continuance of this organization here, shall we send back to their regiments men who, if they have ordinary capacity and ordinary faithfulness, must in the nature of things be better able to do this duty than any fresh men who could be sent from any place in the Army? Shall we take them right up to-day and send them back, or shall we take time to consider this question? There is a bill on the Calendar proposing a permanent organization by which the officers shall be detached from their regiments, those that remain; but new appointments shall be made either from civil life or from the graduates of the Academy, and the appointments shall be made upon competitive examination, so that access to the Signal Corps will be open to any bright young man, a graduate of any of our colleges, on terms of equal competition with graduates at West Point.

I am not prepared to say in the light of recent events that that bill ought not to be modified. I will meet the Senator from Illinois in an effort to remedy (by a reorganization of the corps or by a transfer of it if that shall be deemed best) the difficulty which now exists and which he has not exaggerated. That difficulty is that men are taken from their proper relations to their companies and regiments and are brought here. I know as he does, and as he has said, that when once here they do contend and use such influences as they can to be retained here. I profess and say to the Senator from Illinois that I am not speaking to-day from the standpoint of any one of these officers; I do not think the report I made before on the bill that is on the Calendar met the wishes of any of these officers; but I do speak for a certainty that I believe the service will be seriously crippled if the amendment as proposed is allowed to pass.

As to the proposition of the Senator one word further. It is that three officers shall go back this year, and three the next, and three the following year. We ought not to allow this thing to remain as it is or adopt any amendment that contemplates that it shall remain as it is. It ought to be made a separate corps in the Army, having its own officers, having no attachment to any regiment in the service, or it ought to be taken out of the Army, one or the other; and I believe at the next Congress one or other of those courses will be taken. To one or the other I am already pledged. In this interval which is to elapse before action can be taken upon the bill or upon any substitute for it, I do not believe that it would be best either to send all this back or to enter upon a system that in the very nature of it would recognize the continuance of the service.

Mr. LOGAN. I want to say that the proposition in the bill does not mean what Senators claim for it. It is not an attempt to abolish the Signal Corps. I am very glad to hear the Senator from Indiana say what he has said. I have believed ever since the Signal Corps attained the proportions that it has for the last few years, and before, that it was improperly organized. I have ever believed that the military part of it, so far as signaling is concerned, should be one branch, and the civil part of it, so far as the meteorology of it is concerned, should be another branch. Not only that, but to-day, and the Senator well knows it and so does the Senator from Texas, with all that is said about retaining these officers because they have attained competency, they have attained competency in what? I suppose they mean competency in making calculations. That is what they are employed for. Is it not a fact that Professor Abby is employed at a salary of $4,500, I believe it is $4,000 any way, to make these computations? If these Army officers are absolutely necessary, and they understand this service and are so competent, why do we appoint as a professor a civil employé and pay him $4,500 for the purpose of making the calculations, I should like to know?

Mr. HARRISON. The Senator is right in saying there is a civil employé and a man there entirely skilled in the calculations, but he is wrong in saying, if he meant to say so, that none of the officers employed at the Signal Office in Washington are competent. In fact they have been trained to it, and do make the computations of the weather, the reports and prognostications.

Mr. LOGAN. I do not doubt that, but I say if they are absolutely necessary, and if they have become so proficient that their duties can not be dispensed with by detailing another person, why do you employ a civil employé at so large a salary?

Mr. HARRISON. Simply because one man can not do it all.

Mr. LOGAN. Then why not detail another Army officer in place of the civilian? It would not cost so much.

Mr. HARRISON. As to that I understand the fact to be that the professor who is employed there, who is connected with the service and has been connected with it for a great many years, has a very peculiar and special adaptation to that service, and has instructed all others who are brought there, and his services are exceedingly valuable and can not be dispensed with.

Mr. LOGAN. "Exceedingly valuable and can not be dispensed with." Then no other man in the United States could do it. I think some other person could do just what he does after a little practice, at any rate. The argument is made that the service of these officers can not be dispensed with, and at the same time that a civil employé can not be dispensed with. In other words, nobody can be dispensed with; no one else in this country can perform that duty. I pity the educational men in this country, I pity the colleges, I pity everything connected with a high order of education if no man can be found to make the computations except the gentlemen who are there in the Signal Office. I pity the service.

Mr. HARRISON. The Senator must not misrepresent my position. He would not do that intentionally.

Mr. LOGAN. Of course I would not.

Mr. HARRISON. Other persons could be found, but there is no provision of law to find them except by details from the Army.

Mr. LOGAN. If there is a provision of law to find them by details from the Army, if that is the way to find them and you have found competent men, why must you have a civil instructor for the Army officers who have been there from twelve to eighteen years? Is not eighteen years long enough to learn this science, if it is a science? Must we keep these officers on service there for eighteen years and then pay high salaries for professors outside?

Mr. HARRISON. If the Senator from Illinois thinks that the professor can be dispensed with it would have been very appropriate for him to have reported an amendment to the bill not appropriating the salary for him.

Mr. LOGAN. I do not know whether the gentlemen up there can dispense with him or not. The aid seems to be asked for from that quarter. I will only say to the Senator that I did not propose to report a bill to dispense with a civil employé performing the duties that ought to be performed by a civilian. I think these duties ought to be performed by civilians; and therefore I introduced a bill to turn that part of the bureau over to a civil department, because it to-day is under the head of a civilian and not under the head of an Army officer, except that an officer is detailed merely to give orders and this man performs the duty. I think it ought to be in a civil department. For that reason I reported a bill to do it; but I did not get the aid of the Senator when I reported it.

Mr. HARRISON. No, sir; the Senator did not.

Mr. LOGAN. I hope I shall hereafter.

Mr. HARRISON. That I have explained already.

Mr. LOGAN. I hope I shall have the very valuable services of the Senator hereafter in this direction. I hope Senators will come to the conclusion finally that I am nearer right than they thought I was at first.

Mr. HARRISON. The Senator is often right, but I would not be willing to pledge myself now to such a judgment upon his opinion,

Mr. LOGAN. I do not ask any pledges. I was in hope that the Senator's mind had got a little different turn from what it had before.

Mr. HARRISON. Yes; I have got some light.

Mr. LOGAN. Whether this amendment is agreeable to the Senator or not it certainly has brought out some reasons from Senators here in reference to this very valuable service. I do not say it is invaluable; I say it is a valuable service to the farming community, and to shipping, &c. But while I believe that I do not think it ought to be so expensive a service. I do not think it ought to be made to appear before the country that there is some secret about it so that nobody can perform the duties except certain persons who have already been there a great length of time, detailed from the Army, from the duties that belong to them there. I hope that at least to some extent has been demonstrated.

I want to say in conclusion that I think it is bad policy to keep men detailed from the Army, from the line of their duties, for a great length of time.

Mr. HARRISON. Yet, as I have said to the Senator, he agrees to make an exception of Colonel Scott, who is in charge of compiling the records of the rebellion.

Mr. LOGAN. I do.

Mr. HARRISON. That must be upon the idea that Colonel Scott is so experienced in the work that no one else could do it.

Mr. LOGAN. Not at all. The Senator has entirely a wrong impression. I said that these two exceptions were not in the performance of anything that was educational belonging to army service, and therefore there was no necessity for one in the Army to know the duty; there was no reason why anybody else should learn it, because it ends there. It is not a continuous duty; it is not a duty that belongs to the Army. Hence there is nothing in it to learn that would be beneficial to the rest of the Army. That is the reason why I am for that; but in this other work there is much to operate beneficially in the military branch of it to the whole Army.

Mr. HARRISON. I was just going to ask the Senator what it was that the officers would learn in connection with the Signal Service that would be beneficial to them as army officers, and how it is that he insists on the statement that the whole duties are civil and ought to be performed by civilians.

Mr. LOGAN. I hope the Senator will at least be moderately fair in his statement.

Mr. HARRISON. I attempt to be so, undoubtedly.

Mr. LOGAN. I did not suppose it was necessary for me to keep repeating what I said in order that the Senator might comprehend. I said in the commencement of my argument that a number of these duties belong to the Army.

Mr. HARRISON. The Senator means the signaling?

Mr. LOGAN. Yes, sir; the signaling.

Mr. HARRISON. May I ask the Senator whether that is not taught to every army officer?

Mr. LOGAN. Not to every army officer. It is taught to all army officers who graduate at West Point, and it is taught to all army officers who attend the Artillery School.

Mr. HARRISON. It is taught at Leavenworth also?

Mr. LOGAN. Yes, sir.

Mr. HARRISON. Is there any officer of the Army who is not brought into contact sooner or later with one of those three schools?

Mr. LOGAN. Yes, sir; plenty of them. The Senator is mistaken. In the first place, all the officers of the Army do not go to West Point and therefore do not get the teaching there. In the second place, no one goes to the Artillery School unless he has a preference and is detailed for it. Only one from a regiment goes to the school at Leavenworth.

Mr. HARRISON. But is not that detail from the regiment usually if not invariably of those officers who have not had the advantage of the West Point school, so that officers from civil life are sent there?

Mr. LOGAN. But there is only one from a regiment who can be detailed. There is not one officer in twenty in the Army to-day who has had the advantage of those teachings.

Mr. HARRISON. They have had the chance to get it in the Signal Service.

Mr. LOGAN. But why give that opportunity to a few? The details are made for the school at Fortress Monroe every two or three years, I do not remember the time. They are made, say at Fort Leavenworth, and the advantage is given to all they can by making details, but the details do not apply to all the officers of the Army who have not had the advantage of West Point. So I said that that part of the Signal Service which pertains to military duty ought to be taught, and officers ought to be detailed for it, and the rest of it ought to belong to a civil department of the Government, because it is not a part of the duty of the Army, and never has been, until by just such legislation as has been obtained at different times from the Congress of the United States, by one line or two lines, they have got this organization until now it reaches out and attempts to grasp nearly everything.

To illustrate the character of legislation we have had, it has not been very long since the Commissary Department and the Quartermaster's Department of the Army were both open to civilian appointees, because as good quartermasters and commissaries as the Army ever had were by appointments from civil life, but by one line being inserted in an appropriation bill a few years ago civilians were cut off from such appointments. So it goes until you are locking the doors against every man in this country almost getting into these bureaus who has not had the opportunity to get a military education. Step by step it is being done.

Mr. HARRISON. The Senator has heard me already say that in the bill providing for the reorganization of the Signal Corps entrance into the service was distinctly made open to competitive examinations to all persons in civil life.

Mr. LOGAN. We are not discussing that bill at this time. We are discussing a proposition to give an opportunity to these men to go back once in three years, and other men to come here for the purpose of learning to perform the duties that are performed by them.

Mr. President, I have said all that I desire to say. It is a matter of no consequence to me whether the amendment is adopted or not. It is a great deal better for the Army, it is a great deal better for the country, that we should have at least a little rotation in these things than that we should have them permanently in a few hands.

Mr. BECK. Mr. President——

Mr. CAMERON, of Wisconsin. I suggest to the Senator from Kentucky to allow the proviso as it is proposed to be amended by the Senator from Illinois to be reported.

The PRESIDING OFFICER. The Secretary will report the original amendment and as proposed to be amended.

The ACTING SECRETARY. It is proposed to strike out from line 39 to line 52, inclusive, in the following words:

> And on and after the 1st day of July, 1883, the Lieutenant-General may have two aids-de-camp, to be selected from officers of the line below the rank of lieutenant-colonel; that each major-general may have two aids-de-camp, to be selected from the captains or first lieutenants of the line; that each brigadier-general may have one aid-de-camp, to be selected from the first lieutenants of the line: *Provided, however*, No officer shall remain absent from his regiment on such duty for a longer period than three years: *And provided further*, That such officers so detailed for staff duty shall not have or receive any additional rank or pay over and above their regular rank and pay by reason of such detail or assignment to such staff duty.

And to insert in lieu thereof:

> *Provided*, That no officer shall remain absent from his regiment on duty at Washington city or on the staff of a major-general or a brigadier-general for a longer period than three years at any one time, but this provision shall not apply to officers on the staff of the Commanding General of the Army.

The PRESIDING OFFICER. The Senator from Illinois proposes an addition, which will be read.

The ACTING SECRETARY. It is proposed to add:

> And that officers on duty in the Signal Corps shall be ordered as follows: Four of said officers to be returned during the year 1882, four in the year 1884, and four in the year 1885, and others to be detailed in their places.

Mr. LOGAN. I will supply the words to make that plain. It should read "returned to their regiments."

Mr. MAXEY. I wish to state that on the 6th of February I gave notice that I should propose to add "nor to officers of the Army on duty with the Signal Corps." I ask if I can offer that amendment now to be considered?

Mr. HARRISON. That would be an amendment in the third degree, I suppose.

The PRESIDING OFFICER. That would not now be in order as an amendment to the amendment offered by the Senator from Illinois.

Mr. MAXEY. I propose to offer it whenever it is in order. I do not know when that will be.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. BECK. Mr. President, I have not been able, owing to engagements on this floor on another important bill, to attend the meetings of the Committee on Appropriations quite as much as I have been in the habit of doing. But this debate has developed, I think, conclusively, the importance of having as little general legislation upon appropriation bills as possible. We have had for many years, indeed ever since I have been in Congress, more trouble in regard to legislation placed upon appropriation bills than in regard to anything else; and there has been a good deal of crimination and recrimination between the respective parties growing out of the character of legislation so placed upon appropriation bills. I think it is the feeling of the Committee on Appropriations of the Senate, as far as they possibly can, to divest their appropriation bills of all general legislation, and I believe that at this session we have endeavored more closely to adhere to that rule than we have ever done before.

Mr. BAYARD. That has been done in the case of the naval appropriation bill.

Mr. BECK. In the naval appropriation bill the Senator from Maine [Mr. HALE] having charge of that stripped it as clean or as nearly so as he could, and the Senator from Illinois, in charge of this bill, when you come to look over it, has stripped it of a great deal. I am only sorry that he did not content himself with striking out what the House had done, because it is not subject to a point of order, and allow these complicated questions to come up in bills from the Military Committee, of which the Senator from Texas [Mr. MAXEY], the Senator from Indiana [Mr. HARRISON], the Senator from Connecticut [Mr. HAWLEY], and himself are distinguished members.

I confess my utter inability to grapple with those questions. There are four or five of us on the Committee on Appropriations who are very well qualified, I think, and I claim to be, to attend to the general matters of appropriations for carrying out existing law. The Senator from Iowa [Mr. ALLISON], the chairman of the committee, so far as he ever has developed himself, knows but little about army matters. I do not think the Senator from Massachusetts [Mr. DAWES] is a warrior; I know that it is the case with neither the Senator from West Virginia [Mr. DAVIS] nor myself. As to the Senator from Maine [Mr. HALE], who is also a member, I do not know what his capacities are in that way. The others have been soldiers, and I admit that a portion of the committee know a good deal about war; but there are four or five of us who do not know anything about such things.

I only rose to protest against going into these questions now. If there is anything wrong about the Signal Service let it come up in an

orderly way. If there is anything wrong about officers being allowed to remain at any one place, let that come up on a proposition from the Committee on Military Affairs. I do hope that the Senate, as we have only nine more days remaining of the session, and as we have the sundry-civil bill, the legislative, executive, and judicial bill, and quite a number of important bills to pass, and there will have to be much conference with committees of the other House, will keep complicated questions out of this bill.

I repeat that in all the action of the Committee on Appropriations the Senator from Illinois has seemed as anxious to keep clear of general legislation as any of us, and I do hope that he will, in this instance, when he sees what trouble it is making, let it go.

Mr. LOGAN. Of course I take all the criticism that may come from any person in reference to this provision. The House proposed to strike generally at all staff officers and included every officer on detail, providing that all should be returned to their commands within three years. They struck down the staff officers of the generals of the Army. We modified that and thought we were doing as little as possibly could be done, so as to make some medium between the House and Senate, by striking all that out and putting merely that portion in which is now before the Senate. We thought that was as little as we could do. I would much rather have seen the bill come from the House without any legislation on it. I did not provoke or suggest this legislation. What I did was to try to modify the proposition, which I thought a very harsh one, that came from the House.

Mr. BECK. Mr. President, only one word more and I am done. I believe that if we advise the gentlemen of the House that under our rules we are prohibited from placing any general legislation upon appropriation bills, when under the rulings of the Senate we are hardly allowed to amend even the legislation that they send to us, they will generally acquiesce in allowing provisions of general legislation to go out, especially as an extra session of Congress will be inevitable if some of these important bills fail, and we have made fair provisions for carrying out all the provisions of existing law. I believe it would be stronger to take the ground that we can not consider general legislation on appropriation bills, especially at this time, in view of the great delay that has been had in both Houses over the tariff bill, by striking it out altogether, than to present it in a modified form when the controversy comes up between the House and Senate as to which is the better, because it will be conceded that something has been done in the way of general legislation. I think we had better have none and defend ourselves for striking it all out than to argue the question between the modified form presented by the Senate and the still more objectionable form presented by the House. I hope the Senator from Illinois, when he sees the trouble we are getting into, will see that it is best to let this matter go, perhaps for this session.

Mr. HALE. Mr. President, the Senator from Illinois will remember that when this question came up in committee I reserved the right to oppose the amendment in the Senate. The more I think of it, the more objection I have to this clause. I do not think that the Senate, especially upon an appropriation bill, is prepared or has the knowledge requisite to take wise action on this subject of administration. It is purely a question of administration as to what officers shall be sent to one duty or to another duty, as to what officers shall be kept in Washington and how long they shall be kept here. Something must be trusted in this matter of administration to the Department that has charge and jurisdiction of any service or any corps.

It looks now as if there was an evil in the way of favoritism as to officers remaining long in easy and comfortable places; but I know enough about the subject to know that in many cases there may be special duties that require an Army officer to be kept in Washington more than three years. In fact I know enough about it to believe that there are some cases where, for the good working of the service, it is better that an officer should stay here three, six, nine, or even twelve years, or without limit. All of that should be largely left, I repeat, to the Department as a matter of administration. If it is to be revised, then I agree fully with the Senator from Kentucky that the Military Committee, with the Senator from Illinois at its head, should take up deliberately the whole subject-matter of the Signal Service, its relation to the Army, its relation to the reports upon the weather, of so much value to the industrial interests of the country, and frame a bill, and then let us consider the matter upon such a bill and upon such a report.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. HALE. Certainly.

Mr. LOGAN. I do not like to have the assertion made so often that the Military Committee should consider these questions and report upon them. I have introduced bills at every Congress that has met since I have been in the Senate on these subjects, and I have never been able to have one considered yet. To-day, on the table of the Senate are bills coming from the Military Committee on these very subjects that have never been permitted to be considered. I do not like to have that said all the time in view of the fact I state.

Mr. HALE. I am not in any way finding fault with the duties and the industry of the Military Committee, but certainly somewhere there has got to be a set and determined opposition to appropriation bills being made the vehicle for general legislation. My experience at the last session led me to believe, as I do now, that the committee itself must take that step; that it must resist legislation upon appropriation bills. Otherwise other committees will become remiss and will depend upon putting their provisions upon appropriation bills, and not only will that be the evil, but in the end the Appropriations Committee itself, which has great duties legitimately intrusted to it, will be broken down. The fact that committees report and can not get their bills upon the Calendar considered ought not to be any reason why at last they should be tacked upon appropriation bills.

Mr. LOGAN. This provision was not tacked upon an appropriation bill by the committee. This is a proposition that came from the House and which was modified by the Committee on Appropriations. The Senate had nothing to do with putting it on the bill.

Mr. HALE. The Senator has made it a great deal better than the House made it. He has, as he says, simply modified the House action. In the naval appropriation bill, where the Senator was with me on the sub-committee, we not only did that but we went further; we not only struck out every particle of legislation that the House had put upon that bill, but we refused to report in any manner that legislation, simply putting ourselves upon the ground that we would report a bill to maintain the naval establishment and to build up a new Navy. There is not another thing upon the naval appropriation bill as reported but that. I wish the Army bill was just like that. The Senator has gone very far toward it, but not quite far enough, I think.

Mr. PLUMB. Mr. President, as I consented to perhaps all these various forms of amendment in committee, I feel as though I ought to say something about the reasons which justified me in that consent. I will say, however, that my proposition goes further a great deal than that made by the Senator from Illinois. I believe in absolutely cutting off all details at a certain time, and I believe in doing that as a matter of legislation, because the legislation must control as it ought to control the Army, because in a time of peace it needs that control more than it does in time of war. It assimilates itself more and more in peace to the civil department of the Government and ought to come more directly under legislative control, when we do not need the autocratic control of one man, whom we make responsible for the movements and the operations of the Army, and must give him power in accordance with his responsibility.

In the first place, I was in favor of this proposition for the very reason that it is going to take men out of the Signal Service Corps, not because I dislike that corps, but because they are among the most conspicuous examples as I think of the evils of the system of continuous detail. There are men in that corps who have been there for seventeen or eighteen years. I do not know a single one of them; I do not know that I am familiar even with their names. I mention that to show that there can be no suspicion that I have any personal ill-will toward any one of them.

I want to say in regard to the head of the bureau, that he is a man who, as a soldier, was entitled to, as he has received, the plaudits of his countrymen. No reputation, I think, is fairer than his, and the only thing that his country has ever done that I think was against him was putting him at the head of the Signal Corps. He came here fresh from service in the field, from the command of an army, and was put at the head of a bureau insignificant in its ordinary and local scope, comparatively speaking, and ill suited to a man of the active habit which had characterized General Hazen during all the years of his manhood. From that has grown up the incongruity of the bureau itself as a branch of the military establishment—and the question as to what its duties were—the mere perfunctory kind of duties properly lodged with it, and the fact that it embraced civilians in its office as well as enlisted men and a few officers all contributed to that, out of which has grown a mess humiliating to this able and gallant man, humiliating to some extent to all of us, in that it has involved in the way it has done the administration of that bureau.

Certain things that have recently come under my observation lead me to believe that these men should be taken away and sent to their companies, where in the contemplation of the law they are needed, without in any way impairing the efficiency of the service. I have in my hand a joint resolution which I will ask the Secretary to read. I will preface the reading by stating that the resolution was drawn, I am informed by good authority, in the Signal Service Bureau, and I offer it now for the purpose of showing something of what that bureau is doing and of the men who are in its employment and where they have been employed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will read the joint resolution.

The Acting Secretary read as follows:

Resolved by the Senate and House of Representatives, &c., That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 2,000 copies of a report on the meteorology, geography, botany, and zoology of Alaska, by Lucian M. Turner; also, 2,000 copies of a report on the same subjects and on the ethnology of Alaska, by E. W. Nelson; and 2,000 copies of a report of observations on Mount Whitney relative to the absorption of the sun's heat by the earth's atmosphere, by Professor Langley; and he is also authorized to contract for the illustrations.

Mr. PLUMB. It appears from that, on the face of it at all events,

that these eminent scientific civilians are in the employ of the General Government, and that they have had so much time that the *personnel* of that establishment is so much in excess of any requirement necessary to report the weather in the sections of the country where agriculture exists, where the people raise crops, where they sail ships carrying the commerce of this country, that they have been in Alaska, not reporting, I take it, the weather out in that country, because that would be a matter of very minor consequence, but working up the ethnology, the botany, the meteorology, and so on of that remote and I have no doubt very interesting section of country. That is in no way as I think cognate to the service, and in no way embraced within the proper purview of its duties. More than all that, it is traversing the direct line which is being traversed by another Department of the Government. If it is true that these three men could be detailed for duty in Alaska, if they are of that eminent character which would appear from their characterization by the Department in the draft of this joint resolution, then certainly they could safely be brought home and put upon some duty here that they are qualified to fill, and these Army officers could be sent back to the companies which they have not seen for fifteen or eighteen years, and where according to the theory of the law they are necessary, or the places which they have so long abandoned would have been abolished by law.

I believe in short details where details are necessary, on account of the regard I have for the Army itself, for what I believe is its best interest, and I am unwilling that we should keep up an Army as a basis either for existing operations of a military kind or as a foundation to be built on hereafter in the case of an emergency if the country shall need great bodies of troops, and then constantly deplete it and break up its organization by detailing men for the performance of civil duty upon any theory whatever.

I do not believe it is possible that there will be found within the limits of the Army, well officered as it is, any men so well qualified for the discharge of any duty but that some person in civil life equally well qualified can be found. If he is well qualified, then the Army has the more need of him, for he possesses the special qualifications fitting him for the duties which he is discharging in the Army and he should be kept there in order to make the Army, which is to be our reliance in case of need, all the better for his presence there. If we draw them out we are constantly depreciating the value of the Army.

I believe that these Army officers should be detailed for some purpose outside, but when they have made their tour of duty they ought to go back, in order that the Army may have the benefit of that tour of duty and of the enlargement of their faculties by reason of it. I think that detailing officers for a long time begets in them the idea that they are not a proper part of the military establishment. It begets in them the idea, which to some extent has been made manifest recently, that they are an integral part of the Government in a sphere so important that the Government can not get along without them.

I do not believe that there is anything that these men are doing but what could be done as readily or nearly as readily by an abundance of men already in the service of a much lower rank. The information which we rely upon for the purpose of telling of the existence or the coming of storms is after all transmitted to this central bureau by the enlisted men of that corps, some five hundred in number, and by men on duty at the various posts throughout the United States which have been made signal stations, where the meteorological conditions of any particular moment made necessary are transmitted to the office at Washington, where the functions are to gather them up and retransmit them to all portions of the country and make certain deductions from them which may be said to convey some indication of coming conditions of the weather.

I do not believe that this generally requires the exercise of any very great ability. I would say if I were not somewhat modestly inclined that I believe some officers who have gone into that corps within the last two years are as well qualified to discharge the highest functions of it as some of those men who have been there for fifteen years. I believe if the average Army officer should be drawn in there he would become quite as familiar with what is necessary to be done as a corps of intelligent civilians, that we do not get rid of at all, who are there constantly; and the corps is constantly increasing.

The general question having been touched on, I desire to say that I think it is an anomaly to have an institution of this kind connected with the War Department. I hope the time will never come in this country when we shall have an army enlisted and kept up for the purposes of place, when we shall have the agents of destruction waiting as hand-maids upon the interests of production, when the question of the course of storms and of the meteorology which affects the growing crops and all the great and vast civil interests of this people shall be dealt out to them by the man with the musket. I want the Army kept within its true limits, and in the performance of its true functions in time of peace, taking a back seat and coming to the front only when there is fighting to be done.

This bureau ought to go to the Department of Agriculture. It is the hand-maid of agriculture and of commerce. While I think its benefits have been extolled more highly than they deserve, at the same time it is probably a growing science. We are probably upon the threshold of discoveries in connection with it which are of the greatest importance. At all events it is an interesting and valuable field; we can afford to enter upon it and to spend considerable sums of money for the development of this science and for the record of current events which throw light upon it, in the interest, however, of commerce and of agriculture, not for the purpose of making a place for anybody, not for the purpose of providing easy berths for Army officers or anybody else, but all the time keeping it within the performance of its true functions.

The joint resolution prepared, as I said, by the Signal Corps illustrates the inevitable tendency of things, which can only be corrected by legislation. Here is a bureau performing duties already of the Agricultural Department. I am informed that some time since one of the civilians in that corps applied to the Secretary of War for transportation to attend a forestry convention at Cincinnati, and on being asked why he desired to go to that forestry convention as a member of the Signal Corps he replied that forestry was intimately connected with the science of meteorology or that meteorology was intimately connected with forestry. Thus at one single step this institution was proposing to grasp to itself one of the most important and useful functions of the Department of Agriculture.

Mr. HALE. Will the Senator let me ask him a question?

Mr. PLUMB. Certainly.

Mr. HALE. The Senator calls attention to what undoubtedly is an abuse, the stretching out of a bureau or department and seeking to aggrandize itself and to take to itself subjects-matter that do not belong to it. I agree with him fully that the Signal Service ought not to have anything to do with experiments in Alaska and in other places to which he has referred; but he says that that shows illustratively the need of legislation. Let me ask him whether the remedy is not by legislation, but by refusing to appropriate money? The remedy, I agree with him, is with the Committee on Appropriations. If this bureau or any bureau goes outside of its proper vocation and seeks to build itself up at the expense of taking from others, the remedy is in our refusing to appropriate money, confining them in the sums that we appropriate to what will be sufficient to perform their legitimate duty, and we do not need any legislation. To cut off the supplies will cure that trouble.

Mr. PLUMB. As the Senator from Maine suggests, that undoubtedly is the most obvious way of reaching it, and I cheerfully admit that the proposition of the Senator from Illinois is only an incident to this main one; but the discussion has taken a wide range. We have discussed the Signal Corps, and for the purpose of opposing the amendment or putting it before the Senate in such a way that it should not be adopted, that corps has been applauded and the work of those men has been sought to be put in such a position of importance as that they are not to be touched. I reply to that simply by saying that this department is doing what it ought not to do; that it has got more agencies already than it ought to have; and that therefore if we propose to take away some of the men who are detailed to it we are not in any way infringing upon its lawful prerogative.

The answer of the Senator from Illinois to the question about legislation, it seems to me, while perhaps not entirely conclusive in taking this proposition without the rule, is justified by the fact that the House sent us a proposition touching upon the general subject. Two methods were left open to the committee in treating it. One was to take it out entirely either upon the ground that the legislation proposed was totally unwise, or upon the ground that if possible no legislation should be permitted upon an appropriation bill; the other was that it should be amended so as to make it conform to the views of the committee, in the hope that those views might in time become the views of the Senate in regard to the subject-matter. That is a question in which I agree in the main with the Senator from Maine. I think there is no dissent from it, but I call his attention to the fact that the most effectual way of reaching propositions of this kind is through a money bill.

In many ways we are compelled to touch upon them. There is a world of detail in legislation which will never be incorporated by substantive bills, by bills introduced for that particular purpose. There are things that come to the attention in investigations subsidiary or connected with the appropriation of money which themselves would not constitute the substance practically of a separate measure, but which being grouped with other measures and put together make a bill having form and substance and dimensions sufficient to attract the attention of the Senate, which considered in a separate measure would lead to a world of discussion, and the Senate would lose itself in the matter of detail merely, and thus nothing would be accomplished. Many things will necessarily be touched upon in this way which could not be touched upon otherwise.

Mr. McPHERSON. Will the Senator from Kansas yield to me for a question for information, as he is a member of the same committee?

Mr. PLUMB. Certainly.

Mr. McPHERSON. I wish to know something about the present status of the business in the Signal Corps. May I inquire of that Senator whether there is not the authority of law now for the transference of officers who are to-day conducting the affairs of that department to other fields of duty? If the superintendent of the Signal Service is placed there as such superintendent, does it carry with it the idea that he is to be a permanent officer located there, and that he is not subject to transference?

Mr. PLUMB. As I understand it, the Secretary of War, who origi-

nally made these details upon the request of the Chief of the Signal Service, has the same power to turn them into their regiments that he had to put them there. This is a direction to him to do that which he has now authority by law to do.

Mr. McPHERSON. Was he not also appointed and confirmed by the Senate as the superintendent of that particular corps?

Mr. PLUMB. The Chief Signal Officer is beyond the power of removal of anybody except in the manner provided in the Articles of War.

Mr. McPHERSON. If I do not interfere too much with the Senator from Kansas, I wish to say that I was very much impressed with the logic of the Senator from Illinois. It does seem to me that the history of that department is such that the argument of the Senator from Illinois ought to be very convincing. The idea that a man being placed at the head of that department occupies a position that no other man on earth could fill is to my mind a very peculiar idea. We have had the experience in the father, so to speak, of the Signal Service, the man who originated it, who had done everything for it almost to build it up. He has since died and somebody else has been appointed in his stead, and we have no knowledge that the business of that office is not progressing and proceeding in a very satisfactory way.

But there are other things connected with it. There are scandals that have grown up, defalcations have occurred, and some of the Signal Service officers are to-day fugitives. I believe that if the recommendations of the Senator from Illinois were carried out we should have less defalcation; we should have less scandal; we should have new blood, new officers with new ideas, if you please, to take the place of the older ones who have been there long enough to engineer and to originate schemes of plunder which the experience of the past has shown to have taken place in that department.

Therefore it is that I believe the proper place to make this legislation is where you are appropriating money for that department, and it should be moved right here upon this bill.

Mr. PLUMB. I did not care to enter into the question suggested by the Senator from New Jersey, nor had I any reason to suppose that there was anything wrong in the administration of the department so far as it affected the integrity of its chief or any of his subordinates.

Mr. McPHERSON. I know that, and I referred to it to show that it has not lost its virtue and its intelligence because one man had died and another had been put in his place.

Mr. PLUMB. That is a very fair consideration. I do not believe the bureau would lose if its entire *personnel* should be changed in six months; but I say now, in regard to the question of where this legislation should be done, we are confronted with a condition of things in which we are to do something or nothing at the close of a short session of Congress, and we shall continue to be confronted with conditions of this kind hereafter. It has been found almost impossible, in many of these minor things at least, where legislation should be had, to secure it except in connection with appropriation bills.

It is probably proper that the Military Committee should consider this question, but why the Military Committee more than the Agricultural Committee, or why the Agricultural Committee more than the Public Lands Committee? On various propositions they should go first to the Agricultural Department, then to the Interior Department, and so on. The Military Committee, as I happen to know from my service on it, finds its time almost wholly taken up in the consideration of personal grievances, bills to restore officers to rank which they have lost, to positions which in some way have escaped them, to rectify all that body of evils, which these people see more clearly than anybody else, which affect their rank or their pay. I venture to appeal to every member of that committee if three-quarters of his time is not occupied, and necessarily occupied according to the rules and requirements of the Senate, in the consideration of matters which affect not the administration of the Army at large in its organization, but simply the grievances of its *personnel*. And unless we can have a thorough understanding that this class of cases shall take the background, and that the Military Committee shall address itself to matters of Army organization and the Naval Committee to matters of naval organization, to the exclusion of these quarrels and bickerings about rank and grade, actual and relative, the Military Committee will never originate any bill which will pass the Senate reorganizing the Army or introducing any reform in it; neither will the Naval Committee do a similar service for the Navy, and so on all around, more or less, we come to concern ourselves about those things which are personal and not general; and until we turn our backs upon the whole policy it will be left to the last moment to put legislation of importance upon appropriation bills or simply to say that by reason of the arbitrary enforcement of the rule (founded in reason, it is true) we shall submit to evils that we labor under rather than attempt to cut them off by violating a rule of the Senate, wholesome of course as it is, but at the same time liable in its enforcement to lead to unjust results.

Mr. BAYARD. If the point of order that I suggested is to be sustained, this debate is simply superfluous.

Mr. HAWLEY. I hope the Senator will waive the point for a few moments. I wish to submit a few considerations.

Mr. BAYARD. Very well.

Mr. HAWLEY. Mr. President, as a member of the sub-committee of the Committee on Military Affairs which has been referred to by the Senator from Texas, it has been my duty to consider this subject more or less at intervals for several months; and there is upon the Calendar, as we have been reminded already, a bill substantially reorganizing the Signal Corps, a bill that in its general features I heartily approve.

There is no doubt whatever that the status of that corps requires thorough investigation and definite establishment. It is in a somewhat anomalous condition. It has two classes of duties which need not be conjoined. One of them pertains alone to the conveyance of intelligence by signals, by flags by day and by lights by night. There is nothing in that which requires the establishment of a separate corps or a separate school of instruction. All that can be taught at the several military establishments at West Point, at Leavenworth, and at Fortress Monroe, and it also can be taught in the field or at the leading garrisons, and bright young men can learn in a very few weeks to make excellent signal officers. The two things ought to be detached.

It is not a question just now upon this bill and upon this special amendment as to what ought to be done. We know very well what ought to be done. The two should be separated, and the observations of the weather and prophecies concerning it ought to be made an entirely separate branch. They might be retained in an organization that would make a sort of wing of the Army, a semi-detached wing of the Army, and they might be put in one of the civilian departments of the service.

But the range that the discussion has taken shows that it is utterly impossible to reach the real roots and merits of this service upon an appropriation bill, and we are touching only one of the small minor evils of which complaint has been made, and are not meeting the necessities of the case. It is more or less an embarrassment that a young subaltern officer should be detached from his company or regiment and sent away for a very considerable time on a business, no matter what it is, scientific or otherwise, but it is comparatively speaking a small evil, because if there be a captain of artillery in the Signal Service now, those of us who have had experience know that in time of peace his duty at any one of the artillery posts along the shore can be perfectly well performed by a lieutenant of his company.

In objecting to the amendment in question, I do it not for the good of these young men, however excellent they may be in character, however meritorious; not in respect to their record; I do it for the sake of a great establishment of inestimable value to the whole country, commercially and agriculturally, for the pending amendment would return to his regiment or to his command every single officer of the Signal Service Corps who for several years has made one of its daily observations.

There is a civilian professor to whom reference has been made. For several years he has not made a weather prediction. He is a man of great scientific acquirements in his particular way and is considered of inestimable value in the Signal Corps, but he does not make the weather observations. I repeat, and I ask the few Senators who take an interest in this subject to remember, that the passage of this amendment would detach from that service and return to some local command away from Washington every officer who for many years has made one of the weather observations. It is quite useless it seems to me, I do not say ridiculous, to assert that anybody can learn these things in a few days.

Mr. LOGAN. It is not proposed to return them all at once.

Mr. HAWLEY. That was the bill.

Mr. LOGAN. I beg pardon.

Mr. HAWLEY. I know the Senator from Illinois has offered a modification of that; but I am referring to the amendment as it stands in the printed bill. It certainly does not accord with any man's experience in any business in the world to say that a young man can be brought here and taught this business in a very short time. It can not be done. It is not alone a matter of taking the record of the barometer and thermometer and of the wind-gauge and all that every day; it is the rapid and simultaneous collection of these observations from points all over the country, and upon them, after long study and long experience, basing some sort of estimate of what the weather is likely to be within the next eight or twelve or twenty-four hours. As to the value of this service the testimony is utterly incontestible and overwhelming.

Reference has been made to the resolutions passed favoring the continuance of the corps by various boards of trade and chambers of commerce, &c., as if they had all been stimulated by letters written from the headquarters of the corps. They come in abundance, freely given. I know it has been disclosed that some of these officers have of themselves asked that these things be said, but they have been said by boards of trade and others with entire heartiness and perfect unanimity and have been sent without solicitation or suggestion; and any man who desires to know what the opinion of the commercial world is about this service can very easily obtain it by a very little correspondence.

Of course there are minor abuses; of course there have been evidences of lack of tact and skill. The disclosure of personal errors upon the part of some of these officers has nothing to do with the great value of the general service.

Reference was made by the Senator from Kansas to a resolution referred to the Committee on Printing for the publication of certain reports upon the entomology, &c., of Alaska, as if (one was compelled

to infer from his remarks) an officer salaried by the Government had been detailed from his natural duties in the Signal Corps to go to Alaska to make these inquiries. Now, these are the very simple facts: The Smithsonian Institution inquired whether at a signal station in Alaska there were not men qualified to make some of these inquiries, or they may have been sent there upon ordinary duty; they were privates in the corps; and it was at the request and suggestion of the Smithsonian Institution that these young men wrote these treatises and did this work.

Whether those things should be printed or not is a matter for the Smithsonian Institution to judge. It had better take them and print them as part of its own work. If it is part of its own work it is not part of the Signal Service business either to collect that kind of information or print it; but inasmuch as the duties of the private at stations require him only a portion of the day, and require exact, faithful, perfect performance of his duty at that time and full reports upon it afterward, there is no harm whatever, but, on the contrary, good, if this young man has a taste for some of the natural sciences, in having him record his observations at the same time. There was no neglect of duty, and there was no special detachment, as I have been informed, for this matter came before the Printing Committee some time ago, and I have heard about it at different times. There was no neglect of duty and no special detachment in the performance of the service.

Mr. PLUMB. Will the Senator allow me to ask him a question? I did not hear all his statement, but I think I understand the scope of it. Then I understand this proposition is simply to print something which the Senator thinks was properly acquired?

Mr. HAWLEY. I think there was no harm in these young men, stationed where they were, devoting a part of their time to the study and accumulation of information of that description.

Mr. PLUMB. If I wanted to make an adverse criticism on this corps, I would take the Senator from Connecticut's and not my own, because this information having been obtained entirely apart from their Signal Service duty it becomes necessary to have a lot of it printed for the use of the Signal Corps.

Mr. HAWLEY. I do not think it was. My opinion is that resolution sleeps and will sleep in the Committee on Printing, and if the information should be printed, the Smithsonian Institution will have to attempt it within its own proper sphere. That shows, I think, that there was no abuse of the service in that particular matter. We have pending a bill which goes over all this subject, and if that bill can not be acted on now, it would not be a bad thing to require some small committee to look into the whole subject during the vacation and present a bill, for there is a demand and a desire that this corps should be put upon its proper foundation and permanently and definitely organized. It is now in an unsatisfactory condition, because it gives rise to various dissatisfactions and grumblings and criticisms. Any corps, I do not care what it is, will have some man who is unwise in it at times, who will bring criticism, but these criticisms, undoubtedly arising from real defects, extend over that which is of itself meritorious and ought to be continued.

Mr. MAXEY. I ask the Senator from Connecticut if in the investigation which the sub-committee made of this service the fact of evils growing out of the long details was not taken into careful consideration by that committee and attempted to be provided against in the bill reported?

Mr. HAWLEY. Certainly; but I do not know that I will go further. I do not know but that I would organize a corps in such a way as to contemplate permanency of service in it just as we do in the Engineer Corps. You might as well say you could detail men from time to time to serve as engineers. So you could, and they would do something, but they would make a botch of it. Every army in the world, as a matter of pride, has classes of very high scientific attainments in certain special lines; and it is quite right we should do it. We should have eminent engineers, but I am not quite sure that the Signal Corps ought not to be entirely detached from the line of the Army, so that when a man was put there, either by appointment or promotion, from a sergeant (as is now provided for to a certain extent; two a year are allowed to go from sergeants, to be examined and be made second-lieutenants) he should stay. The whole of them should be drawn by selection from civil life or by detachment from the Army, if they like this service and are attached to it, so as to make them entirely independent. I would organize them as a special branch, and leave no possibility of complaint hereafter about detaching men from their several regiments.

But I beg the Senate not to make this bureau entirely useless by this amendment, certainly as was originally reported by the committee, or to inflict a serious injury upon it by the requirement even of these detachments from year to year. You might almost as well tell me that my old and venerable friend, Dr. Peters, now at Clinton, New York, where he has been many years mapping out the stars and where he has discovered more asteroids than any other astronomer, could be very well replaced by some young student.

After that young man had pursued the same kind of work for ten, fifteen, twenty, or twenty-five years, he might, or he might not, be as good as Dr. Peters. You can not avoid acknowledging that there is such a thing as special qualification and an inestimable value in long study and devotion to a subject, and this matter of weather observation may be worth 50 in the 100, or it may be worth 80 in the 100, as it is now, or it may be worth 90 in the 100, but if you are in the habit of changing men frequently it will be worth no more, or hardly as much, as a good old farmer's guess, because he has been all his life long looking at the winds and clouds, and makes a good estimate for his locality of the weather for the next twenty-four hours. If you are to cover a wide region and have it done with any scientific accuracy at all you must devote men to it.

I shall therefore, certainly with a view to the good of this branch of the service, and not because I have any pets or care for the purposes of the public service what becomes of or to what sphere of duty these young men go, but because I regard the public benefit, oppose any interference whatever with that corps upon this bill, and I will be ready tomorrow to take up the bill on the Calendar for its reorganization.

I will add just one word more, which I always say when I have an opportunity, that I am the unyielding opponent of general legislation upon appropriation bills. It is the *delenda est Carthago* which I shall always utter when this question comes up.

Mr. BAYARD. Mr. President, about four years ago the President of the United States interposed his negative to the passage of an Army appropriation bill, and the reason given in his veto message was that it contained features of general legislation. I thought then and think now it was an unwarranted exercise of his power; it was a criticism upon the form of legislation, a matter with which, I think, he ought to have nothing to do; but notwithstanding it was beneficial in this respect, that it pointed at a vicious form of legislation. An appropriation bill ought to be nothing but the machinery to find money to carry out existing laws. That is all that it is intended to be, and the rule of the Senate, I think, will sustain the point in this case that this is a violation, this being a general appropriation bill, because it proposes general legislation which, the rule says, shall not be received upon an appropriation bill. I therefore think it is not worth while to delay by debate on this subject.

This apparently will take from those who administer the Army and control it all discretion as to the permanence of any officer in his place of duty in the Departments at Washington. It makes it mandatory that they shall be removed after a certain period. Now, as far as I know, the common sense of mankind has digested the wisdom of good government into a very common phrase, to get the right man in the right place; and how can you get him there without testing him and trying him, and when he is found there he certainly ought not to be disturbed. This amendment proposes to unship all details not only for the Signal Service, of which I know very little of the merits or demerits of the individuals concerned, but also for the Engineer Corps, and there may be others of which I know nothing, but the principle which includes the one ought to be applicable to the others.

I do not think an appropriation bill is the proper vehicle for a change of the legislation on this subject. I would not have uttered my own judgment against that of Senators of more experience in respect to the wisdom of rotation in station by officers of the Army, but it certainly is new legislation which makes very wide and sweeping changes without the proper notification which should accompany it. Therefore I have raised the point of order. It has been before the Chair to decide since I did raise it, and why it has been debated I can not tell, though I have no special objection to debate.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Chair understood the Senator from Delaware to withdraw the point of order for the time being. That was the cause of the discussion progressing. If the Senator now makes the point of order, the Chair will dispose of it.

Mr. LOGAN. I should like to be allowed to say a few words in reference to what has been said.

Mr. BAYARD. The point of order is made on the amendment of the Senator, and then I trust the Senate will sustain the committee in striking out the words they have proposed to strike from the House bill.

Mr. LOGAN. Just one word. I did not expect this to go through without opposition. I do not know that anybody will vote for it; that is a matter I care very little about. I have done my duty in reference to it. I have reported several Army bills to the Senate, and I notice that whenever legislation is on an Army bill that is in the direction a Senator thinks right there is no objection made to it; but if there is a proposition on an Army bill that is in a direction where some Senator thinks it strikes somebody that probably he would rather not have touched, then there is objection to it because it is on an appropriation bill.

Now, I desire to answer the argument of the Senator from Delaware in a very few words. He says that the experience of mankind has proven that where you find the right man in the right place he must be kept there. The experience of monarchies has found that to be their decision, but the experience of republican forms of govenment has not found that to be correct. According to that theory the Senator, being an eminently wise man, would remain in the Senate forever, for experience has shown that he is qualified to perform the duties. According to the theory of the Senator a President of the United States who suits the

people should be permitted to remain in that position during life. You can not apply one principle to the Army and insist that it is right and not apply it elsewhere. I totally disagree with the doctrine that no man is qualified to perform the duties of an office except somebody who has been tested. It is repugnant to the doctrine of equality of men and equal rights among men to perform these duties whenever they are selected to do it if they are qualified to do it.

I have nothing further to say except that this is a fair proposition to let these men go out after serving three years and let somebody else come in in their place. A part of them would be there over twenty years under this amendment. Those who have been there seventeen years would remain three years longer, and if twenty years is not long enough to make a detail from the Army, in God's name I want you to tell me how long you want them detailed for.

Senators on the right insist upon a bill that they have on the Calendar which will die on the 4th of March. That, they think, should be investigated and passed. Everybody in the Senate knows it will never be touched; it will never be reached; it will never be called up; and the Senators themselves will not call it up, for they will not have the opportunity. Every one knows that.

There is not a Senator here who can say that rotation in reference to this branch of the service ought not to exist, and the Senator from Delaware is entirely mistaken in reference to this amendment applying to the Engineer Corps. It does not apply to the Engineer Corps at all. Men are not detailed in Washington city from the Engineer Corps as contemplated in this bill. They are operated under a very different law, a law organizing them, making them a permanent establishment. They are detailed under an entirely different branch of the law from this.

Now I am ready to have the decision of the Chair in reference to this amendment.

The PRESIDING OFFICER. The Senator from Delaware has raised the point of order upon the amendment offered by the Committee on Appropriations that it is objectionable to Rule 29. The Secretary will read the first paragraph of Rule 29.

The Principal Legislative Clerk read as folows:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The PRESIDING OFFICER. Under that the Chair holds that this is general legislation to a general appropriation bill, and therefore the point of order is well taken.

The committee propose to strike out from line 39, commencing with the word "and," to the word "duty," in line 52, inclusive. That amendment is in order. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 82, after the word "men," to strike out:

And section 1306 of the Revised Statutes is hereby so amended as to strike out the word "fifty," where it occurs in said section, and in lieu thereof inserting the word "five."

The amendment was agreed to.

The next amendment was, after line 86, to insert:

Provided, That commissioned officers of the Army not above the rank of captain may make deposits with any Army paymaster, not to exceed for any one year one-half of their annual salary; said deposits, on sums not less than $50, to draw 3 per cent. interest, payable when withdrawn: *And provided further*, That any officer making deposits may draw the same on his check whenever the accumulations shall amount to a sum equal to one year's salary.

The amendment was agreed to.

The next amendment was, in line 95, after the word "shortest," to strike out "through" and insert "usually traveled;" and in line 96, before the word "thousand," to strike out "seventy-five," and insert "eighty;" so as to read:

For mileage of officers of the Army for travel, over shortest usually traveled routes, not to exceed $180,000.

The amendment was agreed to.

The next amendment was, in line 98, after the word "shortest," to strike out "through" and insert "usually traveled;" so as to read:

And from and after the passage of this act mileage of officers of the Army shall be computed over the shortest usually traveled routes between the points named in the order, and the necessity for such travel in the military service shall be certified to by the officer issuing the order and stated in said order.

The amendment was agreed to.

The next amendment was, in line 103, before the word "contract," to strike out "fifty" and insert "not exceeding eighty;" so as to read:

For miscellaneous expenses, to wit: Hire of not exceeding eighty contract surgeons and one hundred and sixty hospital-matrons.

The amendment was agreed to.

The next amendment was, in line 104, after the word "hospital-matrons," to insert:

Provided, That the office of assistant surgeon-general of the Army is hereby abolished.

Mr. BAYARD. That amendment is obnoxious to Rule 29, and I raise the point of order on it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. LOGAN. I do not object to the Senator's raising the point of order; of course I have no right to do so; but I should like to give to the Senate the reason. Objection being made to the bill as recommended here, it is taken for granted that I have put something very obnoxious in it. I notice the Senate passed over three or four amendments that were legislation that the Senator did not object to. It only shows what I said a while ago that where legislation happens to strike at something that is unfavorably considered by Senators they object to it, and where it does not they do not. The reason for this I will give in a very few words.

The Medical Department of the Army has in it to-day——

Mr. BAYARD. May I say to the honorable Senator that it is not a question of the merits or demerits of the proposition? It is that upon an appropriation bill this amendment is not proper. In the language of the rule, it "shall not be received." It would be pertinent upon a bill to reorganize the Army. Then I should listen with a great deal of respect to the opinion of the Senator upon such subjects; but my objection is to the form of the proposition.

Mr. LOGAN. I see what the Senator's objection is. I was only astonished that he did not make the point on other items, where legislation much more important than this was on the bill and was adopted.

In the Medical Corps of the Army, with a very few officers there is one brigadier-general and there are six colonels. There is not a corps and never was and never will be again with such rank as belongs to the Medical Corps of the Army, and such an expensive organization. The office of assistant surgeon-general is conceded by every one who has any knowledge of the corps to be absolutely without any reason. It is now vacant, and for the purpose of saving the Government $4,000 a year we thought it proper to let the office not be filled, and that is all there is of it. It does not turn anybody out of office. It merely abolishes the office and leaves one brigadier-general and five colonels in the Medical Corps.

There is one vacancy. We thought to save $4,000 where there was no necessity whatever for the office as the Secretary of War and everybody else admits who has any knowledge on the subject. There is no necessity for it whatever. We thought it would be a saving to the Government and would be in the line of economy to abolish it and not appoint anybody to fill the place. If there is any vicious legislation in that, which is saving something to the Government by not filling an office that there is no reason for in the world, I should like to know it.

I wish to say further that I have a letter in my possession now written, not to me but to a high official, a man whose name was sent to the Senate to fill this office to be called assistant surgeon-general, saying that he is willing to reduce his rank from a colonelcy, which he has had for six years, to a colonelcy to commence now without any increase of pay. It does not increase him; it does not promote him; it degrades the man and cuts him off six years by his appointment now. We thought it was a proper thing to abolish the office. There is considerable question in reference to the law governing this case and whether he can be appointed at all. He wrote a letter to a certain gentleman in this city asking him to select some Senator who was his friend and ask that Senator to make an objection to this Army appropriation bill. I do not know whether that Senator was chosen or not; but he makes the objection. I have got that letter in my possession.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BAYARD] submits the point of order on this amendment. The Chair will hold the point of order well taken.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in lines, 113, 114, and 115, to strike out:

For commutation of quarters to commissioned officers at places where there are no public quarters.

The amendment was agreed to.

The next amendment was, after the word "quarters," in line 115, to insert:

For the officer in command of the military prison at Fort Leavenworth, Kansas, in addition to his pay in the Army for the next fiscal year, $1,000.

The amendment was agreed to.

The next amendment was, in line 118, to increase the total amount of the appropriation for the Pay Department of the Army from $11,800,000 to $12,000,000.

The amendment was agreed to.

The next amendment was to strike out the following proviso between line 131 and line 150:

Provided further, That disbursing officers shall be required to give bonds, with sufficient sureties, in such amount as the Secretary of War may direct and approve: *And provided further*, That whenever a vacancy occurs in the office of Paymaster-General, assistant paymaster-general, deputy paymaster-general, or paymaster in the Army, by death, dismissal, resignation, retirement, or other cause, the same shall not be filled by appointment or otherwise; and whenever the force in the Pay Department shall not be sufficient for the due payment of the troops, the Secretary of War is authorized and required to detail, under such regulations as he may prescribe, an officer or officers in the Quartermaster's Department to supply the deficiency; and when the paymasters have all died, been dismissed, resigned, or been retired, as hereinbefore stated, the payment of the Army shall be wholly transferred to the Quartermaster's Department, under such regulations as the Secretary of War may prescribe. Whenever, however, a vacancy occurs in the office of the Paymaster-General, the duties of that office shall devolve on the next officer in rank in the Pay Department.

And to insert in lieu thereof:

Provided, That vacancies that may hereafter occur in the Pay Corps of the Army by reason of death, resignation, dismissal, or retirement, shall not be filled by

original appointment until the Pay Corps shall by such vacancies be reduced to forty paymasters, and the number of the Pay Corps shall then be established at forty and no more.

Mr. LOGAN. On line 152, after the word "the," the second word in that line, I wish to insert "grades of colonel, lieutenant-colonel, and major;" so as to read:

Provided, That vacancies that may hereafter occur in the grades of colonel, lieutenant-colonel, and major in the Pay Corps of the Army, &c.

The amendment to the amendment was agreed to.

Mr. CONGER. Colonel, lieutenant-colonel, and major?

Mr. LOGAN. That is all there are, I will explain to the Senator.

Mr. CONGER. In regard to the part stricken out, it seems to be based on the idea that you shall transfer the paying department to the purchasing department and leave no check on the quartermasters.

Mr. LOGAN. The Senator misunderstands it entirely. We strike out that whole thing. The proposition of the House was to turn the Pay Corps over to the Quartermaster's Corps, which I have no strictures to make on now, because the thing strikes me as being so absurd that I do not suppose anybody would want it. We strike that out and then provide that the Pay Corps as it exists now shall not have any new appointment made in it until it is reduced to forty. That is all.

Mr. CONGER. There is no provision in this for filling the offices of major and lieutenant-colonel.

Mr. LOGAN. The Senator is mistaken. He does not understand it. It provides that there shall be no original appointments in these vacancies; that is, no outside man shall be appointed. It does not stop promotion. There shall be no more appointments in the corps, but they can be moved up to the higher grade until the whole number gets to forty, and no more. That is the meaning of it.

Mr. EDMUNDS. I make the point of order that this is legislation, as has been before ruled. I think what the gentleman in charge of the bill says as to the fitness of it is undoubtedly correct; but I wish to stick to the principle of no legislation on appropriation bills, and that forces me to make the point of order.

Mr. LOGAN. Will the Senator withdraw the point of order for a moment, until I give my reasons?

Mr. EDMUNDS. With pleasure.

Mr. LOGAN. My own judgment is that the objection being made to the proviso which we have introduced here the result is exactly putting the bill in such a condition that we can not agree to it. The House undertook to consolidate the Pay Corps with the Quartermaster's Corps, when there is no more relation between those two corps than there is between anything a person may imagine and another.

Mr. EDMUNDS. They ought to be a check on each other.

Mr. LOGAN. Instead of being a check on one another they have fixed it so that they will be together. For instance, a captain in the Quartermaster's Corps to-day if a major should die would fill a major's place without any promotion, making the thing, I will not say absurd, but making it very strange at least.

We called the Paymaster-General before us and asked him the number of paymasters he could get along with. He said he could get along with forty. There are fifty-four now. I have drawn up this provision that in the rank of colonel, lieutenant-colonel, and major of the Pay Corps there shall be no original appointment till the total comes down to forty. That does not interfere with the promotion of those now in, but there shall be no further appointments made to this corps from the outside until by retirement, death, and so forth, the corps shall be reduced to forty, and that it shall remain there. I think that is a wise provision. I have a letter here from the Paymaster-General. When he was before us I asked him to write out his views in reference to this matter, and he did so. His views conform precisely with the views of the committee in this provision, and I shall be very sorry to see it stricken out. I shall be sorry to see it stricken out for the reason that if we do that the House will insist on its proposition. I believe if we put this proposition in the House will agree to it, but if we strike it all out the House will insist upon its proposition, and then what kind of an amendment are you going to get? I think this is a better one than we shall get if we strike out the clause. That is my judgment about it.

Mr. CONGER. The House has followed out that universal feeling in the Army to shut out all civilians from any participation whatever in any civil service in connection with the Army.

Mr. LOGAN. Certainly; that is true.

Mr. CONGER. And it throws together into the hands of the purchasing officer the payment of money without any check. It throws civilians out of any opportunity for service in the civil branch of the military establishment.

Mr. LOGAN. True; but that is what we strike out. I am opposed to it just as much as the Senator is, and for the same reason.

Mr. CONGER. Now, until there is some bill reorganizing the Army in all its branches that shall meet the approval of Congress, I object to making a difference of ten or twelve officers in the Paymaster's Corps. I do not care what the present Paymaster-General says; it has been reported time and time again that there were not paymasters enough personally and individually to perform the duties of paymasters and pay all the scattered troops of the United States on the different coasts and frontiers easily or safely. I suspect all these measures that seek to get into the military ring only those who have come from West Point and to shut out those citizens of the United States who from their ability and from their tact as business men may desire and their friends may desire that they shall have an opportunity even in the Army to perform the duties of civilians.

There is too much of that feeling of encroachment in the Army and in the Navy to-day. There is a kind of feeling among all the people of the United States and the young men of the United States that there is no admission to any position either in the military or civil part of the service of the Army or of the Navy unless it is through West Point or Annapolis, and there is a growing feeling that notwithstanding our theory that there shall be no title of honor and continual heredity of places of trust, we make the laws so as to make effectual classes in our Government and open the doors only to peculiar classes of our people. That will result in the destruction of the Army organization and the Navy organization whenever the representatives of the people come here with the feeling that all the people of the United States are excluded by our laws and that only privileged ranks shall have opportunities to engage in that service. When that comes to be understood, it will destroy the whole, and deservedly. I would guard against that.

Mr. PLUMB. Will the Senator permit me to ask him a question?

Mr. CONGER. Certainly.

Mr. PLUMB. While I sympathize with him in regard to this exclusion, I trust he will not descend to put himself in the position of saying he would create unnecessary places to give persons outside of the Army a chance.

Mr. CONGER. Not at all. I have already answered that. I have said that from year to year, and up to within the last year, when it was proposed to cut down on some former occasion the number of paymasters, statements were made here officially and authoritatively that with our troops scattered as they have to be, and moving as they have to move all through the Western country, a few here and a few there, a small squad in this direction and troops in the field in another, it was impossible for the paymasters we had to personally attend to the payment of the troops and perform their duties, and therefore the number was not decreased.

Mr. PLUMB. The number of garrisons has been largely reduced, and it is the policy of the Government to continue that reduction by reason of settling the Indian difficulties on the frontier. So, even if that were true a few years ago it is no longer true, and the number of paymasters in the Army now is more than one-third of the number of garrisons, and I will venture to say that there are at least half the corps who do not do five days' work in a month.

Mr. CONGER. I do not know how much work they do. If they do but one day's work in a month, there must be so many to pay and take care of the money of the Government. If a less number will not do it, let them work what time they are required to. But the fact that garrisons and establishments are closed and reduced simply means that you throw off squads all over without garrisons, who camp on the plains in winter and summer as your record shows and watch on the mountains and on the prairies. You divide up a garrison into twenty squads, and they stay months and years wandering about separated from the garrisons.

Mr. PLUMB. That kind of service is not to be carried on any more.

Mr. CONGER. It has been carried on and every newspaper records it.

Mr. PLUMB. Not a single bit of service of that kind has been rendered during the last twelve months, and probably none will be in the next ten years.

Mr. CONGER. I would rather take the reports we see daily in the papers that our soldiers are pursuing Indians in this direction. Continual accounts come to us of their achievements this very winter in camps where human beings could scarcely be expected to live. There are in this city now young men whose health has been destroyed for life by exposure in tents and without tents in the pursuit of Indians this very winter and in watching and guarding our frontier.

Mr. PLUMB. I was not questioning that, but I was questioning their being away a time from the post. I say that kind of service is not carried on.

Mr. CONGER. Some of them have not been at a post for a month.

Mr. PLUMB. The garrisons are changed. It sometimes happens they go into tents. I know that is a very exposed and dangerous service, but it is very acceptable I have no doubt. I am very sorry for these men who are suffering so much more than soldiers ever suffered before or ever will again; but the fact is the paying is done at stations, as it properly would have to be done. The paymasters do not accompany detachments into the field; they do not have to be gone except on scouting parties more than a week at a time generally. It is very rare that any man goes out for a month anywhere. I do not think the Senator can find a sufficient statement that will substantiate the fact he states.

The Secretary of War concurred with the Paymaster-General in saying that the number of forty paymasters is abundant. It has been abundant any time within the last few years. One paymaster is stationed now at Boston, who pays only a company stationed in Boston Harbor, when he has the capacity and could just as well pay those stationed at New York, Charleston, Norfolk, and a dozen other places by going backward

and forward, and it would not exhaust all his time to do that. That is, of course, proper enough as long as the number is kept up as it is now.

Mr. CONGER. Those are not the class of men who ought to be reduced. Those spoken of now are not the class of men who are taken and scattered off in the West. Those who have nice places in the cities are there for some peculiar reasons. I am talking about the men scattered over the Western country.

Mr. PLUMB. But this question of vacancies touches all alike. It is proposed here when vacancies occur that they are not to be filled until the number is reduced to forty.

Mr. CONGER. And to make additional liability, additional duty, on the men who perform service on the frontier. It will not affect the men who are at desks here.

Mr. LOGAN. The point of order, as a matter of course, if insisted on, is well taken. There is no doubt about that.

Mr. EDMUNDS. I must insist upon it on principle.

Mr. LOGAN. I merely ask to put on record in reply to the Senator from Michigan the reasons why it is proposed in this bill to insert this provision.

The House proposed, as I said, to merge the Pay Corps and the Quartermaster's Corps. That I do not think good legislation. I do not think that that would advance the interest of the country or of the Army in the slightest degree, but it would be a great disadvantage.

The two corps are entirely dissimilar. If the House had proposed to place the Quartermaster's Corps and the Commissary Corps together and merge them there would have been some good reason for that, because they are both purchasing corps. The Quartermaster's Corps furnishes all the transportation for the Army and purchases clothing and things of that kind. The Commissary Department furnishes rations and things of that kind for the Army. One furnishes that which hauls the other, and therefore if these two corps were put together, as one buys and the other furnishes transportation, there would be some reason in that; but there is no reason for putting the Pay and Quartermaster's Corps together, nor has it ever been considered a wise thing to do by any officer of the Army having great experience.

The evidence of General Sherman, of General Sheridan, of General Hancock, and of all the leading officers of the Army is entirely against a proposition of this kind, and I have the evidence here in my hand.

I desire to call the attention of the Senator from Michigan to a point which he does not seem to have understood exactly as I do, that this proposition made by the Committee on Appropriations of the Senate is a modification of the proposition made by the House in this bill, in this, that instead of merging the Pay Corps and the Quartermaster's Corps together we strike that all out and provide for the Pay Corps as it now exists, except that we say when it is reduced to forty by retirement, death, or resignation it shall not be increased beyond that number. That interferes with no one now in the Pay Corps; it retains them all; but when the number is reduced by casualties to forty the corps shall not be increased beyond that number. We base that, as I said, on the evidence of the Paymaster-General. He says that he can get along with that number. He does not say that he prefers the number that now exists, but in answer to our question he says he can get along with forty, and gives the reasons for it. He says the railroad facilities and the concentration of troops, as was suggested by the Senator from Kansas, in large bodies gives him facilities for paying that he did not have before and that no other Paymaster-General had prior to this time. It being reduced to that number, he thinks he can get along with forty paymasters by the time this reduction would take effect; not now, but by the time that by death, resignation, and retirement the number should be reduced. The calculation shows that it would be several years before that can be done, the number being fifty-four now, unless some great calamity should strike that corps. He thinks by that time he can get along with forty when it is reduced to forty.

But, as I said, the proposition to insist that nothing shall go into this bill except that which legitimately belongs to it takes this out.

I think it is a much better provision than the provision of the House, and I will ask that the letter of the Paymaster-General, with the evidence of these general officers on the subject, be printed as a part of my remarks, so that the case may be in the RECORD, that everybody can see it if the question should arise again.

The PRESIDING OFFICER. That will be done if there be no objection.

The documents submitted by Mr. LOGAN are as follows:

PAY DEPARTMENT, UNITED STATES ARMY, *January* 8, 1883.

SIR: In reply to your private note of this date I have the honor to state that during the five months ending November 30 the payments on account of mileage to officers of the Army amounted to $73,868, as against the sum of $103,642 for the corresponding period in 1881, showing a saving of about $30,000.

It is believed that the amount appropriated for the current fiscal year ($180,000) will be sufficient to cover all demands against that appropriation.

Referring to the House amendment for the gradual decrease of the Pay Department and its ultimate transfer to the Quartermaster's Department, allow me to say there are abundant reasons why this department should remain separate and distinct from any other.

On account of the increase of railroad mileage each year, making distant posts more accessible, the increased facilities for traveling and the consequent concentration of troops at large posts and the abandonment of small posts, I would recommend that no more paymasters be appointed until the number is reduced by retirement, death, and resignation below forty majors.

To hasten this reduction I recommend that those paymasters who are incapable of performing active service shall be placed upon the retired list at once, and that the law be so amended as to compel all officers of the Pay Department upon reaching the age of sixty-two years to retire from active service.

This change in the law would effect a reduction of ten paymasters within the next five years, as follows:

One paymaster-general, two assistant paymasters-general with the rank of colonel, and seven paymasters with the rank of major.

The safety of the public money is of the first importance. The present system of accountability is as near perfect as can be, and the liability to loss is reduced to the minimum.

The cost of paying the Army is found to be a fraction less than 2½ per cent. on the amount disbursed during the past fiscal year. The cost for the past five years has been but 2½ per cent.

The percentage will, of course, be reduced as paymasters go out of service.

The Browne amendment in the House bill contemplates the payment of the Army by the acting assistant quartermasters at posts. Of these there are over two hundred in the Army. Each one is a subaltern of the line, who, for the time being discharges the duty of quartermaster for the post where he may be serving with his company.

He is not bonded, nor is it practicable that he should be. His duties are principally the receipt, custody, and issue of quartermaster stores and property to the command. He has usually little or no money responsibility. His detail is temporary, and may be revoked at any time. To thrust a large money responsibility on such a young officer at a frontier station, away from a depository, compelling him to keep his funds in his personal possession, not subject to weekly examination by report from depositaries, is placing a temptation where it should be a duty to protect.

National-bank depositories are not to be found in the midst of camps.

The amount required for the payment of a muster period can not be accurately estimated in advance; an excess is usually asked—hence a balance will remain on hand to be held for casual payments. Against this balance there is no check.

Again, these balances though small in themselves in the aggregate withdraw a large amount from the active funds available for disbursement, and owing to the limited appropriations, which leave a narrow margin, makes it very difficult to distribute the funds to so many officers.

These officers must have currency to pay the troops. Checks would leave them at the mercy of post traders and seriously impede if not destroy the present beneficial system of deposits.

To obtain currency, from five to eight officers would have to make the journey now made by one. There is therefore no safety nor economy gained by the adoption of such a system.

If it is proposed that the bonded officers of the Quartermaster's Department shall pay the Army, what advantage is there in substituting one officer for another?

Has the Quartermaster's Department a surplus of officers? If not, the quartermaster must perform the duties of both. He must shut up his storehouse, from which daily issues are required and to which daily receipts are coming, while he is absent for weeks paying troops. It would be difficult to hold a quartermaster or his sureties liable for losses which might occur under such circumstances.

Again, it is doubtful whether his bond, given as a quartermaster, could be held for funds not accounted for as a paymaster.

The wisdom of the law giving the Executive the power of selecting the chief of the staff departments from the junior officers is so apparent that it needs no argument. The chief of a department should be above suspicion and be able to show a clear record.

The Pay Department as now organized has stood as severe a test as may be expected ever can be applied to it. It is capable of expansion in case of war and of contraction in time of peace. The proposed plan is not an experiment, for it was tested in the earlier history or our Army and found wanting.

Attention is respectfully invited to the accompanying memoranda.

I am, very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General United States Army.

Hon. WILLIAM B. ALLISON,
Chairman, &c., United States Senate.

The proposition to merge the Pay and Quartermaster's Departments as proposed by the amendment of Mr. BROWNE (if it should become a law) will set aside and abolish a system of Army payment which years of experience have tested, both in peace and war.

It is safe to say that no system can be devised equal to the present one, which can be made to combine the advantages of prompt payment, safety of the public money, accurate and prompt accountability, with the least possible expense and liability to embezzlement or corrupt defalcation.

As the law is now construed, it requires the express authority of the Secretary of War to enable any officer of the Pay Department to hold funds in his personal possession at places on the frontier distant from designated depositories. This authority is personal to the officer and has to be renewed whenever he may change his station. As the acting assistant quartermaster of the post is generally a lieutenant these changes would be frequent and tend to interrupt and postpone the regular and prompt payment of the troops.

It is not believed that any one officer could perform the duties, make all the returns now required by law and the regulations of the Pay and Quartermaster's Departments, and do it satisfactorily. This performance of duty under widely different systems would produce confusion in the disbursements and would inevitably tend to inaccuracy, as past experience has demonstrated.

I refer to the long exploded system of regimental, battalion, post, or company paymasters. The official records show the following striking facts in the history of Army payments:

"First. From 1808 to 1811, before the war, the average annual loss by the defalcation of regimental and battalion paymasters amounted to 1.58 per cent. on the amount disbursed, and the annual average expenses for paying the Army to 3.10 per cent."

"Second. From the beginning of the war to 1816, under the same system, these averages were: Defalcations, 2.98 per cent., and the expenses, 4.36.

"Third. From the date of the reorganization, in 1821, on the new plan (the present one), to 1825, the average defalcations were twenty-two one-hundredths, little more, it will be perceived, than the one-fifth of 1 per cent., which was finally paid into the Treasury; expenses for the same period, 2.13." The results during the Mexican war were better still, as not one dollar was lost by defalcation and the average expenses reduced.

"Fourth. From 1825, after the new system had been well established, not one dollar of defalcation, and the total average expenses reduced to 1¼ per cent."

General B. W. Brice, in his annual report for the fiscal year ending June 30, 1866, uses the following language:

"I am enabled to reiterate the unprecedented result that since July, 1861, in the expenditure of $1,083,000,000, disbursed by this department in minute sums, and surrounded by difficulties and hazards, the total cost to the Government in expenses and losses of every character can not, in the worst possible event, exceed three-fourths of 1 per cent."

Is there an instance on record of public disbursement so cheaply performed? And this under the present organization and system of Army payments.

It was asserted that it costs 4 per cent. of the amount disbursed to pay the Army now. The actual cost of paying the Army for the fiscal year ending June 30, 1882, was 2½ per cent.

To abandon the present system, and call in officers of the Quartermaster's Department to make payments to the Army would be practically a return to the old system, so long tried and found wanting, for at almost all the military posts in this country a lieutenant of the line is detailed to do the duty of both quartermaster and commissary; these officers are not under bonds; the question arises, could they get bondsmen? if they could, would they? Most of the bonded officers of the Quartermaster's Department are stationed at the headquarters of the divisions, departments, and depots, their property responsibility being such as to confine them to their stations. They are not subject to the provision of law which requires paymasters to renew their bonds every four years. This provision preserves an active, reliable bond upon which recovery may be had.

If you pay through the post quartermaster and the quartermaster of each detachment and detail of troops, funds must be conveyed to them and the expense thereof must be paid. As it is now, a paymaster who is familiar with laws and regulations and decisions governing payments carries funds to the place of payment, settles on the spot all questions, places the money in the hands of the soldier, receives such sums as may be deposited by them, returns to his post, and places his surplus funds in a United States depository. If the practice of leaving funds in the hands of any officer at a post for the payment of troops absent from the pay-table when the paymaster pays, as was asserted, it must prevail to a very limited extent, as such payment is illegal and the paymaster responsible for repayment. The Paymaster-General's Office knows of no such practice. If the Pay Corps is too large reduce it by providing that there shall be no more appointments until the number is reduced within a certain limit.

The question of consolidation of the Pay, Quartermaster, and Subsistence Departments was made the subject of careful investigation by the Military Committee of the House at the third session of the Fortieth Congress, the first session of the Forty-fourth Congress, and the second session of the Forty-fifth Congress. The weight of testimony was strongly against the merging of the Pay Department with the Quartermaster and Subsistence Departments, or with either of them, and I call your special attention to what was said on the subject by a few of the many officers who gave testimony:

General SHERMAN: A staff system that has admitted of an increase of the line of the Army from the mere nucleus of 1860 to a million of men, and its reduction back to the present standard, without confusion, and with the most perfect accountability as to property and money, at all times providing for the Army abundantly, is entitled to our respect.

Lieutenant-General SHERIDAN: Of course they can be consolidated; but I doubt whether you can get as good a result as you have now. I do not believe in tearing things down, especially when they have done well. They have certainly done well as they are, and I do not know that any great saving is to be made by consolidation. I am not prepared to recommend anything of the kind.

Major-General HANCOCK: It would be "practicable" to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps, but the operation would be difficult and attended with no great advantage or economy. All or most of the persons who now constitute the separate corps would appear in the consolidated corps, and they certainly would not act any more efficiently or economically on account of the consolidation.

A careful examination of all the views expressed will not only show that the weight of evidence is against the consolidation of these corps, but that the opposition to it has decidedly increased, and that while some who at first favored it now either oppose or do not support it, there are no changes of opinion in the other direction.

General HOWARD: But careful inquiry will, I am confident, discover grave difficulties in the way of such consolidation. Our Army, though not now very large, is very widely scattered. There would be a liability of overtaxing a single officer at Washington; and confusion in accounts would be inevitable, unless a clear distinction was kept up in all papers, and books and reports, corresponding almost exactly with that now kept by the Quartermaster, Commissary, and Pay Departments.

General MCCLELLAN: You ask my opinion as to the proposed consolidation of the three corps (Quartermaster, Commissary, and Pay) into one. I don't like the idea at all, and, had I the power, would prevent it.

If this consolidation scheme is carried out, experience will prove that some individual interest was at the bottom of it, and that no real benefit inured to the service; and before long the old order of things will be restored.

It seems almost superfluous for me to say that our peace organization should be such as to enable us to increase the Army rapidly in time of war. Any disinterested soldier knows what this means with regard to the number of staff and line officers in peace.

Major-General MEADE: I can not say that, after reading all that has been written and said, I am prepared to advocate consolidation. I have had a fair opportunity to observe the workings of the present system, both in time of war and peace. It has always worked well.

Major-General THOMAS: I do not think that it would be advisable to unite them, either one with another or to unite the whole three together. Their duties are separate, and I think they are very wisely divided as they are.

General FOSTER: The paymasters have, again, an entirely different duty to perform, in which great care and responsibility are required. At many posts the officers who perform the quartermaster's duties could not furnish the requisite bonds for the security of the public money, now furnished by every paymaster. The public money for the payment of the Army is safer in the hands of the paymasters than in the hands of quartermasters, who have to follow the movement of troops, and thus, to a certain degree, endanger its safety, especially in time of war.

General LONGSTREET: The duties of the Quartermaster's, Commissary, Pay, and Medical Departments are sufficiently burdensome and complicated when kept as separate departments. Consolidated, an officer of higher grade would be chief, while the organizations would virtually remain as before. The only good reason that I can give in favor of consolidation is that a place may be made for some distinguished and meritorious officer.

General TOWNSEND. The question of paying the troops is a very difficult one. It does not so nearly affect the number of desertions as is generally supposed. Steady discipline and good treatment of soldiers by the officers is the best remedy for that crime, together with an adequate punishment and proper places of confinement. Payment by company commanders would involve the frequent changing of funds from hand to hand, great multiplication of accounts, and corresponding increase in clerical force of the Treasury to settle them; and more than all, frequent and serious losses to the Government from want of secure places of deposit at most of the military stations. Large supplies of funds must be sent to the officers in the fall before communication is cut off with many posts. Agents, whose expenses must be paid, must carry them, for there are no banking facilities at hand. At the posts, a safe, a trunk, or a chest will be the well-known deposit, inviting to frequent robberies. The officers would not be under bonds, and might often be defaulters; or from want of capacity for keeping such intricate accounts, might often make serious mispayments. Suppose the remedy be applied of requiring bonds. Not many officers could get bondsmen without leaving their post, if they could at all. Moreover, where a man is required to give bonds for any duty, he should have the liberty of accepting or declining the duty rather than give the bond. Another objection would be a removal of check against paying wrong accounts, for the officer who made up the soldier's statements would likewise pay him. Now, the paymaster first examines and corrects the accounts before he pays them, and he is charged with mistakes if the soldier can not be reached to rectify them. Then, after all, provision must be made for payments of soldiers discharged away from their commands, and of officers at posts. The opinion is deliberately entertained that any other mode of payment than the present must necessarily be more complicated, and subject the Government to immensely greater risk of loss.

General McDOWELL says:

"I do not recommend the consolidation of the Pay Department with the ordinary supply departments. On the contrary, I would increase it and keep it utterly distinct from them, and favor the plan of extending its payments to include that of all money due on contracts for either material or services, in all branches of the service; making it the military chest, the cashier of the Army, having nothing whatever to do with the creating of obligations, but confined to the duty of discharging them, as is now done in the case of the muster and pay rolls of the troops and officers' accounts for pay, and, recently, for traveling expenses, where the account or demand is made by one set of officers and discharged by another. I think this division, when once under way, would tend to afford additional guarantees to the Treasury, and much simplify the business of the Army.

General Terry says:

"I think that to consolidate the Quartermaster's, the Subsistence, and the Pay Departments into one corps would be to disregard a principle which underlies all modern progress—the principle that the best results are obtained by the division of labor; that the best work is done by specialists—a principle that is of quite as much importance in military organizations as it is in civil life. The Quartermaster's Department is already loaded down by the multiplicity of subjects over which it has control; to add to its duties would, I think, impair its efficiency.

"That the Pay Department should not be consolidated with the other two, or with either of them, seems to me to be shown by the fact that paymasters must travel from post to post, paying troops, while the duties of quartermasters and commissaries require them to remain stationary. Should a legal union of these departments be effected it would not be a union in practice. The officers of the new organization would, of necessity, be assigned to special duties, some to the duty now performed by quartermasters, some to that which is now performed by paymasters, &c. I think that the change suggested would be merely nominal; that it would lead to no economy."

General Grover says:

"I do not think it would be advisable to consolidate the Quartermaster's, Commissary, and Pay Departments in one."

General Getty says:

"It would be practicable; but to consolidate the three corps into one would not, in my opinion, be for the best interest of the service."

General Dodge says:

"I think it will be a very great mistake to consolidate the Quartermaster's, Commissary, and Pay Departments."

General Kelton says:

"The Pay Corps can not be incorporated with the Supply Corps for the reasons—

"First. Their duties and accounts are utterly dissimilar.

"Second. Their duties require them to be absent from any one station the greater part of every two months."

General Marcy says:

"For the reason that each of the departments named in question 8 has all the work it can efficiently perform now, and as the chiefs of those departments have abundant occupation in properly administering the affairs of their separate departments, I think the consolidation indicated would diminish their efficiency."

Expenses of Pay Department, United States Army, for the fiscal year ending June 30, 1882.

Pay of paymasters	$180,274 56
Commutation of quarters to paymasters	22,034 80
Pay of clerks	64,800 00
Pay of messengers	14,426 66
Mileage of paymasters and actual traveling expenses of their clerks	37,265 26
Total expenses	318,801 28

Total disbursements for fiscal year ending June 30, 1882, $13,613,257.41; per cent. of expenses to disbursements, 2.32.

Mr. HOAR. I sympathize with the general object of the Senator from Vermont in insisting upon the rule; but suppose this point of order be sustained, as it appears to be, and then suppose the House non-concur in the Senate amendment striking out their legislation, then the bill goes to a committee of conference. That committee of conference report that the Senate recede from its amendment striking out the House text of the bill, and adopt the House text with a certain amendment, which they agree on in conference. Is that liable to the point of order also?

The PRESIDING OFFICER. In the opinion of the Chair it would be.

Mr. HOAR. Because if not, the only effect of insisting on the rule at this time is to send our committee into conference with no knowledge whatever of the opinion of the Senate. That is a very important and serious question. If that point of order lies to a conference report that is all right, because then we can stand where the Senate now stands.

The PRESIDING OFFICER. In the opinion of the Chair the point would then lie. Does the Senator from Vermont renew his point of order?

Mr. EDMUNDS. Yes, sir; I insist upon it.

The PRESIDING OFFICER. The Chair sustains the point of order, as he has on two different occasions already on the same question.

Mr. EDMUNDS. Then the question is on striking out. The committee has recommended to strike out.

The PRESIDING OFFICER. The question is on striking out the lines from 131 to the word "department," in line 151.

The motion to strike out was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the Subsistence Department, in line 161, before the words "contract surgeons," to strike out "fifty" and insert "not exceeding eighty."

The amendment was agreed to.

The next amendment was, in line 164, after the word "hundred," to strike out "thousand five hundred and" and insert "and twenty-six thousand one hundred and twenty;" so as to read:

For subsistence of 25,000 enlisted men, 120 additional half-rations for sergeants and corporals of ordnance, 1,830 civilian employés, not exceeding 80 contract surgeons, 160 hospital matrons, 37 military convicts, and 500 prisoners of war (Indians); in all, 10,126,122 rations, at 22 cents each.

The amendment was agreed to.

The next amendment was, in line 171, after the word "guides," to strike out "one million nine" and insert "two million three;" so as to read:

For difference between cost of rations and commutation thereof for detailed men, and for enlisted men and recruits at recruiting stations, and for cost of hot coffee and cooked rations for troops traveling on cars; for subsistence stores for Indians visiting military posts and Indians employed without pay as scouts and guides, $2,300,000, of which amount $300,000 shall be available from and after the passage of this act for the purchase of stores necessary to be transported to distant posts in advance of the 30th of June, 1883.

Mr. PLUMB. Before that is adopted I wish to call the attention of the Senator from Illinois to a fact that I think he will recall, that there was a miscalculation at that point whereby that amount was increased more than was intended. It will be remembered that in making the calculation there was a little confusion between "rations" and "dollars," and that amount I think ought to be "$2,000,000" in place of "$2,300,000."

The PRESIDING OFFICER. Does the Senator offer an amendment?

Mr. PLUMB. I move to amend the amendment by striking out "300,000" in line 172.

Mr. LOGAN. I have no objecton to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for the Quartermaster's Department, in line 268, after the word "services," to strike out the following proviso:

Provided further, That for the better accomplishment of the object of the acts authorizing the construction of the railroads hereinafter referred to, and the better to secure to the Government the use and benefit of the same, all acts authorizing the building and construction of those railroads which have received, in addition to land grants, Government aid by loan or guarantee of bonds by the United States, and all other acts, parts of acts, and provisions having relation thereto, are hereby so altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transportation of the property or troops of the United States by such railroad companies, or their assigns or successors, shall not exceed 50 per cent. of the amount paid by private parties for the same kind of service.

Mr. HOAR. I should like to inquire in regard to the two hundred and sixty-fifth and following lines which are not struck out, is that the present law applicable to these railroads?

Mr. LOGAN. Yes, sir.

Mr. HOAR. So that in all events we are bound to allow them as much as the rate here stated, 50 per cent.

Mr. LOGAN. That is the measure of settlement.

The PRESIDING OFFICER. The question is on the amendment striking out the lines which have been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 290, to increase the appropriation "for construction and repair of hospitals, as reported by the Surgeon-General of the Army," from $70,000 to $125,000.

The amendment was agreed to.

The next amendment was, in line 302, before the word "thousand," to strike out "thirty" and insert "forty;" so as to read:

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $40,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Medical Department," in line 306, after the word "depots," to strike out "pay of employés;" so as to read:

Medical Department: For purchase of medical and hospital supplies, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations, expenses of purveying depots, advertising, and other miscellaneous expenses of the Medical Department, $200,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 308, to insert:

Provided, That civilian employés of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies, prescribed by a medical officer of the Army, at cost, with 10 per cent. added.

The amendment was agreed to.

The next amendment was, in line 315, to reduce the appropriation "for the Army Medical Museum, and for medical and other works for the library of the Surgeon-General's Office," from $10,000 to $5,000.

Mr. BAYARD. A gentleman in no way connected with the Army, but a medical man of very high scientific grade and who takes a great deal of interest in the Army, suggested to me that this was a diminution of the appropriation and expressed his great regret. If the Senator having charge of the bill has no especial reason why the appropriation should be diminished, I should be very glad to see it restored to the amount the House fixed. This is the only national medical library, and it is so important in every respect that I hope the Senate will not concur with the amendment, but will adopt the House measure unless there shall be some positive reason given for reducing the amount. The amount is not large and medical books are all copyrighted and we should have them in all languages and from all countries.

Mr. LOGAN. I will not discuss this elaborately. I would like sometimes when gentlemen oppose propositions in a bill, that they would give some reason other than that somebody has asked them to do it.

Mr. BAYARD. This was really from a man who is very competent to speak, who is thoroughly disinterested about the matter, and who knows, I think, the wants of the higher medical education in this country. It was for that reason he spoke, and he would have authority with me, and I am sure he would with the Senator if I mentioned his name.

Mr. LOGAN. Almost anybody would have influence with me in reference to it that knew more about it than I do. I pretend to know but very little about it. The Army appropriation bill has regularly contained an appropriation of $10,000 for ten years for the Medical Museum. That is $100,000, and it ought to buy a pretty good lot of books.

Mr. BAYARD. Has it not been money well spent?

Mr. LOGAN. I am not saying as to that. I only want to know from the Senator when he opposes an amendment are we to go on for one hundred years this way? In every appropriation bill there is $10,000 for the Medical Museum. Does the Senator understand that it has been spent for books?

Mr. BAYARD. It must be for a library devoted to medical and surgical purposes.

Mr. LOGAN. Now, I will tell the Senator why it was cut down. It was cut down at my suggestion. I sent for the gentleman who has charge of that Museum, and I asked him for what that money was expended. What do you suppose he told me? He said part of it was expended in purchasing books, and the balance of it was expended for repairs, &c., on the building. If the Senator wants it put in there that so much shall be expended for books I will agree with him; I have no objection to spending money for books; but when money is appropriated for books I do not want it spent for repairs and for employing janitors and other persons to attend to their duties.

Mr. BAYARD. Suppose we strike out the words "Army Medical Museum" and let it stand "for medical and other works for the library."

Mr. PLUMB. Under the custom of the Department this sum is divided into three parts, substantially, one part going to the Army Medical Museum for pay of employés and the care of specimens there found and the accumulation of others; another part goes to the purchase of books and pay of employés in the library, and a portion of the money is used now, as the Senator from Illinois has stated, for repairs of the building. There are two objects in the appropriation, the Army Medical Museum and the medical library of the Surgeon-General's Office, so that practically there is $2,500 for each of those objects.

Mr. BAYARD. This amendment apparently is not for the expense of taking charge of the library of the Surgeon-General's Office, but expressly "for medical and other works for the library," and is also "for the Army Medical Museum." It would seem to me a very obvious misappropriation to spend the money upon salaries of janitors or for repairs, as the Senator from Illinois has suggested, of a building when it is expressly for the purpose of works for the library. I supposed that we were building up by these appropriations a valuable medical library, and I can understand few things of more value to the Army and, through the Army, to the country, than to have an appropriate library here of a medical character. It seems to me that if they have, under such a clause as this, to spend money otherwise than really for the Medical Museum and for the medical library, it has been a very great impropriety.

Mr. HARRISON. I wish to ask the Senator from Illinois a question as to this library. Does he understand that this is for a library which is maintained in connection with the Surgeon-General's Office here?

Mr. LOGAN. Yes, sir.

Mr. HARRISON. I had an impression, derived, I think, from accidental conversation with the purveyor-general of the Army, that these medical books purchased were passed about; that they were sent, for instance, to the medical officer at a certain post a certain length of time, many of the new publications in connection with medicine and surgery; that he had an opportunity to read them, and they were passed on, in that way constituting a sort of circulating library through the Medical Department of the Army. I do not know whether I am right about it, but I have that impression.

Mr. LOGAN. That may be so or may not be so; I do not know anything about that; but that would not change it. I inquired and found it has been the universal practice—I did not know it before; I do not think any of our committee knew it—to get a $10,000 appropriation and use part of it for books and to expend the balance of it for something else. We concluded we would stop that other expenditure and let it go where it belonged, and this $5,000 is more than or as much as they have ever used for books. We propose to appropriate $5,000 for that purpose, and give the officer notice—at least I did give it—that if any

of the money thus appropriated was used for any purpose except books he would be held responsible for it. This is as much money as they have ever used. I did not know before, and I suppose no one in the Appropriations Committee knew, that part of this appropriation had always been used for either purpose. I looked upon it—I will not say as a fraud, but as a clear violation of the law, and therefore we reduced it to the amount of money that he said they used for books.

Mr. HAWLEY. Let me ask the Senator whether he gives anything for the Army Medical Museum now?

Mr. LOGAN. No, sir. I regard the Army Medical Museum as belonging, as far as repairs are concerned, to the Quartermaster's Department, and they have money appropriated for repairs of building and everything of the kind.

Mr. BAYARD. There is not a word in this clause about repairs.

Mr. LOGAN. Of course not; but the appropriation is used for that and has been. I regard part of the money appropriated to the Quartermaster's Department for repairs as belonging to repairs of the museum.

Mr. CONGER. The museum should either be stricken out or allowed a part of the appropriation. There are continual expenses for the Army Medical Museum which are not provided for anywhere else in this bill. To leave it without any appropriation is not proper. Here are two distinct objects for an appropriation, one for the Army Medical Museum, and an appropriation has always been given for that, and I have never heard that the money was misappropriated or used improperly. I consider it a very valuable addition to the medical service.

Mr. LOGAN. I consider it a valuable addition, too, but you do not want to appropriate $10,000 for books and have half of it expended in something else.

Mr. CONGER. The clause does not say it shall be for books for the Army Medical Museum any more than, if it said "for buying a horse," it must all be applied to that purpose.

Mr. LOGAN. Will the Senator suggest an amendment that will make it say that? It is very easy to find objections, but let us have some suggestion that will make it mean what you want.

Mr. CONGER. I would suggest:

For the Army Medical Museum, $5,000, and for medical and other works for the library, $5,000.

Mr. LOGAN. Very well, move that as an amendment.

Mr. CONGER. I do; I move that amendment.

Mr. PLUMB. Pending the consideration of that amendment I have a letter from the Secretary of War, the Surgeon-General, and Surgeon Billings, of the Army, directed to the Surgeon-General, which I ask may be read in connection with this matter. I was very much of the opinion of the Senator from Illinois in regard to this appropriation, and do not know that I have fully changed my opinion now, but I confess that the reading of these documents, which came under my observation after the bill was reported, modified at any rate the opinion which I before had.

The PRESIDING OFFICER. The letters sent to the desk by the Senator from Kansas will be read.

The Acting Secretary read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., February 2, 1883.

SIR: I have the honor to invite your special attention to the inexpediency of the reduction of the usual annual appropriation for the museum and library of this office, which is proposed in the Army appropriation bill as reported to the Senate from the Committee on Appropriations.

As regards the library, its usual share of the annual appropriation, namely, $5,000, is not sufficient to purchase the new medical books and journals published during the year; $2,500 per year are required to obtain the medical journals and transactions alone. At present the library is taking every medical journal or transaction published in the world, about seven hundred and sixty in all. It is extremely desirable that these subscriptions should not be cut off, in part because such periodicals if not obtained at the time of their publication are extremely difficult to obtain at all; in part because they are needed to make the index catalogue of the library, now in course of publication, as complete as possible.

It must be remembered that this is the only medical library approaching completeness in the United States; that by its means the medical writers and teachers of this country are put on an equality with those of the Old World, so far as access to the literature of their profession is concerned, and that the comparatively small sum required to keep it fully supplied with the latest literature is all that the General Government is asked to contribute for the benefit of medical education and of the medical profession.

The good effects of this library with its index catalogue extend to the patients of every physician who subscribes for a medical journal and keeps himself acquainted with the latest discoveries in medical science.

The demands upon the library for information and books are steadily increasing, and there is not a week during which some books are asked for which it does not possess. During the past year, under the regulations which permit of the loan of books to other responsible libraries, books have been loaned to Boston, New York, Philadelphia, Baltimore, Chicago, Cincinnati, Saint Louis, and other places, for use by physicians in those places.

The annual appropriation for the library alone should be $10,000, for the United States should have in its national medical library a copy of every new medical book as soon as published, and to secure this would require the sum named. As it is, selections for purchase must be made, and it is impossible to assure the inquiring physician that he can see in this library any recent medical publication which he requires.

In view of these facts and of the special and irreparable injury which must result from reducing, during the course of publication of the index catalogue, the amount allowed to the library, it is sincerely hoped that the usual appropriation will be allowed.

Very respectfully, your obedient servant,

JOHN S. BILLINGS,
Surgeon, United States Army.

General C. H. CRANE,
Surgeon-General, United States Army.

WAR DEPARTMENT,
Washington City, February 3, 1883.

SIR: I have the honor to inclose herewith a letter of the 2d instant and accompanying papers from the Surgeon-General of the Army inviting attention to the proposed reduction of the appropriation for the Army Medical Museum and for the library of the Surgeon-General's Office, in the Army appropriation bill, as reported to the Senate, wherein the sum which has been annually appropriated for these purposes, $10,000, is now reduced to $5,000.

In view of the facts set forth in the accompanying statements of the curator of the museum and the librarian of the Surgeon-General's Office in regard to the injury which would result should the proposed reduction be made, I concur in the recommendation of the Surgeon-General that $10,000 be appropriated as heretofore for the objects stated.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., February 2, 1883.

SIR: I have the honor to invite your attention to the proposed reduction of the appropriation for the Army Medical Museum and library of the Surgeon-General's Office, in the Army appropriation bill as reported to the Senate, January 27 (page 14, lines 313, 314, and 315), wherein the sum which has annually been appropriated for these purposes ($10,000) is now reduced to $5,000.

A similar reduction was made in the bill as reported to the House of Representatives, but the amount was promptly restored in debate. (An extract of the remarks on the subject is inclosed.)

I have also the honor to submit statements made by the librarian of this office and by the curator of the Army Medical Museum showing in what manner the appropriations have been expended in the past eighteen months, and would respectfully request that these statements be forwarded to the chairman of the Committee of the Senate on Appropriations, with your recommendation that the sum of $10,000 be appropriated for these purposes as heretofore.

I am, very respectfully, your obedient servant,

C. H. CRANE, *Surgeon-General.*

To the honorable SECRETARY OF WAR.

"For the Army Medical Museum, and for medical and other works for the library of the Surgeon-General's Office, $5,000."

Mr. BUTTERWORTH. In regard to that item I will state to the committee that it was reduced by the sub-committee on appropriations from ten thousand to seven thousand five hundred dollars, and we had such a storm raised about our ears because of the fact that this is the pet of the whole medical profession, that after we had reduced it to that sum I moved to restore it to the amount of the estimate. The Committee on Appropriations, the whole committee, instructed, however, that this should be reduced to $5,000. It has heretofore been $10,000. It relates to the collections made during the war and stored in the Army Medical Museum, and for works of reference for the Surgeon-General's Office; and I believe it is the finest collection possibly in the world. They insist that a larger sum is necessary. How it is necessary, however, was not made to appear, and the committee instructed this reduction to be made.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman if any consideration was given to the construction of a fire-proof building for the museum?

Mr. BUTTERWORTH. Yes. I will say to my friend this, that a part of the public building proposed to be erected for a library would be devoted exclusively to this museum and to the articles there gathered together with the library.

Mr. TOWNSHEND, of Illinois. I have received communications from many persons who speak of the library and museum as of great value and of the necessity for the erection of a fire-proof building for their preservation.

Mr. BUTTERWORTH. There is no doubt of it. The gentleman is correct. It is asserted by many doctors to be one of the most valuable collections in the world; and it is now stored in what you might almost say is a mere tinder-box, liable to be destroyed by fire at any time. That is one of the reasons the committee deemed it unnecessary to add materially to the collection while it is in that building, but deemed it proper to withhold appropriations until a more suitable building was secured.

Mr. TOWNSHEND, of Illinois. Do the committee make any recommendation upon the subject?

Mr. BUTTERWORTH. The committee believe that a part of the new library building might be necessary for this museum.

Mr. TOWNSHEND, of Illinois. Does the gentleman think that it would be wise to separate the library from the museum? In my judgment they ought to be together.

Mr. BUTTERWORTH. The proposition was to set apart a section in the new library building to be devoted to the museum and its library.

Mr. HEWITT, of New York. Permit me to say that the amount, $10,000, appropriated last year, was not, in the judgment of many eminent in the medical profession, sufficient. That I suppose the gentleman from Ohio understands. Five thousand dollars is entirely inadequate.

This library is the most complete library in the world on medical subjects. The object is to complete it and keep it complete. Five thousand dollars a year will not purchase the new publications necessary to keep it up to its present standard. I think this is perhaps the wisest expenditure of money we can possibly make with reference to disease.

Mr. BUTTERWORTH. If the gentleman from New York will yield to me, I beg to state I will move to increase the appropriation to $10,000.

Mr. HEWITT, of New York. That is right.

Mr. TOWNSHEND, of Illinois. I desire to say a word, unless the gentleman from New York [Mr. HEWITT] wishes to retain the floor.

Mr. HEWITT, of New York. I have finished what I had to say.

Mr. TOWNSHEND, of Illinois. I think true economy would require we should make provision for the preservation of the library and museum and that a mere increase of the appropriation is not sufficient. I would suggest to the gentleman from New York [Mr. HEWITT] or the gentleman from Ohio [Mr. BUTTERWORTH] to bring in a provision here for the erection of a fire-proof building for the preservation of the museum and library.

Mr. BUTTERWORTH. I do not think that would be proper in this bill, although I agree with my friend from Illinois it is something which ought to be done.

The question being taken on the amendment of Mr. BUTTERWORTH to strike out "$5,000" and insert "$10,000," it was agreed to.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., February 1, 1883.

SIR: I have the honor to report that the proposed reduction of appropriation, in so far as relates to the Army Medical Museum, will prove most disadvantageous to that collection.

There are now on exhibition in the museum over 22,000 specimens relating to and illustrative of military surgery and the diseases of armies; this number is being constantly augmented by contributions from members of the Medical Corps of the Army and from members of the medical profession at large, who-

thoroughly appreciate its importance and value, until the collection has become to be regarded as one of the best, if not the best, of its kind in the world.

Its usefulness is becoming more apparent year by year in the increased number of visitors who come to Washington especially for the purpose of the study of specimens included in the collection, and by the constant inquiry made in reference to matters pertaining to medical and surgical science. Hardly a work on surgery is now issued from the press of this or foreign countries which has not abundant illustrations from and references to this valuable museum.

The annual amount appropriated for this museum and library ($10,000) is divided between the two, and heretofore has been made sufficient to keep the collection in good order and to enable a limited purchase of material proper and necessary for a collection of its character.

Latterly, owing to the constant deterioration of the building in which the museum is placed, an unusual draft has been made upon the appropriation for necessary repairs. All the manual labor required in cleaning rooms, shelves, and cases, as well as all the additions for the safe-keeping of specimens on exhibition and for the innumerable demands of such a collection, are paid for, as will be seen by the accompanying statement, out of the appropriation.

An increased appropriation could be well and judiciously expended in enhancing the value and usefulness of this collection, which should be, as it is, the pride of the medical profession of America.

I am, very respectfully, your obedient servant,

D. L. HUNTINGTON,
Surgeon United States Army, Curator Army Medical Museum.

To the SURGEON-GENERAL, *United States Army.*

Extracts from medical reviews with regard to the index catalogue.

(From the Medical News, Philadelphia, October 7, 1882.)

We have just received the third volume of this extraordinary work. We have so often commended it, and so often urged its support by liberal Congressional appropriations, that it is but iteration to express any opinion. Not only has no such work ever been attempted before, but probably none ever will be again for a century at least, for this work is monumental and complete. It is indispensable for every medical writer and investigator.

(From the Medical Record, New York, November 4, 1882.)

To such as may only know of the index catalogue of the Surgeon-General's Office by what may be written of successive volumes as they appear can form no adequate idea of the immensity of labor involved in its preparation, nor of the amount of material upon which such labor is based.

* * * * * * *

These catalogues are making available to the wants of the working medical men an amount and variety of medical literature which has never been collected together in any similar library in the world, nor probably ever will be. We are not surprised to hear that the use of the library is increasing with medical men over the country. Its direct influence in encouraging research must in the end exert its influence upon our medical literature and through it elevate the tone of medical education. We have repeatedly said that the American medical man is as much a worker as the physician of any other country if the opportunities are offered him for so doing. The different volumes of the index catalogue of this great library are some of the essential means to that end in directing his studies, and in indicating to him the proper lines to follow.

(From the North Carolina Medical Journal, Wilmington, 1882.)

Nothing has done more to give American medicine a reputable position among the nations of the world than the impetus which has radiated from the greatest medical library of modern times.

(From the American Journal of the Medical Sciences, Philadelphia, 1883.)

It is a very pleasant task to notice the successful progress of this great work. It is a proper subject of pride to the medical profession that such a record can be made exhibiting the greatness of our work; and a matter for national congratulation that the conception and carrying out of so grand a plan should belong to America. The scope of the work is enormous, and the execution of it, so far as it has gone, is everything which can be desired.

* * * * * * *

But nothing we can say will add to the value of the book. It needs no commendation. It is its own only fitting commentary. While laying no claim to originality, it is in point of fact most original, and so far as we know stands alone.

Mr. HAWLEY. Does the Senator from Kansas desire to have the paragraph remain as it came from the House?

Mr. PLUMB. I consented as I said to a limitation of this amount to $5,000. The reading of these letters which came under my observation accidentally a day or two ago in the committee-room has satisfied me that whatever propriety there may be in a division of the appropriation the sum total ought not to be reduced.

Mr. HAWLEY. I hope, then, the Senator from Michigan will modify his motion.

Mr. PLUMB. There is a schedule there which states exactly how the money was spent last year. Perhaps that had better be read also.

Mr. HAWLEY. I hope the $10,000 will be divided between the museum and the library if it is necessary to specify the details.

Mr. CONGER. I am perfectly willing to do that. I simply did not like to leave the Army Medical Museum without any appropriation whatever.

The PRESIDING OFFICER. The Senator from Michigan moves to insert after "Museum" "$5,000."

Mr. CONGER. It has been stated that it was divided equally, $5,000 heretofore for the museum and $5,000 for the library.

Mr. PLUMB. I stated that as an impression, but I think the documents I sent up show that it was never that way. I ask the Secretary to read the statement of amounts.

The Acting Secretary read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., February 2, 1883.

Statement of expenditures on account of the library of the Surgeon-General's Office during the year ending June 30, 1882:

	Total cost.
For books, medical—number, 4,241 } For medical journal—volumes, 1,190 }	$7,543 76
And from July 1, 1882, to January 31, 1883:	
For books, medical—number, 1,816 } For medical journals—volumes, 285 }	2,611 53

Statement of expenditures on account of the Army Medical Museum during the year ending June 30, 1882:

For microscopical and photographic section	$795 34
For museum collection	574 78
For repairs to and care of building and appurtenances	681 20
For office furniture	250 42
For stationery	102 70
For rent of telegraphic instruments and telegraph service	51 80
	2,456 24

Statement of expenditures on account of the Army Medical Museum from July 1, 1882, to January 31, 1883:

For microscopical and photographic section	$408 43
For museum collection	212 42
For repairs to and care of building and appurtenances	728 54
For stationery	70 00
For rent of telegraphic instruments and telegraph service	25 50
	1,444 89

Mr. CONGER. Then I modify my motion, "For the Medical Museum, $3,000, and for the medical library, $7,000."

Mr. LOGAN. They have never spent $7,000 yet on the library.

Mr. CONGER. Oh, yes; they report that they spent more than that last year—$7,500.

Mr. LOGAN. I am not going to oppose the amendment of the Senator from Michigan. Whatever the Senate desires is agreeable to me, but I notice one thing, that all the information that can be given about this Medical Museum is always given to somebody else except myself, although I have charge of the bill. I examined the surgeon in charge of it and he told me exactly what I have said, and the very letter there shows that this money is not properly expended. I am perfectly willing that all the physicians in the United States should have access to this library, but when the Surgeon-General notifies the Senate that the books of the library are sent around to physicians in Boston, Chicago, and New York, and not sent to the army medical surgeons all over the United States, I do not think it is exactly the thing.

I have no objection to the amendment of the Senator from Michigan, but I just want to put on record what I have said, that that is not the way for the Government money to be used, buying books to be distributed around over the country for the use of other people. If they want them let them go to the library and examine them. I do not think the Government should be engaged in that kind of business, and this appropriation has not been conducted properly. We have appropriated $10,000 every year for about ten years, and without the knowledge of Congress part of the appropriation has been used for repairs and other purposes, when Congress thought all the time they were appropriating it for books.

Mr. CONGER. That is not the meaning of the language.

Mr. LOGAN. I understood it so. It has always been so understood. No one understood it differently until it was explained to me. Then I said the money appropriated should not go for repairs of the museum. It is a building that belongs to the Quartermaster's Department and the money should be appropriated there for repairing buildings, and not let money be appropriated in the hands of everybody to be used to repair buildings as he chooses and take it out of the hands of the Department to which it belongs. That was the objection I had to it. I was willing to put in the $5,000 for books, because it was agreed that that was enough for books; but I have no objection to the proposition of the Senator from Michigan.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan [Mr. CONGER] after "museum," in line 313, to insert "$3,000," and in line 315, to strike out "5" and insert "7."

The amendment was agreed to.

The PRESIDING OFFICER. This supersedes the committee's amendment to this clause.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Engineer Department," in line 323, after the word "chemicals," to strike out "professional books for library;" and in line 325, after the word "thousand," to strike out five hundred;" so as to make the clause read:

For incidental expenses of the depot, remodeling ponton-trains, repairing instruments, purchasing fuel, forage, stationery, chemicals, extra-duty pay to enlisted men employed as artisans, and ordinary repair, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Ordnance Department," after line 340, to insert:

For transporting, mounting, proving, and testing guns, including small-arms constructed at private expense, said expenditure to be made in the discretion of the Secretary of War, $15,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "United States testing-machine," after the word "dollars," in line 377, to insert:

Provided, That the tests of iron and steel and other materials for industrial purposes shall be continued during the next fiscal year, and report thereof shall be made to Congress: *And provided further*, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereof to the Chief of Ordnance; and the Chief of Ordnance shall give attention to such pro-

gramme of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society, to be by them published at their own expense.

Mr. EDMUNDS. I have looked at this amendment. In one respect it is possible that it is subject to the point of order, and if so I would have made it, only it is a very trivial one. It seems to me to merely regulate the expenditure of money. I call attention to it in order that if it can be subject to the point of order it shall not be drawn into precedent as a piece of legislation. I doubt if it is subject to it possibly. I merely mention it in order that it shall not be said that we have legislated.

Mr. HAWLEY. I thought that the clause when it was adopted last year became permanent legislation. I should like the attention of the Senator from Vermont to the clause which reads:

And provided further, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received, &c.

I ask him whether that is not permanent legislation. I desired to have it so. It was passed last year in the act, inserting this language, and I thought then it was a permanent provision.

Mr. EDMUNDS. I do not think it is. I think it regulates the cost of making the tests now.

Mr. HAWLEY. I hope it will remain, because it is absolutely essential.

Mr. EDMUNDS. I did not make a point on it; I merely called attention to it in order that it should not be drawn into a precedent hereafter.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments of the Committee on Appropriations having been gone through with, the bill is still as in Committee of the Whole and open to amendment.

Mr. LOGAN. I wish to return to line 373. I intended to offer an amendment there. I move in that line to change "guns" to "gun" and to insert "a" after "of," so as to make the proviso read:

That not more than $50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of a magazine-gun selected by the board of officers heretofore appointed by the Secretary of War.

A board of officers was appointed to examine magazine-guns. They were at it for a long time, and they reported in favor of three guns. It is very evident that we do not want three different kinds of magazine-guns; we ought to have but one. These guns should be tested thoroughly, and the one that is the best gun should be selected, and the money should be appropriated for that particular gun and not for three of different kinds. I ask that the amendment may be made so that it shall be understood by the Secretary of War when the money comes to be expended that it shall not be for buying three guns of different kinds, but for buying the gun, after testing it, that proves to be the best. The amendment will confine it to one gun.

Mr. HARRISON. I ask the Senator from Illinois whether this appropriation is not intended for the purchase of several guns?

Mr. LOGAN. The board have reported three guns. I want them to try the three guns, and the best one I want the Secretary of War to select and have the money appropriated for.

Mr. HARRISON. My inquiry is whether it refers to guns of a particular class or to a single gun.

Mr. LOGAN. I mean by "gun" a class. As a matter of course I do not mean a single gun.

Mr. HARRISON. Then I think the language adopted by the Senator would not be correct. It would limit the expression to a single gun. The word "gun" must be in the plural.

Mr. LOGAN. I will modify the amendment so as to read "magazine-guns from one of the class selected by the board of officers."

Mr. CONGER. I should like to ask whether the object of this appropriation is not to test all three classes? How can they tell which is the best unless there is an appropriation made to purchase and test the three?

Mr. LOGAN. That is exactly what I want to do.

Mr. CONGER. But it confines it to one class before they have the test.

Mr. LOGAN. It confines the purchase to one class.

Mr. CONGER. But they want to test all three.

Mr. LOGAN. They have already manufactured the three guns and they have reported three. They are to be tested, and this appropriation of $50,000 is to purchase guns after testing.

Mr. HARRISON. There is an appropriation in another part of the bill for testing?

Mr. LOGAN. That is appropriated for in another place.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN] as modified.

The amendment was agreed to.

Mr. HALE. I wish to call the attention of the Senator from Illinois to lines 114 and 115. I was called out at the time they were being considered. What was done with the amendment there?

Mr. LOGAN. It was agreed to.

Mr. HALE. Is that right?

Mr. LOGAN. What objection has the Senator to it?

Mr. HALE. The clause stricken out reads:

For commutation of quarters to commissioned officers at places where there are no public quarters.

I am not very well versed in military law, but I understand that the law now gives to Army officers commutation for quarters where there are no Government buildings which they can occupy; that if we do not appropriate for that we thereby so much reduce their pay; and that it falls with special hardship upon those officers who are placed upon the frontier at garrisons and posts where there are no Government buildings for them to occupy. I know the Senator from Illinois does not in any way wish to interfere with that class of officers, because he is looking out for them. It seemed to me in examining the matter that an injustice might be done in making that amendment. Would it not be better to let the clause remain and give them what the law gives them now?

Mr. LOGAN. They get what the law gives them now.

Mr. PLUMB. If the Senator from Illinois will permit me, I will call attention to what occurred about that matter. The clause at line 114 is a change of law from what it has heretofore been; that is to say, those words were inserted. We were informed on good authority that that would enlarge the operation of the present law in such a way as to give commutation of quarters to retired officers and officers on leave. Whether the intention to strike out those words was subsequently enlarged so as to strike out all that referred to quarters I do not know; but speaking for myself, the design was to get out that particular interpolation which would enlarge the provision of existing law.

Mr. HALE. Why not meet it, then, by passing it in this form:

For commutation of quarters at places where there are no public quarters, where the same may now be allowed by law.

Mr. PLUMB. It will not be necessary to put in those qualifying words.

Mr. HALE. I do not think it will.

Mr. PLUMB. Simply leaving out "to commissioned officers" will accomplish the purpose.

Mr. LOGAN. I do not think it makes any difference at all; but I am perfectly willing to strike out "to commissioned officers" and to insert "for commutation of quarters for officers on duty without troops."

Mr. HALE. Would you have it "on duty without troops" or "on duty where there are no public quarters?"

Mr. LOGAN. "On duty without troops." Officers are not entitled to commutation of quarters when serving with troops, under the law.

Mr. HALE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN].

The amendment was agreed to.

Mr. PLUMB. After line 185 I move to insert:

And not more than $165,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Subsistence Department of the Army; and the clerks employed in said department shall be graded as to compensation at $1,600, $1,400, $1,200, and $1,000, respectively, and the number to be employed in each grade shall not exceed those employed in the corresponding grades in the force as now employed.

Mr. LOGAN. I think that amendment ought to be adopted.

Mr. HARRISON. I should like to inquire whether the Senator from Kansas intends to move a like amendment to the provision in relation to the Quartermaster's Department?

Mr. PLUMB. I intend to move similar amendments to all departments of the Army in which there are civilian employés.

Mr. HARRISON. There is on the Calendar of the Senate a bill reported from the Military Committee on this subject. I believe the fact is now that the clerks in the Paymaster's Department are the only class of stated clerks who have any connection with the Army whose pay is regulated by law. That is regulated by Department order; and there it ranges from $1,000 to $2,000. I understand the Senator from Kansas makes his grades from $1,000 to $1,800.

Mr. PLUMB. From $1,600 down to $1,000.

Mr. HARRISON. I see the report of the Military Committee was to make the grades as proposed by the Senator from Kansas.

Mr. LOGAN. I will say to the Senator from Indiana that these amendments apply to all of them. We apply the grades in this bill to the Adjutant-General's Department, and these amendments are to follow on and make the grades the same all through. The matter was considered by the committee and it was agreed that the amendments should be offered.

Mr. HARRISON. I think it not unlikely that there may be a few of these clerks for whom the compensation of $1,600 provided will not be enough; but I shall not undertake to antagonize the chairman of the Military Committee.

Mr. EDMUNDS. I make the point of order that this amendment is legislation in all the last part of it. It proposes to fix a permanent grade of clerks by law.

Mr. PLUMB. If the Senator will permit me, it only provides for the method of expending the money which we appropriate here in gross.

Mr. HALE. It is a limitation on the expenditure.

Mr. PLUMB. It is a limitation of the expenditure of money. There

is no law fixing the salary of any civilian employed in the Quartermaster's Department, the Subsistence Department, or the Medical Department, but in point of fact, as we learn by tables sent to us from the office of the Secretary of War, persons are being paid various rates of compensation, ranging from $75 a month up. It is proposed simply to say that as to this money, so far as it is used in the payment of civilian employés, it shall be used in a certain way.

Mr. EDMUNDS. If the Chair will allow me to make a further suggestion, if there is no objection to it (of course the Chair must rule without debate), I should like to reply to my friend for a moment.

I think as to the first three lines, that part of the amendment would be clearly in order, because that merely regulates the application of the money appropriated. Then you come to an affirmative paragraph that has no limitation, and that as I think will stand as the law until it is repealed by Congress. It is:

And the clerks employed in said department shall be graded as to compensation at $1,600, $1,400, $1,200, and $1,000, respectively, and the number to be employed in each grade shall not exceed those employed in the corresponding grades in the force as now employed.

That appears to me, with great respect, to be a permanent provision of legislation. The statement that it does not change existing law because there is no law about it does not exactly answer the rule. It is making law, and if there is no law now it is just as much open to objection. It may be very good; but I only make the point of order on the principle of keeping these bills free from legislation.

Mr. PLUMB. Let me ask the Senator from Vermont if his purpose, with which I sympathize, would not be accomplished by putting in the express words of limitation applying to this particular appropriation? He seems to anticipate that this would outrun the present appropriation.

Mr. EDMUNDS. I think it will.

Mr. HARRISON. If the Senator from Kansas will allow me, I think it best now not to make a classification that is to be limited to the particular appropriation for this year. Had we not better wait until we can reach that question and regulate it by a general law such as is proposed in the bill we have on the Calendar?

Mr. HALE. The trouble with that is that we are confronted with the necessity of furnishing the money. It is not new legislation. It is one of the existing, continuing, running needs of the Department. We are now to furnish the money at any rate. Nobody objects to that; nobody expects that it will be cut off. All that is sought to be done here is, it seems to me, not new legislation, but simply breaking up and subdividing the sum of money that we grant into several parts and pieces. We say it shall be spent in no case beyond $1,600 a year for a clerk, or $1,400, or $1,200, or $1,000. It seems to me in that regard it is not subject to the point of order, it being cleary, closely, accurately a method of expending the money, and a limitation upon it clear through, not only in the amount, but in the designated ways in which it shall be spent.

Mr. EDMUNDS. The fact is, as this thing stands, that next year if we appropriate for these classes of clerks, just as if they were in the Treasury, to carry out the provisions of existing law, we shall be obliged to make appropriations in exact conformity to this regulation, as my friends call it. That is the trouble; and therefore I think it is a pretty permanent classification of a salary for these officers.

Mr. PLUMB. I will amend the amendment then, with consent, by saying that during the continuance of this appropriation or as applied to this appropriation they shall be graded so and so as to compensation. That is simply saying that a certain person shall receive a certain amount of this money as compensation for clerical work.

Mr. HALE. And next year you may appropriate in gross if you want to?

Mr. EDMUNDS. Not with this modification.

Mr. HALE. We only say that this year it shall be so spent.

The PRESIDING OFFICER. The amendment as modified by the Senator from Kansas [Mr. PLUMB] will be reported.

The ACTING SECRETARY. After the word "department," in line 5 of the amendment, it is proposed to insert "during the next fiscal year;" so as to make the amendment read:

And not more than $105,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Subsistence Department of the Army; and the clerks employed in said department during the next fiscal year shall be graded as to compensation at $1,600, $1,400, $1,200, and $1,000, respectively, and the number to be employed in each grade shall not exceed those employed in the corresponding grades in the force as now employed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas as modified.

The amendment was agreed to.

Mr. PLUMB. At the end of line 288 I move to insert what I send to the Clerk's desk. I have modified the amendment that I intended to offer at that point.

The PRESIDING OFFICER. The amendment will be reported.

The ACTING SECRETARY. At the end of line 288 it is proposed to insert:

And not more than $1,600,000 of the sums appropriated by this act shall be applied to the payment of civilian employés in the Quartermaster's Department of the Army, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; and the clerks employed in said department during the next fiscal year shall be graded as to compensation at $1,600, $1,400, $1,200, and $1,000 per annum, respectively, and the number to be employed in each grade shall not exceed those employed in the corresponding grades in the force as now employed.

Mr. EDMUNDS. I am satisfied that I yielded too suddenly to my friend from Kansas before about these changes of the law for the fiscal year. That certainly does change the law. I am afraid the former did, to which I did not object when he modified it.

Mr. LOGAN. The Senator is mistaken about its changing the law. There is no law on the subject.

Mr. EDMUNDS. Making a law when there is no law on the subject, changes the law, because it makes a law different from what existed before.

Mr. LOGAN. There was no law before.

Mr. EDMUNDS. That is exactly what makes it law; and that is what is legislation.

Mr. LOGAN. I wish to make a suggestion to the Senator to illustrate the manner in which clerks have been paid. In one of the Departments a clerk would be getting, for instance, $1,200 a year. There would be a vacancy where $1,200 would be allowed, and instead of employing a clerk at $1,200 they would take two clerks and divide it. Wherever they could get two clerks they would be appointed, taking the salary provided for one clerk. It is for the purpose of correcting that practice as far as possible that this proposition is offered.

Mr. EDMUNDS. Why did not the committee report that thing?

Mr. LOGAN. They have reported it.

Mr. EDMUNDS. It is not in the bill.

Mr. LOGAN. It is not in the bill because it was not drawn up at the time the bill was reported. We were getting the information, and the Senator from Kansas took charge of it in connection with the clerk, to draft it with the agreement that it was to be offered in the Senate.

Mr. EDMUNDS. Undoubtedly it is very good to correct all abuses, but if you undertake to correct all abuses on an appropriation bill it is rather a dangerous piece of business, not in respect of that particular abuse, but in the way legislation goes on. Therefore, I feel obliged, although I let the former one go, supposing it was the end of it, as a small favor, now to make the point of order that this is completely within the rule of legislation, and I make it.

Mr. PLUMB. Will the Senator be kind enough to put the form of language in the amendment which would qualify it?

Mr. EDMUNDS. I should want to think of it.

Mr. HARRISON. I hope the Senator from Vermont will not agree to do as requested by the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Vermont has made a point of order which is not debatable unless he withdraws it.

Mr. HALE. Will the Senator withdraw it for a moment that I may make a suggestion?

Mr. EDMUNDS. Yes.

Mr. HALE. I should like to have the rule read.

The PRESIDING OFFICER. It was read a few moments ago. The Secretary will read the first paragraph of Rule 29.

The Acting Secretary read as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. HALE. That is enough. It seems to me that the one point to be decided here is not whether this is new legislation, not whether it corrects something that has not existed before, because every appropriation is new legislation. Every provision in an appropriation bill for the expenditure of money thereby creates a right and endows somebody with a right to spend money that did not exist before, and therefore it is new legislation.

The question is whether this is general legislation. I contend that it is clearly not general legislation. It is confined to the scope of the bill, the year in which it runs. It deals only with the expenditure of money given; it breaks it up and declares how it shall be expended; and in no respect is it general legislation. It does not travel outside into that domain, but confines itself closely and unerringly to the way that the money shall be expended, without making any general legislation upon it. Certainly if you can not limit and provide for the expenditure of money covered by an appropriation bill in this way, your purpose and object in the appropriation bill may fail.

Mr. HARRISON. Will the Senator allow me to ask him whether he understands that the words "general legislation" relate simply to duration of time?

Mr. HALE. Not necessarily so.

Mr. HARRISON. And whether you might cover the whole subject of appropriation bills?

Mr. HALE. I will tell the Senator precisely what I mean by general legislation: any legislation that is so broad and sweeping and general, to use the term in the rule, that it applies to subject-matters outside of the expenditures of the particular money granted.

Take an appropriation of $100,000 for some particular purpose, for a public building; clearly it can be determined in the appropriation in what months of the year it shall be spent; clearly it can be provided upon what story of that building it may be expended. Take an appro-

priation of $100,000 for clerk-hire, which has been general heretofore, which has been unlimited, which has been uncontrolled. The committee report an amendment declaring that the money which is to be appropriated shall be spent in such a way for the year. If that is general legislation, then you can not make a provision that is not.

Mr. EDMUNDS. I renew the point of order.

The PRESIDING OFFICER. The point of order made by the Senator from Vermont is sustained by the Chair.

Mr. PLUMB. I now move the same amendment with the part classifying the compensation to be paid stricken out.

Mr. EDMUNDS. Let us hear it read.

The PRESIDING OFFICER. The Secretary will read the amendment as modified by the Senator from Kansas.

The ACTING SECRETARY. After line 288 it is proposed to insert:

And not more than $1,600,000 of the sums appropriated by this act shall be applied to the payment of civilian employés in the Quartermaster's Department of the Army, including those heretofore paid out of the funds appropriated for regular supples, incidental expenses, barracks, and quarters, army transportation, clothing, camp and garrison equipage.

Mr. EDMUNDS. I think that is enough.

The amendment was agreed to.

Mr. PLUMB. After line 374 I move to insert:

That not more than $65,000 of the money appropriated for the Ordnance Department, in all its branches, shall be applied to the payment of civilian employés in all of its departments.

The amendment was agreed to.

Mr. HARRISON. Will not the Senator from Kansas modify his first amendment to correspond with the amendments just agreed to?

Mr. PLUMB. I will make them all correspond so as not to make any distinction between them.

Mr. EDMUNDS. As to lump sums?

Mr. PLUMB. Not as to the sums, but as to the grading of compensation so as to leave them all alike. I will modify the first one. After line 312 I move to insert:

And not over $34,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Medical Department.

Mr. CONGER. I do not know that anybody understands how this is limited, whether a half or a quarter or a third, except the gentleman who makes the motion. Unless there is some reason for making the distinction, some abuse of the money, I can not see, without some further information, why these propositions should be made.

Mr. PLUMB. I ought to have said, and it probably would have answered a portion of the purpose of the Senator from Michigan, that these amendments were agreed to in the committee, so that they have not been adopted without consideration. Besides that they have been exhibited in quarters where the question of the administration of the Army is the first consideration, and so far as they relate both to amounts and classification as they originally appear they were entirely satisfactory. They are a reduction of about $10,000 in the sums now appropriated for the purpose of paying civilian employés in the Army.

Mr. CONGER. I think there has been great care taken here that civilian employés of the Army stationed at military posts away from the opportunity of procuring what they want may, under regulations to be made by the Secretary of War, purchase necessary medical supplies prescribed by a medical officer at cost with 10 per cent. added. I object to that 10 per cent. which is drawn from these civilians for additional money on their pills and salts.

Mr. PLUMB. If we had succeeded in getting in salt free probably these people could have got along with less compensation.

Mr. HALE. It does not reduce the compensation.

Mr. CONGER. Still you charge them 10 per cent. additional for medicine. I think it is a pretty small business to require a man employed in the Army, with the certificate of a medical officer that he needs medicine, provided as well for soldiers as other employés, to get it at a little 10 per cent. added to the cost, which includes everything up to that time; and I do not know who the 10 per cent. is for.

Mr. LOGAN. The Senator will allow me to say that I am very sorry when an attempt is made in a bill to provide for men who are not provided for in the law that this character of criticism should be made. Under the law as it exists to-day the civilian employés in the Army can not have medicine furnished at all by the Medical Department.

Mr. CONGER. It is a disgrace to the service that they can not. I would strike out the "10 per cent."

Mr. LOGAN. The law only applies to medicine to be administered to the soldiers and officers of the Army and their families. It excludes civilians who are employed by the Army; but for their benefit, to prevent them from having to go a long distance and employ a physician, we provide that they may purchase medicine at cost with 10 per cent. added. If the Senator will examine the law he will find that every dollar's worth of provisions that is purchased by an Army officer, sergeant, or soldier from the Commissary Department is purchased at 10 per cent. advance, and we use the civilian exactly as the soldier is used when it is applied to medicine. It is a fair and proper thing put in here for his benefit, and I do not like to see a criticism of this kind made upon such a proposition intended for the benefit of individuals and not for their injury.

Mr. CONGER. This must apply to teamsters. It must apply to those who are just as necessary to the movement of the troops and to the service as the soldiers themselves. The cost includes transportation, purchase-money, everything.

Mr. LOGAN. If the Senator desires this stricken out, and is in favor of not allowing the civilian employés of the Army to purchase their medicines at all, inasmuch as it is new legislation, let him make the point of order on it and strike it out.

Mr. CONGER. I want to strike out "10 per cent. added." That is all I care to strike out.

Mr. EDMUNDS. That has nothing to do with the pending amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. CONGER. I do not know but that it has something to do with the pending amendment. It follows, it is connected with it. It deducts 10 per cent. on the wages of these men, and in the same clause, if adopted, taking 10 per cent.

Mr. PLUMB. I hope none of these employés will use all their compensation in buying medicine from the Army in order to be cheated out of 10 per cent. That seems to be the logic of the Senator.

Mr. CONGER. It is a little thing, and the very triviality of it makes it ridiculous in this body.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. CONGER. I move to strike out the words "with 10 per cent. added."

Mr. EDMUNDS. That has been voted in.

The PRESIDING OFFICER. Under the rule that motion is not in order, as the words have been agreed to by the Senate as in Committee of the Whole.

Mr. CONGER. There is no objection, I suppose, to striking them out. Nobody has raised the point of order.

The PRESIDING OFFICER. It is not a question of order. The Senator may reach his purpose by moving to reconsider. The Senator from Michigan can make the motion when the bill gets into the Senate, if he desires.

Mr. EDMUNDS. When the question is on concurring in the Senate in the amendments made as in Committee of the Whole the Senator can move to amend as he has indicated.

Mr. CONGER. I think everybody approves it, and I have no doubt it will be struck out by unanimous consent. We might as well finish it here. I ask unanimous consent that those words be stricken out.

Mr. LOGAN. I object.

The PRESIDING OFFICER. The Senator from Illinois objects. The Senator from Michigan can bring up the matter when the bill gets into the Senate.

Mr. PLUMB. After the word "hostilities," in line 131, I move to insert the following proviso:

Provided, That in the execution of so much of the act approved June 30, 1882, making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes, as provides for the honorable discharge of supernumerary officers, it shall be deemed lawful and within the intent and scope of said provision, and in the fulfillment of its purpose, for the President, in his discretion, to discharge honorably as supernumerary officers, in the manner and subject to the conditions prescribed therein, such first lieutenants of artillery in excess of the number of fourteen of that grade to each artillery regiment as may request the same. The places thus made vacant shall be abolished.

Mr. EDMUNDS. I make the point of order that that is legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. Will not the Senator from Kansas modify the first amendment?

Mr. PLUMB. I will, by unanimous consent, modify the first amendment so as to correspond with the later ones that were agreed to.

The PRESIDING OFFICER. There being no objection, the modification will be made.

Mr. LOGAN. I move the following to come in at the end of the bill as an additional section:

SEC. —. That hereafter, in time of peace, all offenders in the Army charged with offenses now punishable by a regimental or garrison court-martial shall be brought before a summary court, which shall consist of the commissioned officer second in rank in the line at the post or station of the offender, and who shall hear and determine the offense, and adjudge the punishment that shall be inflicted; and shall also make a record of his proceedings and submit the same to his post commander, who, upon the approval of the proceedings in the case, shall order the execution of the sentence, and shall forward the record to the department headquarters for examination and file in the office of the judge-advocate of the department: *Provided*, That the punishment in such cases be limited to that authorized to be inflicted by a regimental or garrison court-martial.

Mr. EDMUNDS. I make the point of order that that is clear legislation.

The PRESIDING OFFICER. The point of order made by the Senator from Vermont is sustained.

Mr. LOGAN. I do not see any chance to get any legislation on any bill that will improve the Army anywhere.

Mr. EDMUNDS. Not until you bring in a bill for that purpose.

Mr. LOGAN. I have brought in a bill and I have tried to get it before the Senate, and I have failed to do so.

I desire to amend the bill in one particular, and I hope the Senator

will not object to it when I state it. It is to fix a punishment on persons who invade the Indian Territory whom the Army are required to arrest.

Mr. EDMUNDS. I shall make the point of order on it.

Mr. LOGAN. Very well. I move to add the following as an additional section to the bill:

SEC. —. That section 2148 of the Revised Statutes be, and the same is hereby, amended by adding thereto the following words: "Or to imprisonment in a penitentiary for a period not to exceed one year, or by both."

That is to cover offenders like the man Payne who has led his company time and again to the invasion of the Indian Territory. It is to cover offenses of that character where the military authorities are required to arrest and they can only arrest. This is for the purpose of fixing a punishment to that class of offenders. Of course it is subject, as I know, to the point of order, but I was in hope that this might be permitted at least to be adopted; it is a provision that is so necessary and so much required.

Mr. EDMUNDS. This may be necessary, and it may be that a careful inspection of the law would show that there are means of reaching the thing now. It is true that the power of the Army is to remove intruders from the Indian Territory. That there is no law for the punishment of such intruders under a different branch of the Government at this moment, I am not so sure. That is a subject that a committee charged with the matter, the Committee on Indian Affairs, or the Committee on Territories, or somebody, should properly investigate. I therefore am not willing to waive this point of order for that purpose, more especially as all these points of order are upon the principle of having the appropriation bills appropriate money to carry out existing laws and to stop there. They then become easy and proper subjects of consideration and can be easily disposed of, and it saves one committee, the Committee on Appropriations, from the necessity of absorbing all the legislation—civil, criminal, political, foreign—that belongs to the whole Government by putting these things on the appropriation bills. So I feel perfectly justified in insisting on the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. LOGAN. I move to add as an additional section to the bill:

SEC. —. That fuel in kind only shall be issued to the officers of the Army without cost by the Quartermaster's Department, in quantities as prescribed by the Army regulations and general orders.

That can not be out of order, because it is only making a regulation.

Mr. EDMUNDS. That is legislation. I make the point of order upon it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. EDMUNDS. I am going to stick and see if we can not have a clean bill.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. EDMUNDS. Has the Senator from Kansas corrected the former amendment to make it conform to those afterward agreed to?

The PRESIDING OFFICER. That has been done.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the vote be taken *in solido* or separately upon concurring in the amendments made as in Committee of the Whole?

Mr. LOGAN. Let it be taken in gross.

The PRESIDING OFFICER. The Senator from Michigan can now get at the question he desired to bring up in Committee of the Whole.

Mr. CONGER. In line 312, after the word "cost," I move to strike out the concluding words of the paragraph, "with 10 per cent. added;" so as to read:

Provided, That civilian employés of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies, prescribed by a medical officer of the Army, at cost.

Mr. SHERMAN. That I know ought not to be done, because the same rule applies to all officers of the Army or employés or soldiers.

Mr. HARRISON. Not as to medicine.

Mr. SHERMAN. Not as to medicine. I know the general rule authorizes soldiers and officers to procure certain supplies from the Quartermaster's Department, and the 10 per cent. is added, as it is supposed, to cover transportation. There may be some difference in this provision from other provisions, but it seems to me that in the case of civilian employés, whose pay is larger than that of soldiers, because they have to pay all their expenses, there ought not to be a discrimination in their favor. Not only that, but the addition of 10 per cent. does not equal the transportation. They get it at cost to the Government, and it is all that could reasonably be required.

Mr. LOGAN. Ten per cent. is added on everything that is purchased by the Army from the Quartermaster's or Commissary Department. Medicine of course is issued to all soldiers and officers. It is the only thing that these men are prohibited from purchasing by law; they can not do it, and we change that so as to allow them to purchase it and pay the 10 per cent. the same as officers pay on commissary supplies for transportation, as the Senator from Ohio says, and that is what it includes and covers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PLUMB. I move to change some totals made necessary by the adoption of the amendments which I proposed as in Committee of the Whole. In line 339 I move to strike out "and ten," so as to make the amount "$100,000" in place of "$110,000."

The amendment was agreed to.

Mr. PLUMB. In line 308, after the word "Department," I move to strike out "200" and insert "190," so as to read "$190,000."

The amendment was agreed to.

Mr. PLUMB. In line 256 I move to strike out "500" and insert "475;" so as to read: "$3,475,000."

Mr. EDMUNDS. That is to make the total according to the amendment?

Mr. PLUMB. It is to correspond with the reductions made.

The amendment was agreed to.

Mr. PLUMB. In line 231 I move to strike out "700" and to insert "650;" so as to read: "$650,000."

Mr. EDMUNDS. That is to conform to the items?

Mr. PLUMB. Yes; these are all for the purpose of making the items correspond.

The amendment was agreed to.

Mr. PLUMB. In line 201 I move to strike out "$3,000,000" and to insert "$2,840,000."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 19th instant, inclosing one from Major George L. Gillespie, Corps of Engineers, dated the 15th instant, reporting the insufficiency of the sum ($39,000) appropriated by the sundry civil bill of August 7, 1882, for building the sea-wall on Governor's Island, New York Harbor, together with an indorsement of the Chief of Engineers showing the necessity for an additional appropriation of $15,000 for the purpose.

The Secretary of War recommends that said additional sum of $15,000 be appropriated at the present session of Congress for the object stated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 20, 1883.

The PRESIDING OFFICER. The message will be referred to the Committee on Appropriations.

Mr. CONGER. It should be referred to the Committee on Commerce.

Mr. HALE. Is not that a Government work?

The PRESIDING OFFICER. It is a Government work.

Mr. HALE. Then it should be considered in connection with the sundry civil appropriation bill.

Mr. CONGER. I withdraw the suggestion.

The PRESIDING OFFICER. The message will be referred to the Committee on Appropriations.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 357) authorizing the Secretary of War to loan tents to the Soldiers' and Sailors' Association at Columbus, Ohio, and to the Grand Army of the Republic at Denver, Colorado, was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina, was read twice by its title, and referred to the Committee on Printing.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have been unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. PLUMB. I will state for the information of the Senate that the material differences between the conferees of the House and Senate relate to the amendment by the Senate to the House bill providing for what is known as fast-mail facilities, the amendment of the Senate striking out the amendment of the charters of the Union Pacific railways, and the amendment of the Senate making the 2-cent postage provision take effect on the 1st day of July.

Mr. EDMUNDS. All of which are legislative provisions.

Mr. PLUMB. The Senator from Vermont says that these are all

legislative provisions. We happen to have had the decision of the ranking officer of this body to the effect that the last named was not a legislative provision, and upon that I will rest, at least for the purposes of this discussion.

Mr. EDMUNDS. In a military point of view.

Mr. PLUMB. I move that the Senate further insist on its amendments and accede to the request of the House for a new conference.

Mr. EDMUNDS. We have not heard the message of the House read.

Mr. PLUMB. I thought it had been read yesterday; I am not sure.

Mr. EDMUNDS. Let it be read again, whether it was read or not.

The PRESIDING OFFICER. The Secretary will read the message of the House of Representatives.

The Acting Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 21, 1883.

Resolved, That the House agree to the report of the committee of conference on the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and that it further insist upon its disagreement to the amendments of the Senate to said bill and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CASWELL, Mr. CANNON, and Mr. ELLIS be the conferees on the part of the House.

Mr. PLUMB. I now move that the Senate further insist on its amendments and accede to the request of the House for a further conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

FORTIFICATION APPROPRIATION BILL.

Mr. HALE. I move to take up the fortification appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

Mr. HALE. I have sent for the Senator from Massachusetts [Mr. DAWES] who has charge of the bill, who will be here, and who desired me to move to bring it up. I now give notice that to-morrow morning as early as possible I shall try to get up the naval appropriation bill, and I hope that we shall pass it to-morrow.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Secretary will proceed with the reading of the bill, and the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading.

Mr. DAWES. Perhaps it would be well enough for me to state the condition of this bill before the amendments are reported.

The total in the bill as it came from the House is an appropriation specified in the bill of $325,000 only. The estimates for fortifications were $1,000,000. The appropriations for the last year were $380,000. In this bill the appropriations as they came from the House are less than the estimates $675,000. The bill is less than the appropriation of last year $55,000; $50,000 of that reduction is in the appropriation for torpedoes for harbor defenses, and $5,000 was a special appropriation for heavy guns to be loaned to the militia of the States, which it was not necessary to repeat.

The bill makes no appropriation for the enlargement or construction of fortifications in any of the harbors. It simply appropriates enough to preserve and to keep in repair, in the condition they are now, any of the harbor defenses. The Committee on Appropriations on the part of the Senate propose certain amendments to the bill, which are printed of course in Italics. They are first in the matter of appropriations for torpedoes for harbor defenses. They restore the amount appropriated last year, which was $100,000 and which is the same as the estimate. They then offer amendments resulting from the determinations of a special committee of the Senate upon the subject of heavy ordnance, which are printed in the report of that committee, and which the chairman of the committee, himself being of the Committee on Appropriations, will more intelligently explain to the Senate than I should be able, if I should undertake to do it. When those amendments are reached, therefore, I will leave them entirely to him.

The Acting Secretary proceeded to read the bill, and read to line 18.

Mr. HAWLEY. There is a motion to be made in regard to the matter on line 16. Perhaps I ought to wait until the Secretary has read the matter in Italics.

The first amendment of the Committee on Appropriations was, in lines 16, 17, and 18, to strike out the words:

And for machine guns, including the conversion of smooth-bore cannon into rifles, $1,000.

And to insert:

And for conversion of 10-inch smooth-bore cannon into rifled guns, making and testing two 12-inch cast-iron rifled cannon, in lieu of such of the guns the construction of which has not been commenced as were provided for by the "act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes," approved May 4, 1880, making and testing two breech-loading steel guns, one 8-inch and one 10-inch, making mortars and gun-carriages, mounting three hundred 15-inch guns, making and testing two guns banded or wrapped with wire, testing devices for breech-loading guns, testing projectiles, &c., in accordance with the report of the select committee of the Senate on the subject of heavy ordnance and projectiles, $450,000: *Provided*, That section 3709 of the Revised Statutes is hereby amended so that its provisions which require that purchases shall be made from the lowest bidder after advertisement shall not apply to ordnance and their carriages, to projectiles, gunpowder, or other war explosives, or to the materials entering into the manufacture thereof, or to whatever is requisite in military experiments with them; but all contracts for such material shall be made by the Secretary of War.

Mr. SHERMAN. I raise the question of order so far as the proviso is concerned, not as to the rest. That clearly changes the well-established law.

Mr. LOGAN. If the point of order is raised I will not say whether it is well taken or not, but I am very sorry that it is; and I will state the reason to the Senator if he will hear me.

Mr. SHERMAN. I have no objection to withholding it, but I shall insist on the point of order after the Senator gets through.

Mr. LOGAN. We provide in the bill for the manufacture and fabrication of two steel guns and for the making of projectiles, powder, &c. It is a well-established fact that in this country we can not produce the character of steel that is absolutely necessary for the manufacture of guns. That article has to be purchased from abroad, and so it is with many of the things connected with the Ordnance Department. If under the law we have to advertise for all the materials which are necessary for the fabrication of these guns and the different articles which can not be procured in this country, that stops the making of them entirely.

Mr. EDMUNDS. A foreigner can bid under our laws as well as anybody else.

Mr. LOGAN. But a foreigner can not, as a matter of course, bid for the character of steel he would propose as low as the character of steel that would be proposed by American manufacturers. Therefore I say it entirely puts a stop to the making of the guns, unless this can be changed so that the Ordnance Department can have the opportunity of making the purchases without the ordinary advertisement.

Mr. EDMUNDS. Suppose we can not make this kind of steel—which I suppose a Pennsylvanian or a New Yorker would deny—grant that, and therefore it is necessary to have foreign steel. If the War Department describes precisely the kind of steel that is necessary and our people have not got it, then the foreign manufacturer has the monopoly of the bidding and he can make his bid and will get his contract, and we shall have the steel; but that is not the point of course. The point is to endeavor to free these bills from any kind of legislation.

The PRESIDING OFFICER. The Senator from Ohio [Mr. SHERMAN] makes the point of order on the part of the bill indicated. The Chair sustains the point. The question is on the amendment of the committee, omitting the proviso.

Mr. HAWLEY. I hardly know how to make the proper motion in the case, but I desire to leave the words in line 16, "and for machine guns," where they are. I will therefore modify the pending motion, which is to strike out those words. I move that the motion be so amended as to strike out only the words "including the conversion of smooth-bore cannon into rifles, $100,000."

The PRESIDING OFFICER. The Chair understands the Senator from Connecticut to ask for a division of the question.

Mr. HAWLEY. Yes, sir.

Mr. DAWES. The Senator will observe the forty-third and forty-fourth lines.

Mr. HAWLEY. I see there is an independent appropriation in those lines of $15,000 for the purchase of machine guns. I only desire to leave it as the Ordnance Department originally left it in gross, so that if the Chief of Ordnance desires to purchase $15,500 worth of machine guns or $18,000 or $20,000 he will not be restricted. The original bill read for ordnance, &c.; "and for machine guns * * * $100,000." Now they have it for ordnance, &c., $450,000, and a separate $15,000 for machine guns.

Mr. DAWES. The Senator would leave the Chief of Ordnance at liberty to purchase the gun he likes, I suppose.

Mr. HAWLEY. But I shall move when we come to the $15,000 to make it $25,000. I would give him some leeway.

Mr. DAWES. The Senator will get what he desires in an amendment to that amendment; but if the Senator leaves the other phrase in, then, in addition to what may be that amendment, the Chief of Ordnance might expend the whole $450,000 for these guns.

Mr. HAWLEY. The way the bill came here originally you might say he could expend $100,000 for machine guns.

Mr. DAWES. We moved to strike it out for the very reason that it was possible for him to spend the whole sum for machine guns.

Mr. HAWLEY. If the Senator thinks it is really necessary——

Mr. DAWES. I do not think the Senator desires to have more than one kind of machine guns, and that is the latest improvement.

Mr. HAWLEY. That is what I desire.

Mr. DAWES. Does the Senator want any other kind?

Mr. HAWLEY. No.

Mr. DAWES. I understand the Senator would not want any other kind but the latest improvement. If the Senator thinks the amount we have set apart for that purpose is not enough, he can move to make it $25,000 or $30,000, but to leave a specific appropriation for the purchase of the latest improvement and then leave an appropriation for the purchase of machine guns generally, in a general appropriation of $450,000, the Senator sees would not do.

Mr. HAWLEY. I perfectly comprehend what the Senator is at. I was willing myself to leave the Chief of Ordnance to make his selection, but if the Senator thinks it better to make a restriction in this paragraph I shall not make any further contest about it. I was going to move to strike out lines 43 and 44, for the words "machine guns" were left in the original bill. If the Senator realy objects to that, I will move to add $10,000 to the item in lines 43 and 44.

Mr. DAWES. I would not object if it seemed to me wise, but I have no doubt about it. It seems to me wise to have the Chief of Ordnance restricted to one machine gun and for us to determine how much he may expend for the machine gun.

Mr. HAWLEY. It did not occur to me it was objectionable in the way it read at first, namely:

For the armament of seacoast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in Ordnance Bureau, and for machine guns, including the conversion of smooth-bore cannon into rifles, $100,000.

Mr. LOGAN. We struck that out; and I will state the reasons that actuated me at least in regard to this appropriation of $15,000. We had the evidence before our committee when we examined this question. I do not remember the number—perhaps the chairman does—but over two hundred machine guns have already been purchased by the Government of the United States, and the evidence shows that there is not one of them to-day that is not laid aside.

Mr. DAWES. There are about one hundred of one particular kind, the inventor of which is a wonderful inventor, and he has now made an improvement on that gun which the Ordnance Department think never can be improved upon further.

Mr. HAWLEY. May I make a correction there?

Mr. DAWES. That is the Gatling gun that we propose to purchase. We do not propose to purchase a great number of them to lay up, because we think it is possible that the Ordnance Department may be mistaken in the idea that there never can be any more improvement to it.

Mr. HAWLEY. Those already on hand are not laid aside in one sense. They are still an extremely valuable gun and the same that are still used in the European armies of a particular make; but he has made an advance on them and the purchaser of course would not think of taking an old one.

Mr. LOGAN. We had the inventor of those guns that we laid aside before us, and we questioned him. Every year there was an appropriation for purchasing machine guns and there was no restriction until we have two hundred that are laid aside, because a new invention makes much better guns. I asked this inventor if the guns we had could not be changed, and he said no. He insisted that the only thing to be done was to buy the new gun. Now, for fear there might be a change in the new gun again in order to get a new sale, we concluded that we would restrict the Ordnance Department to $15,000, and I think it was a very wise thing.

Mr. EDMUNDS. How much did you pay for the old guns?

Mr. LOGAN. About $1,000 a piece. We have two hundred of them now useless in consequence of new inventions.

Mr. HAWLEY. They are not useless. They do not fire at high angles so easily.

Mr. LOGAN. I am using the word that the gentleman who appeared before us used. I do not invent the word "useless," but he said it. He said they could not be changed to this character of gun. We thought it would be a good idea if they could be changed, but he said no, and we concluded it would be proper to restrict the seller and the purchaser, so as to see what kind of a gun could be had.

Mr. HAWLEY. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 42, to insert:

For the purchase of machine guns of the latest improvement, $15,000.

Mr. HAWLEY. Has the previous paragraph been ruled out?

The PRESIDING OFFICER. The proviso has been. The other part has been agreed to.

Mr. HAWLEY. It is quite useless to argue on the wisdom of the proviso, I think.

The PRESIDING OFFICER. The question has been determined, and debate on it is out of order. The question is on the amendment which has just been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 48, after the word "application," to strike out "50" and insert "100;" so as to read:

For torpedoes for harbor defenses, and the preservation of the same, and for torpedo experiments in their application to harbor and land defense, and for instruction of engineer battalion in their preparation and application, $100,000.

The amendment was agreed to.

The next amendment was after the word "provided," in line 49, to strike out:

That the money herein appropriated for torpedoes shall only be used in the establishment and maintenance of torpedoes to be operated from shore stations for the destruction of an enemy's vessel approaching the shore or entering the channels and fairways of harbors.

And insert in lieu thereof:

That one-half of this sum may be used in the purchase of torpedoes of the latest improvement.

The amendment was agreed to.

Mr. LOGAN. On line 20, before the word "rifled," I wish to insert the word "breech-loading."

Mr. EDMUNDS. Those words should have been in.

Mr. LOGAN. They ought to have been in; it was neglected. It will then read:

Two 12-inch cast-iron breech-loading rifled cannon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NIOBRARA MILITARY RESERVATION.

Mr. EDMUNDS. I move, understanding that there is no appropriation bill ready until morning on account of the papers not being got together, that the Senate take up for consideration the joint resolution (S. R. 123) providing for the termination of the fisheries part of the treaty with Great Britain, a measure of great public importance that ought to be passed on.

Mr. LOGAN. I have no objection, but will aid the Senator in any way to get that matter up; but there is a conference report that was laid aside yesterday to be taken up to-day which will take but a minute. If the Senator would not object, I should like to call it up.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The conference report will be read.

The Secretary informs the Chair that the conference report was read yesterday.

Mr. LOGAN. Yes, sir, and was laid aside at the request of the Senator from Nebraska [Mr. VAN WYCK], to be taken up to-day. I ask that the report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report on the bill (H. R. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation in the State of Nebraska.

The report was concurred in.

BRITISH FISHERIES TREATY.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Vermont [Mr. EDMUNDS].

The motion was agreed to; and the joint resolution (S. R. 123) providing for the termination of articles numbered 18 to 25, inclusive, and article numbered 30 of the treaty between the United States of America and her Britannic Majesty, concluded at Washington May 8, 1871, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment, which was to strike out all after the resolving clause and insert:

That in the judgment of Congress the provisions of articles numbered 18 to 25, inclusive, and of article 30 of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A. D. 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the 1st day of July, A. D. 1883, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of the two years' time required by said treaty, that each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises), in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March 1, A. D. 1873, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Mr. EDMUNDS. In section 3, line 2, there is a clerical error. It now reads:

That on and after the expiration of the two years' time required by said treaty, *that* each and every of said articles, &c.

The word "that," before "each," should go out as a mere matter of grammar.

The PRESIDING OFFICER. The amendment will be so amended.

Mr. BAYARD. Is this the regular notification under the treaty?

Mr. EDMUNDS. This is the regular notification under the treaty.

Mr. WINDOM. I wish to ask the Senator from Vermont whether section 3, which repeals "an act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the

city of Washington the 8th day of May, 1871, relating to the fisheries," will repeal the act under which goods are imported in transit through American territory. It says "relating to the fisheries," but the Revised Statutes seem to indicate that it covers the question of transportation in bond.

Mr. MCMILLAN. That is section 2866 of the Revised Statutes.

Mr. EDMUNDS. I will look at the statute.

Mr. WINDOM. While the Senator is looking for the statute I desire to say that I am very unwilling to repeal those clauses of the treaty and those laws which relate to transportation in bofid through this country, because it is a very large business and a very great interest would be injured if it should be done. I am very willing to give notice of the termination of the fishery part of the treaty, and I do not know but that article 29 of the treaty would cover the transportation question. The question is whether the law which is here proposed to be repealed affects transportation.

Mr. EDMUNDS. The twenty-ninth article of the treaty provides, not for the fishery subject or the transportation between the two countries of things in bond from the ports of one country to those of another, but it provides for complete transit from the sea, for instance at Portland to Quebec, and from Port Huron, in Michigan, to Buffalo, for another illustration, reciprocally. That is the twenty-ninth article.

Mr. WINDOM. Would that provide for transportation, for instance, through Minnesota, of goods brought and carried to Manitoba.

Mr. EDMUNDS. Certainly it would; it covers all that thing. Article 30 would not provide for that.

Mr. WINDOM. But article 29——

Mr. EDMUNDS. Article 29 provides, I think, for that, because it says not only New York, Boston, and Portland, "but any other ports of the United States," and then reciprocally the other way in exactly the same terms, so that article 29 would cover things from Manitoba coming across the Territories of the United States for the British provinces; all that would come under article 29. Article 30 is an entirely different thing, which provides really for the British having the benefit of the coasting-trade of the United States, and the United States having the benefit of the coasting-trade on the lakes. That is the sum and substance of it, stated briefly.

Mr. FRYE. No notice is given as to article 29.

Mr. EDMUNDS. Oh, no. The only question is whether this repealing clause of the act of 1873 is to operate as repealing the provisions that have been made to carry out article 29; but article 29 did not require any legislation about it; it executed itself. I will look now at the act of 1873, and see if it did provide for carrying out article 29.

Mr. MCMILLAN. I think the Senator will find it did.

Mr. EDMUNDS. It may be, but it was not necessary.

Mr. FRYE. Even if the Senator finds that it did, there is ample time to amend it at the next session of Congress.

Mr. WINDOM. Yes, but we would rather amend it now.

Mr. EDMUNDS. It can be arranged in a moment, if it is necessary. I do not think it is, for it says "relating to the fisheries;" but we can fix it in a word.

Mr. FRYE. I said to both Senators from Minnesota that it did not interfere at all with the rights and privileges which were of advantage to us under the treaty. I refer to the twenty-ninth article, which was not repealed, and not to the legislation which the resolution undertakes to repeal, for I did not have in my resolution any such reference to legislation.

Mr. MCMILLAN. This is an express repeal of legislation.

Mr. EDMUNDS. To guard against all possible misconstruction about it, I move to amend the amendment of the committee, page 3, after the end of the description of the title of the act, after "fisheries," partly in line 13 and partly in line 14, to insert:

So far as it relates to the articles of said treaty so to be terminated.

So that we repeal the act only that far.

Mr. MCMILLAN. I think that covers it.

Mr. WINDOM. I am sure it does.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Foreign Relations as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SUPPRESSION OF BIGAMY.

Mr. EDMUNDS. As no appropriation bill is yet ready, I move to take up the Utah bill.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of what is called the Utah bill. It will be reported by title and number by the Secretary.

The ACTING SECRETARY. "A bill (S. 2238) to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882."

The PRESIDING OFFICER. Is there objection to considering the bill?

Mr. CALL. I object.

The PRESIDING OFFICER. Objection being made, the question is on the motion of the Senator from Vermont to proceed to the consideration of this bill.

Mr. CALL. I hope very much that bill will not be taken up at this time. It involves very serious constitutional questions, and we have but a few days left of the session, and there are a good many matters of very great importance to the current business of the country that have not been able to be considered at all. We shall be occupied long with this question in regard to the condition of things in the Territory of Utah if we go into it. It occupied a great deal of time last session. I think it is impossible to consider it at the present moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. BROWN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MCDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. Otherwise I should vote "yea."

The roll-call was concluded.

Mr. HILL. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how he would vote on this question, and I withhold my vote.

Mr. MITCHELL (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Virginia [Mr. JOHNSTON].

Mr. WINDOM (after having voted in the affirmative). I voted, forgetting that I am paired with the Senator from West Virginia [Mr. DAVIS]. I withdraw my vote.

Mr. ROLLINS. The Senator from Maine [Mr. FRYE] is paired with the Senator from Tennessee [Mr. JACKSON].

The result was announced—yeas 23, nays 17; as follows:

YEAS—23.

Anthony,	Garland,	Logan,	Rollins,
Blair,	Hale,	McMillan,	Sawyer,
Cameron of Wis.,	Harrison,	Mahone,	Sewell,
Conger,	Hawley,	Maxey,	Van Wyck,
Dawes,	Hoar,	Miller of Cal.,	Voorhees.
Edmunds,	Ingalls,	Miller of N. Y.,	

NAYS—17.

Barrow,	Camden,	Jonas,	Saulsbury,
Bayard,	Coke,	Jones of Florida,	Williams.
Beck,	Groome,	Pendleton,	
Brown,	Hampton,	Pugh,	
Call,	Harris,	Ransom,	

ABSENT—36.

Aldrich,	Ferry,	Kellogg,	Plumb,
Allison,	Frye,	Lamar,	Saunders,
Butler,	George,	Lapham,	Sherman,
Cameron of Pa.,	Gorman,	McDill,	Slater,
Cockrell,	Grover,	McPherson,	Tabor,
Davis of Ill.,	Hill,	Mitchell,	Vance,
Davis of W. Va.,	Jackson,	Morgan,	Vest,
Fair,	Johnston,	Morrill,	Walker,
Farley,	Jones of Nevada,	Platt,	Windom.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That in any proceeding and examination before a grand jury, a judge, or a United States commissioner, in any prosecution for bigamy, polygamy, or unlawful cohabitation under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness and may be called and may be compelled to testify in such proceeding, examination, or prosecution, without the consent of the husband or wife, as the case may be.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear to the commissioner, judge, or court, as the case may be, that there is reasonable ground to believe that such witness would unlawfully fail to obey a subpœna issued and served in the usual course in such cases.

SEC. 3. That any prosecution for bigamy, polygamy, or unlawful cohabitation may be commenced at any time within five years next after the commission of the offense; but this provision shall not be construed to apply to any offense already barred by any existing statute of limitation.

SEC. 4. That every ceremony of marriage, or in the nature of marriage, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage ceremony or not, shall be certified in writing by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer and of every person in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer or person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony, filed in the office of the probate court, or, if there be none, in the office of the court having probate pow-

ers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded. Such certificate shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 5. That every record and entry of any kind concerning any ceremony of marriage, or in the nature of marriage, made or kept by any officer, clergyman, priest, or person performing civil or ecclesiastical functions, whether lawful or not, in any Territory of the United States, shall be subject to inspection at all reasonable times by any officer of justice appointed under the authority of the United States, and shall, on request, be produced and shown to such officer by any person in whose possession or control the same may be. Every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. And it shall be lawful for any United States commissioner, judge, or court before whom any proceedings shall be pending in which such record or entry may be material, by proper warrant, to cause such record or entry and the book, document, or paper containing the same to be taken and brought before him or it for the purposes of such proceeding.

SEC. 6. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 8. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the United States judges in said Territory forthwith to redistrict said Territory and apportion representation in the same in such manner as to provide as nearly as may be for an equal representation of the people (excepting Indians not taxed) being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law. And a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

Mr. HOAR. I move to strike out the seventh section.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the motion of the Senator from Massachusetts [Mr. HOAR].

Mr. EDMUNDS. I will state the reasons on which the committee inserted the seventh section which deprives for the time being females in the Territory of Utah from voting. According to the information that we received from the commissioners appointed under the previous act of Congress and from other sources, it appeared that female suffrage in that Territory was so far as it relates to the Mormons a suffrage of servitude, that the females vote exactly as their lords and masters require them to do, be they many or few; and that counts to keep up in this hierarchy and polygamous really governed Territory as it has been, the power of those guilty of the crimes that we wish to repress.

Accordingly, we felt justified without any reference to the question of the general propriety of female suffrage, in proposing that for the time being female suffrage exercised as it is in that Territory should be suspended. We do not, by proposing this clause, undertake to express any opinion as to the general question of female suffrage; but in order to accomplish the end, and to put the political power in that Territory in the hands of the people who are in accord with the laws and sentiments of the United States. This was one of the things that was thought to be necessary to that end.

Mr. VAN WYCK. Allow me to ask one question for information. I did not hear all the statement of the Senator from Vermont. I lost the authority he had for saying that the females in the Territory voted as their lords and masters directed. I suppose he stated on what authority he said so, but I did not hear it.

Mr. EDMUNDS. We saw all or all but one of the gentlemen who were commissioners under the former act, who spent some months in that Territory. This observation that I have made does not apply to the Gentile women as they are called there, very few of whom I understand really exercise this right of suffrage; but it refers to the other class of females under the domination of the Mormon Church, for there is no disguising the fact that the Mormon government of that Territory is a government of the most exclusive and powerful hierarchy that exists on this continent.

Mr. MORRILL. If the Gentile women did vote one wife would not counterbalance six.

Mr. EDMUNDS. That is true enough; but our information drawn from these gentlemen who spent months there, and from all other sources that we can get by letters and so on, convince us that the political power of this Territory is now largely influenced in respect of its being kept in the hands of the people who defy the laws of the United States, by force of their casting the solid votes of their females in the direction that I have named. We therefore thought that the greater good of breaking up this great crime would justify the suspension for the time being of female voting in the Territory, without any reference, I repeat, to the general question of female suffrage.

Mr. HOAR. Mr. President, it seems to me that the Senator from Vermont to any legislator accustomed to be governed by general constitutional principles has stated very strongly the objection to the section which he proposes in his bill. Here is a criminal law, a law aimed at the offense of polygamy and prescribing the method of proving with a view to the punishing a certain crime. In that law he includes a general provision in regard to the right of suffrage, and he undertakes to make a general provision in regard to the right of suffrage prohibiting all women from exercising a right they now enjoy and taking from the people of a particular Territory the right to determine the qualifications of electors in that Territory, accorded to all other people and accorded to them in all other respects, by saying that a certain class of women whom the Senator thinks are in a majority will not vote as he thinks they ought to vote.

That is the whole of this proposition as he states it himself, translated into plainer and clearer language so far as disclosing the purpose goes. I do not mean to compare my general capacity for making a clear proposition with that of the learned chairman of the Judiciary Committee. He says that the Gentile women, the unmarried women, the women who are the sole lawful wives of lawful husbands, shall all be prohibited from the exercise of a right which they now enjoy, and which for the purposes of his present argument he does not deny they ought to continue to enjoy, because certain other women have voted or are likely to vote in a way that we do not want they should for the wrong candidate or because they are constrained by domestic or other influences into voting a particular way.

Now, suppose we may take it for granted (though the Senator cites no authority except that of certain commissioners who have not been out of Salt Lake City) that the women who have so far become adherents or disciples of Mormonism as to live in polyamous connection with Mormons would be likely to cast their votes in the interest of that church and that institution; I should like to inquire of the Senator from Vermont why, if he excludes all the women of that Territory from the right to vote because of the action of the majority of women, he does not exclude all the men of that Territory from the right to vote because of the way in which the majority of the men vote in that community? If he excludes the Mormon wife because of casting her vote in accordance with the will of her husband, why should he not exclude the husband who casts his vote under the domination of the same hierarchy?

It seems to me, Mr. President, that this is really doing what the author of this section, I will not say flinched, but shrank from doing, and from avowing in regard to men. Why not meet this question fairly and say that Mormons shall not vote, that persons under the influence of the Mormon hierarchy shall not vote, or at any rate that persons living in polygamous marriage, male or female, shall not vote? That is what the Senator undertakes to accomplish; and if he has a right to do what he proposes, he has a right to do that.

But I suppose that whoever drew this section and that the chairman of the Judiciary Committee in proposing this section thought that would be a violation of general and sound constitutional principles. He was not prepared to say even to a Mormon, "You shall not vote because of your religious or pretended religious principles;" he was not prepared to say even of Mormons, "We will punish a certain class of offenses against society and against the marriage relation as it is conceived and understood by Christians with the deprivation of the right of suffrage," because whatever evils the exercise of the right of suffrage by this class of persons may operate in the particular class, the assertion of the right by the Government to control the suffrage with a view of making that control a lever or instrumentality in regard to certain opinions, however erroneous they might be, was the assertion of a vicious and most dangerous general principle, worse, if anything could be worse, than Mormonism itself. I will not say that; not worse than Mormonism itself, because Mormonism itself is a destruction of that most sacred tie which lies at the foundation of the home and of society itself.

Now, the Senator from Vermont says that he does not put this proposition upon any general objection to female suffrage. Whatever his opinion may be on that question he is not governed by that opinion here, but he puts it simply on the ground that the suffrage of a particular class of women preponderating in numbers over others in a particular community is exercised in favor of a vicious system or under the control of a vicious hierarchy. If that be the reason, it seems to me, with great respect to a Senator for whose conclusions I have so great respect always, whom almost always I delight to follow in public questions, that that is a bad reason in principle.

I hope, therefore, whatever may be done with the bill, which I shall be glad to support without this clause, that the section will be stricken out.

Mr. EDMUNDS. Mr. President, the question of suffrage is a political question within the control of the political power at all times. I believe everybody agrees to that. All that the Senator has said respecting the opinions of Mormon women is entirely apart from this bill. That is motive merely; it is not law.

In the next place, if we could get at the real opinions of the Mormon women, and give them the free exercise of those opinions, desirous of breaking up as I am these practices in that Territory, I would say if the Mormon women could not now vote they should have the right to vote, because if you can get at their real opinions (as these commission-

ers did from many of them in private interviews, &c.) we should find that the very nature of woman in general—the very nature of every virtuous woman—revolts at the notion of polygamy and of all its influences; but they are like the women of Central Asia at this present moment; they are dominated by the lords of creation, who wish to keep up a government which is opposed, as my friend and myself agree, to everything that is good as we understand it in this world, and that we all agree in desiring to put down.

That is the way it stands. Therefore we do not invade any principle of law or constitutional government in arranging the political affairs of a Territory over which we have supreme dominion. If the argument of a learned citizen of the State of Pennsylvania, said to have been delivered to a committee of the House of Representatives, and a copy of which has been sent to me, is sound, then we have no right to legislate about any of the transactions in the Territory of Utah at all, and Utah is entitled to the same powers of self-government by its people that a State is. But I do not propose to go into that question; I dismiss it as one to which no Senator, or very few Senators, will agree at all.

Then having the political power of arranging the suffrage in that Territory, and being determined to put down the practice of polygamy there and to abolish this anti-republican hierarchy which is founded on that alone, I think we are justified in taking any step that protects equal rights, necessary to that end. The motive is not to make a distinction in respect to opinions, but the motive is to liberate these women from the duress under which they keep up a government there which is injurious to their own fortune, their own honor, their own prosperity, and their own instincts of female virtue. That is it, and that is all of it.

My learned friend inquires why we do not exclude the men too. On constitutional principles of course we must make general rules. We have not undertaken, and I do not wish to undertake, and I do not think it right to undertake, and I doubt if it is constitutional to undertake—I will not say I doubt; I am sure it is not constitutional—to disfranchise any man on account of an opinion that he has, or any woman. Persons must be disfranchised on some other legal ground.

Everybody, I suppose, except Judge Black, agrees that in point of law we can confine voting in any Territory or in the District of Columbia to property-holders of $100,000, and that would reduce the government of the District to probably one hundred men; we can confine it in the Territories to $100,000, and that would reduce the whole Territory to one hundred men very likely; we can say that nobody who has a dollar in the world shall be entitled to vote; we can say that nobody who has any amount of property shall be entitled to vote, and that all those who have no property at all—the paupers—shall be the sole voters in a Territory over which we have dominion or in the District of Columbia, if we think it wise to do it, because we make a general classification.

If you say exclude the Mormon men as well as the Mormon women, you must exclude the Gentile men as well, as we do by this bill the Gentile women, and then you have nobody to vote in the Territory at all. So with the motive, which I avow with the utmost plainness, of diminishing this power and relieving these Mormon women from the slavery and duress under which they now cast their votes in a certain way, it is right and proper to do this thing. That is the whole of it.

Now, if my friend from Massachusetts is so stirred up with his admiration and desire for woman suffrage that he is unwilling to take every step possible lawfully to repress polygamy and this hierarchy founded on it in that Territory; that he prefers to have polygamy with woman suffrage than to have no polygamy without it for the time being, that, of course, will account for his position.

Mr. HOAR. Why does not the Senator abolish suffrage there altogether, allow me to ask him?

Mr. EDMUNDS. I will state that.

Mr. HOAR. We have the same right to do it.

Mr. EDMUNDS. We have the same right to abolish suffrage altogether. Then what are you going to do? You must govern that Territory then just as you govern the District of Columbia, by a steady and constant act of Congress like a legislature, which is impracticable. Some people, a considerable number of the Gentiles in that Territory, were angry last year when we passed the former bill, to which this is merely a supplement drawn out by circumstances and in aid of it, and extremely desirous that we should abolish suffrage altogether and put the government of that Territory into a commission and give the commission, as practically we must, if we do it at all, legislative powers.

I do not believe the Congress of the United States ought to give any commission anywhere legislative powers. You can give them executive powers; but you must yourself exert the legislative power and we know with the way Congress is blocked up with business that we can not provide local legislation from day to day and from time to time for that Territory. It can not be done; and the committee thought, considering that part of the question, that it was improper as the thing now stands to undertake to govern that Territory by a commission that should be invested with the necessary legislative powers for the proper government of it. So we can not do that.

Then we go just as far and as fast as the Constitution will allow us in every way to accomplish the end that I suppose we all have in view, and so far as the thing stands in point of law there can be no question of our right to regulate suffrage in that Territory, I suppose. When you come to the question of motive then my honorable friend is entitled to make the argument he has made, that this motive may apply just as well to men as to women. So it might; but we apply it both to the Gentile women who are willing and glad to suffer this deprivation in order to accomplish this great good, and to the Mormon women alike. If we apply it to the Mormon men we must apply it to the Gentile men alike, and then we shall have nobody to elect a Territorial Legislature and make a government.

Mr. HOAR. I want to ask the Senator a question, but I want to found it, if he will allow me, on the reading of a passage from the last act. The Senator, as I understood him in what he first said, stated that these women acted under duress of their husbands. For that reason he wished to exclude them. The present law is this section 8 of the act of March 22, 1882:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

So you have already excluded every bigamist or polygamist, man or woman, every woman cohabiting with any polygamist or bigamist; and this is a proposition merely to extend to all women this disqualification without extending it to all men. The Mormon man in carrying his principles into practice is not excluded. Now, I wish to ask the Senator from Vermont why it is that finding certain men not guilty of crime but only entertaining bad opinions, and certain women not guilty of crime but some of them as he supposes entertaining bad opinions, he makes a law applicable to the Territory of Utah by which he excludes all women from the franchise they now possess and refuses to exclude not only all men but even the men entertaining those opinions?

Mr. EDMUNDS. I have answered that already. I have said that your law must be equal and is equal as applied to classes. Nobody doubts, my friend from Massachusetts does not doubt that wherever we have legislative jurisdiction, like a State has or like Congress has over the District of Columbia or a Territory, we may classify the people who are entitled to the exercise of political rights by age, by sex, by property, or the want of property, or any other such thing that is general in its application. Now in order to accomplish the object we have in view, one great and necessary step in it is to diminish the political power of the polygamous Mormon Church, because that is what it is, and that is what it is alone, as it is now constituted, although it is an ingrafted contrivance on the original Mormon faith.

Now how are you going to do it? I have answered that already. You can do it by excluding all men in the Territory if you please and leave it to all women; but inasmuch as three-fourths of the women there are under the domination of the men who wish to keep up this polygamous church, they vote just as they are compelled to whether they are plural wives or not, because the power of the church extends entirely beyond the mere polygamous relation. It extends to almost all the female people of that church as well as the male people, and they vote almost solid in one way in order to maintain this central power of the kind that I need not take time to describe. That is the reason, and therefore having the power to make this classification under the law and not having the power to abolish it entirely with any safety for the government of the Territory, for we cannot put it in a commission with legislative powers, we must do this or do nothing; and it really comes back to the question whether you prefer polygamy to suspending for the time being female suffrage in that Territory and relieving these poor women who are far more vastly sinned against than sinning, from the domination that forces them to uphold by their votes this institution that we are trying to get rid of.

Mr. BLAIR. Mr. President, I believe in what is called manhood suffrage; that is, the right of partaking in the sovereignty on the part of every human being of mature powers, whether male or female. I admit that the power to regulate the exercise of suffrage is in the political organization as it exists, and that the extension of the suffrage is at its will, not as a matter of right but as a matter of power, because there is no other way to obtain the extension unless it be exercised by force and violence, which is revolution. Wherever in any republican community or in any community where the republican form of government prevails this right has been extended to all to whom it belongs by nature, I never will consent by any act of mine to see any class despoiled of the exercise of that right; and if in the Territory of Utah woman has acquired it, I will so far as my action is concerned incline always to vote in such way as to enable her to continue rather than to restrict her in its exercise. But without entering upon the general question of the right of female suffrage, I wish to confine what little I have to say now to the specific provisions in this bill.

The exact state of the law seems to be this: By the statute of the last session we deprived every polygamist and bigamist of the right to vote and to hold office. I suppose we would consider that they have the right to continue the exercise of suffrage and the right of office-holding until tried and convicted of the crime mentioned according to law, and

it is because we can not inflict this pain and penalty, for certainly the deprivation of the right of partaking in the suffrage is punishment, because we can not deprive them until after conviction by due course of law, that the Mormon men still retain the right of suffrage. Therefore they can still vote. Mormon women can vote still. Both can vote until they are convicted of the crime specified in the act of last session. Now, this bill comes to us and reads as follows:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

It does not touch the matter of office-holding, it does not attack the right of suffrage in the hands of any but women, and it makes no distinction among women. The Senator from Vermont brings in this bill with this section because certain of the women in the Territory of Utah believe in polygamy and vote in accordance with their belief, or if he does not place it upon that ground he says it is because these women are practically enslaved and vote in accordance with the will of their husbands or their masters.

That is a question of fact, and his proof of that question of fact is, I think, liable to be controverted. To be sure he says that certain commissioners who went out there and spent a few months come back and say so. I do not know in what authoritative way they have ever said so; but I do know that all the accounts I have ever heard from the Territory of Utah are overwhelmingly to the point that the women are as much attached to the institution as are the men in that Territory, and I think that is the fact.

I happened to be the last Gentile who conversed with Brigham Young before his death. I was in the Territory at that time. It was on a Monday evening, and he died the next Thursday. In conversation with him and in conversation with many other leading men, and from observation that I had the opportunity of making at a public festival and at other public gatherings and assemblies which I witnessed while there, I was thoroughly satisfied that the women as a whole were as strongly attached to the institution as were the Mormon men, and I believe such to be their opinion to-day. I believe that if the Mormon women vote for sustaining that institution, they do so as a rule as freely as do the Mormon men. So upon the question of fact I should need a great deal of evidence to satisfy me that the position of the honorable Senator is correct.

But assuming that he is correct in that regard and that his object is to place the control of the Territory in the hands of those who are opposed to polygamy—for that after all is the only practical reason that can be urged in this strange and otherwise violent and tyrannical legislation; nothing but the good purpose involved can possibly justify it—it is a question whether the best purpose, that is the destruction of polygamy, the destruction of the Mormon system, can justify a violation of the constitutional principles that have been the result of the toil and development and struggle of six thousand years. Assuming that the purpose, itself a worthy purpose, may be attained by the means which are brought into use in this section of this bill and other provisions of the bill which certainly seem to me to be very severe and violent and only to be justified by stress of the most important circumstances—assuming that, however, to be so, does the Senator attain his end?

Is it not a matter of common notoriety that the Territory of Utah is in the hands of the Mormons at least four to one, and in the hands of Mormen women also? Of what avail is it to strike at the suffrage in the hands of Mormen women even if they do vote unintelligently or as slaves, casting the ballots of their masters and husbands? If you disfranchise these women there are four Mormons to every Gentile to vote for the system, not four polygamists it may be, but four who entertain this same Mormon opinion, and who have the right to vote, and if every male polygamist in Utah was convicted of the crime as contemplated in the law of the last session, and if therefore he was deprived of the right to vote legally and judicially as a part of the sentence to be affixed to conviction, there would be at least three Mormons remaining who are not in the practice of polygamy to retain by their voting in their own hands the sovereignty of that Territory; for from all the undisputed information I have ever heard from any source there are at least three, if not four, unmarried male polygamists in that Territory who upon the provisions of all the bills suggested will still have the right to vote and who will control the Territory at the ballot-box.

So then this bill goes far short of any remedy for the evil there, and there is no necessity whatever of this continuous violation of our constitutional ideas and our constitutional rights. This other provision here, which commences by placing a witness under arrest before the ordinary means have been put in motion to secure his attendance, before there is any contempt of court, seems harsh. There is no necessity, I say, of adopting these violent measures, unless you go a great deal further than the Senator from Vermont feels justified in doing and deprive the unmarried Mormon male polygamist of the right of suffrage. Nobody proposes to do that, and the bill will be an utter failure for that reason, and we shall find ourselves precisely where we were in the commencement.

Mr. President, there are other reasons, strong, general reasons, that I could state why I am opposed to this principle of the deprivation of any human being who has it of the right of suffrage. I do not believe the remedy for this evil lies in that direction, and the proposed remedy I had almost said is worse than the evil itself.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. EDMUNDS. I am satisfied that as the Senate is very thin and I should like a full vote on this question, it is better to now adjourn. I move——

Mr. BLAIR. If you are going to move an adjournment, I wish to offer an amendment.

Mr. EDMUNDS. Very well.

Mr. BLAIR. I wish to offer an amendment to this section, that it may be printed.

The PRESIDING OFFICER. The Senator will send his amendment to the desk.

Mr. BLAIR. I wish to read it first. I propose to amend the seventh section by striking out the word "female" wherever it occurs and inserting the word "person;" also after the word "whatever," in the fourth line, to insert:

Provided, That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to the law.

And also to insert the word "such" between "by" and "female," in the seventh line.

Mr. EDMUNDS. Now, Mr. President, I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 21, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Several MEMBERS. Regular order!

Mr. CALKINS. I desire to ask unanimous consent to pass a bill——

The SPEAKER. The regular order is called for, and cuts off all requests of that kind.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I am directed by the Committee on Appropriations to report back the bill (H. R. 7193) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1884, and for other purposes, with the Senate amendments thereto, and to recommend that the amendments of the Senate be concurred in.

The amendments of the Senate were read, as follows:

Page 2, line 16, after the word "dollars," insert "and of this sum $5,000 shall be immediately available;" so that the clause will read:

"For contingent expenses of pension agencies $10,000, and of this sum $5,000 shall be immediately available."

Page 2, after line 16, insert the following:

"That section 4745, title 57, of the Revised Statutes of the United States is hereby amended to read as follows:

"'SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect; and any person who shall pledge, or receive as a pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension or pension certificate which has been, or may hereafter be, granted or issued, or who shall hold the same as collateral security for any debt or promise, or upon any pretext of such security or promise, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $100 and the costs of the prosecution; and any person who shall retain the certificate of a pensioner and refuse to surrender the same upon the demand of the Commissioner of Pensions, or a United States pension agent, or any other person authorized by the Commissioner of Pensions or the pensioner to receive the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $100 and the costs of the prosecution.'"

The amendments of the Senate were concurred in.

Mr. O'NEILL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EULOGIES UPON SENATOR BENJAMIN H. HILL.

Mr. HAMMOND, of Georgia. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate joint resolution No. 137, to print certain eulogies delivered in Congress upon the late Benjamin H. Hill.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That there be printed 12,000 copies of the eulogies delivered in Congress upon the late Benjamin H. Hill, a Senator from the State of Georgia, of which 4,000 shall be for the use of the Senate and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of said Benjamin H. Hill to accompany each copy of said eulogies; and for the purpose of defraying the expense of engrav-

ing and printing the said portrait the sum of $600, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. HAMMOND, of Georgia, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEMORIAL ADDRESSES ON HON. JOHN W. SHACKELFORD.

Mr. VANCE, by unanimous consent, introduced a joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina; which was read a first and second time.

Mr. VANCE. I ask that this resolution be put upon its passage now.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. John W. Shackelford, late a Representative from the State of North Carolina, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives and 3,000 copies for the use of the Senate; and a sum sufficient to defray the expense of preparing and printing the portrait of the deceased for the publication herein provided for is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I rise to make a privileged report from the committee of conference on the Post-Office appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after a full and free conference, have been unable to agree.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments to the Post-Office appropriation bill submit the following statement in explanation of the report submitted:

The conference having failed to agree leaves the bill and amendments in the same condition as when last considered in the House.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. CASWELL. I ask that the House insist on its non-concurrence in the amendments of the Senate and ask a further conference.

The SPEAKER. If there be no objection it will be so ordered. The Chair hears no objection. The Chair announces as the managers on the part of the House in the further conference the gentleman from Wisconsin, Mr. CASWELL, the gentleman from Illinois, Mr. CANNON, and the gentleman from Louisiana, Mr. ELLIS.

Mr. CASWELL. Inquiry is made of me as to what are the points of difference. If there is any wish on the part of the House to be indicated at this time in reference to any particular amendment I would be glad to hear it.

The SPEAKER. The subject is not now before the House.

Mr. CASWELL. I will say, Mr. Speaker, that the substantial differences between the Senate conferees and those of the House were in reference to the appropriation of $185,000 for special mail facilities and the provision fixing the rates of compensation for land-grant railroads. Upon those two points mainly the conferees differed. I think there would be no difficulty in agreeing on the other points.

The SPEAKER. The Chair does not understand that there is any question before the House in regard to the Post-Office appropriation bill.

ADDITIONAL CHAIRS AND DESKS IN THE HALL.

Mr. BLACKBURN. Mr. Speaker, I desire now to call up the report and accompanying resolutions submitted by the Committee on Rules some days ago, and which went over upon the request of the gentleman from Iowa [Mr. KASSON] and others. The report relates to the rearrangement of the seats in this Hall for occupation in the next Congress.

The Clerk read the resolutions, as follows:

Resolved, That the Clerk of the House be, and is hereby, directed to procure thirty-two additional desks and chairs of the same size, style, and material as those now in use, in order to accommodate the increased number of Representatives in the next Congress, said desks and chairs to be placed upon the present platforms.

Resolved, That to this end the railing now in position on the south side of the Hall be removed; and that the Architect of the Capitol is hereby directed to make room for an additional desk at the south end of each platform.

Resolved, That the payment for the desks and chairs, and for label frames and plates for the former, be made out of the miscellaneous item of the contingent fund.

Mr. BLACKBURN. Mr. Speaker, I have no disposition to go further in the discussion of these resolutions than I went on the day of their submission, which, if my memory serves me, was Friday last. I merely wish to say that the Committee on Rules in presenting these resolutions express the conclusion which they have reached upon consultation with the Architect of the Capitol and after the discussion of very many different suggestions and plans looking toward the accommodation of the thirty-two additional members who will come in with the next Congress. The Committee on Rules, having been charged with the duty of inquiring into and reporting upon the best method to provide for the accommodation of those additional members, have submitted this report as the result of the best and closest inquiry and investigation they could make. The Supervising Architect of the Capitol and the Clerk of the House have been conferred with. A diagram has been submitted. The space has been measured; the thirty-two additional seats have been calculated for.

Among the various propositions submitted was one looking to the removal of all the desks from the Hall. The committee declined to agree to this, remembering that some years ago that method was attempted. The desks were all cleared out and nothing but seats left; but after a trial of the experiment for a very short time it was by an almost unanimous vote repudiated and the desks were ordered to be put back. Another proposition was to remove the intervening walls and extend the Hall to the outer wall on the south side of the Capitol. There were grave objections to this suggestion.

Among others we learn from the Architect of the Capitol that the weight of this building rests on the wall intervening between this and the surface wall, and that project could not be carried into execution without endangering the permanency of the structure itself, for the corridors all rest on the wall immediately beyond the Hall here on the other side or the south side of the lobby.

After the most careful consideration the committee could give, it reached the conclusion it would probably meet the views of the House to recommend as it has recomended, that seven seats shall be supplied on the right and left of the Speaker's stand on the south front of the Hall, the remaining eighteen to be supplied by the insertion of desks and chairs in each of the blind aisles of the House, gaining from two to five by sections.

As I stated on the day when this report was made to the House, actual measurement made by the Architect of the Capitol shows conclusively that it will not cramp the members more than they are cramped to-day, except in each of the blind aisles of the House, by which I mean those aisles which run from the circumference but do not reach down here to the point in front; not the aisle in which I am standing, but the adjoining one. That is, one tier would have to be occupied, and where there are now three tiers running there would be but two left. One will be occupied by the insertion of another desk and another chair; and you will have the same amount of room for each desk you have now, except that this rail here on the south front of the Hall will have to be removed and that space will have to be occupied by chairs and desks, affording seven seats on either side. It will not interfere with the walk-way of the Hall, but will simply necessitate the removal of the rail which we have now in the House.

The committee did not know and were not able to find or have suggested to them any method which would less disturb the present arrangement of the Hall and at the same time afford equal convenience and facility to each member and to the additional thirty-two who are coming in.

The plan submitted, as I stated the other day, does not carry a single seat in this Hall any further back toward the rear. Nor does it trench in the slightest degree on the vacant space in area in front. Nor does it disarrange the semicircular disposition of seats.

Mr. ANDERSON. I wish to make an inquiry of the gentleman from Kentucky, if he will permit me.

Mr. BLACKBURN. Certainly.

Mr. ANDERSON. And that is whether that wall between the body of this Hall and the outside lobby is at all involved in the support of the building?

Mr. BLACKBURN. Does the gentleman refer to this wall here to the left?

Mr. ANDERSON. I do.

Mr. BLACKBURN. I answer and say no. My opinion and that of the committee, as we got it from the Architect of the Capitol, is that it is not this wall, but the wall immediately across that Hall, between this and the lobby-room of the House.

Mr. ANDERSON. Let me ask the gentleman another question. If this wall may not be removed, did the committee take into consideration the reduction of that space; that is, reducing the width of that gallery, say two, four, or six feet?

Mr. BLACKBURN. In answer, I wish to say the committee took all

that into consideration, and the result of the suggestion, if suggestion it is, that comes from the gentleman's question was it would necessitate two things: the taking away of the gallery above the Speaker's desk and the making of an entrance into that main lobby-room of the House at either end, by doors opening from the transverse hall, for of course there could be no hallway through a portion of the House itself. This wall might doubtless be removed with impunity so far as the structure is concerned, but you would then have the lobby of the House left without any wall in front of it at all and no way to enter except by doors from this and the corresponding transverse hall at the several ends, and you would do away with the gallery we now have over the Speaker's chair in the south front of the hall.

Mr. ANDERSON. One more suggestion, and that is whether that wall might not be removed four feet and still leave a narrower lobby, and in that way provide more room for seats; not taking this gallery, not doing away with that gallery, except that you will take one seat out of it, and in that way get room for seats, leaving the reporters' gallery as it is and still having the convenience now afforded by the blind aisles.

Mr. BLACKBURN. I state to the gentleman from Kansas it seems to me his suggestion would mar the symmetry of the Hall, while materially impairing and impinging on the convenience of members in this Hall. We would then have the seats provided on the south front, I take it, in tiers, and would throw the occupants of those extreme southern tiers behind the Speaker instead of at his side as now, leaving the reporters' gallery as it is, as that can not be disturbed. In that event you will have one if not two of these rows of seats actually in the rear of the Speaker's desk.

Mr. ANDERSON. No; only one.

Mr. BLACKBURN. And let me say further, Mr. Speaker, that this suggestion would involve—that is, the suggestion of the gentleman from Kansas—a very considerable expenditure, while at the same time it would be merely experimental and might not be satisfactory nor afford such a satisfactory arrangement as we would be willing to continue. On the contrary, the report of the Committee on Rules and the recommendation that they make involves an expenditure of only the purchase of thirty-two additional desks and chairs, costing perhaps in the aggregate, with such slight alterations in the Hall as will be rendered necessary, not more than $2,000.

I might say further that it was proposed and urged in committee that it would be wise to bisect the Hall and reduce it in space one-half, removing every desk now here and inserting benches for the use of the members; and also to provide retiring-rooms where members might go to transact business or carry on their correspondence. Several such radical changes were suggested. Other suggestions as radical in their features were submitted without number to the committee; but we believe the plan we propose to be the most conservative course that can be pursued, both as to the amount of money involved and also to the character of the work done, which is, as must always be the case, more or less experimental. They thought it would commend itself to the judgment of the House, and leave future arrangements of a more permanent character to such time as, after the new Congress shall have convened, this plan may have been fairly tested, and we will have more opportunity or leisure to discuss the alterations or make the proposed changes.

Mr. COX, of New York. Mr. Speaker, I know that there are only about one-half of the members present who are interested at all in the question of the arrangement of this Hall for the accommodation of the next Congress, and as a consequence many gentlemen present do not care in particular what arrangement may be made for the accommodation of the next House. I do not doubt that the Committee on Rules did their best and recommended the most economical measure that could be suggested. But I say this, sir, that every member of this House who occupies a seat on the last three tiers of seats in this present Hall will bear me out in the assertion that we are making the House, if possible, still more inconvenient even than it is now, although perchance it may be done in what is claimed to be the interest of economy. By making the additional seven seats on the south side of the Hall, on either side of the Speaker's chair, we shut up practically those passageways now running between the rows of seats and the south wall. By filling up these blind aisles, as suggested by the committee, with seats and desks, we compel members who may occupy seats on these lines to drag themselves along through fifteen members in these narrow, crowded transverse aisles, between the chairs and the desks, before they can get access to the main or other aisles, or else they will have to sit still and remain in their seats, which is perhaps a valuable thing sometimes in public life. [Laughter.] And I repeat, sir, that if this proposition of the Committee on Rules be adopted in its present form its effect will be to disqualify at least one-half of the members of this House both from hearing what is taking place or taking an active part in our deliberations.

Mr. HASKELL. What better can be done?

Mr. HAZELTON. What would the gentleman himself suggest?

Mr. COX, of New York. I made some observations while I was traveling, if I may be allowed to refer to it, which I seldom do, and I took occasion to visit the parliamentary houses of Holland and Belgium, Sweden and Norway, Germany, the Cortes in Madrid, the French Assembly chambers, and other parliamentary bodies, and after making some little notes and observations and looking carefully over the ground I think the best thing we can do is not to have benches, for we tried that some fifteen years ago and found it to be a failure, but to do as they do in the Spanish Cortes, and if you please in the French Assembly, and that is to provide smaller desks and smaller chairs, which will be equally convenient for the members occupying them, and we will have far more room and better accommodations in the Hall. I can now make a desk from what I have seen which will give us as much accommodation certainly, if not more, than the present desks, and can furnish a chair or bench which will be as comfortable as those we now use and which will occupy very little more than one-half of the space that is now taken up by the present chairs and benches.

But, Mr. Speaker, I do not complain of gentlemen on the Committee on Rules for the recommendation they have made; nor that they have not examined further into the matter, although they have had a plain proposition submitted to them. But I would suggest a plan and submit a resolution providing that a special committee of this House and the next be appointed, after we shall have rejected the present plan of the committee for temporary purposes, to make a more full and thorough investigation of the subject, and let that special committee go on and inquire whether we can not make a more commodious and better arrangement before the meeting of the next Congress. I think it would be a good idea to put some benches in front of the desks or in front of the seats, as is the case in the Spanish Cortes, on which members could lay their papers. In the British Parliament, as we all know, thay have no desks at all. They have only benches for the accommodation of the members, and the members of Parliament are not permitted to write or to take notes during the sessions of the Parliament, except in a very limited manner. They write on the tops of their hats, and sometimes, as I have seen ministers near the bench, they reach over and get paper from it, and write on their knees.

Mr. DUNN. The trouble is we do not all wear plug-hats.

Mr. COX, of New York. And we can make the same arrangement here that is made in the British Parliament, in part at least, with satisfaction and comfort to the members. I would not do away with the desks altogether, and I would perhaps put some of them in the corner for the convenience of members who desire to carry on their correspondence. We tried, as I have said, some years ago to do away with the desks altogether, but the difficulty was in securing the attendance of members who were engaged writing letters in the corner at the desks provided for that purpose, and in a few weeks we gave them up. My present idea is that we should combine a smaller desk with smaller seats, to provide suitable accommodations for members, so that we may be able to do some writing and something else besides merely listening in our seats.

Mr. KASSON. Will my friend from New York permit me to say, I suppose there is no doubt except upon one or two points. One method might be instead of blocking up these short aisles to put some rows of seats in the corners in the rear. Another is the suggestion the gentleman from New York now makes as to diminishing the space occupied by desks and chairs. I think these doubts are of sufficient importance to be a reason for the appointment of a select committee, as the gentleman now suggests, and which I suggested the other day. I know the embarrassment of the Committee on Rules in recommending anything else than is embraced in their report without the sanction of the House. I think their report is the best off-hand report that could have been made on the subject.

Mr. COX, of New York. I believe if we would reduce the space occupied by the seats we would have plenty of room in this House to do our business properly. But as it is now, I believe more than half the members of the House do not understand what is going on. I have to leave my seat always and come over here to understand what is going on from the Speaker's chair. And the gentleman from Kentucky [Mr. BLACKBURN], who has the most magnificent voice in this House, frequently can not be heard by gentlemen in that corner on the last two rows of seats, unless he speaks from some commanding position; and he can not always obtain that position. Even the Speaker can not always be heard in those remote parts of the Hall.

Mr. BEACH. Let me ask my colleague whether that is not owing to the confusion which prevails in this House, and whether members would not be better heard if better order were preserved?

Mr. ANDERSON. There will always be confusion here.

Mr. COX, of New York. As long as our country is what it is, and when we have in this Hall three hundred and twenty-five members, there will be confusion more or less. What is to be aimed at is to diminish the confusion as much as possible by bringing the members closer together, in the interest of business.

I know something about this matter. With all modesty I say it; I made the first speech in the Hall. It had an attentive auditory—not from what I said, but because men were watching the acoustic properties of the Hall. I have survived a good many long, wearisome debates in this House in spite of all the confusion. I have been placed in the outer rim in one corner; I have drawn seats all round the Hall; and I know the interest I take in legislation depends greatly on where I am in the House. If I had the choice of a seat in this House I would

choose the Speaker's chair. [Great laughter.] But I can not always have that. [Mr. BLACKBURN rose.] Will my friend from Kentucky allow me to offer my resolution?

Mr. WHITE. I desire to offer a substitute.

The SPEAKER. Does the gentleman from New York [Mr. COX] propose to offer an amendment.

Mr. COX, of New York. I offer an amendment which I think will perhaps be accepted.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

That a committee of five members be appointed to consider whether any other arrangement than that proposed by the Committee on Rules can not be made; and that said committee be authorized to so arrange the seats of the Chamber as to give better accommodation for the transaction of the business of the House.

Mr. COX, of New York. That is in addition to the resolution of the committee.

Mr. BLACKBURN. I desire simply to say we have but nine working days left, I believe, of this Congress. It seems to me impracticable to adopt the suggestion of the gentleman from New York in the form of the substitute he offers.

Mr. COX, of New York. I do not offer it as a substitute, I will say to my friend, but as an addition to his resolution.

Mr. BLACKBURN. That would necessitate the change contemplated by the report made from the Committee on Rules; then the sitting here during the long session of the Forty-eighth Congress under that arrangement. And it seems to me that the time during the six or eight or nine months of the session will be ample to consider any radical changes.

Now that the gentleman from New York has offered his amendment, desiring to get the sense of the House, and having tried as fairly as I could to state the reason which induced the committee to make this report, I will test the sense of the House by demanding the previous question.

Mr. COX, of New York. I do not wish to antagonize the report made by the gentleman from Kentucky.

Mr. BLACKBURN. My demand for the previous question does not shut out the amendment of the gentleman from New York. I agree to let it come in.

Mr. WHITE. I ask my colleague from Kentucky to allow me to offer a substitute.

Mr. BLACKBURN. If it is the only one, I shall be glad to do so.

The Clerk read Mr. WHITE's proposed substitute, as follows:

Resolved, That the Clerk of the House be, and is hereby, directed (before the convening of Congress in December, 1883) to remove the desks and chairs now in use in this Hall of Representatives, and substitute therefor the same chairs, or those of a more convenient style and pattern, if such can be obtained, attached to the right arm of which shall be a rest or table on which to write, with a small drawer or receptacle underneath for holding writing materials; such chairs to be placed in their present circular form, maintaining the space now existing in front of the Speaker's table; the present desks, or, in lieu of them, counting-house or library tables, containing drawers, and presenting writing spaces sufficient to accommodate the Representatives and Delegates elect to the Forty-eighth Congress, so that each person may have a drawer and space for his exclusive use, the desks or tables to be placed in the open space behind the chairs, and separated therefrom in the most convenient manner.

Mr. BLACKBURN. Desiring a fair expression of opinion from the House upon this question, I am glad the substitute of my colleague from Kentucky is offered. I ask for the previous question, so as to get a vote first on his substitute, then upon the amendment of the gentleman from New York [Mr. COX], and then upon the report of the committee.

Mr. WHITE. Will my colleague allow me two minutes to explain my substitute?

Mr. BLACKBURN. I shall be glad to hear the gentleman.

Mr. MILLS. The gentleman can give his explanation after the previous question shall have been ordered.

Mr. BLACKBURN. I am only afraid it may involve further discussion.

Mr. WHITE. I do not desire to debate this matter to any extent, but merely to explain my proposition for two minutes.

Mr. BLACKBURN. Let us have the previous question ordered, and then the gentleman can go on.

The SPEAKER. There will be no debate after the previous question.

Mr. BLACKBURN. Very well; I will yield now.

Mr. WHITE. What the gentleman from New York [Mr. COX] has said must certainly strike every one as the fact, especially those of us occupying seats in the remote parts of the Hall. What we need is some arrangement by which we can hear what is going on.

My colleague [Mr. BLACKBURN] has a magnificent voice, but I think I can safely say that not one-half of the members present here this morning have been able to hear what he has been saying. For that reason I have offered this resolution, to enable the members of the House with weaker lungs to be heard when they have something to say.

My proposition is to take out these desks and put them behind the outer railing, or to have substituted instead proper counting-house tables, in which there shall be a lock-drawer, so that any member who may want to write a letter, read a paper, or smoke a cigar can go outside of the railing, while those who desire to stay here can understand what is going on.

It is not necessary that each member shall be allowed all the space which is now assigned him for a chair and desk. Five feet square of space is allowed here now to each member. In order to do that for the few who are fortunate enough to draw seats near the front, the rest of us are obliged to sit farther back. That is not fair to those members.

Mr. REED. I do not know that it is necessary for me to say anything on this subject; but if the House will indulge me a moment, I desire to say a few words.

I think the idea of the removal of these desks and the substitution of seats is absurd, except upon one plan or purpose, and that is to divide this Hall into two parts and use only one-half of it for purposes of legislation. If we have made up our minds that we want to make that radical change, then we can have a space for desks and have another portion of the Hall reserved in which members can be heard.

But to put desks in the middle of this ten-acre lot in which we are now doing business would be the greatest mistake in the world. It would do neither the one thing nor the other; it would neither give an opportunity to do private business to the exclusion of the public business, nor an opportunity to do public business to the exclusion of private business.

As an individual I might be in favor of dividing this Hall into two parts, and taking one-half of it for legislative purposes, so that every member, whether he has a "magnificent voice" or not, can be heard when he addresses the House. But I do not believe the House is ready for any such radical change, and therefore the wisest thing for us to do is to make the slight change which is recommended by the committee.

I do not believe in having a select committee to attend to this business on the heel of the session. If it is desired to make radical changes in this regard, then let them be begun at the commencement of the next session of Congress, when we can have full opportunity for discussion and when we can arrive at some conclusion to which we will stick thereafter.

Mr. BLACKBURN. I now call the previous question.

The previous question was ordered.

The SPEAKER. The first question is upon the amendment offered by the gentleman from New York [Mr. COX].

The amendment was not agreed to, upon a division—ayes 18, noes not counted.

The SPEAKER. The question now recurs on the substitute offered by the gentleman from Kentucky [Mr. WHITE] for the resolutions reported from the Committee on Rules.

The substitute was not agreed to.

The resolutions from the Committee on the Rules were then agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FERDINAND MULLAN.

Mr. URNER. I am instructed by the Committee on Accounts to report back the resolution which I send to the Clerk's desk, and to ask that the committee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Ferdinand Mullan, administrator of Charles N. Mullan, deceased, late an employé of the House of Representatives during the Forty-fourth Congress, a sum not exceeding $173 for funeral expenses of said deceased, and that the same be immediately available.

Mr. ATKINS. I would inquire of the Chair whether if this resolution should be referred to the Committee on Claims at this late period of the session it would not be an end of the matter?

The SPEAKER. The Chair thinks so.

Mr. ATKINS. Then I suggest that it be referred to the Committee on Appropriations.

Mr. URNER. Very well; I will make that motion.

The motion was agreed to; and the resolution was referred accordingly.

ORDER OF BUSINESS.

Mr. HISCOCK. I move to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. HISCOCK. I now propose to move that the House resolve itself into Committee of the Whole for the further consideration of the sundry civil appropriation bill. Before making that motion I will move that all debate upon the pending paragraph and all amendments thereto be limited to twenty minutes.

The SPEAKER. The question is upon the motion to limit debate.

Mr. HISCOCK. In deference to the Committee on Military Affairs, from which committee was reported the pending amendment in Committee of the Whole, I will change my motion so as to limit debate to thirty minutes.

Mr. ATKINS. I would suggest ten minutes.

Mr. HISCOCK. I think it is due to the Committee on Military Affairs, from which the pending proposition came, to allow thirty minutes.

The motion to limit debate to thirty minutes was agreed to.

DAMAGE BY FLOODS TO MISSISSIPPI IMPROVEMENTS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a telegram from Captain W. L. Marshall, Corps of Engineers, in partial response to the resolution of the House on the 17th instant, calling for information in regard to damage by flood or otherwise to improvements on the Mississippi River at Plum Point Reach or Lake Providence Reach.

Mr. PAGE. I submit that this communication should be referred to the Committee on Commerce.

Mr. ROBINSON, of Massachusetts. Did the Chair mean to refer the resolution to the special or the standing committee?

Mr. HISCOCK. It ought to go to the special committee, as they have asked for this information.

Mr. ROBINSON, of Massachusetts. The special committee appointed at the adjournment of the last session.

The SPEAKER. If there be no objection, the communication will be referred to the special committee relative to appropriations for the Mississippi River.

Mr. PAGE. It seems to me that as the special committee have made their report——

Mr. ROBINSON, of Massachusetts. They have not; they are waiting for this very information.

The communication was referred to the Select Committee Relative to Appropriations for the Improvement of the Mississippi River.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair, and resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The CHAIRMAN. By order of the House all debate on the pending paragraph and all amendments thereto has been limited to thirty minutes. The pending amendment will be read.

The Clerk read as follows:

At the end of line 823 add the following:

"That all lands reserved for military purposes which, in the opinion of the President, may be no longer desirable for such purposes, or so much thereof as he may designate, shall be placed under the control of the Secretary of the Interior to be disposed of: *Provided*, That said lands shall not be placed under the control of the Secretary of the Interior until the direction of the President therefor shall have been filed in the Interior Department: *Provided also*, That said lands shall not be subject to location by warrant or scrip of any description nor to the homestead or pre-emption laws of the United States: *And provided further*, That said lands shall not be sold until they shall have been surveyed and platted under the direction of the Secretary of the Interior and appraised by three competent men to be appointed by him and their appraisal approved by the President of the United States. And said lands shall be sold at public sale to the highest bidder for cash, and shall not be sold at less than their appraised value and in such subdivisions as may be most advantageous to the Government, no subdivision to exceed one hundred and sixty acres."

Mr. PAGE. I make the point of order——

The CHAIRMAN. The Chair will state to the gentleman from California that this amendment was offered last evening by the Committee on Military Affairs. A point of order was raised upon it; but the amendment was decided by the Chair to be in order. The proposition is now open to amendment and further debate in connection with amendments, as debate under the rule has been exhausted.

Mr. HENDERSON. There ought to be some understanding in regard to the division of the time.

Mr. PAGE. I do not wish to debate the question at all, but merely to ask a question of the gentleman who reported this amendment from the Committee on Military Affairs. I wish to inquire whether this provision does away with the necessity for special legislation in reference to restoring to public entry lands formerly occupied as military reservations?

Mr. McCOOK. I assume that it does.

Mr. PAGE. One further inquiry. There are instances where persons have entered upon these reservations which have been abandoned for military purposes. I desire to ask whether there is any provision that persons entering in this way shall have the first right in regard to these lands?

Mr. McCOOK. I will gladly answer the gentleman; but I understand this does not come out of the regular time.

The CHAIRMAN. This is in the time of the gentleman from California [Mr. PAGE].

Mr. PAGE. I yield to the gentleman the remainder of my five minutes that he may answer the question.

Mr. McCOOK. I can only answer the question in this way: I assume that if any man who has entered on a military reservation has a legal claim this provision, if it should become a law, will not affect his rights. If he is a squatter—has taken possession of land to which he had no more right or title than I have—I assume that his so-called rights will not be protected.

Mr. PAGE. Suppose he has entered upon the land in good faith?

Mr. McCOOK. The question of good faith we can not determine. He had no right to enter until the land was formally abandoned under an act of Congress and restored to the public domain.

Mr. WASHBURN. I desire to offer an amendment.

Mr. HENDERSON. I think we ought to have some understanding as to the division of time.

Mr. McCOOK. I would like, if it be not contrary to the rule, to have fifteen minutes assigned either to the gentleman from Illinois [Mr. HENDERSON] or myself, so that we may distribute that time as we please.

The CHAIRMAN. If there be no objection the Chair will recognize the gentleman who offered the amendment [Mr. McCOOK] to dispose of the fifteen minutes on that side, and perhaps the gentleman from Minnesota [Mr. WASHBURN] to assign the remainder of the time.

Mr. WASHBURN. I submit the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "homestead or" in the second proviso of the amendment; so as to make the proviso read:

"*Provided also*, That said lands shall not be subject to location by warrant or scrip of any description, nor to the pre-emption laws of the United States."

Add to the second proviso the following:

"*And provided*, That the rights of actual settlers entitled to the benefits of the homestead laws of the United States who now occupy in good faith any portion of the lands embraced within the said reservations shall not be interfered with, but shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead laws the time such settlers have occupied and improved their said lands shall be allowed."

Mr. VALENTINE. Let me suggest to the gentleman that he say "such reservations abandoned," &c.

Mr. WASHBURN. Mr. Chairman, I agree fully with the general purposes of the amendment offered by the Military Committee and accepted by the Committee on Appropriations, having for its purpose the disposal of the military reservations for which there is no further use for military purposes. I am not, however, in favor of turning our backs upon the policy of the last twenty-four years, whereby the public domain has been opened up to settlement and dedicated to the use of the actual settler. This wise and beneficent policy has done too much for my State and the States in that portion of the Union to be abandoned at this time. So far as these reservations are concerned, my observation teaches me they are very little different in value from the other lands of the public domain in the same localities. There are few of them which have any special value more than the rich, broad acres which have belonged to the general public domain. Such is the case I know in my own State.

While I have been in Congress two of these military reservations have been abandoned, and in both instances the provisions of this amendment of mine has been adopted in reference to their disposal and in protecting the rights of the actual settler. Actual settlers have gone upon these reservations years and years ago, in the expectation and belief that they were ultimately to be restored to the public domain, and in my judgment they should be allowed to perfect their homestead claims and secure a preference that a residence on such claims would give them.

There is no good reason, so far as my observation has gone, why these particular reservations should be taken out from the operation of the general policy of the Government so far as the disposal of the public domain is concerned. There may be some rare instances where possibly a portion of a reservation is of special value, but under the power given to the President and Secretary of War such portion can be withdrawn from the operation of the law opening up the lands to homestead claimants.

Now, sir, I hope our friends on this side of the House will not forget that as a party we have been pledged to the principle of the homestead law from its very inception, and we should not forget that its effect has been most beneficent. It has done, Mr. Chairman, more than any other act of legislation to settle up and develop the great empire of the West and Northwest. Let us not turn our backs on it. Let us not forget that the actual settler who has gone out to these public lands in good faith and when he believed he could perfect his right to his home, let us, I say, not forget him, but see to it that he shall have the right to secure his homestead right in preference to the land speculators and sharks who swarm through the country. The amount the Government will receive by the sale of these lands will not be large. The Government does not rely on the sale of its public lands to fill its Treasury. There is no necessity for it. By putting these lands up at public sale the result will be that men of capital, speculators and adventurers, will take up these reservations, and the actual settlers will be compelled to take them second-hand at an advanced price. I hope my amendment will be adopted.

Mr. SPARKS. Mr. Chairman, for several years the War Department has been commending to the consideration of Congress the propriety of disposing in some way of the useless military reservations of the country. And I take it there is no man on this floor who does not feel the importance of so doing. The Committee on Military Affairs of the House, having charge of matters of this sort, with perfect unanimity have agreed on a policy to dispose of this public property, and have recommended that it be appraised and sold without being subject to location by land-warrants, land scrip, homestead exemption, or anything else of that kind. That committee proposes, by the amendment which the gentleman from New York [Mr. McCOOK] has by its instruction offered to this bill, a plan by which this valuable property may bring a considerable revenue to the Government by disposing equitably and fairly of these public lands.

The objection made to it, and the only one I have heard, is that made by the gentleman from Minnesota [Mr. WASHBURN], who proposes to amend so that these lands shall be subject to homestead entry, &c. For a moment, sir, let us look at the effect of this modification of the Military Committee amendment. How are you to subject these lands to homestead exemption without doing injustice to the people of the country? It is plain that it would be impossible to do so without the guard thrown around them by the clause in the committee amendment, subjecting them to fair sale to any and all persons, and excluding any special privileges to this army of camp-followers and squatters, who having followed the army for speculative purposes would be sure to secure and gobble up the most valuable of these lands and thus deprive *bona fide* actual settlers, who will desire them for purposes of cultivation and improvement, from getting them.

We are told that some of these lands have already been squatted upon. By whom, and who are they? They certainly had no right to do so. Sir, I know of no man on this floor or in this country who is not in favor of the homestead law, of opening the public lands to actual settlers and allowing them to perfect their homestead entries. The public domain has been open under liberal and just laws to pre-emption and homestead entries for many years, and will I hope remain so; but military reservations are no part of what is popularly known as the public domain. They have been taken out from the public domain and have been specially reserved and used by the Government for specific military purposes. They are much of them very valuable. Now, when the Government has ceased to use them and no longer wants them for the purposes for which they were originally reserved, should they not in common fairness to the whole people be disposed of for the reasonable price they would bring by being thrown open to public sale?

Now, I do not know whether my friend from Minnesota has any friends among these camp-followers, who have without authority squatted on any military reservation in his State and who would like to gobble up these valuable lands or not. I do not know nor insinuate any such thing. But I do know that they ought to be opened to the people of the whole country without reservation. They ought to be opened fairly to every man who will buy and build up his home upon them under the law. What right had these camp-followers to locate upon these reservations if any of them did so? Can it be that they did so in good faith for the purpose of making homes upon them? No, they could not have done that, because it was notorious that these reservations were not subject to be taken possession of under the homestead laws. They like all others could have gone upon the public lands (not reserved) where in fact they were invited generally to do so; but they had no invitation nor right to go upon reservations. Hence if there is anybody upon these reservations they are, as I have said, a class of men who have no legal authority under the homestead or other laws to do so. They followed the camp for speculative purposes and if they made locations in its neighborhood they acquired no legal nor equitable claim upon the lands, for they knew that the homestead laws did not apply to them. It would now be unfair to the people of the whole country and unjust to the actual settlers upon the public lands generally, who have gone there in pursuance of the law, to permit these parties to hold valuable lands under such circumstances. Justice demands just such a law as that proposed by the amendment offered by the gentleman from New York, which comes from and is the unanimous report of the Committee on Military Affairs, having charge of the matter, that these lands shall be promptly appraised, duly advertised and sold, and the proceeds turned into the public Treasury as they ought to be.

[Here the hammer fell.]

Mr. DUNNELL. I now yield five minutes to the gentleman from Nebraska [Mr. VALENTINE].

Mr. VALENTINE. I wish to ask the gentleman from Minnesota [Mr. WASHBURN] to permit the following words to be inserted after the word "reservation" in his amendment:

Now abandoned or not used for military purposes.

Mr. MAGINNIS. I hope the gentleman will not accept that amendment, because there are many of these reservations where if that amendment is incorporated the very purpose and object of the proposition of the Military Committee will be destroyed.

Mr. VALENTINE. It has been the custom, as my friend knows, after a reservation has been abandoned, for these persons to move on to it and take possession of the land. Now, this makes provision——

Mr. MAGINNIS. Let the amendment be again read.

The CHAIRMAN. The Clerk will report the amendment to the amendment suggested by the gentleman from Nebraska.

The Clerk read as follows:

Amend by inserting after the word "reservations" "the words "now abandoned or not used for military purposes;" so that it will read:

"Who now occupy in good faith any portion of the land embraced within the said reservations now abandoned or not used for military purposes, shall not be interfered with, but shall date from the day of such actual settlement," &c.

Mr. VALENTINE. The gentleman will see that I wish to confine this provision to these abandoned reservations.

Mr. MAGINNIS. That is all right. I have no objection to that. I misunderstood the amendment of the gentleman.

Mr. VALENTINE. I offer this amendment to the amendment suggested by the gentleman from Minnesota, and hope he will not object to it.

Mr. WASHBURN. I accept that modification.

Mr. VALENTINE. Now I ask the attention of the committee for a moment. I can refer to a small reservation in my own State, Fort Hartsuff, which was originally only one or two sections, a small reservation, a two-company post, which was used about eight years for military purposes. It has now been abandoned for some four or five years. They found it necessary to have more territory within that reservation than was originally selected for wood and hay purposes, and consequently they took in some five or six additional sections surrounding it, and took in thereby some actual settlers who were upon adjacent surveyed lands, in accordance with the land laws of the United States; men who had actually settled upon the surrounding lands under the law.

Mr. MAGINNIS. That is a common practice in extending reservations, to take in the surrounding settlers.

Mr. VALENTINE. These people, to whom I refer, are prohibited from proving up on their entries if this amendment shall prevail without the modification I have suggested. And if this amendment of the gentleman from Minnesota [Mr. WASHBURN] prevails without such a modification it will prevent these actual settlers from doing so. Now, they ought to be protected. I can well see the force of the proposition suggested by the gentleman from New York as applied to reservations lying within the Eastern States. I think it entirely right and proper with reference to these lands, for they have become very valuable and should only be disposed of in the manner prescribed in the proposed amendment of the Military Committee. But, Mr. Chairman, there are reservations lying in many of the Western States and Territories that should be excepted from its general provisions, as in the case of the one to which I have just referred. I think the amendment offered by the gentleman from Minnesota amply covers and protects these actual settlers with the modification I have suggested upon reservations lying in the Western States and Territories; and I hope, therefore, as modified that it will be agreed to by the committee.

If I have any time remaining I yield it to the gentleman from California [Mr. BERRY].

The CHAIRMAN. The gentleman from California has one minute.

Mr. BERRY. Now, Mr. Chairman, I wish to say that some such amendment as that offered by the gentleman from Minnesota should prevail, and I must say that I am somewhat surprised at the remarks of the gentleman from Illinois [Mr. SPARKS], for he ought to know that in many instances reservations have been declared where there never was a military post established. The settlers have gone and occupied these lands that are simply military reservations in name; and if some such amendment as is suggested by the gentleman from Minnesota and the gentleman from Nebraska does not prevail, the actual settlers who built their homes on these lands will be deprived of the opportunity to secure titles.

Further, Mr. Chairman, military reservations have been declared where Government troops were only stationed for one winter, perhaps; or where they have occupied quarters for only a few months in some instances. In these cases we have settlers who have gone and occupied the lands, who have made their entries and their surveys, established their homes, who will be deprived of all opportunity of proving up their titles if this amendment proposed by the Military Committee shall prevail.

[Here the hammer fell.]

Mr. HENDERSON. There ought not to be, Mr. Chairman, it seems to me, any question in regard to the adoption of this amendment which has been offered by the direction of the Military Committee.

Mr. VALENTINE. There will be no objection, I think, if you let proper modifications be made to it.

Mr. HENDERSON. I understand perfectly well the effect of the amendment of the gentleman from Minnesota [Mr. WASHBURN]; and if I believed, Mr. Chairman, that any *bona fide* claimant of lands was to be protected by such amendment I would be in favor of it. But I do not believe there is any *bona fide* claimant that is to be protected by that amendment.

So far as California is concerned, as long ago as 1853 it was expressly provided by law that no person should make any settlement or location

upon any tract or parcel of land selected for a military post, or within one mile of such post. How can a man in California in the face of this law come now and say he is claiming in good faith any part of a military post or reservation?

Mr. BERRY. Will the gentleman allow me now to make this statement——

Mr. HENDERSON. I can not allow it out of my time.

The CHAIRMAN. It must come out of the gentleman's time. The gentleman from Illinois declines to yield.

Mr. HENDERSON. I believe this amendment ought to be adopted as reported by the Military Committee, from the fact that these military posts have usually been established on the very best lands of the United States, as was stated last night by my colleague on the committee [Mr. McCOOK] who has charge of this amendment. I know that some of them have valuable improvements upon them because the report of the Secretary of War so informs us, and it seems to me that in view of that fact we ought not now to open up these military reservations and subject them to the homestead and pre-emption laws.

There is not a very large quantity of these lands; there are less than 600,000 acres of these lands, as I understand from the report of the Secretary of War, and where the land has been made valuable and held in reservations for so long a time it seems to me just that the Government should adopt this policy instead of allowing it to be jumped or squatted on by any person who may go there in anticipation of its becoming vacant with the intention of stealing it; as is often the case, I fear.

I am in favor of the homestead exemption law. I am an earnest advocate of it. But my faith in it was greatly weakened by a visit last summer to Dakota, when I found that Territory covered all over with claims so that an honest citizen going there with the honest intent of seeking a homestead for himself and family had to purchase a right from some speculator who seemed to have lands in some way to dispose of.

Mr. WASHBURN. Those fraudulent claims are not under the homestead law, but under the pre-emption law, which this House, if it does justice to itself and the country, will repeal before we adjourn.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DUNNELL. Has the time been occupied on the other side?

The CHAIRMAN. Yes, and five minutes remain on the side of the gentleman from Minnesota [Mr. DUNNELL], who is now recognized.

Mr. DUNNELL. I yield one minute to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I think enough has been disclosed by the discussion to demonstrate that no general law can be passed here that will be just in its application to all these forts. The conditions vary in almost every case. In the case of some forts the property has become valuable; settlements have sprung up all around such a fort; it has been a fort for years; that ought to be appraised and disposed of at auction with certain restrictions.

One word more. It has been the practice of the Government to treat each of these reservations in the disposition of them upon its merits and pass a law for its disposition. [Here the hammer fell.] I want to add one word with the permission of my friend from Minnesota [Mr. DUNNELL]. I observe by an examination that during the last ten years we have disposed of seventeen of these reservations, and every one of them has been disposed of under the homestead and pre-emption laws excepting four.

Mr. DUNNELL. I yield one minute to the gentleman from Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. Mr. Chairman, in the Territory of Dakota there are several abandoned military reservations. These reservations were established shortly after the Minnesota massacre in 1862, and they were so far beyond settlement that they were no more valuable than the surrounding public lands. These reservations have since been abandoned by the War Department, and as the settlers have come in and filled up that country a few of them have settled upon these reservations. The land is no more valuable than the surrounding land taken by their fellow-settlers; and these people who occupy these reservations are not camp-followers, but have everything they possess in the world upon these lands. And for Congress to pass any act depriving them of their improvements and rights would be unjust.

[Here the hammer fell.]

Mr. RYAN. They are the kind of camp-followers that have settled up the entire West.

Mr. DUNNELL. I am surprised to hear the gentleman from Illinois [Mr. SPARKS] speak of these men settling upon these reservations as camp-followers. A gentleman representing a Western State ought to know better than to affirm that the men squatting even, if you please to use that term, upon reservations or public lands in the great West are to be denominated camp-followers. They are the very men that lead in the development and growth and prosperity of these sections of the country. It was said here last night by the gentleman from New York [Mr. McCOOK] that the War Department was desirous of creating a new policy as to the disposition of these reservations. I find here that the Secretary of War proposes to transfer these lands to the Secretary of the Interior "for sale after appraisement or for a disposition under the general land laws."

Heretofore, as I stated last night, we have disposed of every military reservation from the beginning of the Government down to the present time by special act, and in all cases where there have been lands proper for entry under the homestead and pre-emption laws those lands have always been given up to settlers under those laws. It is now proposed to establish an entirely new policy.

There are involved in this proposition a half million acres of land, the great bulk of which is no better than the outlying lands. It is proposed to sell those lands and have the proceeds go into the public Treasury.

I am opposed to this, not because I represent any lands within any military reservation, but because, from my service on the Committee on Public Lands and as representing a land State, I know very well that the old policy we have pursued has been in harmony with the liberal and beneficent homestead policy of the Government which has been in vogue now for so many years.

Mr. HISCOCK. I rise to favor the amendment offered by my colleague.

Mr. McCOOK. I think the Committee on Military Affairs should be allowed some chance to be heard.

Mr. HISCOCK. I will yield to my colleague.

Mr. McCOOK. The Committee of the Whole may as well understand distinctly that if the amendment suggested by the gentleman from Minnesota [Mr. WASHBURN] shall be adopted it will destroy absolutely the effect and purpose of the proposition submitted by the Committee on Military Affairs.

Mr. DUNNELL. Good.

Mr. McCOOK. The Committee on Military Affairs have nothing whatever to disguise in regard to the action which they propose. Their proposition is that the military reservations of this country, not those abandoned, as the gentleman from Minnesota [Mr. DUNNELL] suggests, but those from which the troops have been withdrawn, shall be sold to the highest bidder at auction after due appraisal and due advertisement.

As I stated last night, the proposition is carefully guarded so as to prevent combinations, and it prohibits the sale of any subdivision of land containing more than one hundred and sixty acres. When you talk about the rights of the men who have located on these military reservations, I will say that they are simply trespassers, and in my judgment are entitled to no consideration from the Congress of the United States.

Almost from the beginning of the Government to the present time the President of the United States has by proclamation declared certain of the public lands military reservations, and that authority has been affirmed time and time again by Congress. Judicial decisions have been rendered to the effect that when those lands have been once declared by the President to be military reservations they can not be afterward abandoned for any purpose whatever except by authority of Congress. I therefore again repeat that when any man in the vicinity of a military reservation, no matter whether he goes there in good faith or bad faith, takes possession of any portion of the land embraced within such reservation, he is a trespasser and has no legal or equitable rights before the Congress of the United States.

I deny again that it has always been the policy of this Government, as the gentleman suggests, to open these military reservations to pre-emption or homestead settlement. The military lands of the State of Florida have all been sold, and the proposition reported from the Committee on Military Affairs practically follows the language of the statute in that case, with additional guards and checks thrown around it.

As I understand the law, up to 1858 all of these lands were sold, and then the law was modified. The present Secretary of War, as did also his predecessor, asks us for some general law in regard to the matter, some law which we in our wisdom, if we have any, may suggest.

The Committee on Military Affairs, who had the right to consider this matter, after taking into consideration the value of these lands and also the fact that the men who have gone upon them are trespassers, have come to the conclusion that it is due to the Government of the United States that these lands should be sold at public auction, to the highest bidder, for cash.

As I said before, if the amendment of the gentleman from Minnesota [Mr. WASHBURN] shall be adopted, the action of the Committee on Military Affairs will be rendered nugatory and the whole matter will be left at sea. I hope, therefore, that his amendment will not be adopted, and that the action of the Committee on Military Affairs will be sustained.

Mr. DUNNELL. I would like to ask the gentleman a question. It is if under the execution of our land laws a settler has gone on a military reservation whose boundaries are unknown, and there carved out a home for himself and family, does the gentleman think it a wise and generous policy for the Government to oust him from that home?

Mr. McCOOK. I suppose I am as good-natured as the gentleman from Minnesota, and I perhaps would not "oust" him any sooner than

he would. But I am not discussing that question; I am discussing the rights of the Government.

The CHAIRMAN. The time allowed for debate upon this subject has expired. The first question is upon the amendment of the gentleman from Minnesota [Mr. WASHBURN] to the amendment offered by the gentleman from New York [Mr. MCCOOK].

The amendment of Mr. WASHBURN was read, as follows:

Strike out the words "homestead or" in the amendment; and add to the amendment the following:

"*And provided*, That the rights of actual settlers entitled to the benefits of the homestead laws of the United States, who now occupy in good faith any portion of the land embraced within the said reservations, now abandoned or not used for military purposes, shall not be interfered with, but shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead laws the time such settlers have occupied and improved their said lands shall be allowed."

The question was taken upon the amendment of Mr. WASHBURN; and upon a division there were—ayes 18, noes 65.

Mr. WASHBURN. I call for tellers.

Mr. HISCOCK. I trust the gentleman will not take up time in doing that.

The CHAIRMAN. The question is upon ordering tellers.

The question was taken, and tellers were not ordered.

Mr. WASHBURN. I raise the point that no quorum has voted.

The CHAIRMAN. The Chair would remind the gentleman that the proper order is to make the point of no quorum before calling for tellers. But the Chair will appoint tellers.

Mr. WASHBURN. I will withdraw my call for tellers.

So the amendment of Mr. WASHBURN was not agreed to.

Mr. RYAN. I move to amend the pending amendment by adding what I send to the desk.

The Clerk read as follows:

Subject, however, to the provisions of an act entitled "An act to provide additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose," approved July 31, 1882.

Mr. RYAN. If debate were in order, I could explain this amendment so that no one would object to it.

The CHAIRMAN. Debate has been closed.

Mr. HENDERSON. Does the gentleman say that this is in pursuance of law?

Mr. SPARKS. I make a point of order on the amendment.

The CHAIRMAN. The Chair is of opinion that the amendment is in order, as it simply proposes to reserve from the operation of the amendment provisions of existing law in regard to training schools for Indian youth.

The question being taken on agreeing to the amendment, there were—ayes 20, noes 35.

Mr. RYAN. For the purpose of obtaining tellers, I make the point of order that no quorum has voted. I understand that there is no objection on the part of the Military Committee to this amendment.

Mr. SPARKS. There is objection.

Mr. MCCOOK. I object to it.

Mr. RYAN. I withdraw the call for tellers.

The amendment was not agreed to.

Mr. VALENTINE. I desire to offer an amendment which merely protects the rights of settlers lawfully acquired in these abandoned reservations.

The CHAIRMAN. The Chair will remind the gentleman from Nebraska [Mr. VALENTINE] that debate is closed. The Clerk will read the amendment.

The Clerk read as follows:

Add to the pending amendment the following:

"*Provided, however*, That Fort Hartsuff military reservation, in the State of Nebraska, be, and the same is hereby, vacated and made subject to entry under the land laws of the United States, reserving priority of entry to any person who has made lawful settlement thereon. Also, that the purchaser or purchasers of Government buildings on said reservation shall have the right to purchase the tract of land upon which said buildings are located, not to exceed one hundred and sixty acres, at such price as shall be fixed by the Secretary of the Interior."

Mr. SPARKS. I make a point of order on that amendment.

The CHAIRMAN. The Chair thinks that a point of order does not lie against the amendment. It is simply a modification of the amendment already ruled in order and debated.

Mr. SPARKS. It is identical with the proposition voted down a moment ago.

The CHAIRMAN. This is limited to a single reservation.

Mr. STEELE. It is certainly special legislation.

The amendment was not agreed to.

Mr. PETTIGREW. I move to amend the amendment by adding what I send to the Clerk.

The Clerk read as follows:

Provided further, That the settlers now residing upon the Fort Rice and that portion of the Fort Randall military reservation east of the Missouri River, in the Territory of Dakota, shall be allowed to enter the land upon which they reside under the homestead and pre-emption laws.

Mr. SPARKS. I make a point of order on this amendment.

The CHAIRMAN. On what ground?

Mr. SPARKS. That the subject-matter has already been voted upon. It makes no difference that this amendment embraces but a part of the general proposition; the whole proposition has been voted down. An amendment was offered subjecting all these lands to homestead entry; that amendment was rejected. Now I take it an amendment can not come in which proposes the same provision in regard to single reservations. The whole matter has been defeated.

The CHAIRMAN. The Chair will remark in reply to the gentleman that because the Committee of the Whole has refused to apply the provision to all the reservations *non constat* it is unwilling to apply it to one. The Chair overrules the point of order.

The amendment was not agreed to.

Mr. WASHBURN. I move to amend the amendment by inserting, after the words "appraised value," near the close of the amendment, the words "which in no case shall be less than $1.25 per acre;" so that the language will read "shall not be sold at less than their appraised value, which in no case shall be less than $25 per acre."

Mr. RYAN. If we are going to sell these lands, that limitation ought to be inserted.

Mr. MAGINNIS. The gentleman from New York [Mr. MCCOOK] had better accept this.

Mr. MCCOOK. All right; let it go.

The amendment of Mr. WASHBURN was adopted.

Mr. HERBERT. I move to amend the amendment by adding the proviso which I send to the desk.

The Clerk read as follows:

Provided, That persons who may at the time of the passage of this act be in possession of any of the lands in Alabama heretofore reserved for military purposes shall be authorized to purchase the same at such valuation as may be put upon the same by the Secretary of the Interior, if such persons shall make application within six months after the passage of this act.

The amendment was not agreed to.

Mr. WASHBURN. I wish to submit as a further amendment a provision which is usual in regard to all these public sales, and to which I think the committee will not object. I move to add to the amendment a proviso which I ask the Clerk to read.

The Clerk read as follows:

And provided further, That no sale shall take place until notice of the same shall have been published for at least ninety days, once in each week, immediately prior to such sale, in at least two daily newspapers, such papers having a general circulation in the State or Territory.

Mr. MCCOOK. I do not particularly object to that, so far as I am concerned.

Mr. WASHBURN. Let us have a division on my amendment.

Mr. MCCOOK. Strike out the word "daily" and I do not think there will be any objection to the gentleman's amendment to the amendment.

Mr. WASHBURN. Very well; I will modify my amendment by striking out the word "daily."

Mr. SPARKS. The question then is on the amendment of the gentleman from Minnesota as modified. Now I wish to say a word on it.

The CHAIRMAN. Debate is exhausted.

Mr. WASHBURN's amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

Mr. CONVERSE. Where is this sale to take place?

The CHAIRMAN. Debate is exhausted.

Mr. CONVERSE. I move to amend by providing for the sale at the reservation where the land is situated.

Mr. HISCOCK. I do not think that should be done.

Mr. MCCOOK. The sale is to take place under the general law, and if the checks and guards are not sufficient the committee are willing to accept any additional ones that may be necessary.

The CHAIRMAN. Debate is not in order.

Mr. CONVERSE. No debate has taken place on my amendment.

The CHAIRMAN. There can be no further debate under the order of the House. Does the gentleman insist upon his amendment?

Mr. CONVERSE. I do not.

Mr. SPARKS. Let the amendment of the committee be reported as it has been amended.

The amendment as amended was again read.

Mr. CARPENTER. I offer the following amendment:

That any settler who was in actual occupation of any portion of any one of these reservations prior to the location of the reservation, and continued such occupation to the present time, shall be entitled to locate under the homestead law the land upon which he lives, not to exceed one hundred and sixty acres.

Mr. SPARKS. I raise the point of order against that amendment.

The CHAIRMAN. The Chair suggests the words "provided further" should be prefixed.

Mr. MAGINNIS. I hope the committee will agree to that amendment.

Mr. SPARKS. I do not choose to discuss it. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. SPARKS. My point of order is this, and I will do no more than

state it: If I understand the reading of the amendment it is nearly identical with the amendment of the gentleman from Minnesota, offered in the beginning of this discussion, and enables parties located on these reservations to perfect their homesteads. The opposite of that is the object of the committee.

The CHAIRMAN. The Chair will state to the gentleman from Illinois the distinction is this: This limits the application to the homestead settler who came on after its abandonment as a military post.

Mr. VALENTINE. The amendment protects only those who went onto the land prior to its being reserved for military purposes, and who went there under the homestead law.

The CHAIRMAN. Debate is not in order. The Chair will now hear from the gentleman from Illinois on the point of order.

Mr. SPARKS. I say the amendment offered is, in my judgment, nearly identical with the amendment offered either by the gentleman from Minnesota or the gentleman from Nebraska. It is nearly in the same words. It makes provision for parties locating on these lands, or who were located on them, to perfect their homesteads.

The CHAIRMAN. The Chair should have stated that the effect of the amendment is to limit its application to those who had entered upon the lands prior to their becoming military reservations. The Chair overrules the point of order.

The committee divided; and there were—ayes 39, noes 16.

So Mr. CARPENTER'S amendment to the amendment was agreed to.

Mr. VALENTINE. I move, after the word "dollars," in line 817, to insert the following words:

At Fort Niobrara, Nebraska, $24,000.

The CHAIRMAN. Was not that offered on yesterday?

Mr. VALENTINE. No; $25,000 was offered on last night and this is for $24,000.

The amendment to the amendment was rejected.

The amendment as amended was then adopted.

The Clerk read as follows:

Pay: For pay of one brigadier-general and ten second lieutenants, $19,500; for pay of one hundred and fifty sergeants, thirty corporals, and three hundred and twenty privates, including payments due on discharge, $200,000; for mileage to officers when traveling on duty under orders, $5,000; for pay of contract surgeons, $3,600; for commutation of quarters to commissioned officers at places where there are no public quarters, $7,000; in all, $235,100. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps, not to exceed eight commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law.

Mr. BELTZHOOVER. I desire to raise the point of order on the section just read, from line 878 to 892, inclusive. And my point is this: It provides for an appropriation not authorized by law, and is an increase of expenditure. The provision in this section is for the payment of one brigadier-general and ten second lieutenants and others who are already provided for in the regular Army appropriation bill. It is an addition to the amount already appropriated, and which this House deemed sufficient for the service as now constituted. That is all I desire to say on the point of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. HISCOCK. What is it?

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that it makes provision not authorized by law.

Mr. HISCOCK. I deny that as a question of fact.

The CHAIRMAN. What particular paragraph is it to which the gentleman makes the point of order as not authorized by law?

Mr. BELTZHOOVER. The appropriation made by this House for the support of the Army embraces this provision substantially.

The CHAIRMAN. But the Chair requests the gentleman to state the clause of this bill which he declares subject to the point of order.

Mr. BELTZHOOVER. I refer to the whole section, from line 878 to 892, inclusive, the entire paragraph.

The CHAIRMAN. That the appropriations here made are not provided for by existing law?

Mr. BELTZHOOVER. That is one point; and also that it necessarily increases expenditures.

The CHAIRMAN. The point then, as the Chair understands it, is that there is no existing law authorizing this appropriation?

Mr. BELTZHOOVER. Yes, sir.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. HISCOCK. All I can say in reference to that point of order is, that these officers indicated in this paragraph are the regular Army officers detailed for this purpose, who, according to law, are entitled to the compensation provided in this section.

The CHAIRMAN. The Chair is somewhat embarrassed by the indefinite statement of the point of order. We have always appropriated for those employed in the Signal Corps.

Mr. HISCOCK. In reference to this matter I wish to say further, that this is for the purpose of enabling the committee to see precisely the amount of money which is appropriated to the support of the Signal Service; and for that purpose we have eliminated from the Army appropriation bill an amount equal to the amount which has been heretofore expended in the payment of these officers specified in this section and incorporated it here. Every man, every officer, every private indicated in these paragraphs, commencing with "pay," in line 878, has been paid out of the Army appropriation bill, and have been paid for the same services under that bill. This is simply a change in this respect, that they are provided for here instead of in that bill. The committee have simply separated that service so far as it was paid out of the Army appropriation bill by making specific appropriation for it here. And I repeat that there is no man on this list, neither officer nor private, who has not been heretofore paid on the Army bill the amount that is covered by this clause.

Mr. BELTZHOOVER. I am very heartily in sympathy with the purpose of the committee in separating the appropriations for the Signal Bureau from the Army bill; and I will say when we come to discuss an amendment that I shall offer that they have done all that they could to reduce expenditures in this direction, as far as the Signal Bureau is concerned.

But I beg, Mr. Chairman, to call the attention of the Chair now to the admission made by the gentleman from New York in charge of this bill, that the Army appropriation bill has hitherto provided for every officer and soldier named herein in the regular Army appropriation bill; and this year in that same Army appropriation bill provision has been made for the payment of every brigadier-general, and every lieutenant, and every private in the Army, which would necessarily embrace the payment for the officers assigned to this Signal Corps Service and specifically mentioned in this paragraph of the pending bill.

The CHAIRMAN. The Chair did not understand the gentleman from New York to make that assertion, but the reverse.

Mr. BELTZHOOVER. I beg the Chair to understand that I took the language of the gentleman from New York to convey a very different idea from what the Chair has suggested. But that there may be no mistake on my part I will ask the gentleman the question: Do I understand that in the Army appropriation bill you excepted the provision for the pay of a brigadier-general?

Mr. HISCOCK. We did.

Mr. BELTZHOOVER. And the pay of ten lieutenants detailed for this service?

Mr. HISCOCK. We did.

Mr. BELTZHOOVER. Specifically?

Mr. HISCOCK. No, not specifically; but we reduced the amount which the various appropriation bills carried to pay these officers and put their pay into this bill in the provision now before us. Further on in the bill a provision will be found which provides that no money may be expended for the service except what is now covered by this bill, with this one exception, that the Secretary of War is authorized to detail certain commissioned officers to this service. We have kept upon the Army bill their pay, because it was preferred to have them upon the rolls of the Army.

The CHAIRMAN. The Chair is ready to rule upon the point of order upon the statement of the gentleman from New York, unless the gentleman from Pennsylvania desires to be further heard.

Mr. BELTZHOOVER. Mr. Chairman, I made no captious point of order, and upon the statement of the gentleman from New York I withdraw the point.

I now ask to offer an amendment to this paragraph.

The CHAIRMAN. The amendment of the gentleman will be read.

The Clerk read as follows:

Strike out all after the word "dollars," in line 888, down to and including the word "law," in line 892, the words:

"And the Secretary of War is authorized in his discretion to detail for the service in the Signal Corps not to exceed eight commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law."

Mr. BELTZHOOVER. I desire to be heard very briefly upon that amendment.

Mr. CALKINS. Before the gentleman proceeds, let me ask a question of the gentleman in charge of this bill.

Mr. BELTZHOOVER. Not if it is to come out of my time.

The CHAIRMAN. It must come out of the time of the gentleman from Pennsylvania.

Mr. BELTZHOOVER. I beg, then, not to be interrupted.

I have recently given considerable attention to the Signal Service. I have studied to some extent its history and organization and the legislation on which it is based. I believe it is a purely civil and wholly unmilitary institution and should be transferred to some civil department of the Government. I gave my reasons for this transfer in a speech which I printed in the RECORD some days ago. I have not time even to epitomize the argument, and it would be of no avail if I should—the bill for that purpose is not under consideration. I also presented at the same time a careful analysis of the estimates which were made for the bureau for the coming fiscal year to show its enormous and extravagant demands. All that I said has been seconded beyond all my expectations by the action of the Appropriations Committee. In the present bill they have cut down the estimates for the Signal Bureau about $600,000, and have reduced the appropriation several hundred thousand dollars below what it was for last year. This reduction has been wisely and judiciously made, and I print herewith a table show-

ing the last year's appropriations, the estimates for this year, and the amount which has been allowed:

	Estimates.	Appropriations.	
	1884.	1884.	1883.
SUNDRY CIVIL BILL.			
Observations and report of storms	$310,000	$235,500	$283,835
Military telegraph lines	108,000	30,000	40,000
Observations in Arctic Sea	33,000	33,000	33,000
Pay: Signal Service	322,511	235,100	238,228
Subsistence	182,079	164,779	142,000
Regular supplies	69,476	57,051	55,000
Incidental expense	30,842	1,475	20,000
Transportation	57,010	10,275	22,254
Barracks and quarters	86,144	85,908	80,879
Clothing, camp equipage, &c.	20,034	23,485	10,000
Medical department	5,700	5,700	5,000
Ordnance stores	2,500		
Printing	35,000	35,000	35,000
	1,260,299	917,273	965,196
LEGISLATIVE BILL.			
Salaries at Signal Office	116,860	50,660	
Superintendent of building at Signal Office	250		
Rents at Signal Office	8,540	7,000	
Building for Signal Office	150,000		
ARMY BILL.			
Expense at chief Signal Office	10,500	5,000	
Totals	1,555,449	979,933	*1,045,685

*Many of the items which make up this sum are taken from statements of the Chief Signal Officer. It is believed the amount is below the true aggregate of the cost of the bureau.

There remains nothing, therefore, that I can do in this discussion except to try to present such facts as shall tend to secure to the Signal Bureau such an administration as will justify the belief that the large sum we give for the promotion of science and commerce and agriculture will be honestly expended for that purpose. I do not believe this can be expected under the present management of the bureau. I gave some plain reasons for this belief in my printed speech, which were criticised because they had not been enunciated on the floor of the House. In order that there may be no misunderstanding on this subject I have formulated my statements into certain plain and perspicuous propositions which I will now repeat. In this way I will make it clear and plain and easy for General Hazen and his friends.

1. The administration of the Signal Bureau under Howgate was the most corrupt, profligate, and dishonest which has ever existed in the annals of government, civil or military.

2. Howgate's method of operation, among other things, was characterized by the employment of the Signal Service force, and particularly its higher officers, as electioneerers and log-rollers to influence Congress directly by personal importunity and indirectly by securing resolutions and indorsements from boards of trade, chambers of commerce, &c., and procuring puffs from newspapers all over the country, to influence public sentiment and thereby induce Congress to pass legislation for the bureau. In order to show that this was one of Howgate's methods I will print in an appendix a number of letters from that distinguished fugitive to his subordinates.

3. That while apparently expending the full appropriations and apparently keeping up the efficiency of the service, Howgate was stealing hundreds of thousands of dollars. I have had an estimate from an intelligent gentleman that fixes the amount of the larcenies at over $600,000.

[Here the hammer fell.]

Mr. BAYNE obtained the floor and yielded his time to Mr. BELTZHOOVER.

Mr. BELTZHOOVER. I am very much obliged to my colleague.

4. That while these corrupt and felonious operations were in progress in the Signal Bureau Howgate was surrounded by a large number of intelligent, educated, and well-paid Army officers and civil employés, who were either marvelously stupid in not noticing his thefts or criminally culpable in not disclosing them.

5. That no investigation of any kind has ever been made to ascertain and determine the nature, character, and extent of these great frauds; nor has the perpetrator thereof, with all the power of the Government to aid the pursuit, ever been brought to trial. There is some reason for this which some persons around the Signal Bureau somewhere know better than anybody else in the world.

6. That W. B. Hazen, in charge of the Signal Bureau, with a full knowledge of every preceding fact which I have stated, has never brought Howgate to justice, but has kept every single officer, employé, and clerk of Howgate's in as full and complete control of the affairs of the Signal Bureau as they were under Howgate.

Mr. HENDERSON. Will the gentleman from Pennsylvania——

Mr. BELTZHOOVER. I can not be interrupted in my five minutes. Let the gentleman take his own time.

Among these it is as clear as sunlight that there are those who are too stupid or too dishonest to be Government employés. In this connection I ask leave to print with these allegations a number of letters from Howgate and a list of the officers and employés of the Signal Service Bureau when Howgate left, and those who are now employed in that bureau.

Mr. EZRA B. TAYLOR. Mr. Chairman, is it necessary for me now to object to the gentleman's printing anything but what he says in reference to this subject? I object.

Mr. BELTZHOOVER. Mr. Chairman, I will not find fault with any friend of General Hazen for fearing to allow me to print these things; and if the gentleman will not let them be printed I beg to assure him I will not take up the time of this House by reading them.

7. That Hazen not only failed to bring Howgate to justice and retained all his aids and assistants in place, but he adopted precisely the methods of Howgate in using the officers, clerks, and employés of the Signal Bureau to scour the country, under the pretext that they were in the interest of commerce and agriculture, to work up boards of trade, chambers of commerce, and other public institutes, and to importune prominent men and wheedle newspapers into giving careless and improvident indorsements of the Signal Bureau for the purpose of influencing Congress to pass legislation which Hazen then had pending before it.

8. That Hazen not only adopted and followed the methods of Howgate in improperly working up public sentiment in the interest of legislation before Congress, but he enlarged upon this subject by practicing false pretenses upon the War Department to procure the detail of Army officers to be used for that purpose. The official request of Hazen of the War Department for the detail of Story, Powell, Allen, and Kilbourne, and the letters of Hazen himself, and the letters or official reports of three of these officers form one of the most disgraceful chapters in the annals of attempts to lobby through personal legislation.

[Here the hammer fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. EZRA B. TAYLOR].

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed the bill (H. R. 5538) to reduce internal-revenue taxation, with amendments, in which he was directed to request the concurrence of the House of Representatives.

INTERNAL-REVENUE TAXATION.

Mr. KASSON. I ask unanimous consent that the bill just returned from the Senate be printed with the Senate amendments.

The SPEAKER. The Chair is informed that copies of the bill with the amendments have been printed for the use of the Senate.

Mr. CALKINS. I make no objection to an order for the printing of the bill with the amendments, it being my understanding that the House waives no right by consenting to that.

Mr. KASSON. Certainly.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Iowa that the bill with the Senate amendments be printed, and it is so ordered.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7193) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1884, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BELTZHOOVER. I ask the gentleman from Ohio [Mr. EZRA B. TAYLOR] to yield to me that I may request three minutes more.

Mr. EZRA B. TAYLOR. Not one moment.

The CHAIRMAN. The gentleman from Ohio declines to yield, and will proceed.

Mr. EZRA B. TAYLOR. The gentleman from Pennsylvania [Mr. BELTZHOOVER] asked leave to print, to which I objected. I read his speech printed in the RECORD of the 8th of February in regard to this matter, and, as I can judge of it, he is not entitled on this subject to say anything except what he says with a full responsibility in this House; and I object to his printing anything upon this subject except what he says here. I hope every member of this House has read that speech said to have been delivered here on the 3d day of February. If they have, and if they know anything of the history of this country, they will know that the whole speech is founded on incorrect information; it may be inexcusably incorrect information. This morning, under the pretense of an amendment to this bill, the gentleman makes another assault upon a man that he does not know, a man that I do know.

Mr. BELTZHOOVER. I do not want to know him.

Mr. EZRA B. TAYLOR. You ought to want to. It would help you infinitely if you knew him well and he would recognize you as his friend.

And the burden of his speech this morning is that General Hazen

did not prosecute Howgate. Is the gentleman a lawyer? Is he anything by virtue of which he can give information to this House? General Hazen prosecute Howgate! What has he to do with that prosecution, when the prison doors were opened and Howgate went free? It is an unjust charge; it is an unreasonable charge; it is without foundation, and, like the whole tirade of this morning and of the speech which the gentleman has printed, it is founded on false information.

I say to the gentleman that I do know General Hazen, and knowing him I am glad to be acquainted with him. In the speech to which I have referred the gentleman from Pennsylvania charged General Hazen, the chief officer of the Signal Bureau, with being "a general without a battle; a commander without a history." If that gentleman knew the slightest rudiments of the history of his country he would know that General Hazen has been under fire as many times as any officer in our service; that he has been as faithful as any other officer. And yet the gentleman makes that charge.

In connection with it the gentleman from Pennsylvania says that General Hazen "struts upon the stage and wears the muniments of war, shorn of all that makes it honorable and that justifies a soldier's life." Now, I do not know what General Hazen wears; but if he wears "the muniments of war" he wears something that no other general ever wore. [Laughter.] "Wears the muniments of war!" And this gentleman who talks that kind of language is a gentleman instructing this committee what to do about anything. "Muniments of war" and "the muniments of war shorn of all that make it"—what? "Make it honorable or that justifies a soldier's life." My God! what grammar and what dictionary does the gentleman use?

Mr. ATHERTON. Give us the weight of the matter instead of criticising the grammar.

Mr. EZRA B. TAYLOR. "Criticising the grammar!" I say that the only foundation for the charge is that General Hazen has not prosecuted Howgate. How can General Hazen as the Chief Signal Officer of the Army prosecute Howgate, or prosecute anybody? That is my answer, and if my colleague from Ohio [Mr. ATHERTON] wants to know any other facts in regard to him let him inquire.

Mr. ATHERTON. Why are you talking, if not for the instruction of the House?

Mr. EZRA B. TAYLOR. I am talking because I please to talk, as everybody else talks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALKINS. Mr. Chairman——

Mr. McKINLEY. I will take the floor and yield my five minutes to my colleague [Mr. EZRA B. TAYLOR].

Mr. HISCOCK. I move that the committee rise.

Mr. McKINLEY. I trust the gentleman from New York [Mr. HISCOCK] will allow me to yield five minutes to my colleague, as the gentleman from Pennsylvania [Mr. BELTZHOOVER] had ten minutes.

Mr. HISCOCK. I move that the committee rise.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 37, noes 47.

So (no further count being called for) the motion that the committee rise was not agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio [Mr. McKINLEY], who proposes to yield his time to his colleague [Mr. EZRA B. TAYLOR].

Mr. HISCOCK. I think gentlemen voted on my motion under the impression that I proposed to close debate on this subject. I simply asked that the committee rise for the purpose of getting from the House an order fixing a reasonable time for the debate.

Mr. BELTZHOOVER. I would ask the gentleman from New York how long he proposes to give us on this side to answer what may be said on the other side?

Mr. HISCOCK. I said a reasonable time; such time as may be satisfactory.

Mr. BERRY. Say thirty minutes.

Mr. HISCOCK. I am willing to give thirty minutes; perhaps more.

Mr. BELTZHOOVER. To be divided so as to allow fifteen minutes on each side?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] asks that debate upon the present paragraph be limited to thirty minutes; fifteen minutes to be allowed to gentlemen on each side. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BELTZHOOVER] to dispose of the fifteen minutes on that side of the House; and the gentleman from Ohio [Mr. EZRA B. TAYLOR] to dispose of the fifteen minutes on that side.

Mr. CALKINS. I do not want to be deprived of my five minutes.

Mr. HISCOCK. I shall want five minutes myself. I will ask that the time be made thirty-five minutes, and that I be allowed five minutes.

The CHAIRMAN. If there is no objection, the time for debate will be limited to thirty-five minutes, of which the chairman of the Committee on Appropriations will be allowed five minutes, and the other thirty minutes will be equally divided. The Chair will now recognize the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. I will reserve my five minutes, if I may do so, until I have heard the debate on the other side.

The CHAIRMAN. The Chair will then recognize the gentleman from Pennsylvania [Mr. BELTZHOOVER] for five minutes.

Mr. BELTZHOOVER. I would rather reserve my five minutes until later.

The CHAIRMAN. Will the gentleman indicate any one to whom he would yield?

Mr. BELTZHOOVER. I will yield to any gentleman who desires it.

The CHAIRMAN (after a pause). If nobody on that side of the House desires the floor for five minutes, the Chair will ask the gentleman from Ohio [Mr. EZRA B. TAYLOR] to whom he will yield for five minutes?

Mr. EZRA B. TAYLOR. I will yield five minutes to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. I desire to direct what few remarks I may make upon the proposition before the committee to two phases of it. I do not care to enter into any discussion with reference to General Hazen personally, except to say that those of us who knew him in the army know him to be a very brave soldier and a very honorable man. That is as far as I care to enter on any discussion with reference to him.

But with reference to the charge that the officers of this bureau were sent around improperly for the purpose of working up a sentiment in favor of the Signal Corps I wish to submit a statement of fact which is well known, or ought to be well known, to every member of the House. There are five officers now in the Signal Corps who are competent to and do make the reports for the Weather Bureau. They have been in that corps almost since its organization. They have made the business of the corps a careful and painstaking study, and have thus become qualified to make these weather reports for the country. These are the captains and lieutenants in that corps, and the provision for these the amendment now pending proposes to strike out.

In the course of the inspection which some of these officers were called upon to make in the Signal Service, they did stop to see some of the boards of trade in the country. Why? For any improper purpose? No. They were endeavoring to have this branch of the service organized into a separate corps, and they called the attention of the boards of trade and of other people interested to their work, which they had a right to do; they asked attention to the great service they were performing.

Mr. REED. Does the gentleman think it is proper that the money of the Government should be spent by officers traversing this country for the purpose of getting up public sentiment to influence legislation?

Mr. CALKINS. If anything of that kind was done it would not be proper. But there was not anything of the kind done; and when it is charged that there was the charge, in my judgment, is without foundation. The fact is that in the course of the discharge of their duties some of the officers did stop and call the attention of the different boards of trade to the value of the services performed by this corps and the measure which they thought would make it more efficient. They did as everybody else does when anything is wanted at the hands of Congress. They asked for it. If the corps had been useful that fact should be made known, and there was no harm in it. That is all the foundation for the charge of spending Government money.

Mr. Chairman, for myself I do not care whether the Signal Corps remains a part of the Army or be instituted into a civil branch. I rather incline to the latter plan. But the fact remains that if this amendment be adopted the only men competent to make the reports now recognized as so valuable by the country will be sent from this Signal Corps to their respective regiments, and the corps will be stripped of its usefulness.

One word further. So far as regards the attack which has been made upon the lieutenants, and I believe one of the captains in that corps, I say that I do not know any of these gentlemen except one; and as to him I know there is not a more honorable gentleman in the whole country. I am glad to bear testimony to his high character and worth.

Mr. WILSON. Who is he?

Mr. STEELE. Lieutenant Allen.

Mr. CALKINS. If I have any time remaining I yield it to my friend from Maryland [Mr. URNER].

Mr. URNER. Mr. Chairman, I shall not undertake to throw any light on this subject by debate; but I hold in my hand and will ask the Clerk to read a paper from the president and secretary of the Maryland Academy of Science. These are gentlemen of the highest character for integrity and scientific knowledge.

The Clerk read as follows:

MARYLAND ACADEMY OF SCIENCE,
Baltimore, Md., February 19, 1883.

Considering the concerted attacks against the military organization of the Signal Service, indicated by certain bills lately presented in Congress urging the transfer of its meteorological work to the Interior Department, as decidedly injurious to its efficiency and unmindful of the laborious efforts of those who have brought the service to its present well-recognized condition of excellence, we, the members of the Maryland Academy of Science, desire to respectfully submit the following as our unbiased judgment:

1. That the Signal Service has, in the field of practical and scientific meteorology, made rapid progress and achieved results of the highest importance.

2. That it is hardly possible in a civil organization, even under the most favorable circumstances, to successfully perform the peculiarly exacting duties consequent upon the multiform and extended operations incident to the observation

and report of storms over a vast extent of country such as the United States present.

3. That the short record of the past twelve years, compassing the existence of the Signal Service, presents in its achievements results the influence of which have called forth the appreciation not only of this country but that of European nations. Progress is necessarily slow in a science where the factors entering each determination suffer such an endless variety of change as in the field of meteorological research.

4. In view of the above statements we take pleasure and much earnestness, as a scientific body engaged in allied work, to urge that Congress refrain from passing any measure that will either destroy or seriously impair the present existence of the Signal Service.

Approved unanimously.

P. R. UHLER,
President Maryland Academy of Science.
EDWARD STABLER, JR.,
Recording Secretary Maryland Academy of Science.

Mr. BELTZHOOVER. Mr. Chairman, I desire to inquire how much time the other side has consumed?

The CHAIRMAN (Mr. POUND). Seven minutes.

Mr. BELTZHOOVER. And I still have my fifteen minutes?

The CHAIRMAN. Fifteen minutes.

Mr. BELTZHOOVER. Now, I desire to inquire whether, having the affirmative of the proposition to strike out, I am not entitled to close the debate?

The CHAIRMAN. That must be a matter of agreement, the Chair presumes.

Mr. BELTZHOOVER. I do not claim it by virtue of any agreement, but as a right.

The CHAIRMAN. The Committee of the Whole is now proceeding under the five-minute rule.

Mr. BELTZHOOVER. I desire to reserve ten minutes of my time to conclude and to answer gentlemen who may speak on the other side.

The CHAIRMAN. Under the rule, as the Chair understands, the gentleman will be permitted to speak only five minutes.

Mr. BELTZHOOVER. Oh, no.

The CHAIRMAN. We are proceeding under the five-minute rule.

Mr. BELTZHOOVER. But I have control of fifteen minutes.

Mr. EZRA B. TAYLOR. There will be no objection to the gentleman speaking ten minutes.

Mr. BELTZHOOVER. In conclusion?

Mr. EZRA B. TAYLOR. Now.

Mr. BELTZHOOVER. In conclusion.

Mr. EZRA B. TAYLOR. I would object to that.

Mr. BELTZHOOVER. I ask the ruling of the Chair on the question. I have moved an amendment; the debate is limited to one half hour, fifteen minutes on each side; the other side has occupied the first five minutes, and in alternating I shall be entitled to the last five minutes.

Mr. EZRA B. TAYLOR. There can be only five minutes for each speech.

The CHAIRMAN. As the Chair understands, each speech must, in conformity to the rule, be limited to five minutes.

Mr. BELTZHOOVER. I beg to differ with the Chair on that point. Nobody on this side of the House desires to speak on this question but myself, and therefore there is nobody else to consume the time which belongs to this side.

Mr. EZRA B. TAYLOR. The gentleman's time is being consumed now.

Mr. BELTZHOOVER. The discussion of the point of order can not be taken out of my time.

The CHAIRMAN. The Chair decides that each speech must be limited to five minutes under the rule.

Mr. BELTZHOOVER. I can yield the floor to another gentleman who can yield it back to me. I will now consume five minutes of my time and reserve five miutes for reply.

The CHAIRMAN. The gentleman has already consumed two minutes of his time. [Cries of "Oh!" on the Democratic side.]

Mr. BELTZHOOVER. That can not be taken out of my time, as it was in reference to the order of business. I do not want any unfairness in this matter.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BELTZHOOVER. I will resume the point at which I was interrupted by the expiration of my time.

9. That Hazen has by vicious rider legislation run up the expenditures of this bureau until he asks double what it cost under Howgate, without any apparent increase in the efficiency of the service. He demands this year over $1,555,000, and accompanies his demands by precisely the same recitals of the great exigencies and importance of the service, as Howgate did. He follows Howgate in this respect. The Appropriations Committee have decided that there shall be no surplus for the further pursuit of Howgate's methods in spending the public funds.

Mr. EZRA B. TAYLOR. I say it is less than what Howgate spent.

Mr. BELTZHOOVER. I beg the gentleman not to interrupt. If he has anything to say let him say it in his own time.

10. That Hazen's petty frauds are even more bold and infamous than Howgate's. His very latest act is to issue a foolish compilation embracing about ninety-three pages and to charge the men in his service $2.50 for the book, which costs him only 27 cents, and to add tyranny to the petty imposition he exacts of each poor subordinate the onerous task of committing the whole thing to memory. Who gets the difference between 27 cents and $2.50? Belknap's post-traderships are not a circumstance to this little private speculation of Hazen.

11. Some of the other petty frauds of Hazen, I am credibly informed, are: paying 2,000 francs to publish a fulsome puff of his Department in a journal called Nature, in France; the printing of all these innumerable resolutions and puffs and editorials, &c., at the expense of the Government and mailing them at the expense of the Government in penalty envelopes; the employment of a paid editor at $1,500 a year, whose sole business is to varnish up the "shop" resolutions, &c., which are issued from the bureau; the sending of his favorites to college in America and Europe at great expense.

12. That Hazen was found, practically and morally, guilty by the Hazen-Stanley court-martial, composed of those distinguished officers, Hancock, Augur, Pope, King, Vogdes, and Brown, of base cowardice; and the records of the War Department and the testimony of prominent and reliable persons taken before a tribunal under oath and on file prove that he was also guilty of fraud and dishonorable conduct as a soldier and is therefore not qualified by his standing and character in the Army to be the chief of the important military bureau which he now controls.

The Philadelphia Evening Telegraph of February 20, 1883, says:

In answer to this, Secretary Lincoln expresses surprise and regret that General Hazen should feel that justice could not be done him by means of a court of inquiry and intimates very plainly that if the Chief Signal Officer does not ask for such a court he, the Secretary, will lay the matter before the President and will ask him to appoint a court. At the same time General Hazen in reality has excellent reason for his evident dislike of military courts. His reputation was very far indeed from being bettered by the proceedings and findings of the last military court before which he figured, and the results of his controversy with General Stanley were so decidedly damaging as to make his nomination by the President and his confirmation by the Senate for the office which he now holds a scandalous performance on the part of all concerned in it. It is no wonder, therefore, that General Hazen should prefer to be investigated by a committee of Senators rather than by a military court. The chances of his having his preference, however, are apparently not particularly brilliant.

13. That Hazen's management of the Signal Bureau has not only been profligate and extravagant almost beyond parallel, but it has been utterly without adequate results either to science or commerce and agriculture. It has not only not given any contribution to meteorology either by discovery or treatise, but it has not added to the knowledge of storms and hurricanes so as to help commerce.

For these reasons, sustained by what I believe to be clear and convincing testimony, I do not think that this House should hand over a million of dollars for disbursement to such an administration.

I now reserve the balance of my time for reply.

[Here the hammer fell.]

Mr. EZRA B. TAYLOR. I move to strike out the last word, and will give three minutes of my time to my colleague [Mr. CONVERSE].

Mr. CONVERSE. Mr. Chairman, I dislike very much to take any part in any personal controversy. My acquaintance with General Hazen is limited, but I deem it a duty to make some suggestions of what I know and have learned of his public character.

The gentleman who has just taken his seat [Mr. BELTZHOOVER] speaks of General Hazen's cowardice. A man who carries a musket-ball in his body received in honorable warfare ought not to be lightly spoken of. In General Hazen's case the ball that broke his wrist passed through his body and lodged near his spine, causing a wound apparently as dangerous as that of the late President. Yet he survives and is arraigned and traduced by a man who never saw a battle.

Why, if I wanted proof I could appeal to the gallant General WHEELER who has a seat on this floor. On more than a dozen hotly-contested battlefields he could, and if called on would, testify to the gallantry and bravery of General Hazen, who stood in his front and led the opposing forces. I could appeal to his war record as it stands in the War Office to-day, written by other hands, for bravery, energy, long and active service. That record will show that he has few equals in the Army.

What is the meaning of all this clamor and vilification of General Hazen, who is not here to answer for himself? I can tell gentlemen what it means. It is the remnant of a quarrel that began years ago when a colonel of the Army was brought before an investigating committee of this House and dared to give testimony in relation to a matter which convulsed the whole country and threw from the highest military seat in the United States, save one, the man who occupied it. That quarrel has been continued from that hour to this. General Hazen has never seen a day of peace or of rest from the time he gave that testimony before the investigating committee of this House. He has been pursued in a most disreputable manner by vilification, insult, and falsehood.

And I believe for that reason, on the recommendation of General Garfield, he was by President Hayes removed from the immediate charge of the Army and put in the place which he now occupies, where it was supposed he would have some rest and some peace and comparative independence. But how has it been since the change? Spies have surrounded him; they have gone into his very office. Scavengers have been employed to go into his spittoons and into his waste-basket to pick out and paste together even the remnants of paper which have been used in lighting his cigars to see if something could not be discovered against him. The eavesdropper, the common informer or spy maintains an honorable character in comparison to such creatures.

A great deal of this stuff that has been printed and scattered broadcast to the country against General Hazen comes from no more honorable source than I have indicated. This work has been done largely by persons who have been themselves under charges.

A single word more, Mr. Chairman. So far as the Signal Service is concerned that service ought not certainly to suffer on account of anybody's ancient personal quarrels. If General Hazen has not honestly administered the moneys which were appropriated for the support of that service then gentlemen should ask an investigation. Why do they not do it? Why do they not ascertain, as in honor bound to do, after using such terms as they have, whether he has spent a dollar improperly? If he has done so let him be properly punished for it. But give him a chance to vindicate himself from the foul aspersions cast upon him. Scandalous charges, without at least an effort to investigate and an opportunity given for him to respond, ought not to be indulged in here, because General Hazen can not be heard in response to them upon this floor. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. The gentleman from Pennsylvania is recognized.

Mr. BELTZHOOVER. I would prefer to hear from the other side, and reserve my ten minutes until after they conclude.

Mr. EZRA B. TAYLOR. I think, Mr. Chairman, that he is bound to use his five minutes now, and I insist upon it.

Mr. BELTZHOOVER. Then I will use five minutes of my time now and will still have five minutes to reply to the gentleman from Ohio.

The CHAIRMAN. Proceed.

Mr. BELTZHOOVER. Mr. Chairman, I will not detain this House to criticise the reply of the gentleman from Ohio who has just taken his seat to the remarks which I have already submitted. It is said to be the best defense of some lawyers when they have a very bad case to abuse the counsel on the other side. The information upon which I based the charges made in my speech, as printed in the RECORD of this House, is derived largely from record and from documentary evidence, and from evidence and information which I have every reason to believe to be true. The justness of the conclusions that I drew from the letters and other matters and from the record evidence in this case every gentleman can test for himself by an examination of my speech and the appendix. When I charged that General Hazen had been guilty of cowardice I did not call to testify a gentleman like General WHEELER, who was referred to by the gentleman from Ohio, who is a noble and gallant man, but certainly knows more about the conduct of General Hazen's troops in the fight than he knows about the courage of General Hazen himself.

I adduced the record of the Hazen-Stanley court-martial, on which I based my statement. I found that that distinguished court-martial had been presided over by an officer of the high rank, character, and standing of General Hancock, and was composed of the most distinguished and gallant officers of the Army, who, after full investigation, although not technically, yet practically and morally, found General Hazen guilty of cowardice at the battle of Shiloh.

Mr. EZRA B. TAYLOR. I ask the gentleman from Pennsylvania if he is now undertaking to cite the findings of that court-martial?

Mr. BELTZHOOVER. I beg to say to the gentleman from Ohio that I am speaking from my understanding of the record and with it before me.

Mr. EZRA B. TAYLOR. I say, in response, that there is no such record.

Mr. BELTZHOOVER. I am speaking from the record itself.

Mr. EZRA B. TAYLOR. And I claim that there is no such record.

Mr. BELTZHOOVER. I printed it in my former speech. And the gentleman who charged General Hazen with cowardice is well known in the Army of the United States as a man against whom cowardice has never been even insinuated—I refer to General David S. Stanley, one of the fighting officers of our Army. And I beg gentlemen to remember that the records of that court-martial are open to the inspection of every living man. Before that court General Philip Sheridan and other witnesses charged General Hazen, and swore to it, with taking two pieces of artillery at the battle of Missionary Ridge and keeping them until they were taken from him by force; and General Hazen sat under that charge and in the face of that court as mute as the grave.

Mr. EZRA B. TAYLOR. Two pieces of artillery captured from the rebels, and I suppose he would not give them back. [Laughter.]

Mr. BELTZHOOVER. Now, Mr. Chairman, in the face of the finding of such a court as that, and in the face of such testimony as that, I repeat that the conclusion of every intelligent man must be the same. The finding of that court-martial must be accepted as true. There is an adjudication on the subject and no one can fairly deny that General Hazen was guilty of the charges alleged against him.

Now, a word in reply to the gentleman from Ohio, the colleague of the preceding gentleman. Does he mean to say that either that distinguished and gallant officer, General Hancock, who presided at that court-martial, or the General of the Army, or the President of the United States, or the Secretary of War, are in a conspiracy to break down a poor little colonel of infantry because he made the charges which brought Belknap to trial?

Mr. CONVERSE. Will the gentleman allow me to answer him now?

Mr. BELTZHOOVER. Certainly.

Mr. CONVERSE. Then I will say in response to the gentleman that I have never made such charges as he repeats here; but I do believe that men have been set upon General Hazen's track to use foul words and foul means in order to drive him into a fight and get into a difficulty so that they might kill him.

Mr. BELTZHOOVER. Mr. Chairman, so far as the gentleman's beliefs are concerned he is welcome to them. In the investigation I know no man living but one sergeant, who was formerly at General Hazen's headquarters; no one. I have had no consultation with the Secretary of War or any of the gentlemen that the gentleman from Ohio [Mr. CONVERSE] insinuates I have conferred with.

Mr. CONVERSE. I would ask the gentleman from Pennsylvania is he not in consultation with a man who has been discharged and was under arrest? And does he not get all these facts from that man who lives in his neighborhood?

Mr. BELTZHOOVER. I am glad to answer the gentleman's question. I got some of the information from a gentleman who has been in General Hazen's employ and whom he arrested and incarcerated in a dungeon for twenty-six days on the bare suspicion that he had criticised his superior. [Here the hammer fell.] I reserve the remaining five minutes.

Mr. EZRA B. TAYLOR. I yield five minutes, the balance of my time, to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. YOUNG. I would like to ask the gentleman from Pennsylvania [Mr. BELTZHOOVER] a question.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] is recognized.

Mr. BUTTERWORTH. I had anticipated that some assault would be made on the Signal Service; but I little dreamed it would take this form. I little thought that the head of that service, who has struck more blows for his country than his assailants have spoken words, would be subjected to such gross assaults as these.

The quality of the service has not been assailed. That it is needful to the country is not questioned. But a gentleman rises in his place here and testifies, not in the interest of the public, whose servant he is, but in the interest of a clan and faction who have dedicated themselves to the work of hunting down the superintendent of the Signal Service. If it be true, as the gentleman from Pennsylvania has asserted, that General Hazen has been guilty of peculation, he has been derelict in the discharge of his duty in not rising in his place before this House and the country and presenting formal charges against that officer, and thus afford him an opportunity to make answer and be judged according to what he has done or omitted to do, and not solely in the light of the *ex parte* statements against him made in a place, at a time, and in a manner which precludes him from making defense.

The value of the testimony of a witness depends very largely upon whether he testifies solely in the interest of truth or whether he is enlisted in an uncharitable service which has its promptings in malice and malignant hate of the man against whom the testimony is borne. I assert that my friend from Pennsylvania places himself in no enviable light before this House and before the country in speaking of a gallant officer, who is not here to answer for himself, as if he were a common thief instead of presenting to the House and to the country charges properly formulated and ask to have them investigated.

Now, Mr. Chairman, so far as General Hazen's bearing as a soldier is concerned, there are men around me and men who fought upon the other side against him who are here to bear testimony to his gallantry, which was conspicuous. The gentleman from Pennsylvania talks about the larceny of two cannon. Does he know the history of that of which he bears witness? It happened in a certain engagement during the late war that under the gallant leadership of General Hazen eighteen cannon were captured from the enemy. It occurred that a division fighting by the side of General Hazen's claimed that they were entitled to the honor of having captured two of the eighteen cannon, and about this a dispute arose, Hazen insisting that his troops had made that capture. And the gentleman from Pennsylvania is prompted to say that in making that claim General Hazen was guilty of the larceny of two cannon.

Mr. EZRA B. TAYLOR. That is it.

Mr. BUTTERWORTH. That is the whole of that transaction. That is all there is of it. And more than that, I am just reminded by a gentleman who was in the battle where those cannon were captured, an officer who bore himself with admirable courage, an officer who did not fight upon our side, who is present upon this floor, that he can testify to the gallant bearing of General Hazen on that occasion.

Mr. EZRA B. TAYLOR. That was at Missionary Ridge.

Mr. BUTTERWORTH. Yes, at Missionary Ridge. And I wonder that my friend from Pennsylvania, under the guise of an amendment which would ruin a meritorious service, avails himself of the opportunity which that amendment affords to assault that man. It is worthy of note that although he has been pregnant with this information for a long time he has hesitated until the last hour, until the sun is about to set on this Congress, before he makes the assault, and then under the license granted to him by this House to publish some remarks. He

does not stand on this floor and proclaim these charges, but publishes them in the RECORD and sends them broadcast to the country.

I hold that common fairness to this service requires that if the gentleman has aught to charge against the officer in charge of it he shall put it in tangible shape or present it to the House in such manner as to enable the officer to make his defense. If he has been guilty of any misconduct I shall not defend him.

I wish to say in conclusion the amendment offered is simply to ruin the service; not because the service is not worthy; not because it is not needed; but because of the gross assaults upon General Hazen of a gang of malcontents one of whom while a member of the Signal Corps deemed it dishonor to march with his troop down Pennsylvania avenue to attend the inauguration of James A. Garfield, and having refused was commanded by the officer in charge to take his place in the ranks. For that he became disgruntled, and is now one of the sources from whence the gentleman from Pennsylvania is filled with pent-up indignation. [Applause.]

[Here the hammer fell.]

The CHAIRMAN (Mr. KASSON). The gentleman from New York [Mr. HISCOCK] is now entitled to five minutes.

Mr. BELTZHOOVER. Have I five minutes remaining?

The CHAIRMAN. Thirty minutes of the time allowed for debate has already been exhausted, and the remaining five minutes is assigned to the gentleman from New York.

Mr. BELTZHOOVER. I beg the pardon of the Chair; I understood I was to have five minutes to close the discussion.

The CHAIRMAN. The Chair will state that by unanimous consent the committee agreed that the entire debate upon the pending paragraph should be limited to thirty-five minutes. Of that time thirty minutes have been consumed.

Mr. BELTZHOOVER. While the present occupant of the chair was out of it for a few moments, some five or ten minutes' time was consumed in desultory debate on a point of order.

Mr. BAYNE. I desire to state that but ten minutes of the fifteen minutes allowed to my colleague [Mr. BELTZHOOVER] have been occupied by him, and he still has five minutes remaining.

The CHAIRMAN. If there is no objection the Chair will take it as the understanding of the committee that the gentleman from Pennsylvania [Mr. BELTZHOOVER] be allowed five minutes.

There was no objection.

Mr. BELTZHOOVER. I do not believe that gentlemen have apprehended clearly the witten allegations which I read in their hearing. I did not charge General Hazen with cowardice any further than is justified by the Hazen-Stanley court-martial, which I have published in full in the appendix to my former speech on this subject.

I sought the floor to-day to enunciate the propositions contained in my printed speech, partly for the reason that I had been criticised because I published it without having spoken it. Sir, I never published anything in my life, and do not believe I ever will, that I am afraid to utter in the face of the whole earth.

General Hazen is not unrepresented here on this floor to-day. On the contrary, I, who got this information only two or three days before the 8th of the present month, have been myself confined to the investigation unaided and alone, and not a single gentleman on this floor has been apprised of the facts so as to aid me now, except perhaps some one who may have done me the honor to read my speech, as the gentleman from Ohio seems to have done. General Hazen is not now unrepresented here, but he is well represented, ably represented, by four or five of the oldest members of the House.

As to the declaration of the gentleman from Ohio that the Hazen-Stanley court-martial does not sustain what I said about General Sheridan's testimony, I beg to say to him that I am not mistaken, but if he thinks otherwise let him get the testimony and print it. I have given it as I believe it to be on the best information which any man could have.

I did not hesitate until the expiring hours of the session to make these charges. I made them at the very earliest moment that I believed I was justified in making them. I printed my speech because I anticipated just this contingency: that we would have no time to make an elaborate presentation of anything in the expiring hours of Congress.

The very day after my speech was printed I called on the Secretary of War for the records, and they were delivered to me only yesterday. I intended to present a resolution for an investigation, and if we had time enough remaining of this Congress to give the remotest hope on earth of a full and fair investigation by Congress, the gentleman can be assured that he would have investigation to his utmost satisfaction.

When I saw the Secretary of War he said that a correspondence was pending between him and General Hazen, and he begged me to desist for a day or two. That correspondence is before the country. Why does not General Hazen ask for a court of inquiry or court-martial? This gallant man, who confines one of his subordinates in a dungeon, a poor, consumptive, dying man, a man who perhaps will never see the apple-blossoms again; this man General Hazen put in a dungeon under military law on suspicion——

Mr. EZRA B. TAYLOR. What is his name!

Mr. BELTZHOOVER. His name is Van Heusen—put him in a dungeon on suspicion of criticising General Hazen, his superior officer. And yet this gallant man, that thus incarcerated a poor subordinate under military law, does not dare to ask for a military trial of himself.

[Here the hammer fell.]

Mr. YOUNG. I was going to ask the gentleman a question, but did not want to interrupt him.

Mr. BELTZHOOVER. I am much obliged to the gentleman, and will answer him if I have time.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment joint resolutions of the House of the following titles:

Joint resolution (H. Res. 347) for the printing of certain eulogies delivered in Congress upon the late Godlove S. Orth;

Joint resolution (H. Res. 349) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. R. M. A. Hawk, of Illinois; and

Joint resolution (H. Res. 356) accepting the invitation of the Regents of the Smithsonian Institution to attend the inauguration of the statue of Joseph Henry.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill and joint resolution of the following titles:

A bill (S. 2486) to authorize the requirement of an oath as to age from recruits for the Navy before enlistment, and in the case of minors from their parents or guardians, and to empower certain officers of the Navy to administer such oaths; and

Joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's Headquarters at Newburgh, New York.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. BELTZHOOVER. How much time have I remaining?

The CHAIRMAN. None. The gentleman from New York [Mr. HISCOCK] is entitled to the remaining five minutes allowed for debate upon the pending paragraph.

Mr. HISCOCK. I hope I may be pardoned for calling the attention of the committee to the real question now before it. The vice in the Signal Corps, if there be a vice there, is not and has not been owing to the management of General Hazen. It has consisted in this alone, that for the last six years at least, and I do not know but for all the time this service has existed, Congress has been accustomed to make appropriations in gross for that service. The result of that has been that year after year the service has reached out to grasp power and to grasp jurisdiction.

What is true of this service is true of many others in the Departments here at Washington? So far as General Hazen is concerned, while I have devoted very much time to the investigation of the management of his office, I must certainly bear witness to the fact that there is nothing I can criticise in its management except that he, like his predecessor, has reached out for power in order to extend this service beyond the limits intended, as I believe, by Congress.

We have been accustomed year after year to give a million dollars and upward to this service. In order to popularize it, it has invoked the aid of boards of trade and institutions of learning, which, I believe, gave encouragement to it thoughtlessly. Yet this was not criminal on the part of the gentleman who had charge of this service or any of those associated with him. It was the business of Congress to make specific appropriations for the service, and to see precisely how the money was expended.

The Committee on Appropriations has gone carefully over this question this year. Last year it attempted to possess itself of all the facts in connection with this service; but it failed for want of time. We have carefully eliminated from the service the performance of that work which in our judgment does not properly belong to this bureau. We have to a large extent circumscribed the jurisdiction which this bureau has heretofore assumed; but I believe under the organization which we have perfected in this bill it will do a work which the country requires to be done and that there will be no abuse either of power or of the public money.

I am opposed to transferring this bureau to any other branch of the Government. I believe that in many respects it is best that the bureau should be under military discipline. I believe also that General Hazen or any other officer who may be detailed to take charge of the service can do quite as good work, so far as the executive branch of it is concerned, as any scientist who might be placed at the head of it. As a matter of course, in this service as in others the officer in charge has been compelled to surround himself with men who are proficient in the scientific knowledge which is called for in the work of the bureau; and this is all that is necessary for the proper execution of the work.

The CHAIRMAN. The time for debate as limited by order of the committee has expired. The question is on the amendment of the gentleman from Pennsylvania [Mr. BELTZHOOVER], which the Clerk will read.

The Clerk read as follows:

Strike out in lines 888 to 892 the following:
"And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed eight commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law."

The amendment was not agreed to.

Mr. HISCOCK. I move to amend by inserting at the end of the paragraph the provision which I send to the desk.

The Clerk read as follows:

Provided, He may in his discretion make a further detail of officers for service in the Arctic Sea expedition.

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses: For horse and mule shoes, and so forth, $500; blacksmiths' tools, and so forth, $550; veterinary supplies, $300; fire apparatus, disinfectants, and so forth, $125; in all, $1,475.

Mr. BELTZHOOVER. I move to amend by striking out the words "and so forth" wherever they occur in this paragraph. I beg to be heard one moment in support of this motion.

Mr. HISCOCK. I consent that those words be struck out.

Mr. BELTZHOOVER. The courts have held that they amount to nothing at all; and there is no use of their being in the paragraph.

Mr. HISCOCK. The estimates came in in this form; that is the reason the language found its way into the bill.

The CHAIRMAN. If there be no objection, the phrase "and so forth" will be struck out in the two places where it occurs. The Chair hears no objection.

The Clerk read as follows:

Barracks and quarters: For commutation of quarters to enlisted men of the Signal Corps, $84,108; work and supplies at Fort Meyer, Virginia, $1,800; in all $85,908.

Mr. BAYNE. I move to amend by inserting after the paragraph just read the following:

For extra-duty pay to 220 enlisted men, at 35 cents per day, $28,105.

I understand that this pay has always been allowed heretofore——

Mr. SPRINGER. I make a point of order on this amendment.

Mr. BAYNE. This has always been allowed.

Mr. SPRINGER. That does not make any difference; I make the point of order it is not authorized by law. It is extra pay, and is so stated on the face of the amendment.

Mr. HISCOCK. I have no doubt that the point of order is well taken. I will state the facts as I understand them in reference to this extra-duty pay. It has been the custom—I believe without warrant of law—to give to these men what is called extra-duty pay, the amount being fixed arbitrarily and not by statute, and the payments being made to whomever the officers please. We declined to insert a provision of this kind in the bill. I do not believe there is any law which warrants it.

Mr. BAYNE. The Army law of last year goes on to recite among other items for which appropriations are made, "extra-duty pay to enlisted men in hospitals" and for paymaster's clerks and veterinary surgeons, &c.

The difficulty is that heretofore Congress has made appropriations in the Army appropriation bill for the Signal Service, and the particular objects to which the appropriations were to be applied have not been indicated. They are indicated in the present bill. It has been the practice heretofore to authorize this appropriation. It has been the practice to pay for the extra service to these employés. I am told by some of them that unless this appropriation is made some of the best will have to resign and leave their positions.

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Illinois [Mr. SPRINGER] who makes the point of order to the act of June 20, 1879, which seems permanent in its character. It is there provided that Signal Service men shall not receive extra-duty pay unless specially directed by the Secretary of War. This would imply they might receive extra-duty pay when so authorized by the Secretary of War.

Mr. SPRINGER. The Secretary of War could not make payment beyond the appropriation for the purpose, and if there is no appropriation to pay these men, of course we may be assured there is no law for it.

Mr. BAYNE. The authority is given by the previous law, and this merely proposes to make an appropriation to pay in accordance with that law.

Mr. SPRINGER. The Secretary of War pays out of the existing appropriation and by the law he is not authorized to grant this extra pay beyond appropriations for that purpose. The amendment of the gentleman from Pennsylvania can authorize the Secretary to pay these extra-duty men but it can not be done otherwise. It is in violation of existing law; it increases the amount covered by this bill; it increases the salaries of those who are now in the service at a fixed salary. On all these grounds I insist the point of order is well taken.

The CHAIRMAN. The Chair is inclined to the opinion it is authorized by law under the permanent provision of the act of 1879, which implies authority in the Secretary of War to allow extra-duty pay. Of course he would not do it unless the money was appropriated for it. The question is whether there is existing law authorizing the object for which this money is appropriated. If so, it comes within the rule.

Mr. SPRINGER. The Chair must observe the amount appropriated for the Army and the Signal Corps are here made as prescribed by law.

The CHAIRMAN. The point is whether there is previous authority of law for the appropriation.

Mr. SPRINGER. There is no authority within the existing appropriation.

The CHAIRMAN. The Secretary of War can not pay the Army their regular pay unless the money is appropriated therefor. The question here is, Is there authority of law authorizing this extra-duty pay?

Mr. BELTZHOOVER. Yes; there is authority for it.

Mr. SPRINGER. The question is whether the Secretary has authority to make this expenditure unless the amendment of the gentleman from Pennsylvania is passed. Unless that is done the Chair knows he could not do it.

The CHAIRMAN. The Chair also knows that he could not pay anything to the regular Army officers unless there was an appropriation to authorize him to do so. If there is provision of law for it it is in order, if not it is not.

Mr. SPRINGER. There is no law authorizing the expenditure of this particular money covered by this amount.

The CHAIRMAN. The Chair will hold under the authority already referred to that there is authority of law for it, and overrules the point of order.

Mr. BAYNE. Mr. Chairman, I am told by some persons who are employed in this service that the present pay is $57 a month, and that if this amendment should pass it would be about $67 a month, or an aggregate amount of $804 a year.

These men to whom this extra-duty pay is given do important work. They are telegraphers. One has charge of telegraphic matters going from the city of Washington, and others at other points do similar work. They are highly educated men, who do to-day very valuable work. I fear the Committee on Appropriations, when it seeks to retrench in every way it can, will make a mistake if it tries to reduce the wages of men of this kind, as such men will either be driven out of the service or prevented from living comfortably on their pay.

The chairman of the Committee on Appropriations said a short while ago during the progress of his speech it was not required that the Chief of the Signal Service should be versed in the technicalities and science of the work over which he presides, because he had competent and capable subordinates under him. He draws a large salary, and it is for these subordinates I now appeal that they may receive this extra-duty pay.

I think that if the chief of the bureau does not understand his business, does not know all of the details of the business, and is unfamiliar with the scientific operations conducted and executed by those under him, it would be a gross injustice to pay him a very much larger salary for exercising merely a military discipline over those subordinates who are under him than it would be to cut down their pay from $804 a year to the rate of $57 a month as proposed by this bill. I do not think it is right to do so; and I believe it is but due to these men who render this service which is so efficient and valuable to the Government that they should be paid an amount equal to the high order of work which they are called upon to perform. I think that this bureau ought to be under the charge of some scientific expert who has made a study of the subject; and I am amazed at my friend from New York who submits the proposition here for the adoption of this committee that because the subordinates in that Department know their business, it makes very little difference whether the chief of the bureau knows anything about it or not. I entirely disagree with him in that conclusion. I think the chief ought to be the best qualified man in the whole service; and he ought not to receive high compensation for performing a duty for which he is not fit or qualified by education. I believe that is a species of favoritism, and I have no doubt that in many instances incompetent men have been placed in high positions in the service of this Government, not because they are qualified to perform the duties of the offices to which they are assigned, but because of the fact that political pressure has been brought to bear in their behalf, in which cases subordinates are required to do the work while the chief gets the pay.

Now let us vote and declare by our votes here that the subordinates who are required to do the work shall receive something like an adequate compensation for their services, especially in view of the fact that these men at the head of it receive some seven or eight thousand dollars a year, I believe, simply because they are placed at the head of the department or bureau, when the men who confessedly do the scientific work receive only about $600 under the provisions of this bill. I hope, therefore, my friend from New York will not object to this amendment. It is a duty which we owe to a deserving class and we ought to vote it in. I do not think it is fair or just that discrimination should be made against these men and in favor of the heads of these bureaus.

Mr. HISCOCK. Mr. Chairman, what I said and to which the gentleman from Pennsylvania has called the attention of the committee was that in a service of this kind executive talent, executive ability, is of about as much consequence as scientific education or technical ability in that direction. This Signal Service is an army in itself. It is organized as an army; it is organized entirely upon the plan and theory of a military service. I would hesitate a long time before I would

turn the service over to a scientist, no matter how able he might be in that regard, until I had some positive assurance of his executive ability. Without that his scientific attainments would be of very little value in the management of that bureau.

Now, the Book of Estimates came in carrying, I believe, $1,200,000 for this service. I think for the first time the estimates were given in detail. The service has been accustomed to cost the Government a million to a million and two hundred thousand dollars during the last four or five years. Last year we reduced it to about a million of dollars. I find in the Book of Estimates this item, not for the number of men as I understand that the gentleman from Pennsylvania indicates, but for two hundred and twenty men——

Mr. BAYNE. That is my amendment.

Mr. HISCOCK. The Book of Estimates provides:

The extra-duty pay to two hundred and twenty enlisted men, at 35 cents per day, $28,105.

Mr. BAYNE. That is the identical amendment I have offered.

Mr. HISCOCK. We struck that estimate out and refused to put it into the bill. Now I ask the gentleman from Pennsylvania if he knows how much these men are getting to-day?

Mr. BAYNE. I know what they tell me they are getting.

Mr. HISCOCK. Let me say to the gentleman that they are getting precisely the same amount that enlisted men get under the War Department and which in the past they have been accustomed to receive. But these were not entitled to any extra-duty pay at all. They get commutation of quarters and they get their regular pay. They get allowance for rations, or commutations of rations, until it runs their pay up to an ample compensation for the service, as I believe. The Committee on Appropriations in preparing this bill did not intend to cripple or pinch these men in any manner. We made what we believed to be a fair allowance for the service. I may be permitted to say that I sat down with a not illiberal man, and in no illiberal spirit myself we made up this part of the bill, and I do not believe we should change the compensation or allowance that we have fixed by the bill in this case.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Pennsylvania.

The amendment was not agreed to.

The Clerk read lines 955 to 965, as follows:

Medical department: For medical attendance and medicines for officers and enlisted men of the Signal Corps, $3,500; medical attendance and medicines for officers doing duty in connection with the Signal Service, $100; medical and hospital supplies at Fort Meyer, Virginia, $900; medicines furnished to officers and enlisted men from purveying depots and Army dispensaries, $1,000; materials for repairs of hospitals at Fort Meyer, Virginia, $200; in all, $5,700.

Mr. BELTZHOOVER. I move to amend by striking out of this paragraph the words in lines 955 to 959, from the word "department" to the word "dollars," namely, these words:

For medical attendance and medicines for officers and enlisted men of the Signal Corps, $3,500; medical attendance and medicines for officers doing duty in connection with the Signal Service, $100.

I beg to be heard for one moment. This is not a captious amendment. I think the appropriation in the clause I move to strike out is a duplication of an appropriation in lines 884 and 885, where an appropriation is made—

For pay of contract surgeons, $3,600.

Now, when you come to the lines I have moved to strike out you give $3,500 and $100, making $3,600, exactly the same amount. And there is nothing in the bill in any way to indicate they are not for exactly the same thing.

Mr. HISCOCK. I do not profess to remember everything with critical accuracy. But as I remember the item to which the gentleman has called attention, it is to cover the pay of surgeons who were on the Arctic expedition; and this is to cover the force which is located here in Washington. And I am quite sure I am right about it.

Mr. BELTZHOOVER. I call the gentleman's attention to the fact——

Mr. HISCOCK. I know I am right about it.

Mr. BELTZHOOVER. I call his attention to the fact that the committee have been very careful and explicit in making the appropriations. And I do not want to make any captious exceptions; but if it is for the medical attendance in the Arctic expedition, I think he should go back and insert the words "for the Arctic expedition." For the difficulty with the appropriation heretofore has been that it has been in bulk, and the Chief Signal Officer has had a fund of hundreds of thousands of dollars that he could appropriate at his discretion. And the object of the committee is to limit him so as to compel him to pay the amounts to the specific objects for which they were appropriated.

Mr. ATKINS. I think the chairman of the Committee on Appropriations had better examine that a little.

Mr. HISCOCK. I know I am right about it. I have no doubt about it.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. ATKINS] offer an amendment?

Mr. ATKINS. No, sir. I rose simply to call the attention of the chairman of the Committee on Appropriations to the fact that on page 37 of the bill he will find the item, "for pay of contract surgeons, $3,600," in addition to the amount to which the gentleman from Pennsylvania [Mr. BELTZHOOVER] has called attention. Then here on page 40 is an appropriation for contract surgeons again. Now, may not the gentleman from New York be mistaken? Why repeat it twice?

Mr. HISCOCK. What lines does the gentleman refer to?

Mr. ATKINS. I refer to lines 884 and 885 on page 37 of the bill:

For pay of contract surgeons, $3,600.

Now, on page 40 of the bill are the lines to which the gentleman from Pennsylvania referred:

For medical attendance and medicines for officers and enlisted men of the Signal Corps, $3,500.

Mr. HISCOCK. Where else do you find it?

Mr. ATKINS. Then it is to be found again at the point alluded to by the gentleman from Pennsylvania.

Mr. HISCOCK. That is what he alluded to.

The CHAIRMAN. The gentleman from Pennsylvania applied his amendment to the lines on page 40 of the bill.

Mr. HISCOCK. There are only two items in this connection. I have no doubt I am right in my recollection.

The question being taken on Mr. BELTZHOOVER'S amendment it was not agreed to.

The Clerk read lines 966 to 974, as follows:

And there shall not be expended from any moneys appropriated by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes," approved ——, 1883, any money for the support of the Signal Service or Corps except the pay of such commissioned officers as the Secretary of War may detail for service in that corps.

Mr. HISCOCK. I ask permission to recur to the paragraph commencing on line 802, appropriating for the building for the State, War, and Navy Departments, that I may offer an amendment at that point.

There was no objection.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 807 insert the following:
"And so much of the appropriation for furniture, carpets, file-cases, and shelving for the north wing of said building contained in the sundry civil appropriation act, approved August 7, 1882, as shall remain unexpended June 30, 1883, is hereby reappropriated for the same purpose."

The amendment was agreed to.

Mr. ATKINS. I ask the gentleman from New York whether in line 970 the blank should not be filled by inserting the date of the law?

Mr. HISCOCK. The act there referred to has not become a law yet; that is the trouble. It is an appropriation bill which has passed this House but has not yet become a law; and we can not fill the blank in this bill until the Army appropriation bill has become a law.

The Clerk read lines 976 to 980, as follows:

For national cemeteries: For maintaining and improving national cemeteries, $100,000, not more than $1,000 of which shall be used in constructing a wharf at Chalmette national cemetery, New Orleans.

Mr. DIBRELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 980 insert the following:
"To complete the road from the city of Chattanooga to the national cemetery near that city, $2,500, or so much thereof as may be necessary to finish said road."

Mr. DIBRELL. The officer in charge estimated it would take $15,000 to finish the road. Ten thousand dollars was appropriated. The committee last session refused to give more than $5,000. The work has gone on and the road is not completed. I am told it will take at least $2,500 to finish it. I think there is not a gentleman on the floor who would vote against a proposition of that kind. There are 15,000 soldiers buried there.

Mr. HISCOCK. What communication does the gentleman from Tennessee have to show that $2,500 more is required?

Mr. DIBRELL. From citizens of the city.

Mr. HISCOCK. There is no estimate from the War Department for anything of the kind.

Mr. DIBRELL. In the amendment are the words "or so much thereof as may be necessary." If the whole of the amount is not necessary it will not be expended. It will do no hurt to make the appropriation. We want the road finished. Friends of the dead buried there want to visit the cemetery and it is almost impossible to get there until this appropriation is made to finish the road.

Mr. HISCOCK. I do protest against moneys being put on the bill to be expended on public highways beyond the limit of law already fixed, without any estimate from a Department, or from any officer of the Government that any such sum of money, or any sum of money, is required.

Mr. DIBRELL. In answer to that I want to say to the gentleman that he himself assured me at the last session of Congress, when the $5,000 was appropriated for this purpose, that that was all we would ever get. I notified the authorities of Chattanooga that they could not expect any more. But the officer in charge of the work has gone on and expended the $5,000, and the Board of Trade of Chattanooga has asked me to try to get an additional appropriation. Now, I am as much opposed as the gentleman from New York to wasting money; but I am also opposed

to seeing the work on this road stopped. If it had been let to the lowest bidder, I have no doubt it would have been done within the amount of the appropriation.

Mr. HISCOCK. It is not a question of wasting money, but of repairing a public highway which has not been asked for by any officer of the Government or by any Department of the Government.

Mr. ATKINS. Will my colleague [Mr. DIBRELL] inform me whether this was not originally estimated for?

Mr. DIBRELL. Yes; $15,000 was asked for.

Mr. ATKINS. And the estimate sent to Congress?

Mr. DIBRELL. It was sent to Congress at its last session, but only $5,000 was appropriated.

Mr. ATKINS. The fact that this is not called for in the estimates sent to this session of Congress I do not think is a good reason for refusing to make this appropriation. Gentlemen are very well aware that estimates are being constantly sent in here almost daily by the Department. The Department has simply neglected to send in this estimate. I do not doubt that had the attention of the Secretary of War been called to this matter he would have sent in the estimate for completing this road. I think it is important that the road should be completed.

The question was taken upon the amendment of Mr. DIBRELL by a *viva voce* vote, and the Chair announced that the ayes appeared to have it.

Mr. HISCOCK. I call for a division on that vote.

The committee divided; and there were—ayes 53, noes 10.

So (no further count being called for) the amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Miscellaneous objects:

Survey of northern and northwestern lakes: For printing and issuing charts for use of navigators, electrotyping copper-plates for chart-printing, and completion of office-work, $3,000.

Mr. ROBINSON, of New York. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For seventy-five copies of Hunter's Port Charges of the World, for the use of the principal consulates of the United States, $1,875.

Mr. HISCOCK. I make a point of order on that amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. ROBINSON] on the point of order.

Mr. ROBINSON, of New York. I ask permission to make a remark or two. The Secretary of State last year, as he has done this year, requested authority to purchase only seventy-five copies (although it is supposed a greater number ought to be purchased) of this work for the guidance of shippers and our consuls abroad.

This is a very elaborate work, prepared by a learned gentleman of Brooklyn. It has been submitted to the leading merchants of New York and to scientific and literary men, and they say it is a work of absolute necessity to all our principal consulates. By a single glance at this work, which is nearly as large as Webster's Unabridged Dictionary, any shipping merchant can tell exactly what he can obtain at any foreign port for a cargo back, everything connected with port charges, and a mass of information such as has never been before collected together.

The CHAIRMAN. Will the gentleman refer the Chair to any existing law authorizing what is proposed by his amendment?

Mr. ROBINSON, of New York. I would refer the Chair to the item last read, and also to the one immediately following. They are of the same nature as the amendment I have offered, making appropriations for the publication and distribution of works which are not half so necessary as this.

But allow me to conclude what I have to say. The Secretary of State requested this from the last Congress, and he now requests it from the Senate. The request made at the last session is in possession of the gentleman from New York [Mr. HISCOCK], and the Secretary of State has at this session written to the Senate asking that this provision shall be put in the appropriation bill, as this is most valuable information for consulates of the United States. I have no doubt that if my amendment is not allowed here it will be allowed in the Senate.

The CHAIRMAN. The question submitted to the Chair is whether the proposed amendment is one in order under the rule. The Chair finds nothing in any existing law authorizing the purchase of such a book or document. Unless the gentleman can point the Chair to some existing law authorizing the purchase and distribution of this work, the Chair will be obliged to sustain the point of order. If the point of order is withdrawn, of course the Chair will submit the question to the committee.

Mr. ROBINSON, of New York. I beg the Chair to state whether any authority can be found for the paragraphs already in the bill any more than for the amendment I have proposed.

The CHAIRMAN. There is a law authorizing the making and distribution of charts, &c. The Chair is obliged to sustain the point of order, without referring at all to the merits of the proposition.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and the Speaker having resumed the chair, a message in writing from the President of the United States, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 5380) supplementary to an act approved December 17, 1872, entitled "An act to authorize the construction of bridges across the Ohio River and to prescribe the dimensions of the same;"

An act (H. R. 7050) making appropriation for the support of the Military Academy for the fiscal year ending June 30, 1884, and for other purposes;

Joint resolution (H. Res. 109) to admit free of duty a monument to General Washington; and

Joint resolution (H. Res. 335) to provide for the binding of the Compendium of the Tenth Census.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk resumed the reading of the bill, and read the following:

For continuing the publication of the official records, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, $36,000.

Mr. THOMAS. I move to amend by adding to the paragraph just read the following:

For the collection, preparation, and printing of the orders of General Anthony Wayne, $1,000.

This amendment is offered at the instance of the Adjutant-General of the Army, who informs me that the orders issued by General Anthony Wayne during his famous campaign in the Northwest have only recently been discovered, having been lost for a long time. A single copy of these orders, in manuscript, is now in the library at West Point. These documents are rich in historical interest to the States of Ohio, Illinois, Indiana, Michigan, and Wisconsin—the territory affected by the military operations of General Wayne after the defeat of General St. Clair. All who have looked into American history remember how completely the whole country was prostrated by St. Clair's defeat, and how, under the leadership of Wayne, hope dawned upon the American people and success crowned his military operations.

There is but a single copy of these orders in existence. That is in manuscript, and is in an insecure building at West Point. These documents ought by all means to be printed and distributed to the historical societies of this country, so that if the original papers should by any accident be destroyed these interesting historical materials will not be lost.

I have offered this amendment at the instance of the Adjutant-General of the Army, who informs me that there is no appropriation out of which these papers can be printed. I hope the amendment will be adopted.

The amendment was agreed to.

The Clerk read as follows:

For appliances for disabled soldiers: For providing surgical appliances for persons disabled in the military or naval service of the United States and not entitled to artificial limbs, $2,000.

Mr. HOGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1036:

"For payment of the amount reported by the Chief of Engineers to be due from the United States to James Allender, $2,350."

Mr. HISCOCK. I make a point of order against this amendment. In the first place, I do not see how it is germane to the pending provision, and I do not know any law which authorizes this payment. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. HISCOCK. That amendment certainly has no place on this bill. There is no law which authorizes the payment; and there is a bill before the House for the same purpose and carrying the same amount.

Mr. HOGE. As I understand the point of order, it is that there is now pending in this House a bill for the same purpose as that contemplated by this amendment.

Mr. HISCOCK. That is one point.

Mr. HOGE. And that the amendment is not germane. Is there any other?

Mr. HISCOCK. That it is a private claim.

The CHAIRMAN. The Chair understands the additional point of the gentleman from New York to be that there is no law authorizing this appropriation.

Mr. HOGE. Now, the point which I wish to make is one which has not been ruled upon, so far as I know, at any time in this House. There is a bill embracing this proposition—not pending in the House at all, for the reason that the Committee on Commerce having favorably considered the application of Mr. Allender for relief, have reported back the bill to the House; and on their recommendation it has been referred to the Committee on Appropriations for the purpose of making an appropriation of the sum named. The bill is now in the hands of the Committee on Appropriations. It is not on any calendar. It can not be reached in any way except upon a report of that committee, because under the instructions of the House it is in their possession.

This is not a claim. This matter was submitted to arbitration, and the award which was made in favor of Mr. Allender would have been

paid but for the single fact that there was no appropriation out of which compensation for these damages could be made. In the course of the improvement of the navigation of the Monongahela River by the Government, under a river and harbor act, Mr. Allender's mill property was, in the language of Major Merrill, the officer in charge of the work, "drowned out by the construction of a lock and dam." The engineer in charge of the work at once entered into an arbitration to determine the value of the property, and the arbitrators reported $2,350 as the amount of the damages. But the Engineer Bureau was unable to make payment because the law prohibits using for a purpose of this kind the appropriations made for that bureau. Ten years ago this man was driven from his property and his home. Every Department of the Government that has examined the case and every committee of Congress which has considered it during a period of eight or ten years has reported upon it favorably. A bill for the payment of this money was once passed by the House; and in this Congress the Committee on Commerce has reported that the amount should be paid, and the bill has been referred to the Committee on Appropriations that provision might be made for payment.

The CHAIRMAN. The Chair does not understand that there is any denial of the statement of the gentleman from New York that a bill covering the substance of this amendment is pending before the House.

Mr. HISCOCK. It is simply a claim against the Government.

The CHAIRMAN. It appears also to be in the nature of a private claim for the payment of which there is no authority of law. The Chair is obliged to sustain the point of order.

Mr. HOGE. The bill was referred to the Committee on Appropriations and is not before the House.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For the support of the National Home for Disabled Volunteer Soldiers, as follows: For current expenses, including construction and repairs, at the Central Branch, at Dayton, Ohio, $653,945.81.

For current expenses, including construction and repairs, at the Northwestern Branch, at Milwaukee, Wisconsin, $160,933.57.

For current expenses, including construction and repairs, at the Eastern Branch, at Togus, Maine, $142,191.13.

For current expenses, including construction and repairs, at the Southern Branch, at Hampton, Virginia, $150,017.52.

For out-door relief and incidental expenses, $15,000; in all, $1,122,088.03.

Mr. BROWNE. I offer the following amendment to come in at the end of line 1131:

That section 2 of the act of February 26, 1881, be so amended as to read as follows:

"SEC. 2. All pensions payable, or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home upon security given to the satisfaction of the managers to be disbursed for the benefit of the pensioners without deduction for fines or penalties under regulations to be established by the managers of the home. Said payment to be made by the pension agent upon a certificate of the proper officers of the home that the pensioner is an inmate thereof and is then still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home the same shall be paid to the widow or children, or in default of either, to his legal representatives. And in such case, and in cases where pensions which heretofore have been paid to the treasurer of said home for the benefit of inmates of the home who have since been discharged or have died at the home or on furlough, any balance of the pension remaining at the date of such discharge or death shall be paid over to the pensioner, or in case of his death to the wife, children, or legal representatives."

Mr. HISCOCK. I reserve the point of order on that amendment until I can understand precisely what it is.

Mr. BROWNE. While the amendment is somewhat long, Mr. Chairman, yet it changes the existing law only in one particular. If the committee will pay attention to the original section of the bill it will be seen that the treasurer of the home is required to pay the pension to the representatives of the deceased soldier only in case he dies at the home. That is the language of the law. I will read it:

Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow or children, or in default of either, to his legal representatives.

If he died on furlough or after his discharge away from the home the balance of his pension still remains in the hands of the treasurer at the home; and the board of managers hold under the law they are not bound to pay the pension over to the widow or children or the legal representatives. That is all the change which is proposed.

Mr. HISCOCK. I ask the gentleman from Indiana what they do with it?

Mr. BROWNE. I do not know further than they do retain it at the home. I am frank to say, while this amendment is to be general, there is a case exactly in point. The pension was paid to the authorities of the home. The soldier lived at Evansville, in my State, and was allowed to go to his State on furlough and while there died. Not at the home, but absent from the home on furlough. And now they hold that under this law they are not required to pay the balance of his pension over to his widow.

Mr. HISCOCK. I have such an abiding faith in the judgment of the gentleman from Indiana on these matters I will not insist on any point of order against the amendment.

Mr. BROWNE. That is all there is of it.

The amendment was agreed to.

The Clerk read as follows:

That from and after the passage of this act the board of managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 monthly of the pensions of all inmates of the National Home for Disabled Volunteer Soldiers to the support and the objects and purposes of said home: *Provided, however*, That the above provision shall not apply to any inmate of said home who, having at the time of his admission to said home, wife, minor child, or parent dependent upon him for support, shall apply the excess of his pension above said $5 each month to said support. The said board of managers shall annually report the amount of pension-money received by them under the above provision: *Provided*, That in addition to the persons now declared by law to be entitled to admission to the National Home for Disabled Volunteer Soldiers, any person who served during the war of the rebellion in the Navy of the United States and was honorably discharged therefrom, who is not otherwise provided for by law, and who is incapacitated by reason of wounds incurred in the line of duty or disease contracted during his said service from earning his own support, may be admitted to said home in the same manner and under the same conditions as volunteer soldiers. And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby repealed.

Mr. DAWES. I make the point of order that that changes existing law and does not retrench expenditures.

Mr. HISCOCK. I think I can cite a decision on that point of order which will be all-controlling. I believe the present Chairman of the Committee of the Whole House on the state of the Union, presiding when this sundry civil bill was under consideration at the last session, ruled that this was in order.

The CHAIRMAN. The Chair would like to know whether the gentleman from New York sustains that decision?

Mr. HISCOCK. I believe the decision at that time was right.

Mr. DAWES. My attention was called away and I did not hear what the gentleman from New York stated.

The CHAIRMAN. The Chair does not recollect the decision referred to; but the precedent is a good one if verified. [Laughter.]

Mr. DAWES. I make the point that this provision does not retrench expenditures, either by a reduction of the number or salary of officers of the United States nor by the reduction of the compensation of any person paid out of the Treasury of the United States. For, sir, a pension is not a compensation; it is a gratuity, and has been so held by the courts. Nor is it a retrenchment of expenditure by the reduction of the amount covered by this bill. It goes beyond it. This bill carries the full amounts of the estimates made for the purposes of the home. It is clearly repugnant to the point of order.

The CHAIRMAN. If there is a precedent the Chair will be glad if the gentleman from New York will refer him to it.

The Chair will ask the gentleman from New York if this changes the existing law?

Mr. DAWES. It repeals existing law.

Mr. HISCOCK. I did not catch the question of the Chair.

The CHAIRMAN. The Chair will ask the gentleman from New York in what way this provision changes existing law?

Mr. HISCOCK. Substantially it changes existing law, as will be seen in the first five lines of the paragraph on page 47, in the following words:

That from and after the passage of this act the Board of Managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 monthly of the pensions of all inmates of the National Home for Disabled Volunteer Soldiers to the support and the objects and purposes of said home.

That is a provision which radically changes existing law.

The CHAIRMAN. In what respect does it retrench expenditures?

Mr. BROWNE. Why, if the gentleman from New York will permit me to answer, under existing law the Government of the United States maintains the homes and pays the pensions of the soldiers in addition. There is an expense for keeping up the homes outside of the payment of the full pension. This will do away with that expense.

Mr. HISCOCK. The adoption of this provision must reduce the amount the bill carries for the support of the homes. Of necessity it must work out the result of reducing the aggregate to be appropriated for the purpose of keeping up these homes.

Mr. DAWES. It changes the whole system of the pension laws. It repeals the bill, the title of which is given in lines 1154 to 1159, being an act making appropriations for the payments of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes. It changes the existing law completely.

Mr. DEUSTER. I desire to be heard for a few moments.

The CHAIRMAN. On the point of order?

Mr. DEUSTER. Yes, sir. On page 48, beginning with line 1154, we find this clause:

And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby repealed.

This is the last clause of the paragraph just read. I refer here, as the Chair will perceive, to the repeal which this bill contemplates of an act for the payment of invalid and other pensions, which is the repeal of an existing law. I believe therefore that according to the provisions of Rule XXI, section 3, which provides "nor shall any provision in any such bill or amendment thereto changing existing law be in order," that this provision is entirely out of order on this bill.

The CHAIRMAN. The Chair finds the decision made at the last Congress to which reference has been made, but has not had time to examine what provision of the bill was then under consideration when that decision was made. He deems, however, that the provision in contemplation at the time tended to retrench the expenditures of the Government, or the amount covered by the bill. The Chair will take the assurance of the gentleman from New York that the material point at issue is the same.

Mr. HISCOCK. It was precisely the same as the present paragraph of this bill, as the Chair will find upon examination, or rather I should say the same point was at issue.

The CHAIRMAN. The Chair, in view of that precedent, will rule on the assurance that it relates to the same point and effects a retrenchment in the expenditures of the Government, that the provision is in order, and therefore overrules the point of order made by the gentleman from Ohio.

Mr. DAWES. Instead of appealing from the decision of the Chair I shall offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "provision," in line 1144, the following words:

"*Provided also*, That the foregoing provision shall not apply to any inmate of said 'home' who is drawing a pension for the loss of one leg, one arm, one hand, or one foot, or who draws a pension at any rate over $24 per month."

Mr. DAWES. Mr. Chairman, I have followed, as will be seen in the language of this amendment, the $40 law passed by the unanimous vote of this House, a law which proposes to give a pension of $40 per month to every soldier who has lost a leg or a foot, a hand or an arm in the service, and including beyond that, that class of pensioners who draw over $24 per month. Now, the effect of this provision, if adopted without my amendment on this class of pensioners, is this:

The boards of managers of these homes will be authorized to retain for the uses of the homes of the pension drawn by the soldier all of the amount to which he is entitled, excepting $5 a month. Now, there is a great class of pensioners who draw from $8 a month to $10 or $12 a month; and a great number of the inmates of the homes who draw no pensions at all. But here is a class who draw $18 and upward because of such disability as entitles them to it. They are mulcted by this provision—the man who draws a pension of $18 to the amount of $13. The pensioner who draws $24 a month is mulcted $19 a month, and the man who draws $8 a month for chronic diarrhea is mulcted but $3 a month. This is an outrageous discrimination against that class of men who have lost a leg or an arm in battle, or been utterly disqualified from manual labor.

The Legislature of the State of Ohio has unanimously adopted a resolution approving of this $40 bill, and it meets also the unanimous approval of the sentiment of the country. That, however, is a bill that can not pass in this Congress. Here is an appropriation bill that will inevitably pass; and if the Congress of the United States really desires to do anything for this class of pensioners here is an opportunity, instead of adopting a provision which takes away from them almost their entire income.

And worse than that, there is another class disqualified from manual labor whose pension is mulcted $45 a month. There is another class of pensioners who draw $72 a month because they are entirely helpless and require the attendance of another person. They will be mulcted $67 a month.

The existing law is this, that the managers of the home can hold for these pensioners all of their pensions, but hold them for their own benefit. They still remain their property. And if the pensioners are drunken "dead-beats" as some gentlemen seem to think they are, and some of them no doubt drink too much liquor, the existing provisions of law enable the managers of the home to regulate and control all that matter and preserve the soldier's money for him instead of pouring it into the coffers of the Government, which does not need it and does not want it. The law now takes care of the property of the soldier and maintains the discipline of the home by enabling the managers of the home to withhold the pension from the soldier, but not confiscate it to the uses of the home.

[Here the hammer fell.]

Mr. HISCOCK. The argument for this provision of the bill is found in the provision itself. It is proposed to take the money of the pensioners and apply it to their support; and the very class of pensioners that the gentleman from Ohio [Mr. DAWES] refers to are those that it is intended by the amendment to reach—those who receive the larger amounts.

Mr. DAWES. Those with their legs shot off.

Mr. HISCOCK. They are cared for; they are supported by the Government. And it is the intention of this bill that they shall continue to be cared for. What would the gentleman from Ohio have done with their money?

Mr. DAWES. I would have it given to them or kept for them.

Mr. HISCOCK. Where would it go? To what purpose would it be devoted?

Mr. DAWES. It would go to their heirs or legal representatives after their death.

Mr. HISCOCK. We are not here legislating for their heirs unless their heirs need this money. And if a soldier has a widow or minor children he is safe from the operations of this law. We have taken great care of the heirs and of the widows in this bill. The exception is made in their favor; but I am frank to say when you reach out beyond the dependent relative to the collateral heirs of the pensioner, the appeal of the gentleman does not touch my argument.

This provision is recommended by the managers of the home. I certainly should not have reported it here unless the most eminent soldiers in the land had recommended it; those who are as careful of these men as fathers are of their children. In the interest of the Government, in the interest of the home, in the interest of the soldier himself, it was proper this amendment should be incorporated in the bill. And the love of those men for the soldier and their fidelity to their comrades in arms the gentleman from Ohio will not question. The trustees of the Soldiers' Home are men who stand too high to have either their patriotism or their loyalty to the soldiers questioned.

Now, Mr. Chairman, another thing is sought in this provision. The effect of this provision will be this: There are scattered all over the country soldiers that do not receive a pension, soldiers that are not entitled to admission to this home. They were referred to the other day upon the floor. There are soldiers that to-day are in the poor-houses and are supported as paupers, and the effect of this provision may be to open the door of the home to that class of people dependent on public charity for support. And, sir, I confess I have as much sympathy for them as I have for the soldier that received a pension sufficient to support him.

Another class will be introduced into the home possibly if this amendment prevails. Thus far these homes have been closed to the volunteer sailors. This may have the effect to make vacancies in the homes, and we have provided that these vacancies may be filled from that service. And are they not equally entitled to this bounty being extended to them? Are they not equally entitled to be cared for and supported by the nation? We are not, Mr. Chairman, attempting here to strike down this system of public homes in the interest of naked, bare, mean, niggardly economy, but are simply seeking to take in a larger class of people and extend the scope of the benefits of the institution.

[Here the hammer fell.]

Mr. DEUSTER. Mr. Chairman, I move to strike out the last word.

I was opposed to this virtual confiscation of pension-money last year, and I am still opposed to it now, although the confiscation is to be only a partial one hereafter, while last year it was proposed to re-enact the old scandal of stealing pensions in the shape of fines and penalties. The reasons for which I was opposed to this robbery are as valid to-day as they were then. We are fishing in very shallow water when we propose, after appropriating over $1,000,000 for the support of these institutions, to make almost in the same breath poor invalids unwilling contributors to the support of "national" institutions which a "generous country" has so "liberally" provided for its defenders in their decrepitude and infirmity.

Thousands of pensioners are to-day in the employ of the Government, some in very high positions; but no one is so unreasonable or unjust as to demand that they should give up their pensions because they are salaried employés of the Government or give one cent for the maintenance of these homes out of their pensions. On the contrary, the law provides that they shall have, when honorably discharged soldiers, a preference over others. Yet these crippled, often hopelessly diseased, invalids, who are, one and all, slowly tottering toward the grave, shall be robbed of their pension-money, which these unfortunates in many instances apply for the purpose of paying transportation and expenses in visiting their families and friends who live at a distance. If this money is taken from them the hope of ever getting home to see their friends would be cut off. Again, the pensioners of the homes pay, as I am informed, for all the clothing they draw—tobacco, stationery, postage, and, in fact, nearly everything they obtain from the home. Besides, the pension is their just due, granted them under a contract that would be considered too sacred an obligation by any just government under the sun to be violated in such a mean, roundabout, penny-business way.

Do not let us forget that these veterans who shall be robbed of their pension-money are a part of the men, the armies, whose gallant deeds will live in a thousand songs in the history and hearts of our people so long as the praise of valor and heroism will re-echo in the warm hearts of our youth. And it is too much like robbing Peter to pay Paul if we take his meager pension from one invalid in order to assist another one. If we can not support these institutions altogether, let them go under; but if we can, we ought to support them in such a manner that such small business need not be resorted to. I think we can support them as we ought to do; and if the number of applicants is too large for their present capacity, and worthy soldiers are unable to gain admittance, then let us establish two or three new branches; but no necessity can ever serve as defense for so gross an injustice as the curtailing of the pensions of these poor men would be. We have no more right to touch their pension-money than we have to cut down the national debt; the payment of both is made in accordance with obligations which admit of no cavil at this late day and which ought to be held inviolable. I enter my protest against such injustice now, as I have done before, and I hope the proposition will not receive the sanction of this House.

Mr. BROWNE. I hope the committee will look at this question dispassionately. The Government of the United States have provided pensions for those who have become disabled in its military service. It pays or intends to pay a sum equal to the disability. In addition to the payment of pensions it has provided palatial homes to which a certain class of soldiers are admitted; and when admitted, the Government not only furnishes them with homes, not only furnishes them with shelter, but furnishes them with clothing and food and everything. The inmates of the Soldiers' Home—and nobody complains of it—have what that term "home" implies—everything that is necessary for their comfort and convenience. A large portion of those that are admitted receive no pension whatever from the Government. Now, the present law does this, and here is the inequality and injustice of it to a certain class of pensioners in this country.

I have two neighbors; each of them has been disabled by the loss of an arm, and each is drawing a pension of $24 a month. One of them remains at home and does what he can with his remaining arm for the support of himself and family. He supports himself and family by his own exertions, excepting so far as he is assisted by the $24 a month pension given him by the Government. The other is in a national home for disabled soldiers, and the Government of the United States supports him—furnishes him with a home, with fuel, wearing apparel, food, medical attendance, and everything necessary for his comfort, and in addition to that gives him a pension of $24 a month.

Now let me ask if that is fair? That is what the law does as it now stands. It pays the pensioner who is in one of these homes his pension and supports him besides.

Mr. DAWES. Will the gentleman permit me to ask him a question?

Mr. BROWNE. Certainly.

Mr. DAWES. Why not make it a uniform rule? If you are going to make a charge against the pension of a soldier for his support, then make a uniform rule.

Mr. BROWNE. The gentleman asks why not make a uniform rule? I say this, that a pension is given by the Government in lieu of a support as a support, to enable the pensioner to support himself. That is what the pension is given for. The home is provided for the same thing; but if you give the disabled soldier a pension and a home, too, you give him a double support.

Mr. DAWES. Not more than he deserves.

Mr. BROWNE. Now, there is no law compelling a person to go to one of these homes. A soldier may draw his pension and remain with his family and among his friends; or under the provisions of the law he may go to a home and have a maintenance there and $5 a month of his pension besides.

Mr. MAGINNIS. And the effect of that is to exclude others who have no pensions and no means of support.

Mr. BROWNE. As the gentleman from Montana [Mr. MAGINNIS] very properly remarks, are we to fill our homes with a class of persons who receive pensions, giving them the benefit of the home besides, and in that way fill up these homes and exclude worthy persons from their benefits who have no pensions at all?

I would not be in favor of this proposition if I did not believe it was absolute justice. It is generous to the soldier and is but just to the people of the United States. If we provide a home with all the necessaries of life for the soldier, that is enough. If we are to help the soldier in a home, let it be done there; if we are to help him by means of a pension, let it be done by the pension. Let us give the soldier the choice of the pension or the home, but not both.

The CHAIRMAN. The time of the gentleman has expired, and the time for debate upon the pending amendment has been exhausted.

Mr. DEUSTER. I withdraw my *pro forma* amendment.

Mr. DAWES. I renew the amendment. I want the House to understand exactly what this amendment is, and then we can see how the argument of my honorable friend from Indiana [Mr. BROWNE] applies to it.

It affects only soldiers who draw $18 a month, $24 a month, $50 a month, or $72 a month. I believe I have stated all the classes. A soldier draws $18 a month pension for the loss of an arm below the elbow or a foot below the knee, and $24 a month for the loss of an arm above the elbow or a leg above the knee.

Now, if this provision is enacted into a law without my amendment the effect of it will be to drive out of these homes, and that is the purpose of it, as the chairman of the Committee on Appropriations [Mr. HISCOCK] has admitted, not these men who draw $8 and $10 and $12 a month——

Mr. HISCOCK. It is not my purpose to drive anybody out of these homes.

Mr. DAWES. That is the effect of the provision, and I understood the gentleman to state that it would make room for sailors or somebody else.

Mr. HISCOCK. I said that if it did have the effect of driving any out of these homes it would make room for those of another meritorious class.

Mr. DAWES. Yes; but not for the men who have lost a hand or a foot or those who, because of extreme disability, received $50 a month, as being totally disabled for manual labor, or those who receive $72 a month because they are so disabled as to require constant personal attendance.

By a unanimous vote of the House of Representatives, including the votes of the chairman of the Committee on Appropriations [Mr. HISCOCK] and of the gentleman from Indiana [Mr. BROWNE], these soldiers so disabled were to receive $40 a month. Now, it would be unjust to them to adopt this provision and refuse to adopt my amendment.

Mr. BROWNE. Will the gentleman allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. BROWNE. I want to know if it is justice to the hundreds of thousands of pensioners who are out of these homes to be allowed simply their pensions, while you give another class of pensioners the benefits of these homes and a support and their pensions besides?

Mr. DAWES. This great nation has a surplus in its Treasury of $150,000,000. Let us build homes enough for our disabled soldiers; we are abundantly able to do so. Do not vote on one day to give these disabled soldiers $40 a month and let the proposition go to the Senate, where it may be defeated, and then on an appropriation bill place a provision which will take away from them the pension which Congress has given them.

The CHAIRMAN. The question is upon the amendment of the gentleman from Ohio [Mr. DAWES].

The question was taken; and upon a division there were—ayes 5, noes 34.

Mr. DAWES. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. DAWES and Mr. HISCOCK were appointed.

The committee again divided; and the tellers reported—ayes 15, noes 92.

So the amendment was not agreed to.

Mr. BAYNE. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "rebellion," in line 1148, insert the words "in the Army or;" so as to read, "any person who served during the war of the rebellion in the Army or in the Navy of the United States," &c.

After the word "soldier," in line 1154, insert the words "are now admitted."

Mr. HISCOCK. I have no objection to that amendment.

The amendment was agreed to.

Mr. BISBEE. I move the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "support," in line 1141, insert the words "or shall, after such admission, become dependent upon him for support;" so that it will read, "having at the time of his admission to said home wife, minor child, or parent dependent upon him for support, or shall after such admission become dependent upon him for support."

Mr. BISBEE. Mr. Chairman, the pending paragraph contemplates that all pensions exceeding $5 a month, payable to inmates of the National Soldiers' Home, shall be applied by the managers for the support of the home, subject, however, to this proviso:

Provided, however, That the above provision shall not apply to any inmate of said home who, having at the time of his admission to said home wife, minor child, or parent dependent upon him for support, shall apply the excess of his pension above said $5 each month to said support.

Now, this proviso as it reads would prevent the soldier from contributing from his pension to the support of his wife, minor child, or parent in case that wife, child, or parent should become dependent on him after his admission to the home. As the provision now stands his right to contribute to their support is limited to the case in which they are dependent upon him at the time of his admission. If at that time they are by reason of their own exertions or by the aid of friends or because of the possession of property not dependent upon the soldier, he can not contribute to their support if subsequently, on account of loss of property, loss of friends, or (in the case of the wife or parent) by reason of old age, they should become unable to support themselves. The only effect of my amendment will be to enable the inmate of the home to make contribution for the support of his wife, child, or parent, no matter at what time they may become dependent upon him for support.

Mr. HISCOCK. Mr. Chairman, this provision, after having been carefully prepared when the last bill was under consideration, was submitted by the Committee on Appropriations to the Board of Managers of the Soldiers' Home. It was also submitted to other gentlemen standing high in the confidence of the soldiers. It was submitted to gentlemen upon the committees of this House who have this matter specially in charge. This particular clause excepting from the operation of the general provision a soldier having a wife, minor child or parent, dependent upon him for support was the result of deliberate consideration.

A MEMBER. Is this paragraph agreeable to the soldier?

Mr. HISCOCK. As the question is asked, I will say that I have not the least idea in the world that it is agreeable to the soldier. We were told that these soldiers have passed the period of life when they are likely to have parents dependent upon them for support, and that there is no difficulty so far as minor children are concerned. We were told, however, that there is a certain percentage—I do not say a large percentage—of these soldiers who are and ever have been the victims of

designing women; and if you include in this provision the language proposed by the gentleman from Florida [Mr. BISBEE] you offer a premium to designing women to fasten themselves upon these men, to marry these soldiers in order to get the benefit of their pensions, the last women in the world to whom this Government would wish to extend its bounty. A gentleman near me, and a soldier, too, says that he knows this to be true. I had hoped that I might not be called upon to make this explanation. It is an unpleasant duty for me to discharge. But "I tell the tale as it was told to me." This provision should be preserved as reported in the bill if you would save these men—I will not say from what.

The CHAIRMAN. Debate is exhausted.

Mr. BISBEE. I move to amend the amendment by striking out the last word. I wish to say in reply to the gentleman from New York [Mr. HISCOCK] that so far as this amendment applies to the parent or child of an inmate of this home it certainly can do no harm, and if a parent or child should become dependent upon him after his admission to the home he should be enabled to contribute to their support.

In regard to the provision for wives who subsequently become dependent upon these soldiers by reason of misfortune or otherwise, the amendment does not contemplate enabling any soldier to contribute any portion of his money to the support of any woman who may become his wife after his admission to the institution. A careful reading of the amendment will show that on this point I am correct. If at the time of his admission to the home the soldier has a wife not then dependent upon him, but who subsequently by misfortune or otherwise becomes dependent upon him, he ought to be permitted to contribute to her support.

Therefore the amendment is not obnoxious, nor is it subject to the criticism made by the gentleman from New York upon it.

Mr. BROWNE. May I ask the gentleman from Florida a question?

Mr. BISBEE. Certainly.

Mr. BROWNE. These soldiers are discharged frequently from the homes, and can again be readmitted. There is no difficulty about procuring an order of readmission. Now, suppose that one of them who is not now married procures a discharge from the home, and while out on the discharge gets married. Subsequently he makes application for readmission to the home. Would he not in that case come within the conditions suggested by the gentleman from New York?

Mr. BISBEE. In answer to the gentleman from Indiana I will suggest to him that it can be provided for by law, giving the same discretion and power of admission to the board of managers in this case that is given in other cases.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Florida.

The amendment was not agreed to.

Mr. DEUSTER. I desire to offer another amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out all from line 1132 to line 1160, inclusive.

The CHAIRMAN. The Chair is under the impression that that motion has been decided once.

Mr. DEUSTER. I think not.

The CHAIRMAN. The Chair was of the impression that the gentleman from Ohio had made a similar motion.

The motion, however, will be submitted to the committee as in order.

The amendment was not agreed to.

The Clerk read as follows:

To pay the expenses and services of the civil commissioner and the incidental expenses of the commission appointed by the Secretary of the Navy under the provisions of the act of August 5, 1882; to report upon the question of advisability of sale of any of the navy-yards, $2,500; and the Secretary of the Navy is hereby authorized to report to Congress at its next session such part of the lands of the United States, if there be any, upon which the New York navy-yard is situated as is not needed for public purposes, together with an appraisement of the value of the same, such appraisement to be made in such manner as in his judgment will give a true estimate of the market value thereof.

Mr. HARRIS, of Massachusetts. I move to amend by the insertion of what I send to the desk.

The Clerk read as follows:

At the end of line 1194 insert the following:

"And said commission shall also report in reference to each navy-yard the sale of which is not recommended by them, whether it is in their opinion specially adapted for any specific purpose, and whether it should be retained in active operation or otherwise used; whether it is fully equipped and provided with all necessary appliances for the prompt and economical execution of such work as may be required, and if not, in what respect it is defective, and what will be required to place it in proper and effective condition for any probable demands in time of war, and the estimated cost of any additional requirements; and also whether, in their opinion, improvements can be made in the system of performing work at the navy-yards which will promote efficiency and reduce expense."

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the amendment?

Mr. HARRIS, of Massachusetts. Only for a few moments. I desire to state as briefly as possible the purposes and objects contemplated by this amendment.

This amendment is offered for the purpose of obtaining from the commission now authorized by law to make an examination of these navy-yards in efficient form the information they have obtained with reference to these yards in the manner suggested by this proposition.

Mr. HISCOCK. I desire to reserve the point of order upon the amendment.

The CHAIRMAN. The Chair thinks it is a little late.

Mr. HISCOCK. What is the proposition?

The CHAIRMAN. It appropriates no money.

Mr. HARRIS, of Massachusetts. It provides no additional expense in connection with the commission already authorized by law to examine into the condition of these various navy-yards. It simply calls upon the commission to report more fully than the law now requires them to do.

Mr. HISCOCK. I have no objection to that.

Mr. HARRIS, of Massachusetts. I shall not detain the committee further, as I believe this amendment will commend itself to their judgment.

The amendment was agreed to.

Mr. HARRIS, of Massachusetts. I now offer a further amendment, which I send to the desk.

The Clerk read as follows:

That the Secretary of the Navy shall cause to be laid out in convenient lots for building and commercial purposes, with convenient streets, avenues, and wharves in substantial accord with the recommendations and report made and submitted by Commodore John H. Upshur, all that land in the Wallabout Bay, in the State of New York, included within the present limits of the Brooklyn navy-yard and the United States naval hospital grounds which is bounded and described as follows:

Parcel A, containing about thirty-three and one-quarter acres, beginning at the northwest corner of Washington and Flushing avenues; thence westerly along the line of Flushing avenue 848 feet; thence northerly along a line parallel to the line of Washington avenue to the north line of the property of the United States, being about 1,900 feet; thence easterly along the line of the property of the United States to Washington avenue, being about 940 feet; thence along the line of Washington avenue to the point of beginning.

Parcel B, containing about twenty-four and a half acres, beginning at the northeast corner of Washington and Flushing avenues; thence northerly along the line of Washington avenue to the northerly line of the property of the United States fronting on Kent-avenue basin; thence easterly along the line of the property of the United States parallel with Kent-avenue basin to the easterly line of Hewes street extended; thence southwesterly along the easterly line of Hewes street extended about one hundred and fifty feet; thence westerly on a line parallel to the course of Flushing avenue west of Ryerson street to a point five hundred and twenty feet from Washington avenue; thence southerly to Flushing avenue, seven hundred feet; thence westerly along the line of Flushing avenue, five hundred and twenty feet, to the place of beginning.

And the Secretary shall cause the said lots, when so laid out as aforesaid, to be appraised by three appraisers of experience and competent knowledge, to be selected by him, and after said appraisal he shall advertise the same for sale at public auction in such manner as he may deem for the best interests of the Government, either at one sale or at several different sales, at not less than the appraised value of each, subject to such reservations and limitations as to use as he may deem best; and he is hereby authorized and empowered to make and execute, in the name of the United States, deeds of such lots to the purchasers, upon the payment of the purchase-money in full; and at such sale or sales he may give to the purchasers of any single lot the election to take at the same price per square foot any number of unsold lots within the same block or square. After deducting the cost of all surveys, plans, appraisal, advertisements, and sale he shall pay or cause to be paid into the Treasury of the United States the proceeds of said sale: *Provided*, That the city of Brooklyn may purchase, at not less than the appraised value thereof, so much of the northerly end of parcel A, hereinbefore described, as said city may desire for market purposes, the southerly line of said purchase to extend from Washington avenue westerly to the westerly line of said parcel, and in a line parallel to Flushing avenue.

Mr. ATKINS. I reserve the point of order on that amendment.

Mr. HARRIS of Massachusetts. Mr. Chairman, in this bill, in lines 1195 to 1202, inclusive, the Secretary of the Navy is authorized—

To report to Congress, at its next session, such part of the lands of the United States, if there be any, upon which the New York navy-yard is situated, as is not needed for public purposes, together with an appraisement of the value of the same; said appraisement to be made in such manner as in his judgment will give a true estimate of the market value thereof.

I have moved to strike that out and insert the amendment which has been read for the reason that the information called for in that provision of the bill has already been obtained.

Yesterday, during the debate upon this question, I rose to ask the privilege of publishing certain letters, upon which the Chair remarked I was somewhat out of order; but I have been permitted to publish them for the information of the House. There is a letter from Commodore Upshur, commandant at that yard, giving careful estimates of the value of the property, and stating that out of one hundred and ninety-three acres of land connected with the New York navy-yard there are fifty-four acres which might be as well sold as kept, and better. And he returns with his report made to the Secretary of the Navy carefully prepared maps, showing the manner in which this property may be cut up and sold. He estimates that property, now utterly worthless to the Government, would bring $1,500,000.

I have myself been over that land, and the condition of it is simply this: There lies east of the navy-yard and between that and the naval hospital this large vacant tract of land for which the Government has no use. It lies absolutely in front of the city of Brooklyn, between that city and the city of New York, and is certainly a great obstruction to communication between the two cities. It is worthless to the Government. It always will be. It will bring a million and a half of dollars, and some say $1,600,000. It is recommended to be sold. Estimates have been made and the plans are here.

I understand the chairman of the Committee on Appropriations, after the Committee on Naval Affairs gave notice of the amendment I now offer, wrote to Mr. HEWITT, of New York, that he might have ample

information; and Mr. HEWITT wrote him a letter, which is published in this morning's RECORD, which any gentleman may read. This amendment was reported by the Committee on Naval Affairs, having the subject under charge by reference of the bill introduced by the gentleman from New York; and the result is in obedience to that bill. I now yield my time to the gentleman from New York [Mr. BLISS].

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. BLISS] in his own time.

Mr. BLISS. Mr. Chairman, in view of the recommendations of the Committee on Naval Affairs of this House and the acceptance on the part of the Appropriations Committee of it as an amendment to their bill, I do not think it will be necessary for me to enter into a lengthy explanation to show the wisdom of the adoption of this provision, but at the suggestion of the chairman of the Committee on Naval Affairs I will briefly give the history of the matter and the reasons why I think the amendment should be adopted.

The Government has long held possession of a tract of land in the city of Brooklyn adjoining the navy-yard proper, which, so far as the requirements of the public service are concerned, is utterly worthless.

In the Forty-fourth Congress I introduced a bill providing for the appointment of a commission to investigate and report to the Secretary of the Navy and to Congress the propriety of selling this unoccupied property to the city of Brooklyn for market purposes. The bill was passed, the commission appointed, and its findings and recommendations in favor of the disposal of the property are on the files of this House.

Bills subsequently introduced by me in the Forty-fifth and Forty-sixth Congresses to confirm the sale recommended by the commission failed to pass; in one instance because there were opposing influences and there was not time to thoroughly discuss it, and in the other instance because under the new rules of the House it never was reached during that session.

The proposition now made, Mr. Chairman, will, if adopted, be not only of benefit to the third city in the Union, with its population of nearly seven hundred thousand people, but a positive advantage to the General Government.

According to a survey made some time since, under direction of Government officers, there are fifty-three acres of ground adjoining that part of the yard in active use that can be sold with advantage to the Government. During the late war, at a time when the naval stations of the Government were taxed to their utmost capacity, the land which it is now proposed to sell was never used. A large part of it lay under water, the localities adjoining were unhealthy, and the commercial interests of the city of Brooklyn at that time were not such as to require its use.

It is not now probable, if the local authorities of Brooklyn should decide to establish a public market on the property recommended to be sold, that more than fifteen or twenty acres would be required for that purpose. The remainder, according to the amendment, would be sold, under proper restrictions, to the highest bidders, to private parties, and the total amount realized from the sale of the entire tract would not, in my opinion, based upon the judgment of experts, be far from $1,000,000.

The improvements that would be immediately put upon the property by the city of Brooklyn would greatly enhance the value of the navy-yard adjoining, and not only would the sanitary condition of the yard and of that portion of the city be improved but their commercial worth would be greatly advanced.

It may be asked if the condition of affairs has not changed since the first proposition to sell this property was made. In answer I have to say that as the commission appointed under the original bill introduced by me recommended the sale of the land in question, so the present commandant of that yard, Commodore Upshur, and the Secretary of the Navy are agreed that it is the wisest thing to do. The mutual advantages of the proposed transaction are conceded by all who have fairly and thoroughly investigated the matter.

This is a practical way of doing something in support of the proposition to cut down the expense of maintaining our numerous navy-yards and for the improvement of the Navy, as it not only lessens the expenses largely at that point but it would furnish a sufficient amount of money to construct and equip a new model fast steel cruiser.

The land referred to in the bill is not now and never will be required for navy-yard purposes, and its sale in the manner proposed would be not only of great advantage to the commercial interests of two of the largest and most important cities in the Union, but will lessen very considerably the expenses of the Government and place a large sum of money in the Treasury of the United States.

Mr. ATKINS. I reserved the point of order because I did not hear the amendment very distinctly, and I think now it is liable to the point of order. I shall not make that point. But I ask the gentleman who has offered the amendment if he has provided in it that these lots shall be sold at public auction? And is there not—I heard the amendment indistinctly—a proviso that where any one shall buy a lot he may duplicate his lot or take other lots on the same basis?

Mr. HARRIS, of Massachusetts. I will say that in the first place it was recommended that a portion of this land be exchanged for other lots that the city of Brooklyn might be allowed to purchase for market purposes under an appraisal. But the Committee on Naval Affairs determined to do nothing of that kind, but to require that the whole property be divided into lots and that the lots be sold for cash.

Where the property is divided into squares, supposing that possibly the city of Brooklyn might desire to purchase for certain market purposes more than a single lot, it was thought advisable to provide that a purchaser of one lot in a square might, if he chose, take four lots at the same price.

Mr. ATKINS. The city of Brooklyn or any other corporation or person can do that.

Mr. HARRIS, of Massachusetts. Yes. Then we provide that the entire sum shall be paid into the Treasury after deducting the expenses. We permit the city of Brooklyn to take a piece on the north end of one square for the purposes of a market, for instance, at the appraised value, but it is obliged to conform the lines to those established for the streets.

The amendment was agreed to.

Mr. MORSE. I move to insert that which I send to the Clerk's desk.

The Clerk read as follows:

And the Secretary of the Navy is hereby authorized and directed to sell at public auction, in such manner as he may deem for the best interest of the Government, either at one sale or at several different sales, the property known as the naval hospital at Chelsea, Massachusetts, with the grounds thereto belonging. And the Secretary shall cause the said property to be appraised by three appraisers of experience and competent knowledge to be selected by him; and after said appraisal he shall advertise the same for sale, subject to such reservations and limitations as to use as he may deem best. And he is hereby authorized and empowered to make and execute in the name of the United States deeds of lots to the purchasers upon the payment of the purchase-money in full. And at such sale or sales he may give to the purchaser of any single lot the election to take at the same price per square foot any number of unsold lots within the same block or square. After deducting the cost of all surveys, plans, appraisals, advertisements, and sales, he shall pay or cause to be paid into the Treasury of the United States the proceeds of said sales; and, further, that $50,000 of the sum so realized shall be placed to the credit of the Navy Department for the selection of a new site and the erection of a suitable building thereon, if thought advisable.

Mr. HISCOCK. I will reserve all points of order on that amendment.

Mr. MORSE. This proposition is on the same principle as the one just adopted by the Committee of the Whole. I have a petition here [unrolling a petition down the middle aisle of the Hall] signed by a large number of the people of Chelsea, where this property is located. It is signed by the mayor, the aldermen, the councilmen, and all the prominent men of the town to the number of several hundred. They state that their interests require that this property shall be sold.

I have the authority of the Committee on Naval Affairs to offer this amendment, and I have the indorsement of the Secretary of the Navy to the effect that it will be in the interest of the Government to sell this property. I ask the Clerk to read a letter which I send to his desk, and which will complete, I think, about all that is necessary to be said on this subject.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 21, 1883.

SIR: This Department has the honor to acknowledge the receipt of a resolution of the House of Representatives passed February 10, as follows:

"*Resolved*, That the Secretary of the Navy be requested to inform this House, as soon as practicable, whether or not in his judgment it would be in the interest of the Government to sell the naval and marine hospitals and grounds at Chelsea, Massachusetts, and whether any injury would be done to the service by such sale."

In reply to the above resolution the Department has the honor to state that the United States hospital grounds at Chelsea were purchased September 22, 1823. There were originally one hundred and fifteen acres; thirty acres are occupied by the Ordnance Bureau for a naval magazine, ten acres were transferred to the Treasury Department for a marine hospital, so that about seventy-five acres remain for the use of the naval hospital. The hospital building was completed and occupied January 7, 1836, and a wing was added in 1865.

It is the judgment of the Department that it would be for the interest of the Government to sell the naval hospital grounds and that no injury would be done to the service by such sale. The institution engrosses many acres of valuable land constituting a very large portion of the area of Chelsea. The land is too valuable to be thus withheld from the market, and the naval hospital might be wisely transferred to a less expensive spot. Any bill authorizing the sale should be carefully guarded so as to secure full prices to the Government, and if the whole land is to be sold provision should be made for reserving enough of the proceeds to purchase a new site and erect another hospital thereon.

The views of the Treasury Department as to the sale of the marine hospital are not known to this Department.

Very respectfully,

WM. E. CHANDLER,
Secretary.

To Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

Mr. CANNON. I would like to ask the gentleman one question.

Mr. MORSE. Certainly.

Mr. CANNON. If I understood the amendment as it was read, it provides that the purchaser of one lot may take any amount of additional square feet at the appraised value.

Mr. MORSE. In the same square or block.

Mr. HISCOCK. I will not insist upon my point of order. I think it probable that if this property can be fairly and honestly sold, it will be for the interest of the Government to sell it.

Mr. TOWNSHEND, of Illinois. I renew it. I am opposed to the Government selling its property in such manner as this. As stated in

the letter of the Secretary of the Navy, any proposition presented for this purpose should be carefully guarded.

Now, here by an amendment to an appropriation bill it is proposed that we shall sell seventy-five acres of land near the city of Boston. I find as a general rule that when the Government sells its property it gets but a small price for it, but if it wants to purchase land it must pay two or three times its value.

Mr. HARRIS, of Massachusetts. This property if sold will bring half a million of dollars, probably ten times what it originally cost the Government. It is comparatively of no use to the Government now, and if it can be properly sold, as it will be under this amendment, it will yield a valuable consideration to the Government.

The proposition is to appraise and sell this land at not less than the appraised value, the money to be paid directly into the Treasury, with the exception of $50,000 to be reserved, if thought desirable, for the erection of another hospital on a better location.

Mr. TOWNSHEND, of Illinois. The very reason given by the gentleman from Massachusetts [Mr. HARRIS] I think should lead us to be very cautious in this matter. This property is very valuable, and, as the Secretary of the Navy intimates, we should be very careful and guarded in any proposition to dispose of it.

The CHAIRMAN. The Chair has a little hesitation upon the point of order. When a point of order has been reserved and then withdrawn after considerable debate, and another gentleman renews the point of order and then goes on to debate the merits of the proposition, it occurs to the Chair as questionable whether the point of order should be entertained.

Mr. TOWNSHEND, of Illinois. Does the Chair hold that a point of order can be prevented by one gentleman making it and then withdrawing it?

The CHAIRMAN. Certainly not. The Chair holds that any member of the committee at the proper time can raise a point of order. What the Chair calls attention to is this: This point of order was reserved, and then not pressed by the gentleman reserving it, and the gentleman from Illinois [Mr. TOWNSHEND] renewed it after it was withdrawn, and then proceeded to debate the merits of the bill. The Chair always desires to preserve the right of any member of the Committee of the Whole to make a point of order; but that right should be restricted within reasonable limits.

Mr. TOWNSHEND, of Illinois. Does the Chair hold that the point of order is made too late?

The CHAIRMAN. Not yet.

Mr. HARRIS, of Massachusetts. I desire now to call attention to the decision made yesterday upon a similar proposition submitted by the gentleman from New York [Mr. MCCOOK] to sell military reservations belonging to the Government. The Chair in that case overruled the point of order.

The CHAIRMAN. In that case the amendment came from the Committee on Military Affairs.

Mr. HARRIS, of Massachusetts. And this is offered by the authority of the Committee on Naval Affairs.

The CHAIRMAN. The Chair did not hear it so stated until this moment. As the Chair is now informed, this amendment is reported from the Naval Committee under the proviso of Rule XXI.

Mr. MORSE. It is.

The CHAIRMAN. The Chair trusts that under the circumstances he will not be obliged to rule upon this point of order.

Mr. TOWNSHEND, of Illinois. If gentlemen of the Committee on Appropriations desire that the point shall not be made, I will not press it; but it strikes me this is an unwise way of disposing of Government property.

The question being taken on the amendment, it was agreed to, there being—ayes 50, noes 3.

The Clerk read as follows:

The Potomac Steamboat Company is authorized to bring suit against the United States in the Court of Claims, to establish and recover actual damages, if any, sustained by their steamboat Excelsior, in consequence of an alleged collision with the United States tug Fortune, in Hampton Roads, Virginia, on the 4th day of December, 1882.

Mr. URNER. I rise to offer an amendment.

Mr. HOLMAN. I make the point of order on this paragraph, that it is new and independent legislation, and out of place in a general appropriation bill.

Mr. HISCOCK. I think it altogether probable that the provision is subject to a point of order. The facts of the case are substantially stated in the provision itself—that one of the vessels of the Potomac Steamship Company was run into by a Government vessel and destroyed. There is no question about the facts. If there had been but a partial loss of the vessel the amount of the damage would probably have been paid by the Department from the contingent fund, without troubling Congress with the question at all. I understand that such payments have in times past been made to some extent.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. HISCOCK] is now addressing an appeal to the gentleman from Indiana [Mr. HOLMAN].

Mr. HISCOCK. Yes, sir; I am appealing to the gentleman from Indiana. This vessel was a total loss. In the first place, a provision was prepared authorizing the Secretary of the Treasury to investigate the matter fully; but afterward the committee unanimously thought that, in view of the peculiar circumstances of the case, we should let this party go to the Court of Claims.

Mr. HOLMAN. I would yield to the gentleman's appeal with great pleasure but for the fact that several gentlemen having claims of the same character against the Government are insisting that a discrimination should not be made against them. That is the trouble in putting private claims upon an appropriation bill. Other citizens having like claims which had not received the same treatment feel that injustice is done to them. I think that all matters of this kind should be provided for by some general enactment. I must therefore insist upon the point of order.

Mr. HISCOCK. If the point of order be insisted upon, I have no doubt it must be sustained.

The CHAIRMAN. The Chair sustains the point of order. The amendment sent to the desk by the gentleman from Maryland [Mr. URNER] will now be read.

The Clerk read as follows:

And that the petition of George H. Plant for damages sustained by the Lady of the Lake, in 1874, by a collision with the United States steamer Gettysburgh, be, and is hereby, referred to the Court of Claims, with power and jurisdiction hereby conferred on said court to entertain the same; that said court ascertain whether said collision was in consequence of any fault of the Lady of the Lake contributing thereto, and if not that they allow the petitioner the actual damages done to his vessel, if any, caused by the fault of said steamer Gettysburgh, but no damages for loss of business or trade.

Mr. HISCOCK. I make a point of order upon this amendment.

The CHAIRMAN. This amendment must be ruled out for the same reasons applicable in regard to the paragraph.

Mr. URNER. I wish to state that this is the identical language of a bill now on the Speaker's table. I was induced to offer it as an amendment at this time because I saw that the Committee on Appropriations had included a similar provision in this bill.

The Clerk read as follows:

For improving the Capitol grounds: For continuing the work of the improvement of the Capitol grounds, including permanent approaches to the House and Senate wings, pay of landscape architect, one clerk, and wages of mechanics, gardeners, and workmen, $65,000.

Mr. WILSON. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "work of," in line 1227, and the words "of the Capitol grounds, including," in same line and line 1228.

Mr. WILSON. Mr. Chairman, my object in offering this amendment is to stop this eternal work on the Capitol grounds. The despoiler has been here for ten years to my knowledge. The beauty and symmetry of these grounds have been in a great measure destroyed. Those who have carried on these so-called "improvements" have removed the most beautiful forest there was about the city of Washington—a forest containing shade-trees which can not be replaced in less than a quarter of a century. In winter and in summer, in spring-time and in fall these grounds are being dug up, trees cut down, and changes everlastingly made. This damage to the public grounds around the Capitol has been going on for a series of years. I think any man of taste must fail to discover that any improvement has been made, though thousands of dollars have been expended.

The amendment of Mr. WILSON was not agreed to.

The Clerk read as follows:

For contingent expenses of the office of the surveyor-general of Minnesota: For fuel, books, stationery, pay of messenger, and other incidental expenses, $1,000.

Mr. DUNNELL. I move to amend the clause just read by striking out "$1,000" and inserting "$2,000," which I understand was the amount appropriated last year, and certainly these contingent expenses will not be less for the coming year than for the present.

Mr. HISCOCK. This item carries precisely the same amount as the law for the current year. I will say frankly that I have never been able to see how fuel, books, stationery, and incidental expenses at one of these offices can require more than $1,000.

Mr. DUNNELL. I made the motion under the impression that we appropriated last year $2,000 for this purpose.

Mr. HISCOCK. My memorandum is otherwise.

Mr. DUNNELL. I have not time to refer to the statutes. I withdraw the amendment.

The Clerk read as follows:

For expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $15,000.

Mr. RYAN. I ask, by unanimous consent, that the following paragraphs relating to the survey of the public lands be passed over for the present, and we proceed to the consideration of the paragraphs under the heading of "Indian affairs," with the understanding that we shall return to the preceding paragraphs when the bill is concluded.

Mr. HISCOCK. That takes all the paragraphs from line 1338 to line 1377. When the bill is concluded we can return to these paragraphs for the survey of the public lands.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

The Clerk read as follows:

INDIAN AFFAIRS.

That the Secretary of the Interior is hereby authorized to expend a sum, not exceeding $2,500, out of the accumulated fund in the Treasury belonging to the Winnebago tribes in Wisconsin, for the purpose of completing the census provided for in the act approved January 18, 1881.

That $1,000 is hereby appropriated to pay the expenses of presenting the question of jurisdiction to the United States Supreme Court, by habeas corpus proceedings, in the case of the United States against an Indian called Crow Dog, convicted in the first judicial district court of the Territory of Dakota for the crime of murder, in the killing of another Indian called Spotted Tail, including costs of transcript, printing the same, printing briefs, and counsel fees for said defendant.

Mr. CASWELL. I move the following amendment, to come in after line 1394.

The Clerk read as follows:

That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to enable the Secretary of the Interior to enter upon the execution of said treaty: *Provided*, That the title to lands for railroad purposes heretofore surveyed and paid for under agreements with said tribe, approved by the Secretary of the Interior, is confirmed in said companies.

Mr. HOLMAN. I make the point of order against that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOLMAN. I was not able to hear clearly the first portion of the amendment, and I ask that it be again read.

The amendment was again read.

Mr. HOLMAN. I will reserve the point of order. If this is a continuation of any public work, that is to say, a continuation of legislation heretofore enacted, I presume it will be in order. Waiving the point of order for the present, I hope information will be given to the committee as to the nature of that treaty. I was unaware it had even been published.

Mr. CASWELL. I will with great pleasure give the gentleman the information he asks so far as I have been able to obtain it.

The CHAIRMAN. Inasmuch as the point of order is pending the Chair hopes it will be applied to it, showing this is in continuation of such public work as is already in progress.

Mr. CASWELL. Do I understand the point of order is pressed?

Mr. HOLMAN. I wish to reserve it until I have some information as to the nature of this treaty.

Mr. CASWELL. I wish to state to the committee that if gentlemen understood the exact situation of this treaty there is not one on this floor who would raise the slightest objection to this amendment.

Indeed, it is of vast importance that this treaty should be confirmed. At the last session of Congress we made a small appropriation authorizing the Secretary of the Interior to negotiate this treaty with these Indians in Dakota Territory. There are about 25,000 Indians. They occupy a large tract of country right in the center of Dakota, a tract twice the size as the State of Indiana, being some 34,000 square miles. We authorized a commission to make a treaty with these Indians as between the tribe and the Government. There are five bands of these Dakota Indians. They are broken up, discordant, and quarreling among themselves. Each desires to be settled on separate portions of this reservation. They have ceded under this treaty to the United States about one-half of that reservation, leaving to themselves some 17,000 square miles of land, equivalent to about three-quarters of a section for each soul. They cede a like quantity to the United States. Surveys have been made. The several tracts of land have been set off (as will be seen by the colored portions of this map) which are to be occupied by the different bands of Indians. This treaty is said by the Secretary of the Interior to be very beneficial both to the Indians and to the Government.

Mr. HOLMAN. What are the main purposes of the treaty?

Mr. CASWELL. That the Indians shall settle on their separate portions of the reservation in severalty. There are five bands of them.

Mr. HOLMAN. There are to be five reservations, then?

Mr. CASWELL. Yes; five reservations. The Government of the United States is to pay to them for these lands 25,000 cows, to be delivered in that country where they are herding cattle, and a thousand bulls, with a view to leading them to engage in stock-raising, and if possible to civilize them. No money is to be paid to them. These cows are to be purchased from time to time and delivered to them as they settle down. It is thought to be very beneficial.

Unless this treaty is ratified all this labor will be lost, and these Indians will be left roaming over this vast tract of country without making settlement. In addition let me say this tract of country lies in the center of Dakota. It is excellent land, nearly all of it. Railway companies have already projected lines across it to Deadwood, a distance of one hundred and eighty miles. They have already selected their right of way.

Mr. HISCOCK. If the gentleman from Wisconsin will allow me for a moment I will make this suggestion: That as there are two points in this bill which will doubtless involve considerable discussion, and also the question of a quorum, one being in reference to the surveys of the public lands and the other the pending clause, that the committee now rise informally, and that the order of the House providing for a recess to-night at half-past 5 o'clock until 7.30 be rescinded, and then we will sit until 6 o'clock and go on with the balance of the bill; in the meantime to recur to those clauses after the remainder of the bill is concluded.

Mr. CASWELL. Let me complete one sentence and make a single statement first.

The CHAIRMAN. The time of the gentleman from Wisconsin is nearly exhausted.

Mr. CASWELL. I merely want to add that this matter came before the Committee on Appropriations at the request of the Committee on Indian Affairs, and, as I understand it, has their unanimous approval. Hence we took it in hand.

Mr. HISCOCK. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

Mr. HISCOCK. Mr. Speaker, I now ask unanimous consent that the order providing for a recess to-night from half past 5 o'clock until half past 7 be rescinded for this day.

There was no objection, and it was ordered accordingly.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the pending bill.

The SPEAKER. The Chair desires, before submitting the motion, to lay before the House a letter from the National Academy of Sciences and some executive communications.

NATIONAL ACADEMY OF SCIENCES.

The SPEAKER, by unanimous consent, laid before the House the following letter from the National Academy of Sciences:

WASHINGTON, D. C., *February* 14, 1883.

SIR: In conformity with the requirements of the act of incorporation approved March 3, 1863, I have the honor to submit herewith a report of the operations of the National Academy of Sciences during the past year.

Very respectfully, your obedient servant,

O. C. MARSH,
Acting President of the National Academy of Sciences.

To the honorable THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER. The Chair is in doubt whether this communication, which is accompanied as stated with the report of the National Academy of Sciences, should be first referred to the Committee on Printing, or whether under the law it can now be ordered to be printed.

Mr. VAN HORN. Under the law it should be ordered to be printed.

Mr. SPRINGER. No, I object to that; let it be referred.

The SPEAKER. The Committee on Printing can examine into the matter later for the purpose of determining that question. The letter and accompanying papers will therefore be referred to the Committee on Printing.

PRECIOUS METALS, UNITED STATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Director of the Mint upon the statistics of the production of precious metals for the year 1882; which was referred to the Committee on Mines and Mining, and ordered to be printed.

TEST OF CERTAIN INVENTIONS, INTERIOR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending an appropriation of $1,000 to enable inquiries to be made concerning certain inventions; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York that the House do now resolve itself into Committee of the Whole House on the state of the Union to further consider the sundry civil bill.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

The CHAIRMAN. The question is on the pending amendment offered by the gentleman from Wisconsin, on which the point of order has been made.

Mr. HISCOCK. Now, Mr. Chairman, I ask that the portion of the bill to which this amendment is offered be passed over informally to be returned to hereafter, and that we proceed to that part of the bill making appropriations for the Geological Survey.

Mr. MAGINNIS. Before that is done, I have an amendment which I would like to offer and have printed in the RECORD upon that part of the bill which it is now proposed to pass over informally. I ask that the amendment to which I refer may be printed in the RECORD in connection with some letters accompanying it.

There was no objection, and it was ordered accordingly.

The amendment proposed by Mr. MAGINNIS is as follows:

Add as a new section to the bill:

"For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to appoint a commission to examine into the grievances and to reconcile the differences of the various Indian tribes in the Territory of Montana, and to make such modifications of existing treaties or agreements and to make such new agreements as may be deemed desirable by the various tribes of Indians in Montana on the one side and the Secretary of the Interior on the other, $10,000: *Provided*, That any such agreement shall not take effect until ratified by Congress.

The communications referred to by Mr. MAGINNIS are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1883.

DEAR SIR: I inclose a letter to the chairman of the Committee on Appropriations, transmitting with my approval the report of the Commissioner of Indian Affairs recommending the appointment of a commission to settle the grievances and differences of the Montana Indians. I should be glad to have you lay these papers before the committee.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. MARTIN MAGINNIS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1883.

SIR: I have the honor to transmit herewith copy of report from the Commissioner of Indian Affairs, recommending an appropriation in the sum of $10,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to appoint a commission to examine into grievances and to reconcile the differences of the various Indian tribes in the Territory of Montana and pay the expense thereof; also inclosing a draught of an item to be included in the sundry civil bill providing for that purpose.

The measure has my approval, and the appropriation requested is respectfully recommended.

Very respectfully, your obedient servant,

H. M. TELLER, *Secretary.*

Hon. FRANK HISCOCK,
Chairman House Committee on Appropriations.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1883.

SIR: I have the honor to acknowledge the receipt, by your reference, of a letter from Hon. MARTIN MAGINNIS, dated the 13th instant, in which he states that it is absolutely necessary to take immediate action looking toward a permanent settlement of the Indians in Montana, and to reconcile difficulties which may result in serious trouble, and with that end in view he requests that the necessary steps be taken for the appointment of a commission for the purpose of negotiating with the several tribes in that Territory.

If the Indians desire to enter into negotiations for the modifications of existing treaties and agreements, I know of no objections to such proceedings.

I inclose a draught of an item to be attached to the sundry civil bill providing for the appointment of a commission for the purpose indicated, and appropriating the sum of $10,000, or so much thereof as may be necessary, to pay the expense incident thereto, with the recommendation that the same be transmitted to Congress with the request for favorable action thereon.

The letter of Mr. MAGINNIS is herewith returned.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

The honorable THE SECRETARY OF THE INTERIOR.

Mr. VANCE. I wish to offer an amendment to this portion of the bill.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add at the end of line 1400:

"That the Commissioner of Indian Affairs shall cause to be sold all the lands now belonging to the North Carolina Eastern Band of Cherokees outside of the boundary known as the 'Quella Boundary,' situate in the State of North Carolina. And that the proceeds of such sale shall constitute a fund in the hands of said Commissioner of Indian Affairs to be devoted to the use of said Eastern Band for educational and such other purposes as their situation, necessities, and expenditures may require."

Mr. HISCOCK. I make the point of order against that amendment.

Mr. VANCE. If the gentleman from New York will hear a statement, I think he will not press the point of order.

Mr. HISCOCK. I am very sure that I will. I have investigated this Cherokee matter thoroughly.

Mr. VANCE. This has nothing to do with the Western Cherokees. It is a local matter recommended by the Commissioner of Indian Affairs, the Secretary of the Interior, and the Indian Committee. It is a matter of great importance to these people.

Mr. WILSON. As this part of the bill is to be informally passed over, let the amendment go into the RECORD, and we can examine it hereafter.

Mr. VANCE. Very well; I have no objection to that.

Mr. HISCOCK. The point of order is still reserved against it.

It is understood that the point of order is still pending against the amendment proposed by the gentleman from Wisconsin?

The CHAIRMAN. The Chair understands that the point of order has not been withdrawn. It was reserved by the gentleman from Indiana.

If there be no objection, that portion of the bill relating to the Indian affairs to which the gentleman from New York refers will be informally passed over, to be returned to after the remainder of the bill shall have been completed.

There was no objection, and it was so ordered.

The Clerk read lines 1401 to 1417, as follows:

UNITED STATES GEOLOGICAL SURVEY.

For the United States Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, to be expended under the direction of the Secretary of the Interior, $259,080. And there may be expended therefrom for the engraving of maps (in order that they may remain in the possession of the Government) and the necessary expenses thereof, $25,000; and for the engraving of illustrations on wood and the necessary expenses thereof, $6,000, said work of engraving to be done by the Bureau of Engraving and Printing.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1409 and 1410 strike out "$259,080" and insert "$240,000."

Mr. HISCOCK. I offer this amendment because the amount given by this bill is about that difference in excess of the estimates.

Mr. BAYNE. I think the gentleman is mistaken about that.

Mr. ELLIS. I do not understand that to be the fact.

Mr. HISCOCK. I am willing to give all the estimate calls for.

Mr. ELLIS. If the gentleman will do this, if he will change every clause of these paragraphs so as to give the whole estimate, I will agree with him.

Mr. HISCOCK. My motion is about right. It simply reduces the appropriations to the aggregate of the estimates as contained in the Book of Estimates. Let it be at the amount of the estimates. Do not put it above that.

Mr. ELLIS. I will consent very cheerfully if the gentleman will give the estimates throughout in all the paragraphs.

Mr. HISCOCK. I say we have got in this bill the aggregate of the estimates. It is put in a different form from what is contained in the Book of Estimates, because our appropriations are made in detail.

Mr. ROBESON. That is so.

Mr. BLACKBURN rose.

Mr. HISCOCK. I think the gentleman from Kentucky [Mr. BLACKBURN] will allow this to be done with the view of perfecting the text by reducing the amount so as to make it $240,000.

Mr. BLACKBURN. I will not agree to that, because I want this Committee of the Whole, before it goes further, to understand it is dealing with a matter on which—although I attribute no such purpose to the gentleman from New York—it is very liable to be misled.

Mr. HISCOCK. I do not want any one to be misled.

Mr. BLACKBURN. I said you did not.

Mr. HISCOCK. And no one will be misled by me. I want simply to reduce the amount covered by the bill to the amount of the estimates as the text of the bill, and then let amendments be predicated upon that.

Mr. BLACKBURN. And that I do not want to agree to, because I want to reduce the amount $100,000 more.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. HISCOCK].

The amendment was agreed to.

Mr. BLACKBURN. I now offer a further amendment to this clause to strike out the figures just inserted, which I ask the Clerk to read, and to insert $222,000.

The CHAIRMAN. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

In lines 1409 and 1410 strike out "$240,000" and insert "$222,000."

Mr. BLACKBURN. In support of that amendment I desire to say but one word. If gentlemen of this committee will notice carefully, under the very innocent phraseology employed in this paragraph in lines 1405 and 1406 they will find covered appropriations which year by year are swelled until there is not a gentleman upon this floor who can tell whether it takes $50,000,000 or $100,000,000 to meet the demands. The words to which I call attention run as follows:

And to continue the preparation of a geological map of the United States.

When the sundry civil bill was pending last year a proposition was made to authorize the carrying of the geological survey into all the States of the Union. It was resisted upon various grounds. First the enormous expense that would necessarily attend the effort. Secondly, the absence of any authority whatever to authorize such a work excepting in two States where the United States Government held public lands. The proposition was pressed and it was beaten. And the very thing which I have quoted from this paragraph of the bill was then resorted to under which, as a guise, the authorities in charge have claimed since the passage of that bill to be authorized to carry the geological survey into every State of this Union whether the public domain was there or not; and that in the face of the express declaration of the officer in charge of it made to the committee of conference when it was in dispute, that such was not the purpose and would not be the construction of the law.

Now, if you mean to make a complete geological survey of the thirty-eight States in this Union I speak inside the mark when I say $50,000,000 will not do it and one hundred millions of money will scarce suffice. I appeal to you and demand of you to show me the warrant and the authority in the Constitution of this country for such an appropriation as that. I grant you that you have the right and it is your duty to make a survey of the public domain in this country. But you have neither the authority nor the warrant, nor in my humble judgment will the ob-

ject justify you, in undertaking to enter upon a gigantic expenditure like this.

I find that for the present fiscal year the sum of $222,000 was appropriated. The estimate for this year is $389,000. The proposition as it reads in the text of the bill originally is to appropriate $323,000. Reduced by the amendment of the gentleman from New York the amount will be $304,000. I ask now, why jump nearly $100,000 over the bill of the present year in this paragraph except it be explained upon the theory that it is a concession of $100,000 increase as compared with the present year for the illicit purpose that has been introduced into that paragraph, carrying the geological survey into every State in this Union without regard to the location of public domain under the specious guise of preparing or continuing the preparation of a geological map of the United States?

I warn this committee that trouble with the Senate is coming if they do this. For the conferees who met us from the other end of the Capitol have already told me since this bill was prepared to report to the House that it was an imposition, bad faith, and a repudiation of an implied if not an express agreement. You see the first fruits of it in an increase of $100,000 in round numbers, as compared with the act for the present year, when you come to consider the recommendations of the bill I hold in my hand.

If this Congress is prepared or this country is prepared, without warrant or authority either in Constitution or law, to undertake the gigantic and stupendous work of making a full geological survey of all the States in this Union without regard to public or national domain being located there, if you are ready to inaugurate that system which is to be counted by millions if not hundreds of millions of expenditure, then I simply ask that you will be fair enough to come out from under cover and state upon the face of your bill what it is you propose to do with the money.

Mr. ROBESON. The Committee on Appropriations by a very large majority voted to put this full amount in the bill. To-day we have agreed without dissent to reduce the amount to the estimates made by the proper Department. This sum is necessary, if this work is to go on; $240,000 is not a large sum.

Mr. BLACKBURN. Three hundred and four thousand dollars.

Mr. ROBESON. Two hundred and forty thousand dollars. I thought my friend was working from a wrong standpoint.

Mr. BLACKBURN. I took the figures as I heard the amendment of the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. The aggregate of all the appropriations is about $303,000.

Mr. BLACKBURN. Then I am not incorrect. I am exactly correct.

Mr. ROBESON. Does all this come out of my time?

The CHAIRMAN. It certainly comes out of the gentleman's time.

Mr. ROBESON. The amount appropriated for all the purposes of the survey in this bill is $303,000. The amount originally recommended in this paragraph of the bill for the doing of this work is $259,000. We have put it down to $240,000.

Now, the objects of this survey are, first, to establish accurately and beyond the power of dispute the initial lines and standpoints from which the surveys of the public lands are to be made, from which the boundaries of States, the lines of counties, the lines of townships, and from that point the lines of individual possessions are to be fixed by accurate and lasting surveys. That one object would far more than repay to this country and to this people all the expenditure contemplated by this clause.

The second object is to give to the country the topography of these lands. That includes the possibility of their settlement, the lines of their streams, the altitudes of their mountains, the possibilities of penetrating into these lands by railways and by roads.

Mr. BLACKBURN. Will my friend from New Jersey allow me a question?

Mr. ROBESON. Certainly.

Mr. BLACKBURN. How does that apply to a State within whose borders the Federal Government does not hold a foot of land?

Mr. ROBESON. If my friend will pardon me, I will reach that part of the subject directly.

We determine the condition of these lands and their status; we determine their topography; we determine their availability for settlement, and for the purposes of the great progress of the country. We determine their geological structure and show their mineral wealth.

[Here the hammer fell.]

Mr. SPRINGER. I move to strike out the last word, and yield my time to the gentleman from New Jersey.

Mr. ROBESON. I thank the gentleman. We determine their geological structure, showing what they will produce under cultivation, for what the soil is adapted, what mineral wealth is beneath that soil, where the coal, the iron, the gold and silver are to be found.

Mr. DUNN. And where the fertilizers are.

Mr. ROBESON. Yes, where the fertilizers are. Then, after having determined all that and ascertained the means of entering them, the streams that flow over them, we can determine their value. This is for the benefit of that civilization which follows the sun across our continent and which, when it shall cease, I hope will go down with all the glories of the declining orb of day.

I will say that there are certain States in this Union which have public lands within their borders for which these surveys are to be made. Those public lands are within the scope of this survey and properly so, and the gentleman from Kentucky [Mr. BLACKBURN] will not deny it.

There are other States which have not these public lands, but they were original proprietors of public lands, and do not desire to be deprived of the benefits of this great national enterprise merely because they have given up their public lands for the purpose of national improvement.

If I properly understand it, this is about the best appropriation contained in this bill for the interest of the progress and development of this country. It not only will contribute to the general sum of human knowledge by the researches which will be made, will make this addition to science and to learning, but it will reveal to us what our country is worth, give to us all these riches of the present, and all these possibilities of the future.

When I look upon this appropriation of $240,000 to be applied to this great work, I can but recall the story which Macaulay tells of that Eastern dervish who gave up willingly the camels loaded with gold and silver to his more greedy but less thoughtful comrades and reserved to himself only that box of mysterious use which revealed to his knowledge all the hidden treasures of the world.

What is the sum of $240,000 compared to the practical application of the scientific knowledge and investigation which will reveal to us and to our children all the wealth which God has bestowed upon this great country?

[Here the hammer fell.]

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. HISCOCK].

Mr. BLACKBURN. Allow me just one moment.

Mr. HISCOCK. I want to say a word now.

Mr. BLACKBURN. I only want to submit some figures. As the gentleman from New York has had his time extended, I take it for granted I will not be denied time to reply.

Mr. HISCOCK. The gentleman will have full time. When this question was before the committee last year I discussed it upon its merits, and I must say I was suprised that the committee voted to increase the sum recommended by the Committee on Appropriations for this purpose.

I can understand a theory which will spend the money of the Government for the purpose of developing the resources of the country; I can understand the philosophy which would appropriate the public money to investigate the mineral resources which belong to the United States; but I could not then, and I can not now, understand, or at least I can not appreciate as a member of this House the wisdom of the policy that would take the money of the Government and apply it to the purpose of investigating the lands of private individuals in order to find out how much hidden wealth is contained in them.

I concurred last year most heartily in the views expressed upon this floor by the gentleman from Kentucky [Mr. BLACKBURN]. Although I have been beaten upon this question in Committee of the Whole, and also in the Committee on Appropriations, yet I have not been convinced. It is well to talk about the wealth which we may discover for our posterity and the posterity of our neighbors and friends, but I believe that corporations and individuals that own private property which would be benefited by the expenditure of this appropriation if left to themselves would discover that wealth for their own posterity.

It is barely possible that we may be justified in the expenditure of public money to develop private property under certain circumstances, upon the theory that there is to be a large benefit to the United States derived from it. But those circumstances involve this fact: that it would not be developed without such expenditure of the public money.

I, for one, am thoroughly convinced that if not a single dollar of this appropriation was voted private capital and private enterprise would explore the bowels of the earth and exhibit to the sunlight all the wealth that will be developed by means of the expenditure of this appropriation.

There is only one thing that reconciles me to this—I withdraw the word "reconcile"—I am not even for that cause reconciled to it. There is but one thing in connection with it that renders it humorous to me; that is, that gentlemen on the other side of the House, almost without exception, save the distinguished gentleman from Kentucky, are in favor of this proposition. They are ready to abandon their own doctrine of State rights, to repudiate their own theory that the public money should not be expended for private or even for State purposes; and now they come here trampling their old theories under foot and crying out for an appropriation of the public money to develop their own private interests.

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Chairman, for one I thank the chairman of the Committee on Appropriations [Mr. HISCOCK] for what he has said.

Mr. HISCOCK. I would say more if I had another five minutes.

Mr. BLACKBURN. The gentleman can have my time if he wishes.

Mr. HISCOCK. If I had more time I would not fail to say that I honor and shall continue to honor the gentleman from Kentucky [Mr. BLACKBURN] that on this question he stands by the principles which have guided him in the past.

Mr. BLACKBURN. Mr. Chairman, I threw the gage down fairly and asked that any advocate of this proposition would cite to us any

warrant or authority in the Constitution for such an expenditure of the public money. The able gentleman from New Jersey [Mr. ROBESON] saw fit to answer in doubly extended time; but that proposition he never yet has deigned to notice. If you have the right to take money from the Federal Treasury for the——

Mr. ROBESON. If the gentleman will permit me I wish to say that I did not forget to answer. The real answer which I meant to give was in asking the gentleman whether the currents of rivers, the veins of coal and other minerals, and the ledges of precious metals are bounded by State lines?

Mr. BLACKBURN. That is no answer to my proposition. The gentleman from New Jersey is not to be blamed for such an answer; for with all his astuteness, all his culture, all his recognized professional ability as a constitutional lawyer, neither he nor any other man can answer the question successfully. There is no warrant to be found in the Constitution for this raid upon the public Treasury to make geological surveys of States in which this Government does not own one foot of land, so that the expenditure must inure to the benefit of States or individuals—no one else.

I thank the gentleman from New York [Mr. HISCOCK] for having stated, and stated better than I could, the grounds upon which we place our objection to this appropriation, and for having called the committee back to the figures embraced in this bill.

I have offered no radical amendment. I have not sought to cripple this service in the slightest degree. I have simply moved to adopt as an amendment the provision of the law to the present fiscal year. The estimates made for this service for last year's bill amounted to $389,700. The appropriations made in that bill were $222,000. That was the aggregate for this service. The recommendation of the present bill is $323,000, which, reduced by the amendment of the chairman of the Committee on Appropriations, stands on record now for adoption by the Committee of the Whole at $304,000, as against $222,000 carried in the sundry civil appropriation bill for the current fiscal year. I ask, whence this increase? For what purpose do you ask it? To what purpose do you propose to appropriate it? No man, from the officer who made the estimate down to the lowest clerk in his division—no man upon this floor—can offer any explanation except that the money appropriated in the clause I have read—lines 1405 and 1406—is to be used "to continue the preparation of a geological map of the United States." That language is meaningless; it bears upon its face nothing to guide this House as to the purpose of the appropriation.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, I ask that we may now agree on the time to which this debate shall be limited.

The CHAIRMAN. The Chair is endeavoring to pass from side to side in the recognition of members; but will now recognize the gentleman from New York [Mr. HISCOCK], who rises, as the Chair understands, for the purpose of limiting debate.

Mr. ANDERSON. I would like to offer an amendment.

Mr. HISCOCK. I ask unanimous consent that debate——

Mr. ATKINS. You can not get unanimous consent now to cut off debate.

Mr. HISCOCK. I only want to fix a time. I will be liberal. How much time does the gentleman from Tennessee want?

Mr. ATKINS. I do not know that I want any.

Mr. HISCOCK. Mr. Chairman, I ask unanimous consent that the debate be limited to thirty minutes.

The CHAIRMAN. The chairman of the Committee on Appropriations requests that by common consent debate be limited to thirty minutes. Is there objection? The Chair hears none.

Mr. ELLIS. I object.

The CHAIRMAN. The gentleman did not object in time. The Chair was waiting for objection, but the conversation among gentlemen went on.

MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 2997) granting right of way to the Fremont, Elk-Horn Valley and Missouri River Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

The CHAIRMAN. Debate on the pending amendment is in order.

Mr. HISCOCK. I understand the debate is limited on the paragraph and all the amendments thereto to thirty minutes.

The CHAIRMAN. By order of the committee.

Mr. ELLIS. I objected to that and objected in time.

The CHAIRMAN. When the Chair asked whether there was objection to limiting the debate to thirty minutes he made the usual pause, and as there was no objection at that time he said it was ordered accordingly. The gentleman from Louisiana and others were engaged in conversation. No objection was made at the time.

Mr. ELLIS. I distinctly said I do not consent to it.

The CHAIRMAN. The Chair understood the gentleman to say that after the order had been entered. If the gentleman now states that he objected before the Chair will recognize him.

Mr. ANDERSON. I heard him.

Mr. ELLIS. I said so before the arrangement was made.

Mr. BELFORD. I understood the Chair recognized me.

Mr. ELLIS. If you agree to make it forty minutes I will not object.

Mr. HISCOCK. I will if you will go on with it to-night.

Mr. ATKINS. We do not wish to go on with it to-night.

The CHAIRMAN. Is there any agreement?

Mr. HISCOCK. I suggest that all further debate on this paragraph and pending amendments be limited to forty minutes.

The CHAIRMAN. Is there objection to that proposition. [After a pause.] The Chair hears no objection, and it is ordered accordingly, and debate on the pending paragraph and all amendments thereto is limited to forty minutes.

Mr. ATKINS. I rise to a parliamentary inquiry. Does that contemplate adjournment at 6 o'clock, and going on with this in the morning, or finishing it to-night?

The CHAIRMAN. It is subject to the rising of the committee.

Mr. BLACKBURN. I take it that the forty minutes will be used now, or, if we should now rise, when the committee is again in session.

The CHAIRMAN. It does not affect the power of the committee to rise. The Chair understands the *pro forma* amendments are withdrawn.

Mr. ANDERSON. I move in line 1404, after the word "mineral," to insert the words "agricultural and other industrial," so it will read:

UNITED STATES GEOLOGICAL SURVEY.

For the United States Geological Survey: For the geological survey, and the classification of the public lands, and examination of the geological structure, mineral, agricultural and other industrial resources and products of the national domain, and to continue the preparation of a geological map of the United States, &c.

Now, Mr. Chairman, it seems to me that amendment is so perfectly fair when the public domain is under consideration that it ought to be accepted by the chairman of the committee. If but one-fifteenth part of the benefits result from this Geological Survey which the gentleman from New Jersey indicates, then it is certainly well the bill itself should define that this survey shall inform us as to the agricultural and other industrial resources of the public domain. I am frank to say I have a glimmering idea there is a great deal of altitudinous poppycock about this Geological Survey business. If what the gentleman from New Jersey has stated be taken as a fair indication of the true work of this Geological Survey, then the word "geological" is a misnomer, because a survey of the geological resources of the country can not fairly and properly include one-half of that information which he suggests as sought to be obtained by this survey.

Furthermore, if it is intended to build up a new department, which new department shall have for its purpose a survey of the resources of the States, then that is another thing. If that is sought to be done, it should not be adopted under the guise of a geological survey of the public domain. But if this survey is really to be of the public domain, then, in addition to the geology of the public domain and as being of infinitely greater moment than the geological structure underrunning the public domain, should be information as to agricultural capacity, as to water-power, as to the mineral resources, or, in other words, something practical. A geological survey carries with it high scientific ideas in contradistinction to that class of information which men in a new territory look for in respect to the capacity of that territory.

Mr. Chairman, this is intended to be one thing or the other. If it is intended to be a *bona fide* survey of the public domain, then these men should be compelled to give us information as to the agricultural and other industrial resources of it. If on the other hand it is intended to be a geological survey of the States, it has no business to be here, in my judgment, before this committee. If that is the point, I am ready to vote to strike the whole thing out for the simple reason that the States of the Union can do that for themselves.

The State of New Jersey has money enough to burrow down under its sand and mosquitoes and get to the general geological structure underrunning it.

The State of Pennsylvania has money enough of its own for this purpose. If this is to be a geological survey of States, then let gentlemen say so and I shall vote against it. If it is to be a survey of the public domain of this country, then in the name of common sense, in addition to that geological information, in addition to that high scientific duty which you are going to impose upon the men that you here provide for, let them also examine and give to these people who have gone there and developed this western country, let them give to the frontiersman, to the homesteader, the man who develops the milling resources of the

West, some of the information which they need to enable them to be properly guided.

And, Mr. Chairman, I can not forbear calling attention to this one contrast, that when there was asked a hundred additional clerks in order to turn out your contested cases in the General Land Office the Committee on Appropriations failed to give that number or to make any provision for any of them because, forsooth, they would have to hire another building. But when you come here asking for a geological survey they largely overrun the estimates. You did not give an additional clerk in the Land Office, but you gladly overrun the estimates for the Geological Survey; and I call the attention of this committee and the country to the contrast between these items in the bill.

[Here the hammer fell.]

Mr. BELFORD. Mr. Chairman, I always admired an agricultural statesman. He is generally on one side of the field when we discuss tariff and free trade; but he is always in the middle of the field when his special interests are concerned. That may be regarded, I suppose, as disinterested patriotism. [Laughter.]

What is the object and the subject of this paragraph in this bill? It is, sir, to survey the public lands of this country; to ascertain their worth and wealth in coal and iron, in gold and silver, in copper and in nickel; and yet this distinguished gentleman from Kansas who has just addressed the committee, who seems to float on the top of a spear of oats or to smell the aroma of a head of wheat in all of his expressions upon this floor, is voting for their interest in this House.

I desire to say something that has grown out of my own practical experience and personal knowledge of affairs in connection with this matter in the West. I know that these geological surveys have been of vast, of immeasurably vast, of infinite advantage to the pioneers who have made great States and built up thrifty communities where a desert has heretofore existed. I know that the hardy miner who has been covered with buckskin has taken the map issued by the Government of the United States and indicated upon its face the location of these mines, and from that and in the light of this "science," as the gentleman from Kansas calls it, he has gone on into the wilderness and discovered mines that have poured into the lap of the people of this country treasures untold, millions and millions of dollars. That is what these hardy pioneers of civilization and the march of progress in the West have done.

I have no objection, Mr. Chairman, to ascertaining the amount of water supply in that country. We have unfortunately an immense amount of it at Cincinnati now, and a large surplus at Cairo and other points on the rivers there. I said the other day here that for the last four weeks I was paying 40 cents a barrel for water. I got a letter from one of my little kids the other day and he said that it had gone up to a dollar a barrel. [Laughter.] I would like to extend this thing up to the point at least of ascertaining the possibilities of getting water on the arid plains of this region. There is a vast region of country there that may not now be occupied by man or animal because of the want of water, but this is still a region that must in time be occupied by the citizens of this Republic. It is a vast, an immense country in itself, where the highest statesmanship of this Republic must center in the solution of the great question of bringing the empty hands and the empty lands together.

But when these surveys have been so advantageous in the development of the mineral interests of the country and in the advancement of all of its material prosperity, I say that we should stand solidly by the recommendations made by the Committee on Appropriations, and say God speed to the achievements of science and to the victories of the General Government whose beneficent influence contemplates the advancement of all of its individual citizens. [Applause.]

Mr. HISCOCK. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. KASSON reported that the Committee of the Whole House on the state of the Union having had under consideration the sundry civil appropriation bill had come to no resolution thereon.

Mr. TOWNSHEND, of Illinois. I move the House do now adjourn.

The SPEAKER *pro tempore*. The Chair desires to submit a report from the Committee on Enrolled Bills.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 2490) to change the name of the First National Bank of West Greenville, Pennsylvania, to the First National Bank of Greenville, Pennsylvania;

Joint resolution (S. R. 137) to print certain eulogies delivered in Congress upon the late Benjamin H. Hill;

Joint resolution (H. Res. 347) for the printing of certain eulogies delivered in Congress upon the late Godlove S. Orth;

Joint resolution (H. Res. 349) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. R. M. A. Hawk, of Illinois; and

Joint resolution (H. Res. 356) accepting the invitation of the Regents of the Smithsonian Institution, to attend the inauguration of the statue of Joseph Henry.

SEA-WALL, GOVERNOR'S ISLAND.

The SPEAKER *pro tempore* also laid before the House the following communication from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, dated the 19th instant, inclosing a copy of one from Major George L. Gillespie, Corps of Engineers, dated the 15th instant, referring to the insufficiency of the sum, $39,000, appropriated by the sundry civil bill of August 7, 1882, for building the sea-wall on Governor's Island, New York Harbor, together with a copy of the indorsement of the Chief Engineer, showing the necessity for an additional appropriation of $15,000 for this purpose. The Secretary of War recommends that said additional sum of $15,000 be appropriated at the present session of Congress for the object stated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 20, 1883.

PRE-EMPTION AND HOMESTEAD LAWS.

Mr. RYAN. I ask unanimous consent that the bill (H. R. 4993) to repeal the laws allowing the pre-emption of the public lands and amending the homestead law be taken from the House Calendar and referred to the Committee on Appropriations, with power to report it with or without amendments as an amendment to the bill making provision for the sundry civil expenses of the Government. The bill is for the purpose of preventing frauds in connection with the public lands.

Mr. ELLIS. I suggest that the bill had better be read.

Mr. RYAN. It is the same that we have reported.

Mr. ELLIS. I do not insist on the reading.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I move the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of dealers in butter and cheese of the city of New York, for passage of bill to regulate the exportation of articles made in imitation of butter and cheese—to the Committee on Ways and Means.

By Mr. J. C. BURROWS: Two petitions, signed by the keeper and crew of life-saving station No. 10, and of merchants, owners, and masters of vessels of Saint Joseph, Michigan, protesting against the transfer of the revenue-marine service to the Navy Department—severally to the Committee on Commerce.

By Mr. S. S. FARWELL: The petition of Joseph M. Carriere; of Elisha Andrews; of T. J. Bird; of A. H. Castille, administrator; of T. C. Dewilliers, jr.; of Andrew D. Mayer; of William G. Knox; of Wesley Steen; of Charles C. Pickett; of A. J. Norwood and Joseph E. Norwood; of James Ray, administrator; of John Posey, administrator; of John Fahey; of Clement Hollier, jr.; of Joseph P. Colamb; of Francis L. Petre, administrator; of Charles Bertrand; of Saint Anne L. Fontenot; of Louis Guidry, administrator; of Adolph Stagg; of Agnor Sessassier, administrator; of Philip Stagg; of H. Fontenot, administrator of O. L. Petre; of D. P. Lafleur; of Henry Young, sr., administrator; of Henry Young, sr.; of A. L. Petre; of Andrew Meche; of Julia G. Wikoff, administratrix; of John B. Ardoin; of Etienne Daigle; of John Roy; of Edgar T. Vanhille; of Jacob Lyons; of L. Guillory and Q. Q. Guillory; of Theo. S. Richard, administrator; of Jesse Behm; of M. Lafleur, jr., administrator; of Joseph E. Daigle; of Francois Mourland; of Joseph Rayon; and of Alex. Burnet—severally to the Committee on War Claims.

By Mr. FLOWER: The petition of the Maritime Association of New York, protesting against the proposed transfer of the Signal Service from the War Department to the Department of the Interior—to the Committee on Military Affairs.

Also, the petition of the Board of Trade and Transportation Company of New York, asking for repeal of all internal-revenue taxation, except on tobacco, beer, and distilled spirits—to the Committee on Ways and Means.

By Mr. HARDENBERGH: The resolutions adopted by the Legislature of New Jersey, for relief and protection to citizens along the seacoast of New Jersey from fishing with purse-seines—to the Committee on Commerce.

By Mr. H. S. HARRIS: The resolutions adopted by the Legislature of New Jersey, asking for relief from steam-yacht menhaden fishing with purse-seines along the coast of New Jersey—to the same committee.

By Mr. LORD: The petition of 75 citizens of Michigan, for the enactment of a general bankrupt law—to the Committee on the Judiciary.

By Mr. R. M. McLANE: The petition of the Maryland Academy of

Science, protesting against the transfer of the Signal Service from the War Department to the Department of the Interior—to the Committee on Military Affairs.

By Mr. PRESCOTT: Paper relating to the pension claim of Orinel Gillette—to the Committee on Invalid Pensions.

By Mr. ROSS: The resolutions adopted by the Legislature of New Jersey, asking relief from steam-yacht menhaden fishing with purse-seines along the coast of New Jersey—to the Committee on Commerce.

By Mr. VANCE: The petition of D. B. Ford and others, for the establishment of a mail-route—to the Committee on the Post-Office and Post-Roads.

Also, the resolutions adopted by the Legislature of North Carolina urging the return of certain taxes collected from the State in 1865-'66—to the Committee on Ways and Means.

Also, the resolution of the Legislature of North Carolina protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

Also, the resolutions of the Legislature of North Carolina urging the improvement of Bay River, North Carolina, &c.—to the same committee.

By Mr. WATSON: The petition of J. D. Smith and 8 others, protesting against the extension of the Roberts torpedo patent—to the Committee on Patents.

The following memorials and petitions relating to tariff legislation were presented and referred to the Committee on Ways and Means:

By Mr. W. R. COX: The resolutions adopted by the Legislature of North Carolina.

By Mr. ERRETT: Of workingmen employed in iron and steel works at Pittsburgh, and of certain lodges of amalgamated iron-workers of Pittsburgh, Pennsylvania.

By Mr. HUMPHREY: Of L. Smith and others, citizens of Douglas County, Wisconsin.

By Mr. TUCKER: Of citizens of Lynchburgh, Virginia.

By Mr. VANCE: The resolutions adopted by the Legislature of North Carolina.

SENATE.

THURSDAY, *February* 22, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

Mr. KELLOGG. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. SLATER presented a memorial of the Legislative Assembly of Oregon; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 5.

To the honorable the Congress of the United States:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully ask your honorable body to make the necessary appropriation for the erection of a light-house at the mouth of the Umpqua River, in the State of Oregon.

Your memorialists represent that the mouth of the Umpqua River affords a safe and commodious harbor for vessels of the capacity annually employed in the carrying trade of this coast, as your memorialists believe; that it is of easy access from the head of the Umpqua Valley, being but thirty-five miles from the railroad and Umpqua Valley to the navigable waters of the said river. That the distance is traversed by a wagon-road, through a comparatively level pass in the Coast Range of mountains, by means of which the river and the valley have a close and constant intercourse, and, in the judgment of your memorialists, this natural outlet to the waters of the Pacific is destined to become one of the principal highways for the commerce of the Umpqua Valley.

There are a large number of small vessels running upon the coast of this State carrying valuable lives, and during every winter season many of them are wrecked and missing, and, in the opinion of your memorialists, these dangers and losses might be greatly lessened by the erection of light-houses at suitable points. Vessels that are caught in the terrible gales so frequent here during winter are compelled often to ride the storm or go to the bottom, when a beacon to mark the entrance to this river would enable them to find shelter.

To vessels going up and down the coast a light-house at this place would be of incalculable benefit. These are often beset by fogs and drifted by currents and gales from their course, and under such circumstances the mariner can truly appreciate how good it is to see a light.

Your memorialists would further represent that there are two large steam saw-mills near the mouth of said Umpqua River, and several salmon fisheries, and to carry the products of which there is a line of vessels continuously plying between San Francisco and the said mouth of the Umpqua River.

Your memorialists therefore most earnestly pray that such an appropriation as may be necessary for the erection of a light-house at the mouth of the Umpqua River may be made by your honorable body.

Adopted by the house October 9, 1882.

GEO. W. McBRIDE,
Speaker of the House.

Concurred in by the senate October 9, 1882.

W. J. McCONNELL,
President of the Senate.

Mr. SLATER presented a memorial of the Legislative Assembly of Oregon; which was referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1 praying for aid to encourage a railroad company to construct a railroad from the seaboard to The Dalles, commencing at Crescent City, at the seaboard, thence to Rogue River Valley, Jacksonville, Jackson County, thence to Prineville, thence to The Dalles, in Wasco County.

Resolved by the house (and senate concurring), That the annexed memorial be directed to the Senators and Representatives of Oregon in Congress assembled, and that they be instructed to urge upon Congress early action thereon:

To the honorable the Congress of the United States:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that Southern and Eastern Oregon and the northern portion of California, a country that has been settled for nearly thirty years, shut out from any market or outlet for their produce, a large agricultural and stock and mining country, with large and rich valleys, rich in their productions, while the mountains are covered with forests of cedar, fir, spruce, sugar pine, maple, ash, and oak, and possess vast deposits of coal, iron, and cinnabar of value beyond estimate, it is absolutely necessary for a railroad to begin at the seaboard, at Crescent City, Northwestern California; thence to The Dalles, in Oregon, which would be one of the most useful railroads on the Pacific coast, running through and over a rough, mountainous country, which is near six hundred miles in length and expensive road to build. That while we respect the efforts being made to retrench upon public expenditures, yet we fully believe a liberal appropriation and donation to encourage a company to take hold of said line to construct a railroad would cause thousands of acres of Government lands to be settled that never will be unless there is a railroad built. To take mines and other resources into consideration, the money thus appropriated would soon be repaid back to the Government for its aid. We earnestly pray Congress to donate every odd section of Government land for five miles on each side of the road line, so that it may be ten miles wide, including the odd sections only, and nothing in the memorial to be so construed as to apply to land that has been settled and held under the homestead and pre-emption laws of the United States at the time of the commencement of the construction of the railroad; and we further ask Congress to appropriate $70,000 to be used in constructing the work of the road.

Trusting to the justice of our petition, your petitioners will ever pray for a favorable and speedy consideration of the same.

Adopted by the house September 25, 1882.

GEO. W. McBRIDE,
Speaker of the House.

Concurred in by the senate October 9, 1882.

W. J. McCONNELL,
President of the Senate.

Mr. MORRILL. I present a memorial of writers of books, remonstrating against the reduction of the existing tariff of 25 per cent. laid on books, signed by E. V. Smalley, H. E. Scudder, and by Edmund C. Stedman, the latter of whom says: "In the absence of an international copyright law, I am compelled to sign this." As the bill has passed the Senate, I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin. Yesterday I reported from the Committee on Claims the bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. I submit a report now upon that bill.

The PRESIDENT *pro tempore*. The report will be printed under the rule.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. 2471) to authorize the Secretary of the Treasury to appoint Dr. A. Sidney Tebbs an assistant surgeon in the United States Marine-Hospital Service, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

BILLS INTRODUCED.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. 2502) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was referred to the Committee on Public Lands.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 2503) to change the name of the steam-tug Zouave to that of William Hogencamp; which was referred to the Committee on Commerce.

AMENDMENT TO A BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

FISH AND FISHERIES REPORT.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the report of the Commissioner of Fish and Fisheries for the year 1882 be printed.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 10,000 additional copies of the report of the Commissioner of Fish and Fisheries for the year 1882 be printed, of which 2,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 copies for sale by the Public Printer at a price equal to the additional cost of publication and 10 per cent. thereon added.

DUPLICATE BILLS AND RESOLUTIONS.

Mr. ANTHONY. I offer the following resolution, and ask for its present consideration:

Resolved, That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Senate and House of Representatives of the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes when bound to be kept there for reference.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ANTHONY. Some years ago the Senate, not very wisely I think, ordered that all the accumulated bills and reports that were in the document-room should be sold for waste paper, reserving ten copies to be bound. The object of the resolution is to continue that compilation.

Mr. HOAR. What is the present number that we reserve?

Mr. ANTHONY. I think ten sets.

Mr. MORRILL. Ten would not be any too much for the different libraries.

Mr. ANTHONY. I will modify the resolution so as to read "a number equal to the number of preceding Congresses."

Mr. MAXEY. I ask the Senator from Rhode Island if he designs to have it indexed? The compilation would not be of service without an index for reference.

Mr. ANTHONY. They are indexed in the Journals. These are the bills that are left over.

Mr. HOAR. I suggest to the Senator from Rhode Island to let the resolution lie over, so as to ascertain what the present number is that we reserve, and have that inserted in it.

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The resolution will lie over for the present.

THE PORTLAND EXTENSION.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the District of Columbia be directed to inquire whether the extension of the building known as "The Portland" is being erected upon any portion of the adjacent public reservation, and if so by what authority.

CATTLE SHIPMENTS TO CUBA.

Mr. CALL submitted the following resolution; which was referred to the Committee on Foreign Relations and ordered to be printed:

Resolved, That the President of the United States be requested to institute negotiations with the Government of Spain for the restitution of the money unlawfully taken from Captain James McKay and others, shippers of cattle from Key West, Florida, to the Island of Cuba.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. GARLAND. If there is no further morning business, I ask to take up the resolution which I submitted yesterday.

Mr. HALE. I do not know but that may excite debate.

Mr. GARLAND. Let the Secretary read it as modified. I have made a slight modification.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution submitted yesterday by Mr. GARLAND was read, as follows:

Resolved, That a committee of five Senators be appointed by the President *pro tempore* to examine into the works now in progress for the improvement of the Mississippi River below Cairo, and the methods employed in making such improvements, and the contracts touching the same, and the application of the appropriations made by Congress for that purpose.

Also, all matters pertaining to and the feasibility of the outlet system for the improvement of said river.

Also, in the improvement made at the mouth of said river, the system of jetties, and the extent to which the same have facilitated the navigation of the river to the Gulf, their permanency, and the method now employed in the improvement thereof, and into all matters touching said improvement, the methods and effects thereof, and contracts touching the same.

The said committee may hold its sessions during the recess of Congress, at such places on said river or elsewhere as may be necessary for full inquiry into the matters above referred to, may send for persons and papers, examine on oath any of the persons employed on the Mississippi River Improvement Commission, or by the same and others if deemed necessary, including all river men and river residents.

The said committee shall report to the Senate the result of such inquiries at the earliest day practicable of the next session of Congress.

The actual expenses of said committee, including pay of a clerk and witness-fees, shall be paid out of the item of the contingent fund appropriated for "expenses of special and select committees" on vouchers therefor, duly approved by the chairman of said committee. And said committee shall have power to employ a stenographer, if necessary.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HARRISON. I should like to ask the Senator from Arkansas what reason he thinks there is for the re-examination of that question. I understand that a committee last summer went down the river and examined very fully all classes of persons in reference to the matter, and that during this session of Congress they have had before them not only members of the Mississippi River Commission but gentlemen representing the outlet system. There has been a very full and exhaustive examination of the subject. I suppose we shall have access to all that evidence, and I confess I scarcely see the necessity for a re-examination of the question.

Mr. GARLAND. The Senator from Indiana I presume was not in his seat, I do not remember that he was, yesterday when I submitted the resolution. I stated then the reasons I had for introducing it, which I will repeat now, and probably will add some others.

The committee of the House which was sent down has made no report. We know only of the existence of that committee and of what it has done from the public prints. It is evident now that if a report was made and printed we could do nothing with it at this Congress. I think as the House have had a committee of this sort and as no report has been made, it is proper for the Senate to have a committee to make this examination for itself. I can express no opinion as to the report of the committee of the House, because I have not seen it, and I do not know the line of their examination or of their investigation; but it is very certain, in view of the flood that is now coming upon that country, that an investigation of this character will be necessary if we expect to legislate at the next session of Congress. It is with a view of legislating then that I ask for this investigation.

As I said yesterday, I think the fault in Congress in creating the commission relative to this improvement has been, generally speaking, in not putting members of the Senate and of the House upon it, so that they might feel the responsibility of making their report at the next session of Congress, and that there might be some members upon it to defend that report and explain it when it came up. We have a Mississippi River Commission without any members of Congress of either House upon it; we have a committee of the House that has not yet made a report; and as it is hoped, if not expected, at least by some, that legislation will be had at the next session, I think the Senate should make an examination for itself and have a report by that time. That is the sole and the only purpose of the resolution.

Mr. HARRISON. Of course we have no official information in reference to what was done by the committee of the House, but we all have been advised from the public prints of the fact that they made a tour down the river, stopping at various points on the river and examining witnesses, river-men and others who had views to express in reference to the question. They went to the mouth of the river and examined the jetties and the officers in charge of them. I think that during this winter every member of the Mississippi River Commission has been severely examined and cross-examined before that committee. While they have made no report as yet, I think we may safely expect a report, and in the accompanying evidence we shall have the views already expressed at great length of all those persons who would be summoned before a Senate committee; and it would be simply duplicating that testimony. But yet if the Senator from Arkansas feels that there is an interest to be subserved in this matter I do not desire to antagonize it further.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes; and

A bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2490) to change the name of the First National Bank of West Greenville, Pennsylvania, to the First National Bank of Greenville, Pennsylvania;

A bill (H. R. 7193) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1884, and for other purposes;

Joint resolution (H. Res. 347) for the printing of certain eulogies delivered in Congress upon the late Godlove S. Orth;

Joint resolution (H. Res. 349) to provide for the publication of the memorial addresses upon the life and character of Hon. R. M. A. Hawk, of Illinois;

Joint resolution (H. Res. 356) accepting the invitation of the Regents of the Smithsonian Institute to attend the inauguration of the statue of Joseph Henry; and

Joint resolution (S. R. 137) to print certain eulogies delivered in Congress upon the late Benjamin H. Hill.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move to postpone the Calendar, my object being to take up the naval appropriation bill.

The motion was agreed to.

Mr. HALE. I now move to take up the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

Mr. HALE. The Senator from Louisiana [Mr. JONAS] has a matter which he assures me will take no debate; and so also has the Senator from Connecticut [Mr. HAWLEY].

Mr. EDMUNDS. I have several matters that ought not to take any debate and I have a bill already up waiting for the naval bill to get through. I only want a fair understanding whether there is to be a general scramble to get all our little bills through and to take just so much time, or whether we are going on with measures of great public importance until we get them disposed of. If the Senator from Maine wishes to give way I want him to give way to me as well.

Mr. HALE. Under these conditions, of course, it being important that the appropriation bills should be put through, and everybody, I suppose, shares in that feeling, I can not consent to give way if the Senator from Vermont insists on bringing other things in.

Mr. EDMUNDS. I do because I think it fair. We ought to do one thing at a time and have fair play.

Mr. JONAS. The bill which I desire to call up is a matter of some public importance, and it will take but a moment. It is a bill to provide for the sale of a Government arsenal and grounds. It is recommended by the Secretary of War and the General of the Army. It is Senate bill 2278.

Mr. EDMUNDS. I insist upon the regular order. There is just as much time after the naval bill is disposed of as there is before.

The PRESIDENT *pro tempore*. The motion of the Senator from Louisiana is not in order.

Mr. HALE. I can not, as the Senator from Louisiana sees, give way under these circumstances. I move that the amendments of the Committee on Appropriations be considered as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the amendments of the Committee on Appropriations be considered as they are reached in their order in the reading. The Chair hears no objection to that course, and that will be the order of proceeding.

Mr. EDMUNDS. I suppose it is not necessary, but to guard against any misapprehension I wish every point of order about legislation, &c., to be reserved, so that it shall not be insisted that it is too late. I do not suppose that is necessary in the way we do business.

The PRESIDENT *pro tempore*. A point of order can be raised at any time, but it saves great waste of time if it is made at once.

Mr. EDMUNDS. Undoubtedly; but I did not wish to have anything lost if the bill should happen to be read over a place where a point of order could be made.

The Acting Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in line 9, before the word "rear-admirals," to strike out "eleven" and insert "ten;" so as to read:

For the pay of the Navy, for the active-list, namely: For one Admiral, one Vice-Admiral, ten rear-admirals.

The amendment was agreed to.

The next amendment was, after the word "masters," in line 12, to strike out the following clause, extending to line 21:

The title of which grade is hereby changed to that of lieutenants, and the masters now on the list shall constitute a junior grade of, and be commissioned as, lieutenants, having the same rank and pay as now provided by law for masters, but promotion to and from said grade shall be by examination as provided by law for promotion to and from the grade of master, and nothing herein contained shall be so construed as to increase the pay now allowed by law to any officer in the line or staff.

Mr. McPHERSON. May I inquire of the acting chairman of the Committee on Appropriations if it has been the intention of the committee, and if that intention is embodied in the amendments, not to disturb in any way the status of any of the officers of the navy?

Mr. HALE. That is precisely the effect of the bill as reported from the committee with its various amendments. All legislation—and the House attempted several pieces of legislation—has been struck out by the report of the committee, leaving the bill a clean bill, covering appropriations for the maintenance of the old Navy, and separate and distinct items for the increase of the Navy in the latter portion of the bill, drawn apart and separated from the different bureaus, so that at a glance these two features may be seen by every Senator or by any person reading the bill. The status of no officer in the Navy as existing to-day is disturbed or meant to be disturbed.

The PRESIDENT *pro tempore*. The question is on the amendment which has been stated.

Mr. VOORHEES. In regard to that amendment a statement has been placed in my hands which I shall ask the Secretary to read. This states the reason why the provision of the House bill should be stricken out much better than I can myself. I ask that the statement be read.

The Acting Secretary read as follows:

REASONS WHY MIDSHIPMEN SHOULD BE MADE COMMISSIONED OFFICERS AT THE END OF THEIR SIX YEARS' COURSE.

1. There is no grade either in the Army or in any staff corps of the Navy corresponding to that of midshipman. The graduate of West Point, after a four years' course, is commissioned a second lieutenant (rank of ensign in the Navy, but greater pay); the graduate of the Naval Academy who enters a staff corps on the completion of his six years' course is given a commission and ranks with an ensign, receiving $1,700 per annum, while the ensign receives but $1,200; the civil appointee to a staff corps of the Navy receives a commission, $1,700 per annum, and a precedence in rank of six years.

2. The rank of midshipman in foreign navies corresponds in point of age and length of service with that of naval cadet in our Navy; their duties are of even a less responsible character than those of our naval cadets, and they are given commissions generally after four years' service, on passing a professional examination.

3. There are at present midshipmen on our Navy list who have been in the service nearly nine years, and many midshipmen now on the list can not hope to obtain commissions till they have been thirteen years in the service. During this time they perform the duties of ensigns, without enjoying the benefits of a commission, and are borne on the Navy Register under the anomalous title of "other persons," being neither commissioned nor warrant officers.

4. Under the present law the graduate of the Naval Academy who enters the engineer corps on the completion of the six years' course receives a commission as assistant engineer (relative rank of ensign), and a pay of $1,700 per annum, while a member of the same class who enters the line, though he be the highest graduate of the class, will remain for years a midshipman, an appointed officer, with a pay of $1,000 per annum.

5. It is the opinion of the Secretary of the Navy, of a sub-committee of the House Naval Committee who investigated the subject, and generally of the officers of both the line and the staff of the Navy that midshipmen should be commissioned as ensigns on the completion of their six years' course.

Mr. VOORHEES. I will make no debate on this matter. I thought it proper to present these reasons, as they may be useful to the committee of conference which will necessarily have to pass on these amendments.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after "midshipmen," in line 21, to strike out the following clause, extending to line 31:

The title of which grade is hereby changed to that of ensign, and the midshipmen now on the list shall constitute a junior grade of, and be commissioned as, ensigns, having the same rank and pay as now provided by law for midshipmen, but promotions to and from said grade shall be under the same regulations and requirements as now provided by law for promotion to and from the grade of midshipmen; and nothing herein contained shall be so construed as to increase the pay now allowed by law to any officer of said grade or of any officer of relative rank.

The amendment was agreed to.

The next amendment was, in line 34, after the word "shall," to insert "hereafter;" so as to read:

Two assistant surgeons, not in the line of promotion (who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100; when on shore duty, $1,800, and when on leave or waiting orders, $1,600).

Mr. McPHERSON. I should like to ask the gentleman in charge what is the signification of that term "hereafter?" Does it change the pay of the officers where the clause applies after date?

Mr. HALE. The object of inserting the word "hereafter" was to prevent the necessity every year of putting in this classification, so that it may run on under the general law which now exists, and not encumber every appropriation bill.

Mr. McPHERSON. No change in pay, then?

Mr. HALE. No change whatever.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 43, after "cadet-engineers," to strike out "(graduates;)" so as to read:

Sixty-two cadet-engineers.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 49, to strike out the following proviso:

Provided, That when vacancies occur hereafter in the Paymaster's Corps there shall be no original appointments to fill such vacancies, but promotions may be made according to existing regulations, from those remaining in said corps. Officers in the line shall be detailed to perform the duties of paymasters under the same rules and regulations as are now required of paymasters, but such officers shall not be entitled to increased compensation in consequence of performing such duties.

The amendment was not agreed to.

The next amendment was, to strike out from line 57 to line 74, inclusive, in the following words:

That the various boards constituted and provided by law for the examination (other than physical) of officers of the Navy for promotion to a higher grade in the service, shall conduct such examinations, as far as may be, in writing, and make a record thereof, and shall certify the same, and their conclusions thereon, under their hands and upon their honors. They shall prosecute and carry on such examinations strictly in all the branches and requirements necessary to the discharge of the duties of the higher grade, and particularly as to the professional fitness of the officer examined to perform all the duties of the higher grade at sea. That hereafter all the vacancies which shall occur in the various grades of the line and staff of the Navy shall be filled by promotion, as follows: For each two vacancies there shall be one promotion in each of the lower grades until such grade shall be reduced below the numbers fixed by the provisions of the act of August 5, 1882.

Mr. ROLLINS. I desire to inquire of the Senator who has charge of this bill if he does not think it would be advisable to allow that portion of the paragraph which has just been read, commencing in the fifty-eighth line to the end of the paragraph, to remain?

Mr. HALE. I do not. It changes materially the existing law.

Mr. ROLLINS. Not as applied to the line. It simply puts the line and staff on the same footing.

Mr. HALE. I do not desire to have the bill, when we finish it, have any particle of legislation touching the organization of the Navy.

Mr. ROLLINS. Very well.

Mr. HALE. I would leave that elsewhere.

Mr. ROLLINS. I ask the Senator if it is not deemed important that the line and the staff in this regard should be treated exactly alike?

Mr. HALE. I will say, in reply to the Senator, that there are several provisions in the House bill that in themselves are to me commendable and good, but the committee has known no line to draw. It desires to have a plain, simple, unencumbered appropriation bill, and therefore it struck clean off all the legislative provisions of the House bill, because I know that if the committee first and the Senate afterward yields and adopts any of these provisions it opens the door wide to a vast sea of amendments that will be thrown upon us here, delaying the progress of the bill, and in the end making it a legislating bill.

Mr. ROLLINS. In the main I agree with the Senator from Maine, but I desire to ask him if he does not consider this one of the desirable things that should remain in the bill if any general legislation is contained therein?

Mr. HALE. I think the legislation of last year should be adapted to the staff corps as well as the line corps. I do not think this provision does it. I think this provision, if adopted, would materially lessen the effect and would debilitate the legislation of last year.

Mr. ROLLINS. The Senator may be right about that; but I am not certain. I desire to make this further inquiry: In this bill all general legislation has been stricken out on the recommendation of the Committee on Appropriations. Now, by agreeing to the amendments proposed by the Committee on Appropriations, do we simply put these provisions that are incorporated in the bill by the House in the hands of the conferees on the part of the Senate and House and simply give them the power to shape this as they please; or will the Committee on Appropriations consider themselves instructed to resist all the general legislation that has been ingrafted on the bill by the House of Representatives? That is the point at issue, because if the Senate is to have anything to say about the legislation on that subject, now is the time to say it.

Mr. HALE. The Senator must confront the situation as it is. He is an old Senator. He knows how it is that appropriation bills are finally passed. There is no way under the rules except that finally they go through the crucible of a conference committee of three members from each body. I can only say that the Committee on Appropriations is dead set and in earnest against legislation, and I shall be very glad when we come back with the conference report on this bill to be able to report that the House has receded from everything of legislation and allowed us to have a plain simple appropriation bill. I hope that will be the case, but I am by no means prepared to say that the Senate conferees can drive the House to that. We will do the best we can.

Mr. CAMERON, of Wisconsin. The whole matter will be before the Senate when the report of the conference committee is submitted.

Mr. HALE. Certainly. The conference committee can not pass any report.

Mr. CAMERON, of Wisconsin. The Senator from New Hampshire can have the opportunity of raising the whole question at that time.

Mr. ROLLINS. If we are to have any voice in this matter I think it is for the Senate rather than for the committee.

The PRESIDENT *pro tempore*. The question is on the amendment striking out from line 58 to line 74.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 78, after the word "midshipman," to strike out "nineteen" and insert "twenty-two;" and in line 79, after the word "directors," to strike out "three surgeons-general;" so as to make the clause read:

For pay of the retired-list, namely: For forty-six rear-admirals, twenty-one commodores, eleven captains, ten commanders, sixteen lieutenant-commanders, nine lieutenants, eleven masters, six ensigns, one midshipman, twenty-two medical directors, two medical inspectors, two surgeons, four passed assistant surgeons, seven assistant surgeons, seven pay-directors, two pay-inspectors, four paymasters, two passed assistant paymasters, one assistant-paymaster, ten chief engineers, twenty-one passed assistant engineers, twenty-five assistant engineers, eight chaplains, six professors of mathematics, one chief constructor, three civil engineers, eleven boatswains, nine gunners, eleven carpenters, and nine sail-makers; in all, $703,180.

The amendment was agreed to.

The next ammendment was, after the word "dollars," in line 89, to strike out the following proviso:

Provided, That hereafter all promotions to the grade of rear-admiral on the active-list shall be from the grades of commodore and captain, according to seniority, and under the regulations as now provided by law; and no more promotions to the grade of commodore shall be made, that grade being hereby abolished: *Provided, however*, That no commodore now in the service shall be reduced in rank or be deprived of his commission by reason of this act.

The amendment was agreed to.

The next amendment was, after the word "Navy," in line 120, to strike out "in the lowest grade having graduated pay held by such officer since last entering the service;" so as to read:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy.

Mr. VOORHEES. I should be very glad to hear from the Senator from Maine, who has charge of this bill, the reason for striking out those two lines.

Mr. HALE. Does the Senator desire an explanation now?

Mr. VOORHEES. If the Senator wishes me to specify more particularly the reason I call for the explanation I shall do so.

Mr. HALE. I know the Senator has been investigating the case and I should be very glad to have him state first just what his point is if he believes the clause should remain.

Mr. VOORHEES. I will do so. My attention has been called to this matter by parties who consider themselves aggrieved by the fact that the clause from line 115 to line 122 has been construed by the accounting officers so that it is inoperative and void.

The fact about the matter is this: In 1867, when the Army and Navy had accomplished their main purpose, a great many persons in each branch of the service sought to go into the regular service; for instance, out of the volunteer army into the regular Army, and out of the volunteer navy into the regular Navy. It is known to Senators that officers of both branches obtain what is known as longevity pay, that is according to the time they have been in the service, and it was the purpose of legislation to give officers going out of the volunteer service either of the Army or Navy after they entered the regular service the benefit of the time they had served as volunteers in the gradations of each. In other words, a man who has become a veteran in either branch of the service should get credit for that time in either branch of the service. After serving five years in the regular service a man gets a certain increase of pay. The object of the legislation has been to credit a man in the service with the time to a certain extent that he had served in the volunteer service of the country. This clause as it stands on page 6, commencing at line 115, is as follows:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy.

In the act of March 2, 1867, it is provided:

That the officers of the volunteer naval service who are, or may be, transferred to the regular Navy, or Marine Corps, shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty, in the same manner as if they had been during such service in the regular Navy or Marine Corps.

When the accounting officers came to look at the clause that was put in the bill last August, and which is now under consideration, they construed that it must relate to men who had been transferred, that is the man must have been in the actual volunteer service when he emerged as it were into the regular service, so that an officer who had been mustered out, honorably discharged, was denied the benefit of this provision. The intention of the act as passed last August, and which is copied again into this bill, was to put these persons who had been out, we will say a day or a week, on the same footing with those who were transferred under the provisions of the act of March 2, 1867. It was done purposely to cure this hiatus; but when the accounting officers came to take the bill of last August to execute it they found a difficulty in fixing the grade on which this credit should be placed. A naval officer's credit now is given from the date of his commission, and unless a grade is fixed to which this credit is to be given the legislation on the last naval appropriation bill in August fails, and the ground and the purpose of Congress at that time fails, and so the Comptroller has determined.

The clause put in by the House was for the purpose of enabling the accounting officers to execute the law as it stands, and this clause is not new legislation. On the contrary it is legislation made necessary by the existing law and for the purpose of executing that law, and without it the accounting officers can not carry out the law as it now stands. The law, as it now stands and as it was passed at the last session of Congress, is that—

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy.

That being the law, the Comptroller's difficulty is in finding the grade to which that credit shall be given, and the object of this provision as put in by the House is that that credit shall be in the lowest grade having graduated pay held by such officer since entering the service. That is modest and is very liberal toward the Government. It puts this credit, which Congress has declared shall be given to all officers going out of the volunteer service into the regular service, at the lowest grade they hold now. I confess that I am at a loss to know why there should be any objection to this provision. There stands the law, and that says they shall have this credit. The accounting officers say they can not execute the law because they can not determine what grade to give the credit upon, and this line and a half or two lines simply provide that this credit as to time which is already provided for, shall be given to the officer in the lowest grade that he has held since he went into the regular service.

The point now is before the Senate, and upon that I shall be very glad, with the greatest possible deference and respect to the superior knowledge of the Senator from Maine on naval affairs, to know why this provision is objected to.

Mr. HALE. Mr. President, it is a curious thing about appropria-

tion bills that two or three lines somewhere that seem to be very innocent or in the direction of good legislation will excite more attention than the main leading provisions of the bill. I have had more letters, more interviews sought with me, since this bill was reported, upon these two lines, 121 and 122, than upon all the rest of the naval appropriation bill, including the million of dollars appropriated for new ships, and the persistency with which the clause was urged led me to seek a thorough investigation into the meaning of this clause. I sent for the Secretary of the Navy and I asked him if he knew just what those two lines, "in the lowest grade having graduated pay held by such officer since last entering the service," meant, or what they would effectuate. He said that he did not, that he would require time to study it. I told him I did not know. I had the impression, as the Senator from Indiana has, that they were innocent and were only needed to really carry out existing law; but I was suspicious from the very fact that it was urged in so many quarters. The Secretary took the subject-matter and investigated it, as I did.

There is something more in the matter than the Senator from Indiana has discovered; there is something more than I discovered at first; there is something more than the Secretary of the Navy discovered at first; and I know that when the Senator sees it he will join with me in saying that the lines ought not to remain there or that they ought to be guarded. The first part of this legislation takes care of those meritorious officers who served in the volunteer Army or Navy either as enlisted men or minor officers and were afterward brought into the regular Navy, so far as their promotion, so far as their longevity, is concerned. That is already taken care of by the provisions of the bill heretofore passed and the provision in this clause of the present bill down to line 120. The language, "And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy," was in the bill last year. The words should, if it be necessary to repeat them, be in the bill this year, if they did not become general law then. I think they did; I think there was no need of putting that language here again; but this being an appropriation bill they were inserted. The sting lies in the next two lines, and this is the operation of them:

And shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service.

If a man was a seaman or a mate or a master's mate in the volunteer Navy, doing good service and receiving small pay, $15, $20, $25 a month, and was mustered out honorably, and then after the reorganization of the Navy was commissioned as a lieutenant, these words would give him the pay of a lieutenant retroactively all through the time that he served as a seaman or a mate or a master's mate; and that is what is behind this clause. It is, as the Secretary says, a claim agents' clause—not that he discovered that; not that the Senator from Indiana discovered that, or the Secretary until he investigated it. Now, to show that this is so; that it would give retroactive pay; that it would give the pay of a superior officer now in the Navy for the time when he served as an inferior officer, let me, for the benefit of the Senator from Indiana, read this again:

And shall receive all the benefits of such actual service in all respects—

That is, such service when he was in the volunteer Army or Navy—

in the manner as if all said service—

That is, all service in the volunteer Army or Navy—

had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service.

In other words, he shall receive while he was seaman or mate or master's mate all the benefits in every way that he would have received if during that time he had been serving in the rank of the lowest graduated pay where he goes into the Navy afterward, to wit, a lieutenant. The Secretary of the Navy, in reply to my request for an investigation, sends this letter:

NAVY DEPARTMENT, *Washington, D. C., February* 10, 1883.

SIR: In response to your request, I have to state that the words in lines 121 and 122 of the naval appropriation bill as reported February 19, 1883, "in the lowest grade having graduated pay held by such officer since last entering the service," which the Senate Committee propose to strike out, were undoubtedly intended to lay the foundation for claims that an officer who, at some previous time had served in a grade below the lowest grade in which he served upon last entering the service, shall receive additional back pay for the whole period of such previous service at the same rate as if his service had been continuous in the superior grade.

It will also be noticed that by the prior clause an officer of the Navy is to be credited as an officer with the actual time which he may have previously served as an enlisted man. Therefore the effect of the clause which the committee propose to strike out would, if kept in, give him additional back pay for all the time of his service as an enlisted man equal to the pay which he received when first an officer.

Last year this clause about crediting officers with all their actual time of service was first placed in the bill without the proviso that it should not authorize any change in dates of commission or in rank of officers. The proviso was added during the pendency of the bill, and the clause and proviso became a part of the law of August 5, 1882, and are to-day in force. There is no occasion for now re-enacting them, except to make a cover for the insertion of the words which the committee propose to strike out, and to invite unjust claims against the Treasury.

Unless this result is desired those words should be stricken out as proposed; or, what is better, the whole clause, beginning on line 115 with the words "and all officers of the Navy," &c, should be stricken out.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. EUGENE HALE,
Senate Committee on Appropriations.

Mr. VOORHEES. Now, Mr. President, I had not the remotest thought or idea or purpose of legislating to accomplish what the Secretary seems to think is to be accomplished by this clause.

Mr. HALE. I know the Senator had not.

Mr. VOORHEES. I never thought of such a thing. Persons who have talked to me about this have one single purpose, not to carry any pay according to the grade they served in in the volunteer force, but to get credit for that time in the grades they are now serving in; that is all. If this provision is obnoxious to that kind of construction something ought to be placed there to remove it. The Senator from Maine must know that according to the construction of this clause, without these two lines, given to it by the accounting officers, a large number of men who served in the volunteer force can get no credit for that time, because the grade is not fixed on which that credit should now be given. The Senator from Maine is so well versed in naval affairs that it is not worth while to explain to him the value of this credit as to time. It puts a man forward as if he had served longer in his present place. It is a credit as to time, not a credit as to money. It amounts to something to him on his pay as he goes along, but not as back pay, and it has no relation to his pay or rank in the volunteer service; and all my object is to fix the grade at which these men, whether they were seamen or officers in the volunteer force, shall now receive the credit which the law declares is theirs.

Mr. HALE. Let me suggest to the Senator, then, if there is any difficulty by the Comptroller's decision in these men getting what they should have the benefit of, time in their grade now, and pay for the future, some clause can be devised that shall cover that. I suggest that the Senate agree to our amendment striking out these words, and then I will ask the Secretary to prepare some clause, and will also look into it myself, that shall remedy any difficulty that now exists in the Comptroller's office touching the future benefit that this may have upon their present rank.

Mr. VOORHEES. Very well. That is very fair and liberal, and I would suggest now to the Senator that I give notice of an amendment, but if he offers anything better or that is acceptable I shall only be too glad to accept it. I call his attention to an amendment which I had prepared in the event of his satisfying me that these two lines were not safe where they are. I had prepared this amendment to be offered at a future time; I do not know whether it is in order now to offer it as an amendment to the amendment of the committee.

The PRESIDENT *pro tempore*. The committee amendments are first to be considered.

Mr. VOORHEES. Is not an amendment to the committee amendment in order now?

Mr. HALE. I wish the Senator would for my benefit read his amendment, so that I may think of it.

Mr. VOORHEES. The Senator from Tennessee [Mr. HARRIS] informs me that an amendment to the amendment has to be made now.

The PRESIDENT *pro tempore*. Certainly.

Mr. HALE. That is in order.

Mr. VOORHEES. The amendment of the committee is to strike out a line and a half, and I will offer, for the purpose of eliciting an expression from the Senator from Maine, the following amendment, to follow the word "Navy," at the end of line 120:

But the time of such prior service shall be credited, and its benefits computed upon the lowest commission or warrant held by such officer since the passage of the act approved March 2, 1867, entitled, "An act to amend certain acts in relation to the Navy."

The Senator from Maine says that a good many persons have addressed him on this subject. A good many have addressed me also, so that I reluctantly went to work and looked into it. I did not want to do so, but there were a good many persons who addressed me, and I will state the reason why. It was because a good many persons have had injustice done them. There are a good many persons who served gallantly and faithfully through the volunteer period of our Navy who are now in the regular service getting no credit at all for the time they served in the volunteer force, although the law declares expressly that they are to have that credit, and they are not getting it simply because the accounting officers can not, under the law, determine and fix the grade on which to give them credit.

For instance, I know a man who serves as a boatswain, and in the volunteer service he was an ensign and a master, which are higher than the present grade he holds now. He is not asking for anything because of having been an ensign or master in the volunteer service; he is simply asking that the time he was in the volunteer service shall be credited to him as a boatswain. That is the lowest grade he has held in the service; he is holding it now. He gets nothing of credit on account of his former service, because the accounting officers say they fail to find by law a method of fixing the grade. Nobody is asking here to fix a grade held in the volunteer service, or any pay on that account. If

this line and a half are obnoxious to such construction, they ought not to stay in the bill; but something else ought to go in so that men should fare alike. A large number of persons served well in the volunteer service who are now in the regular naval service, and who are getting nothing of credit under the bill as it stands. I know the Senator from Maine does not want that, and I know that the Secretary of the Navy does not want that. I could stand here and cite a dozen instances of men who have made complaint that they are getting nothing to their credit because of their volunteer service, while thousands of others are. It is simply to remedy this injustice and correct this inequality that I took it upon myself to examine and look into the matter, and for no other reasons in the world than to give simple justice. I ask the Secretary to read the amendment I propose.

Mr. CONGER. I desire to ask the Senator from Indiana a question.

Mr. VOORHEES. Let the amendment be read first, and then I will answer any question I can. I do not know whether I can.

The ACTING SECRETARY. At the end of line 120, after the word "Navy," it is proposed to add:

But the time of such prior service shall be credited and its benefits computed upon the lowest commission or warrant held by such officer since the passage of the act approved March 2, 1867, entitled "An act to amend certain acts in relation to the Navy."

Mr. VOORHEES. The reason why I use the word "warrant" is because a boatswain is not a commissioned officer. He serves by warrant, as a good many others do. I will hear the Senator from Michigan.

Mr. CONGER. I understand, I wish to be informed if I am incorrect about it, that the sole object of this is to effect what is called the pay for length of service that is increased by law at every five years, or a certain number of years of service added. There is an increase of pay by the law as it is now, and all that this does, if I understand it, is to provide that actual service shall be reckoned.

Mr. VOORHEES. That is it; computed.

Mr. CONGER. It does not pay them anything?

Mr. VOORHEES. Not at all. The Senator is right.

Mr. CONGER. The object of the amendment is to allow men to have the benefit of their services, although there was an interval between their service in the volunteer force and the time when they came to the regular Navy? They are to be credited with actual service in making up what you call longevity pay?

Mr. VOORHEES. That is it. The Senator understands it.

Mr. CONGER. It is an increase of pay allowed for length of service?

Mr. VOORHEES. That is as I understand it.

Mr. CONGER. It does not give any back pay for anything?

Mr. VOORHEES. Not at all. It gives a man credit for the time he served his country, so that in going from one grade to another now in the service he has the credit for the time he served his country in the volunteer force. It closes a little gap.

Mr. CONGER. It credits it so as to bring him to that time when he has the benefit of fifteen or twenty years' service?

Mr. HALE. That is it.

Mr. VOORHEES. That is my object.

Mr. HALE. That is the Senator's object, undoubtedly, but that is not the effect of the provision.

Mr. VOORHEES. I am not now discussing this line and a half; I am discussing the object I want to accomplish. I do not present it to the consideration of the Senator from Maine in order to contest it on this line and a half, but I do want something that will carry out the purpose as stated by the Senator from Maine, and which as I understand is the object we all have in view.

Mr. HALE. Nobody objects to that. I could not agree to the amendment the Senator from Indiana has suggested because I think that is still subject to the same objection. I doubt whether he and I could put our heads together and frame any clause that would compass just what he seeks to compass, or the Senator from Michigan and myself. Therefore I think it better, rather than to add any clause, to strike out these lines and leave the matter to be fixed hereafter. I have drawn hurriedly here an amendment to follow at the end of the proviso. The proviso reads:

That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers.

I propose to add:

Or to give any officer in the regular Navy any additional pay or amount of money for the time when he served in the volunteer army or navy.

That would clearly cut off everything.

Mr. VOORHEES. I am perfectly willing to agree to that if the Senator from Maine then will say to the accounting officers by law upon what grade now held the credit shall be given.

Mr. HALE. That is a matter we must fix. If we disagree with the House provision, that must be fixed deliberately by the Comptroller and the Secretary of the Navy together. I could not fix that now. I do not think the Senator himself could.

Mr. VOORHEES. I would not undertake to do so, of course, in this shape.

Mr. HALE. I am not particular whether we sustain the committee in striking out those words or add this proviso of mine. I think it would be as well to strike out the words and leave the whole thing to be adjusted afterward.

Mr. VOORHEES. Let the proviso be read again by the Secretary; or, as the Senator's voice is good, will he read it again?

Mr. HALE. The proviso in the bill reads:

That nothing in this clause shall be so construed as to authorize any change in the dates of commissions or in the relative rank of such officers.

That everybody agrees to. I suggest to add:

Or to give to any officer of the regular Navy any additional pay or amount of money for the time when he served in the volunteer army or navy.

So that it shall not be retroactive.

Mr. VOORHEES. Nobody wants that at all. My object is entirely and simply to accomplish just two things: one is to give the officer of the volunteer force who might have been out of the service a day or two, and not regularly transferred under the act of 1867, the same privileges and advantages as those that were regularly transferred; and next, to say on what grade this credit shall be given to him, and then the accounting officers can execute the law; otherwise not.

Mr. HALE. The Senator from Ohio [Mr. SHERMAN] suggests that any amendment here might be subject to the point of order, so that I hope the Senate will agree with the committee in striking this out, and then we shall fix the matter before the bill is finally disposed of.

Mr. VOORHEES. Of course that means in a committee of conference; and I know it can be done if set about. I would say to the Senator from Ohio that I do not think it is open to the point of order, for I have studied a good deal on this matter. The provision I am seeking to put in on the line and a half is in aid of an existing law, and to enable the accounting officers to execute it.

Mr. SHERMAN. But that is the very point of order. If it is a change of the existing law it is subject to the point of order.

Mr. VOORHEES. It is not a change of existing law. It is putting the machinery into existing law to enable the officers of the Government to execute it.

Mr. SHERMAN. If it changes the existing law so as to change the rule for the Comptroller, that is a change of existing law.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations striking out in lines 121 and 122 the words "in the lowest grade having graduated pay held by such officers since last entering the service."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations "for contingent expenses of the Navy," after the word "dead," in line 138, to insert:

For putting in order and preserving the grave of Paul Hamilton, a former Secretary of the Navy, the expenditure therefor not to exceed $50.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Navigation," in line 150, to strike out the word "tonnage" and insert "towage;" so as to read:

For foreign and local pilotage and towage of ships of war.

The amendment was agreed to.

The next amendment was, in the same clause, in line 175, after the word "war," to insert "not exceeding $5,000; in all;" so as to read:

Steering-signals and indicators, and for speaking-tubes and gongs for signal communication on board vessels of war, and for introducing electric lights on board vessels of war, not exceeding $5,000; in all, $100,000.

The amendment was agreed to.

The next amendment was, in line 186, to strike out "ordinance" and insert "ordnance;" so as to read "Bureau of Ordnance."

The amendment was agreed to.

The next amendment was, in line 187, after the word "preserving," to strike out "ordinance" and insert "ordnance;" so as to read:

For procuring, producing, and preserving ordnance material.

The amendment was agreed to.

The next amendment was, in line 189, to strike out "ordinance" and insert "ordnance."

The amendment was agreed to.

The next amendment was, in line 191, after the word "and," to insert "one-half of;" so as to read:

And one-half of any balance of the appropriation made for commencing the manufacture of steel rifled breech-loading guns with carriages and ammunition, that may be unexpended during the fiscal year 1883 is hereby reappropriated and made available for continuing that service during the fiscal year ending June 30, 1884.

Mr. ANTHONY. I ask the Senator in charge of the bill why the whole amount is not appropriated? Why is it stricken down to one-half?

Mr. HALE. The committee considered that in the state of progress that the work is in, hardly anything having been expended, and much more time being required before large appropriations could be used, one-half of the amount in hand, which is nearly all of the appropriation last year, together with the $150,000 that we give now, would be all that could be expended during the year. That is the reason why it was limited to that.

Mr. McPHERSON. May I ask the Senator in charge of the bill what

sum has been previously appropriated, which appropriation has lapsed, of which he intends to appropriate one-half?

Mr. HALE. One hundred thousand dollars.

Mr. McPHERSON. That would then add $50,000 to this appropriation?

Mr. HALE. Nearly $50,000, as very little of it has been expended.

Mr. McPHERSON. Why has it not been expended?

Mr. HALE. Because these experiments are things that should be conducted carefully, with great deliberation, and the Department has not been in a condition where it could expend the money advantageously. It requires time, as the Senator will see, in making these experiments in order to decide how they can best make them. I think it has been rather meritorious on the part of the Department that they have not rushed into the matter with hot haste, but have been deliberate and cautious.

Mr. McPHERSON. There have been tests of ordnance in other countries that have proved to be successful, showing ordnance of proper quality, of proper efficiency. Is there any reason why the Department should delay the purchase of guns, which I understand are sadly needed, or is it the purpose of the committee in this bill to restrict the Department to the manufacture of ordnance here, of which we are not ready to make any?

Mr. HALE. The Senator from New Jersey knows, if he has read any of the literature touching the experiments in gunnery abroad, that other powers have spent immense sums of money in experiments compared with which our expenditures are bagatelles; and that the history of the last fifteen years especially will show that of all the enormous sums of money expended large portions have brought nothing. We are not prepared to go into anything of that kind. I suppose there might be emergencies resting upon us whereby the American Congress would be impelled to make liberal and even lavish appropriations, so that the work might be at once, at great expense and loss and extravagance even, brought to something like a head. But in our condition, and with no apprehension of immediate trouble, the Department and the bureau are very careful about purchasing where there is some question as to which is the best, or in experimenting and devising means that should lead to our manufacturing these guns. For these reasons, as I have said, they have been what the Senator may call slow, but I think it is better in this regard to make haste slowly.

Mr. McPHERSON. I admit the force of the Senator's remarks so far as the appropriations by this Government are concerned for experimental purposes, but the experiment having been tried by other nations I see no good reasons why we should not avail ourselves of the experience of other nations, so far as guns are concerned. We last year appropriated, according to the statement of the Senator, $100,000 for ordnance. Not one dollar of that money has been expended, and we are sadly in need of the ordnance to place upon our fortifications and upon our naval vessels. An additional sum of $150,000 is now appropriated in this bill, to which it is the purpose of the committee to add one-half of the lapsed appropriation, making $200,000. Next year I suppose the committee will report to the Senate that the $200,000, or a portion of it, has been expended in experiments, when instead of availing ourselves of the experiments of others, which according to his statement have been very costly, which they have made and which have shown conclusively that they are perfect things, it is not the purpose of this Government to avail itself of that experience or that knowledge.

Upon this question I am very much of the opinion that the trouble is from the want of a sufficient appropriation, and I do not know that it is wise to make it, to establish a plant to do all the work and go to all the expense necessary to establish it and make it efficient. I do not know but that the best plan to pursue would be to buy our ordnance abroad, or wherever we could get it, inasmuch as we need it as sadly as we do now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 198, to strike out "ordinance" and insert "ordnance."

The amendment was agreed to.

The next amendment was, in line 206, before the word "officers," to strike out "five" and insert "six;" in line 210, after the word "foundery," to insert "or what other method, if any, should be adopted;" and in line 211 to strike out "ordnance" and insert "heavy ordnance;" so as to make the clause read:

That the President of the United States is hereby authorized and requested to select from the Army and Navy six officers, who shall constitute a board for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundery, or what other method, if any, should be adopted for the manufacture of heavy ordnance adapted to modern warfare, for the use of the Army and Navy of the United States, the cost of all buildings, tools, and implements necessary to be used in the manufacture thereof, including the cost of a steam-hammer of sufficient size for the manufacture of the heaviest guns; and that the President is further requested to report to Congress the finding of said board at as early a date as possible: *Provided*, That no extra compensation shall be paid the officers serving on the board hereby created.

Mr. JONES, of Florida. I suggest that there is nothing of an appropriation clearly in that provision. I do not rise to make any objection to it, but it seems to fall within the rule adopted with respect to the other legislative portions, that it authorizes the creation of a commission. There is no appropriation of any money in this provision for any purpose.

Mr. HALE. That point was considered by the committee, and we found on investigation that it does add nothing whatever to the power of the President. He has the same power now. It does not change any law; it is simply advisory; he is authorized and requested, he is not directed, to simply create this board. I do not have as much confidence in boards as advising or controlling the operations of any of the Departments as I used to have. I do not consider it a very serious thing one way or the other, but it is in the direction of the Department taking up and considering this thing, and is the seal of the approbation of Congress that it had better be done, but it does not add any to the law, I will state to the Senator from Florida. If it did it would not be here.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "torpedoes," in line 237, after the word "that," to strike out "said money shall only" and insert "at least one-half of said sum shall;" so as to make the proviso read:

Provided, That at least one-half of said sum shall be expended for the purchase or manufacture of torpedoes the inventions of citizens of the United States.

The amendment was agreed to.

The next amendment was, in line 243, before the word "by," to strike out "recommended" and insert "approved;" and in the same line, after the word "Navy," to strike out:

Based upon a report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions: *And provided further*, That a sum not exceeding $50,000, out of said appropriation, shall be paid to Asa Weeks, when he shall execute and deliver to the United States a release in writing of all claim for the present or future use by the United States of all his inventions in torpedoes and in the machinery for operating, controlling, and exploding torpedoes, or relating in any way to the subject of torpedo warfare, whether patented or otherwise: *Provided, however*, That said payment shall only be made on the recommendation of the Secretary of the Navy, based upon a report of the board of officers above provided for.

So as to make the proviso read:

And provided further, That no part of said money shall be expended for the purchase or manufacture of any torpedo until the same shall have been approved by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in line 269, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, hides, and other materials for the manufacture of rope and cordage; iron for manufacture of cables, anchors, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $800,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 269, to strike out:

And the Secretary of the Navy is authorized and empowered, within his discretion, to constitute and introduce as a portion of the equipment of the Navy the life-saving dress adopted and approved by the Life-Saving Service of the United States.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in line 296, after the word "machinery," to strike out "and patent rights to use the same;" so as to read:

For general maintenance of yards and docks, namely: For freight and transportation of materials and stores, books, models, maps, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same, &c.

The amendment was agreed to.

The next amendment was, in line 312, to reduce the appropriation "for contingent expenses that may arise at navy-yards and stations" from $25,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 314, to increase the appropriation "for the civil establishments at navy-yards and stations" from $19,000 to $24,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," in line 336, to reduce the appropriation for contingent expenses of the bureau from $25,000 to 22,000.

The amendment was agreed to.

The next amendment was, in line 338, after the word "naval," to strike out "labratory" and insert "laboratory."

The amendment was agreed to.

The next amendment was, in line 343, after the word "naval," to strike out "labratory" and insert "laboratory."

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," in line 372, after the word "exceed," to strike out "30" and insert "25;" so as to read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 25 per cent. of the estimated cost of a new ship of the same size and like material.

Mr. JONES, of Florida. This clause was in the appropriation bill of last session, I think, for the first time and gave rise to a very extended debate. I have no disposition to continue it, but it seems to me to be a very extraordinary provision; it is certainly a very unusual one. Hitherto the Secretary of the Navy was invested with discretion over matters of this kind, and it was left for him to say whether, in his judgment, a ship should be repaired or not. Here is a provision which might be construed so as to destroy every available wooden ship in the Navy.

While I agree that the time has arrived when some increase in the naval service or in the ships we employ there should be made, I am not for putting out of existence valuable wooden ships that are in it, because I think they can be made serviceable in time of peace for naval purposes. Although not fit to combat the great ironclads of Europe, there is a great deal of service of a naval character that a wooden ship can perform outside of warfare. Under this clause, if it was held by the board that it would require after a cruise of one of our best wooden ships 25 per cent. to repair her, &c., she might be sold. That is the effect of it.

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed—

The House have it "30" but the Senate committee have changed it to "25"—

25 per cent. of the estimated cost of new engines and machinery of the same character and power.

I said in the debate last year that this was a little harder than the underwriters' rule, for thus it is, I believe, one-third new for old, and in the case of a loss the owner of the ship can claim for a total loss where the damage exceeds one-third the value of the vessel. Here 25 per cent. is the limit fixed for abandonment under this bill on the part of our own Government. I think that a vessel is worth repairing when she is not injured or deteriorated below 30 per cent. at least, but this is 25.

We went over this ground last year, and the provision was stricken out, if I remember aright. It would do away with all wooden ships and the machinery of them when in the judgment of a board or of those by whom it was created it was held that the amount of repairs necessary would exceed 25 per cent. The word "estimated" is used here, "estimated cost." It does not tell us who shall make the estimate. I presume the estimate would be made under the direction of the Navy Department, and it might be a very arbitrary affair. There are no safeguards here to secure a fair appraisement or a fair estimate under this provision of the bill, and it seems to me that it is a rather dangerous provision, giving a most extraordinary power to the officers who may be called upon to execute it.

Mr. McPHERSON. It seems to me that this is a very dangerous provision. We have to-day in the American Navy quite a number of wooden ships; in short nearly all the ships we have are of wood.

Mr. EDMUNDS. Will the Senator yield to me a moment? I remind the Chair, as the President of the Senate was not in the chair last night, that the unfinished business of yesterday is the Utah bill and that the two hours for morning business and the Calendar have expired, and that, therefore, is the business properly before the Senate. Of course I do not wish to displace the appropriation bill, but I ask that the unfinished business be laid aside informally in order to go on with the appropriation bill.

The PRESIDENT *pro tempore*. The unfinished business will be laid before the Senate.

The ACTING SECRETARY. The bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The PRESIDENT *pro tempore*. The bill will be laid temporarily aside if there be no objection, and the naval appropriation bill will be continued.

Mr. McPHERSON. We have, as I have said, a great many wooden ships; in fact, nearly all the ships we have are wooden ships, many of them live-oak ships that, with a little repair, will be able to keep afloat and be efficient war vessels for many years to come.

The whole idea of this naval administration, and it seems to be supported by the Committee on Appropriations of both the House and Senate, that the true way is to destroy the existing naval establishment in order that a new one may be commenced, involving large expenditures of money and giving unlimited power and unlimited privileges to the Secretary of the Navy. Who, but the Secretary of the Navy or some bureau of the Navy Department under this bill, will have the power to make the estimate? Surely nobody. I shall be able to show before we get through the discussion of this snakish bill that the estimates of the Navy Department upon several other matters are of so extravagant a character that it will be very easy to arrive at a just conception of why this provision is included in the bill.

In the first place, the purpose is to put down to the very lowest possible estimate the value of wooden ships, the value of our existing establishment, and raise to the very highest possible estimate the value of structures already commenced, or of new ones to be commenced. I think I shall be able to show that there has been an estimate made by the Navy Department, or by its boards acting under existing law, which adds very largely to any previous estimate to any previous contracts, covered all over with scandal, as they have been, for the construction or continuing the construction of so-called iron monitors; and yet in the same bill there is a proviso giving to the same Navy Department the power to obliterate, to strike out of existence the present naval establishment, in order more rapidly to secure appropriations for new vessels, based upon the estimate of cost made by that Department.

Therefore I think an amendment should be offered to this clause of the bill, which would at least save our present naval establishment for a few months longer; and to secure that object I will move as an amendment to strike out "25 per cent.," in line 372, and insert "40 per cent."

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to amend the amendment of the committee by striking out "25" and inserting "40."

Mr. HALE. Mr. President, undoubtedly this whole subject of expending money upon an old ship belonging to the United States rests in the discretion of the Secretary of the Navy. It ought to. But the Secretary of the Navy is confronted with the difficulty that not infrequently besets the heads of all the Departments. He is pressed and pushed from every navy-yard in the country and in the case of every old ship that comes, no matter what may be her condition, to haul her up and repair her, and to become involved in repairs which in the end substantially amount to rebuilding the ship. The Secretary of the Navy desires protection from that. He himself asks that this limitation be fixed at 20 per cent. instead of 30, as in the bill of last year, saying that that would give him an undoubted and effectual answer to every claim made upon him to order an old ship repaired at some particular navy-yard.

The committee did not give him all that he wanted in the way of this limitation, but put it at 25 per cent. instead of 20 as he asked, or 30 as it was left last year. It does not in any way interfere with the work upon a ship that is damaged abroad that needs at once repairs to any extent, or needs to be brought home; but it is a question constantly recurring in the Navy Department of the siege that the Secretary has to stand to repair some old vessel.

Mr. INGALLS. From whom does the importunity come?

Mr. HALE. From the different waters where the work is sought to be done—the navy-yards.

Mr. INGALLS. Who makes the estimate of the value of the ship when the repairs are to be made? The language used in the bill is, "when the estimated cost of such repairs shall exceed 25 per cent. of the estimated cost of the new ship." By whom is the cost of the repairs estimated?

Mr. HALE. Undoubtedly by a board of officers that are designated at the particular place where the ship comes in.

Mr. INGALLS. By whom?

Mr. HALE. I do not know, as a matter of routine, whether it is done by the Secretary himself or by the head of the yard; but undoubtedly if any appeal or question is taken it goes to the Secretary at last.

Mr. INGALLS. The Senator states that the Secretary desired to be protected against the importunities with which he is pressed continually for the purpose of making repairs upon wooden ships. I had supposed that this subject was wholly under the control of the Secretary of the Navy, and I was therefore curious to know from whom these importunities could proceed.

Mr. HALE. I have just stated that it occurs in every Department. No head of a Department is either infallible or is situated in such a serene region that he is not implored to do things against his judgment; and he frequently needs, as the Senator must know from what he has seen in the operation of Departments here, the sustaining hand of Congress in the direction of shutting down these things. Undoubtedly the Secretary can do it without, but if he believes that it is better not to go on and expend so much money in repairing these old ships, he is better able to embody that policy in his action, to enforce it upon his Department if he can turn to the appropriation bill that has got a limitation and say to these gentlemen, "I do not think I ought to go beyond this, and I can not go beyond it."

Mr. INGALLS. The provision of law then will be in the nature of an iron plate to a wooden ship, to render it less liable to dangerous assault.

Mr. HALE. It will render the Treasury less liable to dangerous assault, an iron plate to the appropriation. That is why the committee put it in at 25 per cent. The Secretary said he would rather have it at 20 per cent.

Mr. McPHERSON. It seems to me very reasonable in consideration of what I have already said that the Secretary should desire 20 per cent., and I see no reason why he would not prefer it at 15 per cent. Now I appeal to the Senator from Maine if that is not giving an extravagant power, an extraordinary exercise of discretion into the hands of the

Secretary of the Navy. For instance, as he avers, a board of officers may be called to investigate the condition of a vessel. That board of officers may consist of officers at the navy-yard where the vessel happens to be. They may not be sufficiently well informed or experienced to give a correct judgment upon the absolute value of the ship itself or to estimate accurately the cost of the improvements to be made upon it.

In other words, unless they can rebuild the entire ship and make it a new ship, which would make the cost of the improvements largely in excess of what this bill allows, then the ship is to be condemned.

In short, it means this, and it means nothing less than this: that the entire present naval establishment of the country is to be wiped out absolutely. For what purpose? To give place to new structures to be experimented with by the Secretary of the Navy—a new kind of ship to be built upon plans which to-day have not even been considered or digested. No two naval boards that have been appointed to determine and report what should be done toward building a new navy have agreed as to what kind or character of vessels should be built. One board, and the last board appointed, recommend that the monitors be finished—at what cost? At a cost of hundreds of thousands of dollars in excess of the contracts made to complete them in 1877. Three former boards report that if some of these monitors are completed the gunwales will be four inches under water; and yet the honorable Secretary of the Navy, supported by the Appropriations Committees of the House and Senate, comes to Congress and asks appropriations of money to the extent of millions of dollars to commence the creation of a naval system which to-day no man in this country knows how it is to begin or where it is to end.

I submit, Mr. President, that the Senate should be careful, very careful how they take a step in advance upon this question until some well-digested, some feasible, some sensible plan is decided upon before this vast expenditure of money is made. And now, to commence, the first thing we reach in the appropriation bill is a proviso which has for its object first to wipe out our existing navy and make it necessary without delay to create a new one.

Mr. MILLER, of California. Mr. President, I suppose the Senator from New Jersey is not in favor of a wooden navy; I suppose that he, with all the other Senators here and with the country, desires that the United States shall at some time or other have a navy of iron or steel ships such as have been approved by the other great powers of this world. The question as to what particular kind of iron ships is to be adopted in the American Navy is not at this moment before us. The question here now is whether wooden ships are to be repaired when the cost of repairs shall exceed 25 per cent. of the estimated cost of a new ship of the same size and like materials. Undoubtedly the tendency of this legislation would be to discard gradually the wooden ships now in use in the United States Navy. That is unquestionably the intention, that we are not to build many more wooden vessels, and we are not to repair old ones at an expense exceeding 25 per cent. of the cost of a new vessel. Practically, I suppose that when a vessel comes into port and needs repairs the first thing to be done is to estimate what the cost of the repairs will be under this bill, and the next question to be determined is what would the construction of a new vessel of the same class cost. This first question would be determined upon estimates made by the officers at the navy-yard in charge of the construction and repair of vessels at the navy-yard where this vessel would appear for repairs, and those estimates would be sent to the Department, would go to the chief of the Bureau of Construction and Repairs, and there be either approved or disapproved. The question as to the cost of a new vessel would have to be determined either by a board of officers or by the Bureau of Construction and Repair. I suppose either course might be taken by the Secretary of the Navy; he could inform himself in any mode which seemed best to him. I see no great difficulty in the execution of this act, and it seems to me that it is a good provision.

I am inclined to adopt the 30 per cent. reported from the House, and I am certainly opposed to the amendment of the Senator from New Jersey to raise it to 40 per cent., because if you do that you will keep on repairing these old vessels continually and you will keep up these obsolete old wooden vessels, which are of very little account in modern warfare, to the exclusion of the new kind of vessels which the United States will undoubtedly build if we pretend or intend to ever become a naval power.

Mr. McPHERSON. Will the Senator yield to me for a question?

Mr. MILLER, of California. Yes, sir.

Mr. McPHERSON. Would you destroy absolutely the last relic of a navy that you have before something else is found or substituted to take its place?

Mr. MILLER, of California. I would not.

Mr. McPHERSON. How long will it take the Government to build the iron or the steel navy we propose to build? Would it not be wiser to wait until that experiment had been tried and found adequate before we undertake to destroy the foundation upon which we rest to-day?

Mr. MILLER, of California. I will answer the Senator by saying that I do not understand that this provision will destroy the present navy at all. I do not suppose that all the wooden vessels of the Navy are going to be wrecked or injured at the same time. I suppose the casualties which render it necessary to repair these vessels will occur at intervals, that the change will be gradually made. What I object to is the constant expenditure of money upon vessels which are obsolete, which are of no use or of very little use to the United States as ships of war, and spending this money to the exclusion of the building of new ships of a better pattern and better class and better kind. I want this process to go on gradually, and I think it will go on gradually and properly under this provision.

Mr. JONES, of Florida. I concur in a good deal that has been said by the Senator from California in respect to the necessity of a better class of vessels in the Navy of the United States. I think that our position at the present time is one of humiliation as a great maritime power, and that we ought to have better ships than we now have in the naval service; but I do not think that this provision is necessary in order to secure that end.

I think a very small proportion of the ships of Great Britain are first-class ironclads at the present time, because it is a work of long years to build up an iron-clad navy; and after we decide upon a policy with respect to our naval vessels and decide to build a different class of ships from those we are now using and get them in existence, then it will be time enough to dispose of our old vessels; and if we keep them up, when the time arrives for us to sell them they will command a better price than if they were permitted to go into mere rotten timber. The proposition is to destroy our wooden ships in advance of a determination on the part of Congress to build an iron-clad navy, to take a step in the direction of destroying the navy we have, as has been stated by the Senator from New Jersey.

I am in favor of building some first-class ships for our navy, and I am ready to co-operate with gentlemen on either side of the Chamber to accomplish that end, because as a great maritime power we ought to be in some respects on a footing of equality with England and France, and this, I will say, is the first time in our history when we are at a disadvantage with those powers in respect to our navy. Before the war our large ships were all wooden vessels; they were equal to anything that was then in possession of either England or France, and our relative strength on the seas, so far at least as the quality of our ships was concerned, compared with any of the powers before the late civil war.

A great change has taken place, as every one knows, in naval architecture and the system of naval warfare, and we have not kept pace with it; but I do not think that this is necessary in order to effectuate the change contended for by the Senator from California in this department of the public service, that we should alter the existing law or usage of the department touching the repairing of our ships. We should leave the Secretary of the Navy to repair or not repair, as the case may require, as has been the custom in the past, and then leave to Congress the power to provide for the erection of new vessels conforming to the new system of naval warfare if, in their judgment, they think it proper to do so. But little or nothing has been done in that way, and I think that before the old navy is displaced some provision ought to be made to bring the new one into existence, not to leave us entirely defenseless on the ocean by giving a discretion to our officers that may possibly result in depriving us of what ships we have without anything being done to replace them by the class of vessels spoken of by my friend from California.

Mr. HALE. Mr. President, for the last dozen years the complaint has been that the Navy Department spent its money in keeping afloat old wooden ships which were growing worse and worse every year and that the American Navy was becoming more and more contemptible, that we were building no new ships to replace the old ones. I do not know how many times I have heard the figures read showing that in ten or twelve years nearly $400,000,000 had been spent in the naval establishment, and that there was nothing to show for it.

The operation of these charges, the discussion of this subject, has been that they have sunk into the public mind, and the people and the Congress I think have become convinced that something needs to be done in the way of rebuilding our Navy with a new class of ships adapted to the needs and exigencies of the nation and utilizing the inventions of modern naval warfare and speed in cruising. The first step in that direction is, while we keep up the old wooden navy in a reasonable way and keep our ships afloat, that we shall not sink large sums of money in the maintaining of old ships or rebuilding them when they have passed beyond what may be fairly termed the condition of repair.

The amendment that is proposed by the Committee on Appropriations allows the Secretary to expend 25 per cent. not of the present value of any old ship coming in, but of any ship that might be built of that class. Do Senators consider how large latitude that gives to the Secretary of the Navy, and that under it no single ship of our second or third rates that now float upon the water will ever be laid up if she can be repaired? But when it is claimed and urged that a ship which the Secretary believes to be unfit to be repaired should be, and it is found that more than 25 per cent. of the cost of a new ship would have to be expended upon her, then the Secretary believes, and we sustain him in that belief, that the money ought not to be so expended.

I do not want to anticipate the debate that may arise when we come to that part of the bill touching the increase of the Navy. But if the Senator from New Jersey is to object, and other Senators are prepared to stand by him, first to proposing limitation in the expenditure upon the

old wooden ships, and secondly is to find difficulties in the way of erecting new ones, in the way of charging extra haste and speed and that the projects and plans are immature, then we shall continue after the fashion that we have for years past, the American Navy gradually growing less and less in numbers, for ships die as well as men; less and less of value, for they grow old and useless as well as men, and we shall have nothing taking their place.

The condition of the wooden navy of the United States is well epitomized in the report of the Secretary of the Navy, where after giving a list of our wooden ships on the waters of the globe, he makes the comments which I ask the Secretary to read. That tells the whole story much better than I can tell it.

The Acting Secretary read as follows:

These vessels are creditable in their appearance, commodious in their quarters for officers and seamen, well adapted for ordinary naval exercises, and useful for displaying the national flag upon the seas and in the harbors of the commercial world. But they are of low speed; their engines are not modern, only fourteen being compound; and their steaming, maneuvering, and destructive powers are inferior to those of the present war ships of other navies. It is not the policy of the United States Government to maintain a large navy, but its reputation, honor, and prosperity require that such naval vessels as it possesses should be the best which human ingenuity can devise and modern artificers can construct. Our present vessels are not such, and can not be made such. They should be gradually replaced by new iron or steel cruisers, and allowed to go out of commission. The naval appropriation act of August 5, 1882, provides that no repairs shall be made "of any wooden ship where the estimated cost of such repairs shall exceed 30 per cent. of the estimated cost of a new ship of the same size and like material." This wise provision should be adhered to in future appropriations, and the limitation of repairs fixed at 20 per cent. less. The present wooden ships should receive only such moderate repairs as will enable them to serve the purposes of the Government until a new modern navy shall without undue haste and with due economy be constructed which will fitly represent the power and protect the interests and honor of the nation.

Mr. HALE. I do not propose to take any more time of the Senate. The Secretary has spoken for himself there. He adheres to the legislation of last year, but asks that the limitation be put at 20 per cent. instead of 30. The committee has put it at 25. That tells the whole story. Whatever the Senate sees fit to vote upon this matter, it is not a critical or a vital thing, and I hope that we may at any rate settle it and go on to the more important details of the bill.

Mr. MCPHERSON. I do not know who gave the Senator from Maine any right to say, certainly not anything that I have said, that it was my intention to lead or of any Senators to follow my lead in trying to prevent appropriations of money for the construction of new ships. I am certainly as much in favor of beginning under some well-digested plan the construction of a new navy as the Senator himself. I shall vote for an appropriation of money to begin the construction of new ships of war, ships that shall be built upon some well-approved plan, a plan which the experience of other nations has taught us to be the best; but as a Senator and owing a duty to the country I can not consent that the present navy shall be destroyed, what there is of it, until a new one is created to take its place.

Now, under this provision of law, ill-advised, ill-guarded as it is, my convictions are that the Secretary of the Navy may appoint a board or not appoint a board, as he sees fit, to estimate the cost or the value of a ship which seems to need repair. "A ship," in the meaning and intent of this bill, means the hull—the thing that floats; it means the hull of the vessel, the ship proper. We will suppose, for instance, that a board of survey appointed by the Secretary to estimate values under this bill should decide that a certain ship was worth $200,000, and the machinery of that ship had cost more than a million dollars; under the proper construction of this law 20 per cent. of the value of the hull would be the rule to govern the board, which would be $50,000. Under this bill it would not then be possible to expend more than $50,000, or 25 per cent. of her value, on such repairs; and of necessity the hull, worth $200,000, and machinery, worth $1,000,000, must under operation of law go to the bone-yard. This may be good law, but it is very bad business. The hull, worth $200,000 by their own estimate, is thrown away; the machinery, costing more than a million dollars, is thrown out into the navy-yards to be sold to some favored contractor for old iron or old steel or old metal, and the Government has lost more than a million dollars. What has cost the Government more than $2,000,000 perhaps to create has under the operation of this law been relegated to private life and the materials transferred to some contractor.

Mr. HALE. How does the Senator estimate his 25 per cent.?

Mr. MCPHERSON. Twenty-five per cent. of $200,000, the value fixed on the hull of the ship, would be $50,000. It admits of no other construction.

Mr. HALE. The amendment has no such language.

Mr. MCPHERSON. I ask the Senator if there is any other reasonable construction?

Mr. HALE. Let me read and let the Senator himself judge:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 25 per cent. of the estimated cost of a new ship of the same size and like material.

Mr. MCPHERSON. What does that apply to? Does it apply to the wooden ship or to the boilers or the engines or the material in the inside of the ship used for propelling the vessel? The Senator's own good sense can not fail to direct him to the conclusions I have reached.

Mr. HALE. The Senator has not gone far enough. In the next provision in the "Bureau of Steam-Engineering" the engine, the motive power of the ship, is put under just such a provision as applied to that; but if a ship is brought into a navy-yard that needs in the hull or in the masts or in any portion repairs that will cost $100,000, and a new ship would cost a million dollars, the Secretary has the limitation of $250,000. The unit is the cost of the new ship; it is not the cost of the particular part that the repairs are sought to be put upon. The unit is the ship itself; and it is a rare thing that you would find that there would be need for repairs of any particular part of a ship to save her that would aggregate more than 25 per cent. of what a new ship would cost. The language was constructed last year carefully so that it should not apply to the particular part sought to be repaired but to the entire ship. I remember very well the pains that were taken at that time in forming this language which has been followed in the bill this year.

Mr. MCPHERSON. I would a great deal rather leave the matter entirely to the discretion of the Secretary of the Navy, coupled with the responsiblity that will rest then upon him. Under this provision of law the Secretary of the Navy would have full power to do things that should not under any kind of circumstances be done, and evade all responsibilty for his acts because Congress expressly made the order and gave him no discretion.

The experience of the past is still present with us. After the war the then Secretary of the Navy saw fit in his own discretion, without warrant of law, to sell large amounts of material which aggregated to a large amount in the different navy-yards of the country. In three navy-yards thirty or forty boilers were sold, new boilers suitable for all of the purposes of the Navy, suitable to be placed in some of the vessels of the Navy, then sadly in want of them; they were new boilers, and were sold, according to the testimony of J. W. King, chief engineer United States Navy, for a sum vastly lower than was then being contracted to be paid for new boilers of the same size and shape. Let me read some of his testimoney.

The total number of new boilers sold from the three navy-yards visited—

New York, Portsmouth, and Philadelphia—

was thirty.

Total weight of the thirty boilers, 928$\frac{1}{4}\frac{2}{2}\frac{2}{5}$ tons.

Taking the contract price of 30 cents per pound, ordered to be paid for the new boilers purchased by the bureau, as the estimate of the value of those sold, the result is:

Thirty boilers, weight 928$\frac{1}{4}\frac{2}{2}\frac{2}{5}$ tons, at 30 cents per pound, $623,926.80.

From this amount must be deducted the price received for the boilers sold, namely, $28,245.54. Loss to the Government on boilers sold, $595,681.26.

And to this sum must be added the cost to the Government of the delivery of much of the materials on the wharf. These figures are considerable, but not accessible.

This has been done without warrant of law by one Secretary, and you now propose to confer upon another Secretary the power to dispose of the whole ship in like manner.

I might review this testimony and show what had become of machinery which had cost this Government millions of dollars which was broken up and sold for old scrap-iron and traded away to favored contractors.

Now the same rule is to be applied, the same order of things to be reestablished, the same system is to be employed, that we may make it necessary to proceed still faster with the construction of cruisers or some new naval establishment. It is now proposed to wipe out absolutely everything that we have in the shape of a naval vessel, the more rapidly the better because appropriations will be more needed and needed faster, and the pressure for them will be all the stronger.

Mr. HALE. I do not like to interrupt the Senator, but I do not think it is pertinent here after bringing up a report of the old sales of ships and materials and Government losses incident thereto, then to say that we are asked now to restore that old practice. Does not the Senator know that both in last year's bill and in this year's bill the Secretary of the Navy is so hedged around that he can not sell a single ship with its machinery, engines, and boilers, or any component part of it except surrounded by every safeguard that Congress has placed, that every dollar must be accounted for and it must all be done under open bids and on open sale, and when everything has been done to prevent anything occurring such as the Senator charges has been done in the past? We have looked out for all that in this bill.

Mr. MCPHERSON. Will the Senator turn my attention to any statute that has been placed on the statute-book restricting the Secretary of the Navy since the passage of the laws which were deemed necessary in 1877?

Mr. HALE. Yes; last year we took that whole matter up in the naval appropriation bill, and provided, first, that the Secretary should never sell anything until he had certified to Congress that it was needed to be sold; that no disposition should be made of a single dollar's worth; that he should report to Congress the vessels he thought should be sold and the reasons therefor, and that then Congress should take the matter up and provide how and where and when they should be sold. Acting upon that statute passed last year, in this very bill are full provisions for carrying out the legislation of last year. When we come to those provisions, if the Senator in his province as scrutinizing the bill believes that he can improve upon them, that he can make them more safe and insure that there shall be no favoritism, that there shall be open sales, that the Government shall receive money value for what it

sells, I bid him welcome in that scrutiny. I will take any suggestion he can make as a Senator and as a skilled business man that will invest this whole question with absolute security.

Mr. McPHERSON. I do not understand how any law can be passed more restrictive than the laws upon the statute-book, under which we have had a very peculiar experience in the past. I speak of the laws in existence in 1877——

Mr. HALE. If the Senator will read the statute he will not say that.

Mr. McPHERSON. The laws of 1877 regulate and prescribe the manner in which public money appropriated by Congress shall be disbursed by providing, first, that competition and public bids shall be had by advertising; second, by providing that all supplies shall be had and obtained by contract, that all proposals shall be accompanied by a guarantee; third, by providing that all contracts shall be in writing and security given; fourth, by providing that no contract longer than one year shall be made; fifth, by providing that no contract shall be made unless authorized by law and under an appropriation adequate to its fulfillment. What is the use of any further statute? In 1877 contracts were made for the construction of new vessels, when there was no appropriation of money by Congress for the purpose.

Mr. HALE. Has anything been done on them? Has a dollar of money been expended on them? Has a stroke of work ever fallen on a single ship?

Mr. McPHERSON. No.

Mr. HALE. Has any appropriation been called for from the Treasury?

Mr. McPHERSON. I wish to ask the Senator this question: Notwithstanding that law was on the statute-book, was there anything in the law that held the Secretary of the Navy to the letter and spirit of the law? Were not contracts made? But Secretary Thompson was wiser than the Secretary that made them; he suspended them.

Mr. HALE. They were not.

Mr. McPHERSON. Have we not to-day in the reports of the Senate four or five different naval vessels known as the monitors for which you ask to-day an appropriation of a million dollars, the contract for the building of which was made in direct violation of law?

Mr. HALE. That contract has never been acted upon; it never received the approval even of the subsequent Secretary or upon his going out of the present Secretary; and the present Secretary in his report declares expressly that the contracts were made without law, that the provision that nothing should be done without appropriations has been and should have been religiously carried out, and no man to-day is found anywhere in or out of Congress claiming that those contracts have a particle or shred of legal force. The Senator himself is erecting here a bugbear that need not trouble his imagination. He will never see the day when those contracts entered into at that time will ever be invoked either by the Administration or by the contractors themselves.

Mr. McPHERSON. The Senator displays a great deal of ingenuity in trying to avoid the direct point I make. The point is this; let me state it plainly: I say contracts were made, and I say they were made in direct violation of law. I say, and I wish the Senator to understand it distinctly, that upon and under those contracts you have to-day five naval vessels that you are appropriating money to complete.

Mr. HALE. Does not the Senator know that under those contracts we not only have not those vessels, but they are precisely in the condition that they were in at the time when the contracts were made, as we had them at that time.

Mr. McPHERSON. I have not reached that part of the case. If the Senator will bear with me I will come to that.

Mr. HALE. Then the Senator should not say that under those contracts we have the vessels if we had them before.

Mr. McPHERSON. I say that under those contracts they now exist, and that without those contracts they would not have existed.

Mr. HALE. What would not have existed?

Mr. McPHERSON. These five monitors.

Mr. HALE. They are in the condition they were when the contracts were made, and they have stood suspended in the air; not a hammer has been struck on them or a cent spent since those contracts were made.

Mr. McPHERSON. That is the most dangerous admission I ever heard a Senator make who at all times is most willing and anxious to defend his political party. If the contracts were not made until 1877, and the vessels were completed, as he avers, to their present state of completion before any contract was made, it is a most dangerous admission for the Senator to make. It means the vessels were constructed without a contract, and the law expressly requires they shall not be.

Mr. HALE. They were made by the Government under the old arrangement, by expenditures of money from appropriations made by Congress, and when they arrived at a certain condition then the contracts about which so much has been said were made at the close of one administration and as another was coming in, and there they were arrested. But I decline further to be drawn into a controversy about those monitors. That question is not up at this stage of the bill; it will come up by and by, and I am not going at any stage of this matter to be driven to rake over these old straws and dregs of the past with a muck-rake when there is something substantial before us in the question whether we shall build a new navy or not. I give the Senator fair notice that I will not be drawn into any controversy about that.

Mr. McPHERSON. That does not seem to be the question at present before the Senate. The question seems to be whether we will destroy the old navy. The Senator says we have not yet reached that point of the debate. The question now is: Shall we destroy the old navy? And upon that question the Senator seems to have very clear convictions that it had better be done.

Mr. President, I do not wish to detain the Senate, but I want to make it clear both to the Senator from Maine and the Senate that I am quite right in the statement I make. The Senator speaks of these monitors as having been commenced under the old arrangement. Will the Senator tell me what arrangement?

Mr. HALE. I said the old arrangement. What I meant was, and the reports, if the Senator will read them, show, that for years work was going on from regular appropriations on the different ironclads. One of them was in California; four of them were here. They arrived at a point where it was necessary for new and distinct work to be performed upon them. Then the contracts that so much has been said about, and which are troubling nobody now except the Senator from New Jersey, were made, upon which nothing has been done. It is an old and thread-bare worn and stale subject that was debated last year, and over and over and over again has been brought up time and again in the other House; and the Senator himself, with all his ingenuity, can throw no new light upon it. It is not involved here and now, however. The simple question here is whether upon this amendment any limitation shall be placed upon the amount of money that shall be put into the old wooden ships that we have got.

Mr. McPHERSON. If the Senator will bear with me again I will read from one of the records of the Navy Department, and I would like to have his explanation of that record. This is dated April 7, 1875. This is a letter from Isaiah Hanscom, Chief of the Bureau of Construction and Repair, directed to John Roach, esq., Chester, Pennsylvania. Do not forget the date, April 7, 1875, two years before the date of the contracts of which the Senator speaks.

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
April 7, 1875.

SIR: Referring to your proposition of December 3, 1874, accepted by bureau's letter of December 12, 1874, to perform all the labor necessary to put in frame an iron-clad monitor in accordance with the drawings and specifications, and in the same manner as is being done with the Terror class of vessels, for the sum of $155,000—

He goes on then to describe the work and he states to Mr. Roach: "This proposition is accepted." There was the contract under which Mr. Roach commenced the construction of the Puritan, and still the Senator says there was no contract, and now by authority of law he wishes to confer upon the present Secretary of the Navy the authority to do that which no Secretary would ever have done having the interest of the Government in view, either with or without warrant of law. I could follow this up and show how contracts were made for the Terror, the Amphitrite, the Monadnock, and the Miantonomoh; but as that question is to be discussed later and as we want to reach a vote on this question whether preparatory to commencing the expenditure of a sum of money which is estimated to cost for a certain number of new vessels $30,000,000 without drawings, without specifications, without any known rule or plan upon which to build them, it remains for us first to settle the question whether or no we shall do away with the existing naval establishment. My friend from Maine thinks the old vessels are in the way of liberal appropriations for new ones; therefore they must go.

Mr. MORGAN. I should like to be informed by the Senator in charge of the bill or by the Senator from New Jersey whether the sum of 30 per cent. of the estimated cost of a new ship could be wisely expended in the ordinary course of the business of keeping up our navy?

Mr. HALE. I have just said that I do not think it can. I think the case will rarely, perhaps never, arise where in repairing the Secretary will be called upon to put as much in the way of repairs as 30 or 25 or 20 per cent. of the cost of a new ship of the same size and class. So there is no destruction of the navy involved in this. There is a very large margin left.

Mr. MORGAN. It seems to me on that statement, which I have no doubt is a correct one and an intelligent one, that 25 per cent. of the estimated cost of a new ship of the same or like materials is enough for us to appropriate under any conditions for the maintenance of the navy, particularly when in the next clause, to which the Senator from Maine has called attention, under the head of "Bureau of Steam-Engineering," we in like manner provide 25 per cent. of the estimated cost of new engines and machinery of the same character and power for the purpose of keeping up the engines and machinery. That would be equivalent to 50 per cent. of the entire cost of a new steamship in the event of its becoming necessary to apply that amount of money. I concur in the view that we must start to build a new navy.

Mr. McPHERSON. How would it make 50 per cent.?

Mr. MORGAN. Twenty-five per cent. on the ship and 25 per cent. on he machinery.

Mr. McPHERSON. If the hull were condemned the machinery would have to be taken out and condemned and sold for old iron.

Mr. MORGAN. In whatever way it might be sold, section 3 of the bill seems to contain ample provisions and guards against any waste or fraud in the disposal of the engines, hull, or any other part of the ship.

Mr. President, we are unquestionably in a very bad situation in reference to our navy. As a member of the Committee on Foreign Relations my attention has been drawn very frequently in our discussions there to the subject of our ability to enforce the demands of the Government of the United States in matters of somewhat minor importance about which it is not necessary to go to open war through our naval power. We have a number of nations in the world to deal with who flatter themselves that they could put us to a good deal of trouble occasionally, and we are not in a condition to respond with that sort of promptitude which is necessary to protect our people and their property and their rights in foreign countries.

A few events that have occurred within the last few years have admonished me that it is necessary that we should make a new departure on the subject of the Navy. The first one was the imbroglio between Peru and Chili, in which we certainly came off second best. I need not refer to the particulars of that transaction; but some American citizens are even now setting up very loud complaints at the inefficiency of our Government in protecting their rights in the conflict that went on between Peru, Bolivia, and Chili. Another event was the demonstration of the power of the British navy made at Alexandria in Egypt during the bombardment of the forts there.

There was a very remarkable exhibition of the contrast between the powers of the American people and the British people in respect of their ability to enforce their demands against foreign governments. We had a very good ship in that harbor at that time, a ship that classes about first rate, I believe, among the rest that we have got, and which was dancing attendance around there like a French dancing-master in the bay looking on at that fight; and perchance if she had got within reach of a shot of one of those guns she would have gone to the bottom instantly. That is about as much force as any ship in our Navy could have mustered in that bay at that time. The contrast was so striking and so obvious and so detrimental to our power and prestige as a nation that for one I looked upon it with dismay.

Within the last three or four months we have had various marine disasters to our Navy, and it seems that our ships are ill-qualified even to bear the shock of an ordinary collision. There must be a number of them that are unseaworthy, a number upon which the commanders are afraid to ship and they are afraid to go to sea with their crews, and yet we have them in commission and they are carrying our flag about through the world merely for the purpose of showing that we have got a flag that is not sustained by a proper navy. Within the last few days we have information of the sinking of one of our war-ships, the Ashuelot, and I have a paper before me now which contains an account of it.

The United States steamer Ashuelot has been lost in the China seas. All her officers were saved. Eleven of the crew were drowned.

It appears that this ship and another, the Monocacy, have been stationed in foreign ports for a long time as a sort of guard-ship for the consulates and the legations there, but no admiral, it appears, until very recently has had the hardihood to send those ships out on a cruise to bear the American flag to the different ports of the world; but the admiral in charge of the fleet in that part of the world found it necessary to have a cruise made for the purpose of exhibiting our flag in places where for many years it had not been exhibited. He was unwilling really to trust the Ashuelot to sea; he did not regard her as seaworthy, and it appears that a majority of the officers of the Navy had the same opinion about that ship, but yet under a sort of compulsion which he could scarcely resist he has been compelled to send that ship to sea, and down she has gone, foundered at sea. We do not know the particulars, but I dare say when the truth comes to be revealed in respect to that vessel it will be found that she has gone to pieces merely because she was not able to hold together. She was a vessel built during the war, intended for harbor defense and river defense; a thin-plated iron ship, it appears, that did not have sufficient strength about it to resist the ordinary turmoils of the sea.

Now, Mr. President, we have got to have a navy some time or other, and the money that the people of the United States are contributing for this purpose ought to be expended in that direction. We ought to commence by building ships of equal capacity and speed and power with any other ships in the world. Especially they ought to be ships that would have great speed. That seems to be the general recommendation of the most experienced officers of our Navy. If we are to go on rebuilding these old hulks where there is nothing sound left of them even down at the keel, and spend 50 per cent. or 75 per cent. or 100 per cent. of the amount of money that is necessary to build a new ship of equal capacity, we shall never take a start in the building of a proper navy.

I know that frauds have occurred, abuses have occurred, but the country has seen them; it has taken the precaution to guard against them in the future. We have done all that legislation it seems can do, or if we have not, we have to-day an opportunity of doing more to guard against any unwise or fraudulent expenditure of money or the throwing away of any valuable material that may now be in those ships; but I recognize the fact that we have got to that point where we must take a new departure, where we must commence the building of steamships, and commence to put our flag above decks that are at least able to give it respectability among the other nations of the earth.

We understand perfectly well, we feel at least that there is no nation, and, perhaps, no combination of nations, that can come to our shores and engage with us in war with a chance of success; but that is not all the duty that the Government of the United States has to perform, merely to protect its own people in their own homes and by their own firesides. We send our commerce into all the different parts of this world, and we are getting so strong now in our industries and in our commercial power that it has become a matter of great importance to the people that our commerce should seek every avenue of trade that is open to the nations of the earth. In order to do that with any degree of success, and in order to impress the people with whom we deal in all the different parts of the earth with a sense of our power, our strength, and our financial ability, as well as our ability to defend and protect our people on the seas or elsewhere, we are bound to have a navy, and if we have a navy it ought to be one at least that has a show of respectability about it.

Mr. McPHERSON. Will it interfere with the Senator's argument if I should here ask him a question?

Mr. MORGAN. Not at all.

Mr. McPHERSON. Does the Senator wish to vote in this Senate for an express declaration of law requiring the Secretary of the Navy to destroy good ships?

Mr. MORGAN. No, sir; and there is no such express declaration in this bill.

Mr. McPHERSON. There is a proviso in this bill that if the repairs of a ship shall exceed 25 per cent. of the estimated cost of a new ship then the repairs shall not be made.

Mr. MORGAN. Very good.

Mr. McPHERSON. Is it not a great deal better to leave it to the discretion of the Secretary of the Navy, considering the needs of the Government, than to expressly say to him, "Mr. Secretary, you shall have no power to repair a ship, whatever may be the needs of the Government, if it costs more than 25 per cent. of the cost of a new ship?" And this bill expressly so declares. Suppose, for instance, as I understand to be the case, and as the appropriation asked for here for repairs clearly shows, that there are some five or six wooden vessels to-day needing repairs, more or less, that are needed by the Government. Without them we should have nothing to float the flag. The Secretary is confronted with the declaration in this law which says, "You shall not repair them if the estimated cost of repair exceeds 25 per cent. of the value." Now, is it not a thousand times wiser to leave the discretion where the law now leaves it, with the Secretary of the Navy, than to say to him in express terms, "No such power shall be exercised by you whatever may be the needs or demands of the Government," when the Senator knows that in the next three years we shall have no iron or steel vessels prepared and ready to take the place of these ships?

Mr. MORGAN. Mr. President, when we have to intrust power to the Secretary of the Navy, either to destroy a ship or to repair it, we have got at the same time to trust his honesty and the honesty of the board by whom he is advised. We have provided in this bill and also in the existing law for the assembling of boards of men of unimpeachable integrity to look to every detail of this matter and to make the appraisement. I would just as soon give discretionary power to the Secretary of the Navy to destroy as to build; the one is just the same as the other. If he wishes to make a corrupt application of the appropriations that we make here in the repairs of a ship, it is quite as easy to do that as it would be in reference to making a corrupt application of the power we give him to break up a ship. We are obliged to trust somebody; we must trust our own Government. I grant you we have not always come out as we should have done in matters of this kind, but that has been one of the misfortunes of government, and it attends all administrations and it attends all periods of governmental existence. It is something that we must guard against to the best of our ability. That is all we can do, and because we may be at some time or other put in jeopardy or we may sustain losses by reason of the corruption or want of fidelity of a Secretary of the Navy or of a board of his advisers, that is no reason why we should not commence to build a fleet. My point is that we want a fleet and we have none.

Now, suppose you had expended money upon the Ashuelot, that has just gone to the bottom of the sea, what good would it have done to have spent 25 or 50 per cent. either upon that ship? It would have been better to have let her go, to have broken her up on the stocks, to have built a new ship out and out that was seaworthy, rather than put our flag and our officers and crew upon the deck of a vessel and send them out to sea merely for the purpose of being wrecked and destroyed. Admonitions of this kind do not fall coldly on my ears. I am bound to look to the fact that we have got a rotten navy, in very large part a relic that has been left to us of the war period, when ships were built rapidly and when they were built after models that are not now sufficiently strong and powerful to meet the demands of our Navy.

I shall go with this committee for making a start in this direction; and I believe that 25 per cent. of the cost of the engine and 25 per cent. of the cost of the hull and other parts of the ship is fully as much as ought ever to be spent in an effort to restore an old wooden ship.

Mr. JONES, of Florida. I just wish to say one word on this subject

of estimates. The Senator from Alabama is not one step in advance of myself in respect of the necessities of the country about an efficient navy, but I have great suspicion of this power of estimating. Some of the estimates which have been made in the past I think show the uncertainty of it. I think in one case an estimate made of the cost of the repairing of a ship at Norfolk was $60,000, and when it came to expend the money there were $300,000 expended. It just happened to run that way.

Mr. MORGAN. If the Senator will allow me a moment I will say this to him: If the Senator is not satisfied with the act of August 5, 1882, an opportunity is now presented to amend it. The Senator can devise any system of appraisement that he thinks best. As far as I am concerned he can not get one that will be too good for me. I thought that was a very good one when we passed it last August; but if that is not sufficient let us make a better one. We have got to have these appraisements and estimates before we can do anything. We must not assume that they are always to be false and fraudulent.

Mr. JONES, of Florida. Mr. President, I do not think it at all necessary that this provision should be here in order to accomplish what the Senator from Alabama has avowed himself in favor of and what I am in favor of. I do not think that it is necessary to incorporate this arbitrary provision in this bill giving to any few officers of the Navy the power to estimate out of existence our present valuable vessels in advance of the construction of new ships of which he speaks and of which I am in favor of the construction, and for which partial provision is made in this bill. Why can not the law go on as it now is, and when we get new vessels constructed to conform to the Senator's idea of a modern navy, dispose of our wooden ships like Great Britain and other powers have done—sell them for what they are worth, keeping them up so long as we find a necessity for them; but do not put them out of existence in this way by a mere arbitrary estimate about repair that there is no certainty whatever in.

A ship might come in to-morrow from a cruise, and I will venture to say that such a board could push the amount of repairs to $100,000 when $50,000 would suffice, as the purpose in view might require. All experience teaches us that; and I say it without impeaching the honesty of the Department. If the purpose was to make the repairs excessive they could make them double what the real exigencies of the case required. If it was their purpose to get rid of the ship as an inefficient vessel they would have the estimate to conform to the purpose, and although she might require but 10 per cent. of repairs, they could make the estimates 25 per cent. if they wanted to get rid of the ship.

I say this with a full knowledge of the history of the past and of the infirmities of human nature. There is no provision here whatever to guard this subject; there is no oath required to be taken such as is required in the case of the appraisement of ordinary merchandise upon which duties are paid; but a mere general power is given, unaccompanied by any restrictions whatever, under which any kind of an estimate may drive out of existence to-morrow every available vessel that is now in the public service, and after that is done of course you will be compelled to replace them by a new navy that will involve the expenditure of a very large amount of money.

I am in favor of a new navy, but I can not for the life of me conceive of any inconsistency in permitting the law to go on as it now is, holding the Secretary of the Navy to an accountability with respect to the repair of vessels that are on hand, and Congress making wise provision for the gradual increase of new ships that may be necessary in view of the great change that has taken place in the construction of naval ships throughout the world.

I am prepared to vote for any reasonable sum of money to bring into existence the ships specified by my friend from Alabama [Mr. MORGAN] to put this country on something like a respectable footing with the other countries of the world, but at the same time I am not willing to take the step required to be taken in this bill to get rid in a summary way, as I take it, or it may be under the exercise of this power, of the vessels that we now have before any provision is made for the construction of new ships.

I think there is a provision for one or two cruisers in the bill. The condition of war, be it said to the credit of the human race, is an exceptional condition. The argument is that we ought to be always ready for war; but the history of the world shows that notwithstanding the angry dispositions of states we have very few wars compared with the long intervals of peace. The vessels that we have now, it is said, bear only our flag, which they do, and bear it creditably and honorably in all the seas of the world.

Mr. President, it is not the strength of our vessels that indicates the power of this great country. A squad of soldiers fifty or one hundred in number with our flag at the head of them represents millions of men, and an insult offered to them would be an insult to an entire people. Even a frail ship sometimes that carries your flag in distant seas, although she may not possess the thick steel sides of the ships possessed even by weaker powers, represents in her flag an authority and a power which few nations of the earth will undertake or dare to insult. The little republics south of us on this continent may require huge vessels of war, because their entire power and supremacy resides in such means, but there is such a thing in life as a great moral power, and that we possess, and the world undertands it. The world understands the resources and means of fifty millions of men on this continent; and while we may not be ready at a short notice to enter into a war with England or France on the ocean, they know that if occasion required it we would soon be on a footing with them.

I do not argue, mark you, against the building up of a navy, but I do not want to see this thing done in a hurry. This proposition is not a new one, as Senators well know. We went over it at the last session, and debated it hour after hour. I thought it was a very dangerous power to give to the Secretary of the Navy or any board of officers in this general form, that upon a mere estimate, unaccompanied by any provision requiring the board that may make it to be sworn, as in the case of ordinary merchandise, a ship should be put aside and turned out to be sold that may be worth millions. I say when it comes to voting the money to build a creditable navy, no Senator on this or on the other side of the Chamber will be any further in advance than myself.

Mr. PLUMB. Mr. President, this controversy seems to be really between navy-yards and a navy.

Mr. JONES, of Florida. I have not mentioned navy-yards.

Mr. PLUMB. That is what it amounts to. It is a controversy between navy-yards and a navy; between this repairing, this building a barrel to a bung-hole, which has been characterized, and I think fitly characterized, by the Democratic party heretofore, and which now its chief representative on this floor desires to perpetuate, and which by its very expensiveness will itself prevent the building of a navy.

We are not going beyond a certain maximum in this bill. If we appropriate a few million dollars for repairing old ships we shall appropriate a few million dollars less for building new ones, and the Senator from New Jersey knows that. It is designed to keep the Navy of the United States, or what by courtesy we call the Navy, in that obsolete condition where there is nothing left but the moral power of this Government, which the Senator from Florida flaunts as an element in this controversy with nations. The logic of the statement of the Senator from Florida is that we ought to send abroad a few Bibles in place of as many pieces of artillery, as the representatives and muniments of the power of this great Government.

We want a navy. We do not want a lot of repaired old hulls and hulks which in their repairing minister to local consequence, to local profit, to local employment, and to local politics. It is ships, and not the place where they are built, and ships which answer the purposes which first-class powers have for ships of war.

It happened a couple of years ago that an unwary citizen of the United States was caught out on the west coast of South America; how he happened ever to have had the temerity to get there I do not know, but he actually found himself out there with a ship. Some alcalde or local official of equivalent authority on that coast seized his ship, and he was fain to get to Panama, the nearest place where this Government had a representative and a corresponding authority. From that point he telegraphed to the Secretary of State that he had thus been caught out of nights, unwarily, in a place where no American citizen had a right to be. The Secretary of State being moved by a very natural compassion directed that a man-of-war should go down there and investigate it, and it cost the Government $100,000 to send down and save to that man a ship that was not worth $50,000.

It is something in the way of profit if we are going to have our people get away from home at all; if we are going to permit them to get out of the confines of our jurisdiction more than three marine leagues from shore, to have go with them not merely something which, like one of the buoys we put into our harbors, can hold up the flag, which the Senator from Florida says is the terror of all mankind, because of the great power of Bibles and so on behind it; but we shall have also where that flag floats men and machinery and all the other things which are required as the evidences and means of power to enforce the authority of the Government, which is known abroad by reason of the evidences of its power which it sends abroad to a very large degree.

I would vote very cheerfully to destroy, if it were necessary, absolutely the wooden navy of this Government. It is of no possible consequence for the present or for the future. It is merely keeping up for no practical purposes that which is of no use whatever. To say that we shall put even 25 per cent. of the value of a ship upon it in the shape of repairs (of course it will be repaired at one time at the cost of 5 per cent., and some other time at the cost of 10 per cent.), I submit to the common sense of anybody, if any wooden vessel has got to that point where it has been decreased by abrasion, by use, by destruction 25 per cent. of its value, considering that it is of an architecture of a character of ship now unknown in naval warfare, should we put one-quarter of its value upon it? Could we not better employ that money in building an iron ship which would be of some use and which would correspond to the newer method and to the increasing strength of the naval powers of the world?

Mr. McPHERSON. May I ask the Senator a question?

Mr. PLUMB. Certainly.

Mr. McPHERSON. Suppose, for instance, that we are threatened with war; we are confronted by this act of Congress; the Secretary of the Navy needs every vessel in the Navy and has use for a great many more than we have at present. It might be necessary for the public defense to repair ships because it could be done more rapidly where the cost of repair would equal 75 per cent. of their value. I wish to know if

the Senator is willing to deprive the Secretary of the Navy or the executive branch of this Government of the power to take such action under such circumstances?

Mr. PLUMB. If I saw war in the horizon I would not limit myself to anything that I might say or do or direct the Secretary of the Navy to do about wooden ships. I would direct him post-haste to provide ships that were competent to carry on war.

Mr. McPHERSON. You would have a session of Congress called to repair the wrong or fault which might have been done?

Mr. PLUMB. Not to repair a lot of old wooden hulks that would go to the bottom of the sea the moment a musket was pointed at them. The very suggestion of a war itself disposes of this entire thing. The very suggestion that we may some time want a navy for practical purposes disposes of the proposition to keep on repairing forever these old hulks. That of itself settles the question. In that case we should want a navy. Of course there was great excuse, there always is excuse as long as there is no sign of war in the horizon, for going on simply as a matter of benefaction to persons who want work, to localities that want employment for their unemployed labor, and so on, repairing old ships. I understand it to be a fact that there is a ship on the stocks and has been recently in one of the Northern navy-yards which has been repaired from time to time and has never put to sea, the cost of the repairs on which would build to-day a steel cruiser; and she is yet on the stocks. It is that practice which it has been the design of legislation to relieve the country against.

It has been, as I said, a standing complaint on the part of the Democratic party that the Republican party had permitted its Secretaries of the Navy to use money for purposes of that kind instead of building a navy.

As I said, every dollar that we subtract from the appropriations for the purpose of repairing these worthless and worn out and obsolete wooden ships is just that much money taken from that which is necessary to-day as a matter of national pride, as a matter of national defense, as a matter pertaining to national commerce, to build up a Navy which shall be able to show itself without shame in foreign waters as the protector of American commerce and as a muniment of American power.

Mr. JONES, of Florida. The Senator from Kansas [Mr. PLUMB] alluded to this matter as being a controversy between ships and navy-yards, and he intimated rather strongly that some of us were laboring here in the interest of navy-yards. I wish to disabuse his mind of one thing so far as I am concerned, as there happens to be a navy-yard located in the State which I in part represent here. Since I have had the honor of occupying a seat in the Senate no ship has ever been repaired there, nor is there likely to be any repaired there.

I am very glad to find the Senator from Kansas, coming from the interior of the continent, taking an interest in the Navy, because it needs just the support of gentlemen like him to put it upon a respectable footing; but I would also remind him that those very ships that he complains so much of are the ships that have accomplished everything connected with the honor of that branch of the service. The old hulks that he speaks of were the hulks that carried your Farragut and your other great men to fame. It was those floating wooden batteries that entered the Mississippi River, and that kept in existence that system of blockade in the late unhappy civil contest the equal of which I suppose the world never saw before. Nearly every ship employed in that great war was a wooden ship. Many of them are in existence to-day, and are valuable for like purposes in the case of difficulty with any of the states around us on this continent.

The majority of the vessels that are now on the Naval Register could be made effectual for purposes of blockade and for making captures on the high seas, in accordance with the usage of nations and of national law. Experience has demonstrated up to this time that those huge iron or steel monsters for ordinary practical purposes are worthless comparatively, and it is only when you can draw them up against some great city, as was done at Alexandria, when they are effective.

A commercial state like this requires a class of ships altogether different from those huge monsters, many of which have gone to the bottom already, carrying thousands of souls within their iron walls. Notwithstanding the successes of the past with respect to this description of ships, it is not entirely settled whether the entire naval power of any country ought to be represented by those great steel or iron monsters.

How many wooden ships has Great Britain to-day in her public service? That great naval power does not rely altogether upon steel and armored ships. She has built them up gradually. I want this country to do the same thing.

I am not prepared to enter upon this wholesale system of denunciation of the vessels now in our Navy when it has been found that in all the contests of the past they have proved most efficient, and that they have succeeded in winning nearly all the honor that is now associated with naval fame in this country. Then let us move more slowly.

Here you have a million dollars provided for repairs. How far is that going to go? This provision was stricken out of the bill at the last session, but it is here renewed. When the Senator from Kansas talks about building a navy I hope when the time comes he will stand up to his profession, and that he will give us his vote and his speech in support of every reasonable proposition that could be brought forth here to obtain some good ships for the public service; but I do object to this arbitrary provision being put in here; I am willing for the law to remain as it is.

Mr. HALE. It was not struck out in the appropriation act last year. It was put in at 30 per cent.

Mr. JONES, of Florida. Very well; I make the correction. I knew there was a debate on it and I thought it was stricken out. It was increased to 30 per cent., and I knew there was a proposition to strike it out.

Mr. HALE. Let us have a vote if possible, Mr. President.

Mr. McPHERSON. I should like to modify my amendment, if it may please the Senator from Maine, because I think with the method of estimate provided here it would make no difference whether the rate was 40 per cent. or 25 per cent., because if there is any disposition to evade the spirit of the law it will be evaded as well at 40 per cent. as at 25 per cent. The simple meaning of the amendment is this: The Secretary of the Navy transfers to Congress the responsibility of saying to him, "You shall destroy the old navy." I wish to leave it where the present law leaves it, entirely at the discretion of the Secretary of the Navy, to be governed by the exigencies of the case, whatever they may be. I propose for one to hold him responsible for the exercise of the power that the law gives him.

I therefore ask to withdraw my amendment, it being an amendment to the committee amendment, as I can amend no further; and in lieu of that amendment I will ask to strike out the proviso. If the Senator from Maine thinks that there is no necessity, with that stricken out, for the second proviso, I will move to strike them both out, so as to leave it exactly where the present law leaves it. If the first proviso be stricken out, I see no necessity for the second one, as that appears to refer to or modify the first. Therefore I move to strike out, from the word "provided," in line 370, down to the end of line 378, so as to leave it exactly where the present law leaves it.

The PRESIDING OFFICER (Mr. EDMUNDS in the chair). The Senator from New Jersey withdraws his amendment striking out "25" in line 372 and inserting "40." His motion to strike out the whole proviso will not be in order until the text shall have been perfected by taking the question on the amendment reported from the Committee on Appropriations. So, the question now is, Will the Senate agree to the amendment recommended by the Committee on Appropriations striking out "30" in line 372 and inserting "25?"

Mr. McPHERSON. Then if it be the ruling of the Chair that my amendment is not in order, so that it can not be voted upon at the present time, I was going to offer another amendment, but on second consideration I will not.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. McPHERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Let the amendment be reported, so that we may know precisely what we are to vote upon.

The PRESIDING OFFICER. The amendment will be reported.

The ACTING SECRETARY. In line 372 the Committee on Appropriations report to strike out "30" and insert "25;" so as to make the proviso read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 25 per cent. of the estimated cost of a new ship of same size and like material.

Mr. HALE. Rather than to take up the time by calling the yeas and nays——

Mr. SHERMAN. We had better have a vote.

Mr. ROLLINS. Let it go.

Mr. HALE. Let the roll be called, then.

Mr. McPHERSON. I will withdraw the request for the yeas and nays.

The PRESIDING OFFICER. Is there objection to vacating the order for the yeas and nays?

Mr. SHERMAN. I think the amendment is a good one. I should like to vote for it.

The PRESIDING OFFICER. Objection is made.

Mr. McPHERSON. Very well, sir.

Mr. ROLLINS. If the amendment is voted down, the law will remain as it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to strike out "30 per cent." and insert "25 per cent." in lines 372 and 373.

Mr. INGALLS. I should like the Senator in charge of the bill to advise the Senate why, when the committee were recommending an amendment which was a diminution of the per cent. that was agreed to by the House when the bill was before them, they did not make the reduction to the per cent. recommended by the Secretary of the Navy himself?

Mr. HALE. I will tell the Senator. Because, from some experience here as to the objection that was raised last year and the long time consumed in debate upon this very subject-matter, I thought, and the committee sustained me in it, that instead of putting it down, as the Secretary of the Navy asked, to 20 per cent., thereby giving rise to opposition and debate, and perhaps danger that it would not be carried, if it were put at 25 per cent., a quarter of the value of a new structure, it

would go through; I hoped it would, without any objection. I did not anticipate any such objection to this proposition as we have heard. I did not think the spirit that moves men to persist in spending money upon these old ships further and further would assert itself on this proposition. It was rather as a practical matter, conjecturing and guessing, if the Senator chooses, that 25 per cent. would go through better than 20 per cent., that it was put at 25 per cent.

Mr. INGALLS. It was then a matter of policy, and not of justice?

Mr. HALE. It was a matter of policy and justice too.

Mr. INGALLS. Does the Senator himself believe that the limitation suggested by the Secretary of the Navy is wise?

Mr. HALE. I do; I believe 20 per cent. better than 25 per cent.

Mr. INGALLS. So do I, Mr. President. We are all aware of the difficulties that have originated under this system of repairing hitherto, and I regret very much that instead of closing the door, as the Secretary of the Navy asks, so that it should leave open merely a crevice, the committee have seen fit to open it still wider for the purpose of permitting a repetition of the injustice, to say the least, that has been hitherto accomplished under this provision.

The Secretary of the Navy has described with somewhat of picturesque detail the condition of these wooden ships. He says that they are useful for naval exercises; that they are valuable for the purpose of displaying the national flag upon occasions of pageantry, when we have a spectacular performance of the navy upon the sea; they are "painted ships upon a painted ocean."

When the Secretary of the Navy, as the deliberate conclusion of his judgment, suggests that it would not be wise in the present condition of naval armaments to permit repairs to be made in excess of 20 per cent.; but when he suspects somewhat his fortitude to resist the importunities that may come from what must be interested quarters, and asks that he may be limited to 20 per cent., I am at a loss to understand upon what theory of a judicious expenditure of the public money the Committee on Appropriations have recommended that the sum be increased to 25 per cent. I wish that we could in some way have the opportunity of voting upon the suggestion made by the Secretary of the Navy. How can it be done?

Mr. SHERMAN. You can move an amendment to the amendment.

Mr. INGALLS. Can I move an amendment to the amendment at this time?

The PRESIDING OFFICER. The Senator can do so.

Mr. INGALLS. Then I move, in lieu of "25" to insert "20;" so as to make the amendment correspond with the evident desire of the Secretary of the Navy, and so that he may be fortified against what he suspects may be an infirmity of his will when these importunities are brought to bear for the expenditure of vast sums above what is necessary in the repair of wooden ships that everybody admits are of no use whatever except in pageants and spectacles that may be hereafter had in naval affairs.

The PRESIDING OFFICER. The Senator from Kansas [Mr. INGALLS] moves to amend the amendment proposed by the Committee on Appropriations by striking out the word "twenty-five," in lines 372 and 373, and inserting the word "twenty."

Mr. BUTLER. May I inquire in that connection what becomes of these ships in case they are not repaired? Is there any provision of law for their disposition?

Mr. HALE. That was provided for very fully in the legislation of last year, requiring the Secretary, as I have explained once (the Senator was not in) to report all such ships to Congress, and this year we carry out the provisions of the act of last year by providing the details of the sale. It is all thoroughly covered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment recommended by the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment reported by the committee as amended, on which the yeas and nays have been ordered.

Mr. MCPHERSON. Let me understand the question. The amendment has been amended by making it 20 per cent., I understand.

The PRESIDING OFFICER. The question is on agreeing to 20 per cent.

Mr. HALE. I certainly hope this will be adopted.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. HARRIS (when Mr. JACKSON's name was called). I desire to state that my colleague [Mr. JACKSON] is paired with the Senator from Maine [Mr. FRYE]. My colleague is necessarily absent. I do not know how he would vote upon this question if here.

Mr. MCDILL (when his name was called). The pair heretofore arranged between the Senator from Mississippi [Mr. LAMAR] and myself has been transferred, so that it exists between the Senator from Mississippi [Mr. LAMAR] and the Senator from Michigan [Mr. FERRY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. SLATER (when his name was called). I am paired with the Senator from Louisiana [Mr. KELLOGG], but as on this question he would vote the same way that I would vote, I vote "nay."

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. WINDOM (after having voted in the negative). I am paired with the Senator from West Virginia [Mr. DAVIS]. I withdraw my vote.

The result was announced—yeas, 33, nays 17; as follows:

YEAS—33.

Allison,	Garland,	Jonas,	Pugh,
Barrow,	Hale,	Logan,	Ransom,
Beck,	Hampton,	McDill,	Sherman,
Cameron of Wis.,	Harris,	McMillan,	Van Wyck,
Conger,	Harrison,	Mahone,	Vest,
Davis of Ill.,	Hill,	Miller of Cal.,	Williams.
Dawes,	Hoar,	Mitchell,	
Edmunds,	Ingalls,	Morrill,	
Frye,	Johnston,	Plumb,	

NAYS—17.

Anthony,	Camden,	McPherson,	Slater,
Bayard,	Coke,	Maxey,	Vance.
Blair,	George,	Rollins,	
Brown,	Hawley,	Saulsbury,	
Call,	Jones of Florida.	Sewell,	

ABSENT—26.

Aldrich,	Ferry,	Lamar,	Sawyer,
Butler,	Gorman,	Lapham,	Tabor,
Cameron of Pa.,	Groome,	Miller of N. Y.,	Voorhees,
Cockrell,	Grover,	Morgan,	Walker,
Davis of W. Va.,	Jackson,	Pendleton,	Windom.
Fair,	Jones of Nevada.	Platt,	
Farley,	Kellogg,	Saunders,	

So the amendment as amended was agreed to.

Mr. ROLLINS. I desire to ask the Senator in charge of the bill what was the amount appropriated for the Bureau of Construction and Repair last year for the current fiscal year. Was it not $1,750,000?

Mr. HALE. It was $1,750,000.

Mr. ROLLINS. If the purpose is to build a navy, what is the object of reducing the expenditures to that extent?

Mr. HALE. The committee has done what I think is a good thing this year. It has not confused the appropriations for the building of a new navy with the appropriations for maintaining the old one, by lumping them under the Bureau of Construction and Repair, but has made an appropriation for the maintenance of the old Navy under that bureau, as appears here, and then later in the bill under the item headed "increase of the navy," has provided for the new establishment.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Steam-Engineering," in line 383, after the word "boilers" to strike out "including steam-steerers, steam-capstans, steam-windlasses," &c.; so as to read:

For repairs, completion, and preservation of machinery and boilers in vessels on the stocks and in ordinary.

The amendment was agreed to.

The next amendment was, after the word "stores," in line 384, to strike out "and patent rights and royalties" before the word "purchase;" so as to read:

Purchase and preservation of all materials and stores; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels, &c.

The amendment was agreed to.

The next amendment was, in line 393, after the word "exceed," to strike out "30" and insert "25;" so as to make the proviso read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 25 per cent. of the estimated cost of new engines and machinery of the same character and power.

Mr. HALE. As the Senate by so very strong an expression in regard to the other bureau made the rate 20 per cent., I move to make this 20 per cent.

The PRESIDING OFFICER. The Senator from Maine proposes in line 393 to strike out "5," after "20;" so as to read "20 per cent."

Mr. MCPHERSON. I should like to know if any probable estimate can be formed as to the period of time it would take to eliminate from these ships all their present machinery and provide new machinery for them, because I think that would be the natural effect of this amendment?

Mr. HALE and others. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Increase of the Navy," in line 401, after the word "for," to strike out "completing" and insert "engines and machinery for the double-turreted ironclads."

Mr. MCPHERSON. I wish to offer an amendment. After the word "ironclads" I move to insert the words "Terror, Amphitrite, and

Monadnock." There are four ironclads, to wit, the Puritan, the Terror, the Amphitrite, and Monadnock. The Monadnock is in California; the Terror is at the ship-yard of Cramp & Sons, in Philadelphia; the Amphitrite, I think, is at the ship-yard of the Harland and Hollingsworth Company, in Delaware; and the Puritan is at the ship-yard of John Roach, at Chester, Pennsylvania.

Mr. MILLER, of California. Will the Senator allow me to ask him does he include the Puritan?

Mr. McPHERSON. I do not include the Puritan. That is exactly what I do not include, and for the reasons that I propose to state.

I do not believe that the Senate should make any appropriation of money for the completion of any one of these ships at the present time. The Miantonomoh is partially complete. For two or three years she has been under construction out of continuing appropriations under the Navy Department. At the last session we made an appropriation of $200,000 for equipping that vessel with turrets. Up to the present hour no attempt has been made to complete the vessel so that Congress might know whether she would be of any use whatever when completed. An attempt has been made to show Congress and the country that the vessel would float, contrary to general expectation, if the additional weight the turrets and armament would make were placed upon her. I am informed, and I believe, that the weights upon the ship do not represent in any sense whatever the amount of weight the ship will be forced to bear to make her an ironclad with military efficiency equal to other vessels of her class owned by other nations.

Inasmuch as we have made appropriations of money to complete the ship, to furnish her with turrets, and to demonstrate her availability as a naval ship of war, is it not wiser and better for us to wait until the vessel is completed and until an exhibition or a demonstration can be made which will show either fitness or unfitness for the work she will be called upon to do? But pending her construction an appropriation is asked for of $1,000,000, and is reported favorably by the Senate Committee on Appropriations, to proceed with the work of four other ships, three of them of like character, and one of which has been condemned by three boards of naval officers.

With the Miantonomoh and vessels of her class I do not propose to deal. I propose that the risk, if the Senate wishes, shall be taken; it certainly will not be done by my consent; but I shall make no effort, so far as I am concerned, to delay an appropriation of money for vessels of the class of the Miantonomoh. But in regard to the Puritan I believe that that vessel is a disgrace to the American Navy. After having cost this Government, as I understand, nearly $1,500,000, we find a vessel which in the opinion of the best-advised naval officers is of no value whatever to the Government.

We have expended large sums in the construction so far of these vessels; and if it be the wish of the Department and of the Senate to complete three of them, then I shall offer no objection to it; but with regard to one of them I have to deal. I wish to know upon what grounds of justification—and I now address myself to the Senator who has this bill in charge—he proposes to complete a vessel when three boards of naval officers, the very best in point of ability in the American Navy, have declared that she was an entire failure?

Mr. LOGAN. Of what vessel is the Senator speaking?

Mr. McPHERSON. I am speaking of the Puritan.

Mr. LOGAN. The Senator was speaking of the Miantonomoh.

Mr. McPHERSON. I was speaking of the Miantonomoh. I declared the Miantonomoh to be a failure, but some boards of naval officers have declared she is not, and I suppose their opinion is better than mine.

Mr. LOGAN. If the Senator will allow me, I do not wish to take the discussion out of the hands of my friend and of the Senator in charge of the bill; but I wish to ask a question, the answer to which probably would give us a little light on the subject. The Senator speaks of the Miantonomoh and then of the different vessels as we go along. I should like to know why it is that he says the Miantonomoh is a disgrace, and I should like to know what the objection is. Is it because her armor is too thick, because her hull is too light, because it is too long or too short, or what is the objection to the vessel? I wish to know so that we may have some idea as to the propriety of the appropriation. Is it that she is not able to carry the armor that she has to bear, or what is it?

Mr. McPHERSON. I will answer the Senator. In the first place, she is provided with an armor of iron of about seven inches of thickness. Her engine-rooms and machinery are not protected at all beyond any other point of the vessel. A shot fired from a 35-ton gun would penetrate her armor easily, I am so informed by competent authority, and would penetrate her engine-room; and a shot from an 80-ton gun would pass clear through the vessel, and the engine upon which she relies entirely for her movements would be necessarily wholly disabled. Strangely enough, no decision has yet been arrived at by the Navy Department as to the thickness of the armor plating which is to constitute her turret. Some engineer officers declare that she will be capable of bearing a turret of about ten inches in thickness; others declare that if a turret ten inches in thickness be placed upon the vessel it will be overweighted.

A turret with less than ten inches of best composite metal would make a vessel of no consequence whatever as a vessel of war to compete with foreign vessels of the same size and type. If we undertake to load her with a gun of sufficient power to make her an efficient war vessel, it will have the same effect precisely as the additional weight of turrets.

Although an appropriation of money was made a year ago to complete this vessel, up to the present time no decision has been reached by the Department. No plan has been made under which it is proposed to complete that vessel, showing to my mind, and as I think it would to any mind of any Senator, that there is a well-founded fear that the vessel will not be an efficient war vessel when completed. Seemingly the Secretary of the Navy is not anxious to exhibit the actual vessel complete in all its parts until new appropriations are secured.

Mr. LOGAN. If the Senator will allow me, I wish to interrupt him for a moment for the purpose of getting the objection before the Senate, whatever it may be. I do not claim to know anything about building ships or armaments or anything of that kind, only what I learn as other people do; but the exercise of a little judgment sometimes goes a good way with people. As I understand the proposition of the Senator, based upon the suggestion of naval officers, he has been guided in his statements by what they have said, and the naval officers desire a vessel built that can not be penetrated, so that they may have perfect safety. That is the whole argument. Whenever that proposition is made to this Congress or any other, I say it is a silly proposition, for the reason that it is alleged that no armor has yet been made by any government which has not been decided to be penetrable by a certain class of gun that can be manufactured. Whether that is so or not I do not know. It is not possible, or, at least, it is not probable, that we now are going to build vessels with the same kind of plating, if I may term it, or armor that is found on some of the foreign ships. We have not proposed to do that.

In the first place, it was argued some few years ago that if armor over twelve inches thick were put upon a vessel, the vessel could not plow the seas. It has been discovered since that the gentlemen who said that did not understand what they were talking about. We can not build a vessel merely for the purpose of having it so that it can not be penetrated, but we ought to have a vessel with a gun on it that can penetrate some other vessel. In other words, we must not always be preparing to put ourselves in such a condition that we can not be hurt at all, but we must put ourselves in such a condition that we can hurt somebody else. That is the true theory, in my judgment; and if we have the right character of gun upon a vessel that has eight or ten or twelve inches of armor, she is a good war vessel. That is the point you want, the gun, and not particularly the thickness of the armor of the vessel, so that you have it up to a certain point, as to have your machinery covered for instance.

I find a great many people in this country who are afraid that some heavy iron-clad vessels will come over to this country, and they imagine that the whole seas are covered with them. There are but fifty heavy armored vessels in the world, and I do not suppose they are all going to come over to New York at one time. England has but ten.

Mr. McPHERSON. I did not yield to the Senator for a speech.

Mr. LOGAN. Very well. I merely wanted to call the attention of the Senator to one fact. I will sit down now, because it is not my time. I merely want to suggest my propositions to the Senator that he might consider them.

Mr. McPHERSON. I quite agree with the Senator from Illinois——

Mr. LOGAN. I do not want to take the Senator's time, but if he will allow me, inasmuch as he has mentioned the matter of heavy ironclads, I wish to ask that the statement I hold in my hand of the number of vessels owned by every government in the world be printed in the RECORD. I have it in a report I submitted a few days ago after examination. I wish to have it printed in the RECORD, so that everybody can see exactly what is the thickness of the armor and the draught and size of every armored vessel in the world.

Mr. MAXEY. I should like to have it read at the desk.

The PRESIDING OFFICER. The Senator from Illinois asks that a table reported by him in a voluminous report concerning guns and armor may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The tables are as follows:

ITALY.

[Four vessels.]

Name of vessel.	Thickness of armor.	Draught.	Armament.
	Inches.	*Feet.*	
Italia	29.5	31	4 17.7-inch; 18 smaller.
Lepanto	29.5	31	4 17.7-inch; 18 smaller.
Duilio	21.5	26.75	4 17.7-inch.
Dandolo	21.5	26.75	4 17.7-inch.

Twelve vessels with armor less than ten inches thick; eighteen unarmored vessels.

ENGLAND.
[Twenty vessels.]

Name of vessel.	Thickness of armor.	Draught.	Armament.
	Inches.	*Feet.*	
Agamemnon	18	24	5 12.5-inch.
Ajax	18	24	5 12.5-inch.
Colossus	18	26.25	4 12-inch.
Devastation	12	27.5	4 12-inch.
Dreadnaught	14	26.75	4 12.5-inch.
Inflexible	24	25.5	4 16-inch.
Majestic	18	26.25	4 12-inch.
Monarch	10	26	2 9-inch; 1 7-inch.
Neptune	12	25	4 12.5-inch.
Thunderer	12	27	4 12.5-inch.
Conqueror	12	24	2 12-inch.
Alexandra	12	26.5	10 10-inch; 2 11-inch.
Belleisle	12	19.75	4 12-inch.
Nelson	10	24.75	4 10-inch; 8 9-inch.
Northampton	10	24.75	4 10-inch; 8 9-inch.
Orion	12	19.75	4 12-inch.
Rupert	12	24	2 10-inch; 2 64-pounders.
Superb	12	26	16 10-inch.
Sultan	10	27.5	8 10-inch; 4 9-inch.
Téméraire	11	27	4 11-inch; 4 10-inch.

Thirty vessels with armor less than ten inches thick; eighty-one unarmored vessels.

FRANCE.
[Eight vessels.]

Amiral Baudin	21.6	26	3 100-ton; 12 5.5-inch.
Amiral Duperré	21.6	26.75	4 13.5-inch.
Devastation	15	25	4 13.5-inch; 2 10.5-inch; 6 5.5-inch.
Formidable	21.6	26	3 100-ton; 12 5.5-inch.
Hoche	13.75	27	3 13.5-inch; 18 5.5-inch.
Magenta	13.75	27	3 13.5-inch; 18 5.5-inch.
Marceau	13.75	27	3 13.5-inch; 18 5.5-inch.
Neptune	13.75	27	3 13.5-inch; 18 5.5-inch.

Ten coast-defense vessels with armor more than ten inches thick; twenty-five vessels with armor less than ten inches thick; forty-six unarmored vessels.

GERMANY.
[Nine vessels.]

König Wilhelm	12	26.5	18 9.5-inch; 5 8.25-inch.
Kaiser	11	24.5	8 10.5-inch; 1 8.25-inch.
Deutschland	11	24.5	8 10.5-inch; 1 8.25-inch.
Sachsen	10	19.75	1 12-inch; 4 10.25-inch.
Baiern	10	19.75	1 12-inch; 4 10.25-inch.
Würtemburg	10	19.75	1 12-inch; 4 10.25-inch.
Baden	10	19.75	1 12-inch; 4 10.25-inch.
Preussen	10.5	24.5	4 10.5-inch; 2 6.7-inch; 4 3-inch.
Friedrich	10.5	24.5	4 10.5-inch; 2 6.7-inch; 4 3-inch.

Four vessels with armor less than ten inches thick; twelve monitors with eight inches of armor; thirty-three unarmored vessels.

BRAZIL.
[Two vessels.]

Solimoës	12	11.5	4 10-inch.
Javari	12	11.5	4 10-inch.

Sixteen vessels with armor four and one-half inches thick; five vessels unarmored.

RUSSIA.
[One vessel.]

Peter the Great	17	24.5	4 12-inch.

Eighteen vessels with armor less than ten inches thick; twenty-eight unarmored vessels.

AUSTRIA.
[Two vessels.]

Tegetthoff	14.5	25.	6 11-inch; 8 smaller.
Custozza	11.75	24.5	8 10.25-inch; 8 smaller.

Eleven vessels with armor less than ten inches thick; twenty-two unarmored vessels.

SPAIN.

Eleven vessels with armor less than ten inches thick; eight unarmored vessels.

JAPAN.

Four vessels with armor less than ten inches thick; five unarmored vessels.

CHILI.

Three vessels with armor less than ten inches thick; four unarmored vessels.

TURKEY.
[Two vessels.]

Messudiié	12.	26.	12 9.75-inch; 3 7-inch.
Nussratijé	12.	24.5	10 9-inch; 2 7-inch.

Sixteen vessels with armor less than ten inches thick.

SWEDEN AND NORWAY.

Sixteen monitors: Turrets more than ten inches thick; at water-line less than five inches thick.

Two monitors: Turrets less than ten inches thick; at water-line less than five inches thick,

Seventeen unarmored vessels.

RECAPITULATION.

Country.	Armored vessels. More than 10 inches thick.	Armored vessels. Less than 10 inches thick.	Unarmored.
England	20	30	81
France	{*10 / 8}	25	46
Germany	9	{†12 / 4}	33
Italy	4	12	18
Brazil	2	16	6
Russia	1	18	28
Austria	2	11	22
Spain		11	8
Japan		4	5
Chili		3	4
Turkey	2	16	
Sweden and Norway	‡16	‡2	17
Argentine Republic		3	6
China			23
Denmark	1	8	8
Greece		2	3
Holland		14	24
Portugal	1		9
Total	76	191	341
Or deducting monitors and coast-defense vessels	26	14	
Total	50	177	341

*Coast-defense vessels.
†Monitors.
‡Thickness of turret at water-line less than five inches thick.

[From Brassey's The British Navy; Very's Navies of the World; King's The War Ships of the World.]

Mr. McPHERSON. I quite agree with the Senator from Illinois that guns have gone in their destructive power far beyond the resisting power of vessels. I also agree with him that what we need are heavy guns; but the Senator must not forget the fact that we have three or four vessels now on the stocks upon which we have expended considerable money. The question to be considered is this: Is it not wiser for us to complete one vessel which will be an exact sample of those to follow, before we proceed to expend untold sums of money for the completion of the others? Is it not wiser, inasmuch as we have appropriated all the money heretofore needed for the completion of this vessel, that we should wait and see whether or not the expense of this one would justify appropriations for the completion of the others? If we have to throw them away ultimately it is better to throw away that portion of the work now done than after we have expended millions more for their completion. That is all the statement I wish to make with respect to the Miantonomoh class of vessels.

Now, as to the Puritan: in order that the Senate may thoroughly understand all that relates to the Puritan it will be necessary for me to give the history of the old Puritan.

The old Puritan was constructed by John Ericsson, one of the most distinguished engineers in this or any other country, under an order by the Government, and accepted by Congress in an incomplete state, she costing the Government nearly $2,000,000. A naval constructor in the city of Brooklyn, Mr. Thomas Rowland, offered to complete her in every respect for the sum of $353,000. She was at that time the most formidable naval vessel in the world, a double-turreted iron monitor with immense power and with great speed. She lay at her moorings, I think, at the city of Camden, New Jersey, or somewhere in Philadelphia, under guise of a law which allowed the Secretary of the Navy to repair naval vessels. He took nothing but the sign-board of the Puritan and constructed a new vessel around it and called it repairs of the old Puritan. It was like the Irishman's description of the manufacture of a cannon. He said they took a long hole and poured brass or iron around it. The Navy Department were equally ingenious. They took only the sign-board and built a naval vessel around it, calling it repairs.

Various offers had been made, some very large offers by foreign governments, for the purchase of the Puritan. Quite properly they were refused. By an order from the Navy Department, a telegraphic order only, this vessel was ordered to the ship-yard of John Roach, at Chester, Pennsylvania, and ordered to be broken up, before any board of naval officers, as the law directs, had ever investigated the vessel or had ever condemned her, before any board or authorized order of condemnation had been made showing her to be a vessel unfit for service; but, on the other hand, a new ship, one that had never left her moorings, complete in every particular, was ordered to be sent to the ship-yard of John Roach and cut up. Mr. Roach charged the Government, if I remember aright, $14,000 for breaking her to pieces, the material that en-

tered into her construction being exchanged at the rate of three pounds of old for one of new material that entered into the construction of the new Puritan, built around the sign-board of the old one. The new monitor is the Puritan which the Committee on Appropriations now propose to appropriate a portion of this sum of money to complete.

Let us see what has been said by the different naval boards appointed by different Secretaries of the Navy respecting the quality of this ship.

Perhaps I am getting a little ahead of my story. Contracts had been entered into to complete the Puritan before the termination of the administration of the Secretary of the Navy whose term expired in 1877. Immediately on the installation of Mr. Thompson as Secretary of the Navy, to his everlasting credit and honor be it said, his first step was to suspend the operation of these contracts, and he appointed different boards of naval officers to examine into the construction of these vessels and report to him whether they were worthy of completion, and if so, whether the contracts entered into at that period should be continued as being for the best interest of the Government. Now, let us hear what they say.

Before proceeding with that part of the question, however, let me show the Senate how the contract came to be made. It was on a proposition made by Mr. Roach himself, upon plans and specifications furnished by himself to the Navy Department, that the vessel was first commenced. Neither the Navy Department itself nor any officer of the Department ever made a plan or a specification which was to guide the constructor in the work of completing the vessel. What the contractor was to receive was named in the agreement in dollars and cents; what the Government was to receive was left entirely to the discretion of the contractor.

As I said before, Secretary Thompson created two boards of survey. The first board of naval officers was one of which Rear-Admiral Mullany was president, and it made its report to the honorable Secretary of the Navy on the 21st of August, 1877, in compliance with his order of June 2, 1877; and the other was a board of naval officers, of which Commodore Stevens was president, and it made its report to the honorable Secretary of the Navy on the 14th of March, 1878, in compliance with his order of August 30, 1877.

The board of naval officers of which Rear-Admiral Mullany was president, which consisted of two naval officers, three naval constructors, and three engineers, was convened at Chester on the 12th day of June, 1877, by order of the honorable Secretary of the Navy, dated the 7th of June, 1877. The date of their report is August 21, 1877.

They state that it was necessary to prepare plans of the vessels from which to compute the displacement, and on these, their own perfected plans and careful calculations of the different parts in detail, their determination of the weights was based. They made, they say, a most searching examination and inquiry into all the requirements of the vessel that could be obtained, having before them the vessel as built, the superintending constructor, and the contractor's employés. This investigation occupied over two months, with the assistance of skilled draughtsmen specially employed. The result of their investigation is that the gross weight of the vessel completed would be 7,070.6 tons, leaving the gunwale about half an inch under water. The examination leaves no reason to doubt the general accuracy of this result, but it is necessary to remark that the thickness of armor assumed by us is only 63 per cent. of that originally intended.

That is the first board. Now as to the second. The second board for the examination of the Puritan, of which Commodore Stevens was president, consisted of one naval officer, two engineers, and two naval constructors, and its report substantially confirms that of the first board, condemning the vessel, and is mainly directed to showing how the weights might be reduced, but wholly at the expense of the military efficiency of the vessel.

The third board consisted of John Lenthall, the most noted constructor in his day in this or any other country, and Mr. B. F. Isherwood, one of the most distinguished engineers in the American Navy. What do they say?

The manner in which the new Puritan was built is a flagrant exhibition of gross ignorance and culpable carelessness.

* * * * * * *

No measures were taken to protect the Government interest, either in the cost of building the vessel or in securing efficiency for her when built. Uninvited proposals were made by the contractor, in the absence of plans, specifications, or any definition of the kind, quantity, or quality of work to be done, to build an undescribed vessel for a stipulated round sum of money; and such proposals were at once accepted without inquiry, competition, or any provisions guarding the interest of the Government. The general statement that the new Puritan was to be like a smaller class of vessels was far from being sufficient to either indicate the details of construction or to measure the quantity of work.

* * * * * * *

Neither plans nor specifications were drawn for the construction of the new Puritan; nor were any measures adopted to ascertain whether, when built, she would sink or swim. The failure or success of a first-class national ironclad was thus put to the hazard of mere chance.

What do they further say? After aggregating and making up their weight, which corresponds almost identically with the report of the Mullany and the Stevens board, they declare that—

The aggregate of the foregoing weights is 7,202 tons, while the displacement of the vessel to the top of the wooden deck on the deck-armor is 7,057 tons, making the deck at the side four inches under water.

In other words, if the vessel be finished in accordance with the contract and specifications the gunwale of the vessel would be four inches under water.

Now, what is proposed to be done? Confronted as we are by the reports of these three boards, all of whom recommend that the vessel be not completed, the Committee on Appropriations of the Senate come before the Senate with a proposition to appropriate a portion of a million of dollars to complete a vessel which has been condemned by three boards of competent naval officers. I think there is a recommendation by the present advisory board for the completion of the vessel under some new plan by which it is supposed that the vessel may be able to float. The plan proposed contemplates, however, that the weight of armor be reduced, that the military efficiency of the ship be absolutely destroyed, and for all purposes of efficient naval warfare you might as well float a basswood or a pine ship as the Puritan, when completed, in accordance with those specifications.

Mr. President, I am aware that the Miantonomoh has been condemned publicly by nobody but myself, but behind me stand the most intelligent naval officers in the service of the United States supporting my views. In short, my views have been received from them; my judgment has been formed by arguments they have advanced and by reasons they have given. Confronted as we are by these facts, if the Senate of the United States appropriates one dollar of money to complete the Puritan, which has been condemned by almost every board of naval officers who have been called to examine and to investigate the case, then I say, and I say it with all proper respect, it would appropriate money for any purpose.

Mr. PLUMB. Let me ask the Senator a question. I have not been in the Senate Chamber during all of his remarks, but shall I understand him to say that this report condemns the Miantonomoh as being unseaworthy?

Mr. McPHERSON. I am speaking of the Puritan. I say no board has condemned the Miantonomoh. I think every board of naval officers has declared that it was proper and best for the interest of the Government to complete the Miantonomoh, the Terror, the Amphitrite, and the Monadnock. I make no argument with the Senator or with the boards on that question. I was only speaking of the Miantonomoh in which I said that I thought it was the part of wisdom for the Senate to complete that vessel and see whether she would be a naval vessel of suitable speed and power in a military sense and otherwise, and one that would justify the completion of the other vessels before spending money on them.

Mr. PLUMB. I understand, then, that the Senator bases his opposition to this appropriation on the ground that the Puritan has been condemned as a vessel that will not answer the purposes of a war vessel if she should be completed. Now let me ask him this question, for I do not know anything about these vessels except in Congress. Where is the Puritan now located?

Mr. McPHERSON. I understand it to be at the ship-yard of John Roach, at Chester, Pennsylvania.

Mr. PLUMB. The only objection then is to that one vessel.

Mr. McPHERSON. I do object, and I do think with reason, to the appropriation of any money to complete a vessel which has been condemned.

Mr. PLUMB. Then let me ask is this the only vessel which has been condemned by the naval board?

Mr. McPHERSON. I think it is the only one of the five. There are but five of them. I have named the other four. I am speaking now entirely of the Puritan, and my amendment relates only to the Puritan, because we apply the appropriation by my amendment to the Terror, the Amphitrite, and the Monadnock. We then reduce the appropriation as I proposed from $1,000,000 to $750,000, giving to those three vessels the exact proportion which the committee proposed to give them.

Mr. PLUMB. I have understood, but in a general way, because I have not followed the details of the controversy about these monitors, that some naval board had condemned others besides the Puritan. In fact I did not know that the Puritan was condemned, but I understand more than one was condemned. I have understood also that the Miantonomoh had been condemned and that on the authority of a naval board it had been stated that the Miantonomoh would not float, but that when she came to be launched it was found that the displacement was a great deal less than had been originally anticipated. I only speak of this now, in order, if there be such conflicting reports, or reports conflicting with the facts, we may take that into account in whatever we may do hereafter.

Mr. BAYARD. I should like to ask the Senator from New Jersey to allow me to put a question to the Senator from Maine in charge of the bill, which may probably assist the purpose of the Senator from Kansas.

Mr. McPHERSON. I yield.

Mr. BAYARD. The naval advisory board, under date of 15th December, 1882, reported that in their opinion "it would be wise and expedient to finish these vessels at once, and for the following reasons:" That means all four of the ironclads, the Terror, the Puritan, the Amphitrite, and the Monadnock. After giving their reasons in favor of the finishing of these ships, they proceed to say:

The board has the honor to report that it will be prepared before the end of January to submit complete and detailed plans together with the estimates of cost for the completion of the Puritan. With regard to the other vessels, their inferior dimensions will require more time and more careful examination to prepare detailed designs that shall give them the highest possible efficiency.

I should like to know whether that report and the estimate of the cost of the completion of the Puritan have been made?

Mr. HALE. Let me say to the Senator that I hold that report in my hand; and when the Senator from New Jersey shall have finished I propose, not at length but briefly, to answer him by reading from that complete report referred to in the document that the Senator from Delaware has in his hand.

Mr. BAYARD. Will the Senator also refer at the same time to the estimates of those vessels in case they have been made?

Mr. HALE. I have them all.

Mr. McPHERSON. As I understand——

Mr. PLUMB. I want to ask the Senator this question: Has there not been more than one report made on the Puritan?

Mr. McPHERSON. I have read from four.

Mr. PLUMB. Have they all condemned her?

Mr. McPHERSON. All condemned her that I have read from.

Mr. HALE. Oh, no.

Mr. McPHERSON. I am not speaking of the advisory board. The advisory board recommend her completion.

Mr. HALE. That is not the only one.

Mr. McPHERSON. Now let me answer the suggestion of the Senator from Kansas. He wishes to know if after these vessels were placed in the water experience did not show that incorrect estimates had been made of their displacement while upon the stocks, and if the experience was not favorable to their completion. That is the objection made by every naval officer with whom I have talked to the Miantonomoh. She lies here at the Washington navy-yard without turrets, without her batteries, without a thousand-and-one things needed on a sea trip; and then making allowance for the very smallest possible amount of coal, which can scarcely take her a two days' trip, they declare that the principal objection to her is that she is set too low in the water; in other words, the demonstration is there in this ship that whatever may have been the estimate made, either upon the stocks or after she was put overboard, the fact stands and stares us in the face that she already lies too low in the water, and, as I am informed and believe, with much less weight upon her to-day than the weight of turrets and armor required to make her an efficient war vessel.

Now, as to the question of the Senator from Delaware——

Mr. PLUMB. I will ask the attention of the Senator to this statement in the letter of the Secretary of the Navy under date of December 30, last:

> Since the annual report of the Department, on the 29th of November, 1882, the Puritan has been launched with the following results as to displacement:
> Launching draught of water, forward, 5 feet 1 inch; aft, 8 feet 9½ inches; mean, 6 feet 11⅞ inches.
> Displacement at this mean draught, sea water, 1,755 tons; fresh water, 1,713 tons—equal to a less draught in salt water of 1.47 inches.
> Freeboard, or height out of the water, forward, 16 feet; aft 12 feet 4½ inches.
> The Miantonomoh, loaded, as stated in the annual report, with iron cables representing the weight of her turrets, pilot-house, and armament, has sailed from League Island to Washington, where she is now subject to the inspection of Congress.

This would seem to establish, if true, two things—first, that the actual facts ascertained by the launching of the Puritan disprove absolutely and conclusively the reports of these various boards to which the Senator has alluded in regard to the condition in which the Puritan would be when launched; second, that the Miantonomoh has already been and is now loaded with the weights which she will be loaded with when her turrets, pilot-house, and armament have been completed, and therefore that all the question in relation to whether she is to be seaworthy or not, in the respects in which vessels for harbor defense are required to be seaworthy, has been settled in her favor.

Mr. McPHERSON. To which statement there are some people who have the audacity to make denial.

Now, Mr. President, I do not wish to say anything more on this question except simply to answer the question of the honorable Senator from Delaware as to the probable cost. As I understand the estimate of cost as made up by the advisory board, it will amount to $1,600,000 to complete her. In other words it is proposed to expend more than a million and a half of dollars in the completion of a vessel which several boards of naval officers have condemned.

I may also state that I arrived at my estimate of value by adding to the sum named by the advisory board on page 4, called "a summary for the completion of the double-turreted monitors," part 2, Executive Document No. 28, where provision is made for side-armor, deck-armor, tiller-turrets, smoke-pipe, ventilator, and anchors, cost to complete hull $960,000, and the cost to complete machinery $455,576, to which I have added (which they do not appear to have estimated) the cost of boilers, making $1,619,276. That as I understand is vastly in excess of the original contract with Mr. Roach to complete the vessels. It is vastly in excess of the estimates made by other naval boards to complete the vessels, and I do not doubt but what if the advisory board and the Secretary are given what money they want they will be able to complete this and other vessels in the same way. The contractors will get the money, but what the Government will receive in return for it nobody seems to care.

Mr. HALE. Mr. President, the question whether these great iron-clad ships that have been taken possession of by the Government under the legislation of last session should now be completed, or laid up and ever afterward left, ought to be settled at this session of this Congress. There can never be, as it seems to me, any more facts bearing upon their condition, their applicability to modern warfare, and their value as means of harbor defense than those we are already possessed of.

In the early stages of the work upon these ironclads, from time to time the opinion of different naval officers and some self-constituted boards was invoked, sometimes with unfavorable results, but the whole condition and situation and value of these ironclads was never fully brought out in a deliberate, authoritative fashion until after the investigation set on foot in the House of Representatives under the direction of the chairman of the House Committee on Naval Affairs.

The Selfridge board, so called and so known, made up of some of the most skillful officers in the Navy, engineers, constructors, and experts, examined these ironclads, and especially the Puritan, with the most complete and deliberate minuteness, and reported. I call attention especially to the Puritan because she has been the subject of the attack of the Senator from New Jersey. They reported with reference to the Puritan that she had disappointed them favorably in every respect; they advised unhesitatingly and unqualifiedly that she be completed. Upon that report the Secretary of the Navy then at the head of that Department, Secretary Thompson, said:

> The unanimity of opinion in reference to each of these vessels—

Referring to the list that he gives of the Miantonomoh, the Amphitrite, the Terror, the Monadnock, and the Puritan—

> The unanimity of opinion in reference to each of these vessels would seem to leave no room for doubt, therefore, that the interest of the Government requires the completion of all of them. In this opinion I concur for two controlling reasons—

He then goes on to give the reasons—

> First, that to leave them uncompleted, after so large a sum of money has been expended upon them, would be bad economy, inasmuch as the loss would be very heavy to the Government; and,
> Second, because when completed they would undoubtedly be equal, if not superior, to any other vessels of their class in the world.

And so on. That committed, on investigation, one administration to the finishing of all these vessels, including the Puritan. One year ago, when this subject-matter came up and appropriations were sought in some way to deal with the question of what should be done with these ironclads, the Senate, acting upon the House bill, which provided for the expenditure of money, called a halt under the lead of the Senator from Delaware [Mr. BAYARD] and the Senator from Kentucky [Mr. BECK]. I do not remember that the Senator from New Jersey [Mr. McPHERSON] was at that time active in his opposition. I saw the force then of the ground that was taken by these other Senators that there should be, before any money was expended, a complete official investigation and demonstration as to the condition of affairs; and we provided that a board should be created that should examine this whole subject-matter and report to Congress before any money should be appropriated, and in that the Secretary of the Navy, Mr. Chandler, fully and cordially agreed. So it passed over, and another year has gone by and the difficulty has remained unsettled till now by Congress.

But in the mean time the board appointed, with all of the great powers lodged in it by Congress, consisting of some of the ablest officers in the Navy in the different corps, was selected by the Secretary with Admiral Shufeldt at the head, the board being made up in full of these officers: R. W. Shufeldt, commodore, United States Navy, president of the board; Henry Steers, naval architect, member, a gentleman well known in all circles that touch upon naval construction; Miers Coryell, marine engineer, member; Alexander Henderson, chief engineer, United States Navy, member; J. A. Howell, commander, United States Navy, member; Edward W. Very, lieutenant, United States Navy, member; F. L. Fernald, naval constructor, United States Navy, member.

This board proceeded to consider the question touching all of these ironclads, and made a preliminary report, which has been referred to by the Senator from Delaware, in which they declared unqualifiedly that in their opinion it would be wise and expedient to finish these vessels, the Puritan, the Terror, the Amphitrite, and the Monadnock. That preliminary report is as follows:

> NAVAL ADVISORY BOARD, *Washington, December* 15, 1882.
>
> SIR: In compliance with the act of Congress of August 5, 1882, requiring this board to report as to the wisdom and expediency of completing the monitors Puritan, Terror, Amphitrite, and Manadnock, we have the honor to report that we have made personal examinations of the hulls of these vessels, except the Monadnock, which was examined by the president of the board. We have also examined thoroughly all the reports that have been made by previous boards, by the Admiral of the Navy, and by the other authorities, and we have also examined, as far as possible, all the literature pertaining to foreign armored vessels of corresponding size.
>
> It is our opinion that it would be wise and expedient to finish these vessels at once, and for the following reasons, namely:
>
> First. The hulls as they are at present are of excellent workmanship, fully up to the present standard of iron-ship construction, while the flotation of the Puritan and the behavior of the Miantonomoh at sea confirm the correctness of the calculations of the designs.
>
> Second. It is easily possible to complete the vessels by taking advantage of the recent developments in armor, guns, and machinery, without making any radical changes in the design, so that their speed, endurance, battery power, protection, and sea-going qualities shall be fully equal to those of any foreign iron-clad of similar dimensions designed previous to 1879.
>
> Third. The vessels may be finished so as to develop all the above-mentioned advantages without making their total cost when completed in any way exorbitant

compared with the value of the results obtained; again, the interests of our seacoast defense require a force at least equal to that which would be represented by those vessels.

We take the liberty of calling your attention to a certain erroneous impression which now exists with regard to these vessels. In one of the official reports upon these hulls a doubt was thrown upon the correctness of the calculations of the Puritan. This doubt has spread in the public mind until it includes all the ships. The actual flotation of the Puritan and the Miantonomoh proves beyond question not only the entire reliability of the calculations, but also that the hulls of these vessels are lighter in proportion to the total displacement than those of any iron-clad low-freeboard hulls afloat, with but two exceptions.

It has been the unfortunate custom in arguments as to the value of the results to be obtained to compare them with such foreign ships as the Inflexible and Duilio to the evident disadvantage of the monitors, no account whatever being taken of the fact that these vessels are double the size of the monitors.

If these hulls be compared with foreign ones of similar dimensions, no such disparity will appear.

The board has the honor to report that it will be prepared before the end of January to submit complete and detailed plans, together with the estimates of cost, for the completion of the Puritan. With regard to the other vessels, their inferior dimensions will require more time and more careful examination to prepare detailed designs that shall give them the highest possible efficiency.

Very respectfully,

R. W. SHUFELDT,
Commodore, United States Navy, President of the Board.
HENRY STEERS, *Member.*
MIERS CORYELL, *Member.*
ALEXANDER HENDERSON,
Chief Engineer, United States Navy.
J. A. HOWELL,
Commander, United States Navy.
EDWARD W. VERY,
Lieutenant, United States Navy.
F. L. FERNALD,
Naval Constructor, United States Navy.

Hon. W. E. CHANDLER,
Secretary of the Navy.

Acting upon the suggestion that later this board would make a full report as to these several ironclads, touching their armament in detail, touching their cost, and touching all the facts that led to the conclusions the board reached, on the 15th of January the board made its subsequent supplementary report, which will be found in House Executive Document No. 28, part 2, Forty-seventh Congress, second session. I call the attention of the Senator from Delaware to it. I do not know but that he has it now. This is the supplementary report of the board on these ironclads, in which they go on to report further——

Mr. BAYARD. Is the Senator reading from manuscript or a printed report?

Mr. HALE. A printed report.

Mr. BAYARD. What is the number of that?

Mr. HALE. House of Representatives, Executive Document No. 28, part 2. The part which the Senator has is part 1.

Mr. MORGAN. If that report is not very lengthy I should like to have it put on record.

Mr. HALE. It is not at all lengthy, and I will present some parts of it:

SIDE ARMOR.

The Puritan having been just launched, the question of weight has been definitely settled, and is 29 per cent. of the total displacement, or about one hundred tons lighter than originally estimated. This surplus weight the board has utilized in increasing the thickness of the side armor.

* * * * * * *

TURRETS——

Mr. JONES, of Florida. Permit me to ask whether it is not the fact that the reports referred to by the Senator from New Jersey were made while the vessel was on the stocks.

Mr. HALE. Those were reports voluntary, self-invoked, not altogether condemnatory, though somewhat so, but made in the early stages when the work was being done under the old regular appropriations. At no time after the ironclads were put in their present condition, and at no time after the investigation was set on foot showing how they had been built, were there any unfavorable reports. These that I am reading are the late reports.

Mr. MORGAN. Allow me to inquire whether all of these vessels are built after the same model substantially?

Mr. HALE. No; I do not think they are after the same model technically, but they all belong to the class of great ironclads. They are of different sizes and shapes.

Mr. MCPHERSON. I wish to ask the Senator from Maine a question. The Monadnock, and the Miantonomoh, which is lying at this navy-yard, are exactly the same size, and yet——

Mr. HALE. The Monadnock is not the same size as the Puritan. The Monadnock and Miantonomoh are the same size.

Mr. MCPHERSON. The Puritan, which I wished to except from the provisions of this bill, is of an entirely different class, an entirely different model, and is the one that has been condemned.

Mr. HALE. Neither of these boards, the Selfridge board, officially, authoritatively, strongly made up, nor the advisory board, of the best officers in the Navy, condemn, but both substantially urge the completion of the Puritan with the others.

The board treat next upon the machinery, then upon the ordnance, then upon the expense, all of which may be found upon page 4 of the document which I hold in my hands. Probably it would be better to put the entire report in the RECORD in this connection:

NAVAL ADVISORY BOARD, *Washington, January 11, 1883.*

SIR: Pursuant to our preliminary report of December 15, 1882, and in compliance with the act of Congress of August 5, 1882, requiring this board to report as to whether any changes should be made in the original plans of the Puritan, Monadnock, Terror, and Amphitrite, together with the cost of completion of each according to the plans recommended, and, having recommended their completion, the board has the honor to report in regard to the above, so far as refers to the Puritan.

The following changes are recommended, namely:

SIDE ARMOR.

The Puritan having been just launched, the question of weight has been definitely settled, and is 29 per cent. of the total displacement, or about 100 tons lighter than originally estimated. This surplus weight the board has utilized in increasing the thickness of the side armor; thus, the thickness for 218 feet amidships to be 11 inches for a depth of 3 feet 6 inches, thence to be tapered to a thickness of 6 inches at the lower edge. At the bow, for 14½ feet from the stem, to be 10 inches, and at the stern, for a distance of 39 feet 7 inches, to be 8 inches. The plates at bow and stern to be tapered in the same proportion as the 11-inch plates.

When the plans submitted to this board by the Bureau of Construction were prepared these tapered plates were not manufactured, and at present, though their cost is greater, it is the opinion of the board that they should be used.

In order to better protect the steering apparatus the board recommends that an additional thickness of 1-inch steel plates be fitted over the tiller-room, commencing at the skin-backing and extending to the after water-tight bulk-head.

TURRETS.

The introduction of breech-loading guns of great length, with a corresponding length of projectile, requires special facilities for loading with ease and rapidity which can not be obtained in turrets of the center-spindle type. After careful consideration the board is of the opinion that the roller-base turrets of 22 feet internal diameter will afford ample room for handling the 10½-inch breech-loading rifles, and will permit them to be loaded at any point with great rapidity.

The armor on the turrets to be 14 inches thick and 7 feet 2 inches high, except in front of the guns, where it will be 16 inches, the wood backing to be 11 inches, of white oak, and the shell of 1½ inches of steel, in two thicknesses.

A light superstructure to be placed on top of each turret, and a wooden pilot-house on the forward one, as shown in the present plans.

The present arrangement of armored smoke-pipe and ventilation is approved with the recommendation that the armor be extended to 9½ feet above the deck and tapered to 4½ inches at the top, commencing 4 feet from the bottom.

The board does not concur with the opinion of the Selfridge board in regard to moving the wing-passages inboard, but is of the opinion that the facility of reaching the sides in case of leakage, which is now afforded, more than balances the advantage of access to the stop-valves which that change is intended to attain.

As the Martin type of anchors can be more easily handled and stowed on the monitor bow, they are recommended for the Puritan.

With the above exceptions the plans of flying deck, anchor gear, and general internal arrangements are approved.

COST OF CONSTRUCTION.

The board estimates the cost of completing all portions coming under the cognizance of the Bureau of Construction, including steel or steel-faced armor on sides, turrets, smoke-pipe and ventilator, turrets, pilot-houses, smoke-pipe, ventilator, blowers, air-ducts, additional water-tight bulk-heads, anchor and boat gear, all external and internal fittings, boats, blocks, furniture, cementing, and painting, not including stores, at $960,000.

The increase over previous estimates is due to increased weight of armor and substitution of steel for iron, and also to increased cost of labor and materials.

MACHINERY.

A careful examination of the general plans and detail specifications prepared and of the weights of the machinery and its appurtenances as designed for this ship shows they are correct and not excessive. The general dimensions are sufficient to insure the power required and will admit of the engines being placed in the space allotted.

The total weight of two pairs of independent compound engines of the most approved type, together with screw-propellers, pumps, instruments, tools, duplicate parts, stores, and all appurtenances, including three additional bilge steam-pumps, with all their attachments of pipes, valves, strainers, &c., and also two separate pairs of engines, gears, pipes, &c., for turning the turrets, will be 1,072 tons, and the cost of all the above machinery, fitted and ready for use, will cost to "Steam-Engineering," $455,576.

ORDNANCE.

It is recommended that the main armament of the Puritan shall consist of four 10½-inch steel breech-loading rifled guns; that these guns shall develop a power for penetration fully equal to that of the present Woolwich 12½-inch muzzle-loader or the French 13-inch breech-loader; that they shall possess the strength and dimensions necessary to fully utilize a charge of powder of 275 pounds, with a projectile of 550 pounds weight; that these guns shall be mounted upon center-port pivoting carriages in such a manner that all the movements of recoil, running out, elevating and loading can be controlled by hydraulic power; that the arrangements for loading and supply of ammunition shall be such as to enable either or both guns of a pair to be loaded independently, and at any time, whether the turret is in motion or at rest.

In addition to these heavy guns it is recommended that the Puritan shall be provided with four 2-inch Hotchkiss revolving cannon and four Gatling machine guns, so mounted as to completely command all approaches to the vessel, and provided with steel shields so arranged as to protect the guns and crews from the fire of machine guns and light artillery.

It is recommended that the ship be provided with two electric search-lights of at least 20,000 candle power each, so mounted as to have a clear sweep of the horizon of at least 250°, and both lights to completely command all approaches to the ship. Each of these lights to be provided with its own dynam and engine, and each machine to be of sufficient power to work both lights at once, if necessary.

It is recommended that the ship be provided with a complete outfit of offensive torpedoes, and also with appliances against torpedo attack, these to be of the most effective patterns used in naval warfare.

The estimate of weight and cost of the ordnance outfit is as follows:

	Weight.	Cost.
	Tons.	
Battery guns and ammunition, with hydraulic gear	231.7	$176,250
Machine guns and small-arms	8.6	26,900
Electric lights, torpedo outfit, and stores	15.2	50,000
Total	255.5	253,150

Detail plans and specifications for all changes and recommendations contained herein are now in a forward state of preparation by the board.

SUMMARY.

Hull.—Present plans are recommended with changes in side armors, deck armor over tiller, turrets, smoke-pipe, ventilator, and anchors. Cost to complete hull	$960,000 00
Machinery.—Present plans for propulsive machinery are recommended with steam-turning apparatus for turrets. Cost to complete machinery	455,576 00
Ordnance.—Recommended, four 10½-inch breech-loading rifles, with hydraulic apparatus, 4 Hotchkiss guns, 4 Gatling guns, electric lights, &c., torpedo outfit, ammunition, and stores. Cost of ordnance	253,150 00
Total to complete	1,668,726 00
Cost of Puritan to date	687,798 24
Total when completed	2,381,839 24

Very respectfully, your obedient servants,

R. W. SHUFELDT,
Commodore, U. S. N., President of the Board.
HENRY STEERS,
Naval Architect, Member.
MIERS CORYELL,
Marine Engineer, Member.
ALEXANDER HENDERSON,
Chief Engineer, U. S. N., Member.
J. A. HOWELL,
Commander, U. S. N., Member.
EDWARD W. VERY,
Lieutenant, U. S. N., Member.
F. L. FERNALD,
Naval Constructor, U. S. N., Member.

Hon. WILLIAM E. CHANDLER,
Secretary of the Navy.

NAVAL ADVISORY BOARD,
Washington, January 11, 1883.

SIR: From the estimate of cost of the completion of the Puritan, the following items of articles coming under the head of regular supplies, to be furnished by the Bureau of Ordnance, may be deducted in any special estimate:

Gunpowder	$14,000
Hotchkiss guns and ammunition	17,500
Gatling guns and ammunition	6,000
Torpedo outfit	30,000
Small-arms and ammunition	3,600
Stores and spare articles	10,000
Total	80,900

Very respectfully, your obedient servant,

R. W. SHUFELDT,
Commodore, U. S. Navy, President of the Board.

Hon. W. E. CHANDLER,
Secretary of the Navy.

NAVAL ADVISORY BOARD,
Washington, January 11, 1883.

SIR: The board respectfully present the following comparison of the Puritan with foreign ships as an appendix to our report of this date:

In order that a true estimate may be made of the value of the Puritan as a fighting vessel when completed in accordance with the foregoing recommendations, we make the following summarized comparison of the ship with two vessels of a closely corresponding type and size, which represent the latest developments in the English and French naval architecture applied to coast defense.

TURRET SHIPS.

In the British navy-list the Conqueror (now building) approximates quite closely to the Puritan in dimensions and type; and in the French navy-list the Tonnerre and class, although somewhat smaller ships, are close enough in size to admit of direct comparson.

Measurement.	Conqueror.	Puritan.	Tonnerre.
Local displacement.....tons.	6,200	6,060	5,580
Length between perpendiculars.....feet.	270	280	241½
Extreme breadth.....feet.	58	60	57½
Mean draught.....feet.	23	18	20½
Immersed midship section.....square feet.	1,145	1,037	1,099
Indicated horse-power	4,500	4,167	4,166
Maximum speed.....knots.	*13	*13½	†14
Coal supply.....tons.	650	514	270
Armament (breech-loading rifles) { 2 12-inch / 2 6-inch	} 4 10½-inch		2 10½-inch.
Number of turrets	1	2	1
Thickness of turret armor.....inches.	12	14	13½
Thickness of deck armor.....inches.	2½ and 1½	3 and 2	2
Thickness of side armor, amidships..inches.	12	11	13
Thickness of side armor, bow.....inches.	8½	10	9.8
Thickness of side armor, quarter.....inches.	11	10	11.8
Thickness of side armor, stern.....inches.	0	8	11.8

*Estimated. †Actual.

MANEUVERING POWER.

The Conqueror was designed with especial regard to the full development of ramming power, necessitating the greatest possible handiness.

An examination of the measurements will show that the proportion of length to breadth is the same as that of the Puritan, while the latter has the great superiority in her lighter draught, which, taken in connection with her greater speed and greater number of guns and powerful ram-bow, gives her, in the opinion of the board, a marked superiority over the English ship in maneuvering power. On the other hand, the Tonnerre, being shorter in proportion to her beam, and having a higher speed, should possess greater mobility, but this quality is greatly modified, if not completely neutralized, by her excessive draught of water.

SPEED AND ENDURANCE.

The speed of the Puritan is superior to that of the Conqueror, while it is inferior to that of the Tonnerre. This superiority of the French ship is, however, gained at a great sacrifice of coal capacity or endurance; so great, indeed, as, in the opinion of the board, to entirely unfit her for any prolonged operations at a distance from a coaling station. The endurance of the Puritan and the Conqueror is the same.

ARMAMENT.

In the power of individual guns the Conqueror is superior to the Puritan, while the latter is in about the same proportion superior to the Tonnerre. Since, however, the Puritan's guns have sufficient power to overcome the armor of both the other ships, the efficiency of the armament depends directly upon the number of guns which the ship can bring into action. In this respect the Puritan has a marked superiority over both the other ships, since she has double the number of guns. The 6-inch guns of the Conqueror are left out of consideration, as they are powerless against the Puritan, and have no protection except from machine fire.

ARMOR.

In thickness of turret, deck, and bow armor the Puritan is superior to both the other ships, while amidship and aft it is inferior, it being considered that this sacrifice is more than compensated by the gain in power of armament, especially since the machinery and steering gear are fully protected by the heavy backing and coal.

The information available with regard to cost of the three ships is too meager to admit of a detailed comparison, but in the opinion of the board the amount estimated for the completion of the Puritan is in no way excessive, and compares favorably with estimates of the cost of other foreign armored vessels of corresponding size.

Very respectfully, your obedient servant,

R. W. SHUFELDT,
Commodore, United States Navy, President of the Board.

Hon. W. E. CHANDLER,
Secretary of the Navy.

NAVAL ADVISORY BOARD, *Washington, January 12, 1883.*

SIR: In compliance with the Department's request, the board respectfully presents the following approximate estimates of cost to complete the monitors Amphitrite, Terror, and Monadnock:

AMPHITRITE.

Cost to "Construction:"	
For hull, turrets, pilot-houses, smoke-pipes, ventilators, boats, blocks, furniture, including all necessary changes to admit of roller-turrets, steel, or steel-faced armor, &c.	$688,500 00
Reservation on hull to date	12,500 00
Total for construction	701,000 00
Cost to "Steam Engineering:"	
For machinery, turret engines, pumping system	369,840 00
Ordnance:	
4 10-inch breech-loading rifles and carriages, 200 rounds of ammunition, Hotchkiss guns, &c., Gatling guns, search-lights, torpedo out-fits, small-arms, and stores	223,380 00
Total cost to complete	1,294,220 00
Cost to date	507,218 96
Total when completed	1,801,438 96

TERROR.

Cost to "Construction:"	
Items same as for Amphitrite	701,000 00
Cost to "Steam-Engineering:"	
Items same as for Amphitrite	369,840 00
Ordnance:	
Items same as for Amphitrite	223,380 00
Total cost to complete	1,294,220 00
Cost to date	531,272 73
Total when completed	1,825,492 73

MONADNOCK.

Cost to "Construction:"	
Items same as for Amphitrite	785,000 00
Cost to "Steam-Engineering:"	
Items same as for Amphitrite	426,059 00
Ordnance:	
Items same as for Amphitrite	223,380 00
Total cost to complete	1,434,439 00
Cost to date	649,336 21
Total cost when completed	2,083,775 21

RECAPITULATION.

Name.	Cost to date.	Cost to complete.	Cost when completed.
Amphitrite	$507,218 96	$1,294,220 00	$1,801,438 96
Terror	531,272 73	1,294,220 00	1,825,492 73
Monadnock	649,336 21	1,434,439 00	2,083,775 21

Very respectfully,

R. W. SHUFELDT,
Commodore, U. S. Navy, President of Board.
HENRY STEERS,
Naval Architect, Member.
MIERS CORYELL,
Marine Engineer, Member.
ALEXANDER HENDERSON,
Chief Engineer, Member.
J. A. HOWELL,
Commander, U. S. N., Member.
EDWARD W. VERY,
Lieutenant, U. S. N., Member.
F. L. FERNALD,
Naval Constructor, Member.

Hon. W. E. CHANDLER,
Secretary of the Navy.

Upon that report the Secretary of the Navy submits the whole matter to Congress. Upon the investigation set afoot at the direction and

under the command of Congress, with the best officers selected in its power, with the most deliberate and complete examination and adjudication upon this vexed question, the Secretary of the Navy submits this question to Congress with no bias one way or the other. He says in his report:

NAVY DEPARTMENT, *Washington, December 30, 1882.*

SIR: Herewith is transmitted the report of the naval advisory board created by the act of Congress of August 5, 1882, as to the wisdom and expediency of undertaking and completing the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror.

The board is of the opinion that it would be wise and expedient to finish these vessels, and I recommend that provisions be made by Congress for their completion accordingly.

My views are expressed in my annual report to Congress of November 29, 1882, as follows:

"There has been much unseemly controversy over these vessels since the work was suspended, in March, 1877, after an expenditure upon them by the Government of $3,528,580.58. The fact of this large outlay is no reason why they should be completed if they will not then be worth to the Government the amount of the new money which will have been expended. Nor is there anything in their history which should prevent their completion if that result is for the real interests of the Government. The necessity, however, of some better provisio. for the defense of our harbors than is furnished by the fourteen single-turreted monitors, the relics of the war of the rebellion, is apparent to every thoughtful citizen."

If the nation is to regain its position as a maritime and naval power, reasonable provision should be made, not only for offensive cruising vessels, but also for harbor defense, by means of ironclads. Such defense can be accomplished more effectively and economically by double-turreted monitors than by any other form of armored vessels.

The new hulls of these four monitors are in perfect condition. It is possible to complete them for a reasonable amount of money, economically expended, and any responsibility for further delay I am not willing to share.

The department, however—

And I call attention of Senators to this—

is not in favor of completing these monitors under the permissory contracts directed by the Secretary of the Navy, Hon. George M. Robeson, March 2, 1877, under the advice of the Attorney-General, Hon. Alphonso Taft. No investigation has shown that the prices for the work to be done under those contracts were not fair and reasonable, but the contrary has appeared. The order for the contracts, however, contained a provision as follows:

"It being expressly understood, however, that the Government is not to be involved in liability by reason of such action, and that the several contractors are to do their work, if they do it, waiting for, and accepting for their pay, such appropriations as may be made by Congress therefor."

These limitations expressly negative the idea of liability of the Government under the contracts unless they should be followed by subsequent appropriations by Congress, which, for various reasons not necessary to be now discussed, have been withheld; and no work was done under them before they were suspended by the order of Secretary Thompson of March 16, 1877. In the mean time conditions have changed. Some changes should be made in the plans for completing the vessels, and the prices of work and material have altered. The Department, therefore, should be authorized to settle fairly with the contractors for the use and occupation of their yards since 1877 by these vessels, and for their care and preservation; and new contracts should be made for the construction of their machinery.

A difficulty in contracting for the machinery is at once apparent. There can be practically no competition among engine-builders for the contracts. There are but few establishments competent for the performance of the work, and these will not be likely to bid against each other. The only practical method, therefore, of constructing such machinery will be to authorize the Department to make contracts at such prices as may be fair and reasonable. If the head of the Department and its bureaus ought not to be intrusted alone with the discretion to make the contracts and fix the prices, they should be aided and limited by boards of officers, which Congress may provide for, similar to the naval advisory board, to reject or approve any contracts which may be contemplated, which should be directed by law to approve only such as may be fair and reasonable, according to the lowest market price for similar work.

The question of the wisdom and expediency of authorizing the completion of the monitors, under conditions and limitations like the foregoing, is respectfully submitted to the judgment of Congress.

The statute directed the naval advisory board to make their report in detail by the 1st day of December, and also to report whether any changes in the original plan or plans should be made, together with the cost of the completion according to the plans recommended. The board has not yet been able to make its report in detail, nor to determine the cost of the completion of the monitors which it recommends, but is engaged in preparing such full report, which will be transmitted to Congress immediately upon its reception by the Department.

Since the annual report of the Department, on the 29th of November, 1882, the Puritan has been launched, with the following results as to displacement:

Launching draught of water, forward, 5 feet 1 inch; aft, 8 feet 9½ inches; mean, 6 feet 11 $\frac{7}{16}$ inches.

Displacement at this mean draught, sea water, 1,755 tons; fresh water, 1,713 tons, equal to a less draft in salt-water of 1.47 inches.

Freeboard, or height out of the water, forward, 16 feet; aft, 12 feet 4½ inches.

The Miantonomoh, loaded, as stated in the annual report, with iron cables representing the weight of her turrets, pilot-house, and armament, has sailed from League Island to Washington, where she is now subject to the inspection of Congress.

I am, sir, very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

I have already alluded to the Selfridge report, made nearly three years ago, and I will now present it to go in the RECORD in this connection:

CHESTER, PA., *May* 3, 1880.

SIR: I have the honor to inclose report of board convened to examine double-turreted vessel Puritan, and accompanying mail papers and plans of modifications therein referred to.

I am, sir, very respectfully, your obedient servant,

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.

Hon. RICHARD W. THOMPSON,
Secretary of the Navy, Washington, D. C.

CHESTER, PA., *May* 1, 1880.

SIR: In obedience to your order of April 10, the board have the honor to report that after a careful inspection and examination, in person, of the Puritan, now on the stocks in the yard of John Roach, esq., at this place, they are of opinion, in consideration of the very efficient and excellent workmanship manifested in the present structure, and the large sum which has already been expended on this vessel, that it is to the interest of the Government to have her completed.

Secondly. That it is not to the interest of the Government to complete her wholly in accordance with existing plans, models, and agreements.

Thirdly. The board recommend the following modifications of the existing plans, namely:

The side armor to be compound instead of iron, of a thickness of 10 inches to the depth of 4 feet 6 inches, extending along the middle of the vessel, and in wake of the turrets to the distance of 165 feet 10 inches; from thence the belt will be 7 inches in thickness, of the same depth, for 26 feet 7 inches on either end, terminating with a diminish to 4 inches for a distance of 26 feet 4 inches. The lower belt to be 4 inches thick and 2 feet 6 inches deep amidships, extending the whole length of the vessel.

The armor backing to consist of the best Georgia yellow pine instead of white oak.

There are to be two turrets of the Ericsson type; interior diameter 26 feet 6 inches and height 9 feet 6 inches, mailed with 12 inches compound armor. The pilot-house to be covered with 10 inches of the same material and the smoke-pipe and ventilator with 8 inches.

The passages on berth-deck to be shifted in against engine and fire-room bulk-heads; the spaces vacated to be used for coal.

Yellow pine of 3 inches in thickness to constitute the planking of both upper and berth decks; to be increased in the former to the width of three strakes to 4 inches in thickness, on either side, next to the water-ways. The deck-house to be abolished and the apartments placed below, leaving the platform or bridge between the turrets.

The armored ventilator to be increased from 8 feet to 11 feet in diameter.

For further information relative to the foregoing alterations and the location and number of bulk-heads for water-tight compartments, see plans L, M, N, and O.

The boats to be eight in number, as follows:

	Feet.
One steam-cutter, length	34
Two cutters, length	34
Two cutters, length	32
Two pink stern-boats, to be fitted as life-boats, length	28
One gig, length	28
One dinghy, length	18

These boats, if given the necessary width and depth, will be of sufficient capacity to carry the crew in an emergency.

The board concur in the following suggestions made by the Stevens board, so called, namely:

No. 1. The substitution of a wooden bulk-head, instead of iron, on frame 14.

No. 2. The removal of the iron compartments between frames 25 and 27.

No. 4. The omission of cement except the amount necessary to cover the strakes of plating, and allowed for in the estimate of weights.

No. 7. The substitution of wrought-iron bumped plates for cast-iron flooring in engine and fire rooms.

No. 8. The substitution of an iron bulk-head for the transverse bunker between engine and fire rooms. (See plans G and D.)

No. 10. The omission of extra weight in berth-deck beams, girders under berth-deck, and other items recommended by the late board.

No. 11. The reduction of the proposed weight of engine-beds.

No. 12. The omission of the shoot, only for ashes.

No. 14. The reduction of the capacity of coal-bunkers to 514 tons.

No. 15. The reduction in diameter of the upper fastening-bolts of armor-plates on side to 3 inches.

No. 18. The strengthening of the lower course of unarmored smoke-pipe and ventilator for securing topping-lifts for boats.

No. 22. The auxiliary pumps in engine-room to be placed on brackets above the level of the flooring.

No. 23. The boilers to be protected against the effects of employing the vessel as a ram.

No. 24. The position of the engines, boilers, coal-turrets, magazines, shell-rooms, smoke-pipe, ventilator, &c., to be shifted forward, as shown in red on plans G and D.

The accompanying paper, marked No. 1, gives the several estimated weights and the displacement at 18 feet draught, leaving a freeboard of 30 inches.

The displacement is in excess of the weights 226 tons.

This excess will allow a heavier armament and probably an increase in the quantity of coal.

Should a further decrease in the weights be desired, the side armor could be reduced ½ inch and the other armor in proportion, leaving the resisting power quite equal to the iron armor designed for this vessel.

The advantages of moving the passages between the forward and after berth-deck are that it gives a more direct communication, fore and aft, increases the coal space, and, in case of accident to the boilers, it facilitates the closing of the boiler stop-valves.

The board recommend two additional blowers for turrets and two for fire-room, with engines and connections complete; and also that the propellers should be so lengthened that their surface will be increased 15 per cent.

Cost of additional water-tight bulk-heads	$4,509 70
Cost of moving bulk-heads on berth-deck	1,000 00
Cost of increase in size of boats	1,000 00
Cost of additional blowers	7,500 00
	14,009 70
Less cost of compound armor compared with the armor designed for this vessel	11,907 33
Less cost of pine backing compared with oak	252 00
	12,159 33

In conclusion the board would respectfully suggest, owing to the indefinite tenor of the contract of March 3, 1877, for building the hull of the Puritan, that before any more work is done on this vessel a new contract should be made, with full specifications and detailed drawings.

Respectfully submitted by your obedient servants,

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.
F. M. RAMSAY,
Captain and Member.
ROBT. L. HARRIS,
Chief Engineer, U. S. N., and Member.
JOHN C. KAFER,
Passed Assistant Engineer, U. S. N., and Member.
W. L. MINTONYE,
Naval Constructor, U. S. N., and Member.
GEO. F. MALLETT,
Assistant Naval Constructor and Member.

I concur in the above report, with the exception that in my opinion a more formidable ship could be obtained for the Navy from this hull as it now stands by the erection of a central citadel, say, 120 feet in length, having the turrets on the top at either end, the whole to have 12-inch armored plates (steel-faced). The upper deck I would carry to the ends of the ship for the accommodation of the officers and crew. The additional weight of this superstructure would bring the armored deck just at or near the load water-line, which would be the best position for fighting the ship.

SAM. H. POOK,
Naval Constructor, U. S. N., and Member.

Hon. RICHARD W. THOMPSON.
Secretary of the Navy, Navy Department, Washington, D. C.

No. 1.

Weights, displacement, &c., of the United States double-turreted vessel on the stocks at the yard of John Roach, esq., Chester, Pennsylvania, as follows, May 1, 1880:

	Tons.
Hull on the stocks, exclusive of deck armor	1,638.60
Side armor (compound)	502.90
Side armor, bolts, nuts, and washers	25.50
Backing, Georgia yellow pine	119.50
Backing, bolts	3.91
Deck armor (iron) and fastenings	469.08
Smoke-pipe, armored, complete	62.66
Ventilator, armored, complete	62.66
Two turrets, armored, complete, Ericsson type, including gearing and foundation	630.20
Pilot-house	40.16
Joiner and plumbing work between turrets, boats and davits, steam steerer, steam windlass, 50,000 pounds of cement, deck fittings, furniture, and all other appendages for completion of hull	382.10
Bulk-heads, iron, additional, for water-tight compartments	19.24
Steam-machinery, complete, boilers filled, and spare machinery, turret-engines, &c.	996.56
Coal in bunkers	514.00
Armament, ammunition, and ordnance stores	205.00
Anchors, chains, galley, and all equipments, outfits, and stores	67.95
Provisions and clothing and water	50.62
Steam-engineering stores and grate-bars (spare)	16.31
Navigator's stores	5.00
Medical stores	1.18
Construction stores	12.05
Officers' mess stores	6.57
Men and effects	18.75
	5,848.95

Displacement in tons (sea water) at 18 feet:

Water-line above base	6,075.39
Area of the immersed traverse section, ⊕ in square feet	1,037.70
Area of the 18-foot water-line, in square feet	14,127.65
Tons per inch, at 18 feet water-line (sea water)	33,704.00
Center of gravity of vessel abaft, ⊕ in feet	2,125.00
Excess of displacement over weights, at 18 feet draught, in tons	226.44

Respectfully submitted.

THOS. O. SELFRIDGE,
Rear-Admiral and President of Board.

Mr. President, there are these ironclads, the Monadnock in California, the Puritan, the Terror, and the Miantonomoh, which has been brought around to the Washington yard, and by her flotation proves her sea qualities. As I said in the beginning, Congress ought to settle now and forever whether we are to do anything with these ships or are to abandon them; and it ought to be settled on the conviction of Senators whether they believe or do not believe that the present condition of these ironclads is such as to justify their completion. I care not a penny for all this ransacking into the old-time past upon the question whether, in 1875 or in 1876 or years before, the course was irregular by which these vessels were proceeded with under regular appropriations, with money extracted from those regular appropriations. After they had assumed form and were in the yards of the contractors the Government seized upon them and grappled with the whole subject-matter and has had report upon report since then by the best advisory boards that could be appointed, without any exception in favor of completion, and it is now for us to say whether we will complete one or two or all of them.

If there is anything in what I have said or in what I have read, there is no wit or wisdom in attacking the Puritan especially and exempting her from the action that we take with regard to these ironclads generally. Something has got to be left to the discretion and integrity of the head of the Department. There is no possible inducement, I may say, upon the present head of the Navy Department why he should in any way be affected by or tangled up with any old complications of his predecessors. He has but one thing that he should unerringly seek, and that is to administer his Department so that in the expenditures of the money which is given to him he may bring out the most for the Government. He has stated distinctly that there is no claim under these old contracts; that they were only permissory under Secretary Robeson; that they are limited and controlled, and no man to-day is seeking that I know of anywhere to renew and revive these old contracts. But here we are with our harbors open to the assault of any hostile power. No man can tell what twelve months may bring forth. The great colossal wealth of our seaboard towns is subject to be destroyed by the approach and entrance of a single armored ship in the hands of a hostile power. We ought to do something in the way of protection. I do not believe that these ships have or can have great sea-going power. The question has been mooted whether the Puritan or Miantonomoh when completed can be sent around the Horn to the Pacific coast for defense there.

To my view it is clear that we had much better finish the Monadnock which lies there and utilize her for the defense of our Pacific metropolis, and then we ought to have one of these ironclads completed, fully armed, and in readiness when war menaces us for defense. But we shall never know how useful they can be made until we do finish them, and woe be unto us, and we should call on the rocks and the mountains to hide us if we be taken unprepared, and by reason of failure to appropriate this money are found utterly and hopelessly defenseless.

Mr. VOORHEES. Mr. President, the closing sentences uttered by the Senator from Maine were thrilling in their appeal to the necessities of this Government, that unless some of these ironclads or all of them were completed we might be at the mercy of foreign powers. If that appeal had been addressed to persons who knew nothing whatever of the history of the past eight or ten years it might have startled them out of their seats. I happen to know that more than eight years ago, during the administration of General Grant, these five ironclads were ordered to be rebuilt. They were ordered to be rebuilt during the last days of General Grant's administration, now about eight years ago; and how much do you suppose has been done and how much do you suppose has been provided to be done? I have been driven reluctantly to look into this matter, and I stand here in the Senate of the United States to say that a greater scandal, outrage, and burlesque upon public works or public service has never taken place than on the subject of these ironclads. Eight years ago they were ordered to be rebuilt. They were old ships that had done good service during the war; they were somewhat damaged and needed repair; they were ordered into repair, and they were ordered into private yards. They were ordered into the hands of private contractors to pay political debts, to extend favoritism. I have here a list of the places where they were ordered to be built outside of the navy-yards, away from official inspection, away from official responsibility. This was eight years ago, and how many of them do you suppose are now on the water? Five of them were ordered to be built. How many are on the water to-day? Not one. There is one that has been ostensibly declared rebuilt, but she is lying down here now at this navy-yard with her turrets off, no more fit to go to sea than a mud-turtle, and the other four are yet in the yards; and we are called upon to appropriate for them and appropriate from year to year.

Mr. President, reluctant as I am ever to deal in unkind statement, it appears to me that this whole system has been one to pay up political debts and as a means of making political assessments. Why should eight years pass by without one single one of these five monitors being fit for sea?

Mr. PLUMB. If I know anything about the appropriations for the last six years, I can see one very good reason why there has not been anything done toward finishing these monitors. Congress has not appropriated a single dollar for the last six years to drive a nail in them or strike a hammer upon them except in the case of the Miantonomoh, which is now here at the Potomac navy-yard. That seems to be a very good reason.

Mr. VOORHEES. The Senator is mistaken, unless I am.

Mr. PLUMB. Not at all.

Mr. VOORHEES. He is, unless I am entirely mistaken. I say here that more than eight millions of money has been spent on these ironclads. They cost originally about six millions; more than eight millions has been spent upon them, and to-day we are not departing from the usual rule; we are asking one million in this bill, and that is short of the actual demand of $1,650,000. One Department asks so much money, another Department asks so much, and there is not a Senator on this floor who can make an estimate that these ironclads will be finished in five years. I defy the Senator from Kansas or any one else to make an estimate that will finish these things. Why are they not finished? Why are they there on the stocks in private yards? Simply because they are a means of drawing money into the hands of contractors year in and year out. The Senator from Kansas can not name one year in which an appropriation has not been made for these inchoate, imperfect, and incomplete ironclads—not one year.

Mr. PLUMB. I have no doubt the Senator from Indiana and I are both mistaken. He seems to have supposed that somebody was going to build ships for the Government without appropriations. There I think he himself was mistaken. I probably have been mistaken myself in regard to it.

Mr. VOORHEES. Does it take eight years if men are in earnest and mean business? The Senator knows better.

Mr. PLUMB. But I repeat what I said before; that for six years no appropriation has been made for the completion or for any work tending to the completion of a single one of these ironclads except the Miantonomoh, which, in the condition the appropriations have placed her, is now lying at the Washington navy-yard.

Mr. VOORHEES. Either the Senator or myself is mistaken; one or the other is.

Mr. PLUMB. I say not one dollar has been expended even tending to or designed for the completion of any one of these ships, except that one, during the last six years. The Senator says I can not estimate in regard to what it will take to complete any one of these ships. He need not have bothered himself to make a statement of that kind; I would have confessed it in advance.

Mr. VOORHEES. I will say——

Mr. PLUMB. I take in regard to that the estimate made by the naval advisory board, constituted by an act of Congress, and that estimate is as accessible to the Senator from Indiana as it is to me.

Mr. VOORHEES. I know it is.

Mr. PLUMB. I did not mean to challenge what the Senator said about these various ironclads having been conceived in sin and brought forth in iniquity.

Mr. VOORHEES. I have not said that.

Mr. PLUMB. Then I will take that back; but if the Senator were to say that I would not even deny that. I want him now to address himself to the point as to whether, taking these things on hand in these navy-yards and having these political debts paid that he has spoken of is it not better to go on now to complete them.

Mr. VOORHEES. I will address myself to the point. I did not say they were conceived in sin and brought forth in iniquity, for they have never been brought forth. It is a case of obstruction. There has been no production of these ironclads. Eight long years of gestation have taken place, and yet they are not here. However bad the conception may have been, there has been no deliverance whatever, and therefore I tax the naval administration of this Government for a miserable, farcical, and contemptible policy before the whole country. There have been five Seretaries of the Navy, one after another; Secretaries have come and Secretaries have gone since these five monitors were ordered to be rebuilt, and yet not one of them has been rebuilt; four of them yet rest upon the stocks in private ship-yards, and appropriations are asked for private contractors in private yards. I shall say directly what my view of this is, but before I reach that point I wish to demonstrate the burlesque upon the public service that has taken place on this subject.

I confess that when I looked into it, I was utterly amazed to find that in the last eight years five iron-clad ships were sucking the Treasury of this Government for sustenance—private contracts and private contractors, some of them very well known in political circles, yet not as favorably as they are well known.

Now, Mr. President, let me advert for a few moments to the system of our Government. We have established navy-yards. We have eight of them. Let us see where they are and what they are for and then see whether this sham is to continue. I speak of it as a sham, and I speak of it as a sham so far as the service of this Government is concerned. We have a navy-yard at Portsmouth, New Hampshire; at New York; at Boston; at Norfolk; at Washington; at League Island, near Philadelphia; at Pensacola, Florida; at Mare Island, in California; and a station at New London, Connecticut. They are sustained at an expenditure of over $4,000,000 a year; and what are they sustained for? What are navy-yards established for in this country? Are they merely ornamental and not useful? With my imperfect knowledge of naval affairs—and I confess I do not aspire to such knowledge as the Senator from Maine has—with my limited knowledge, I had supposed that navy-yards were established and supported to build ships and repair ships and do the work of the Navy; that they were places where when ships came in from the sea they would find shelter and repair. We are spending over $4,000,000 a year to sustain these eight navy-yards, and yet I find that these five little monitors, called ironclads, have been stationed out, like a dark horse on the race-track for occult and secret practices, in private ship-yards to be built, instead of being built under official responsibility and public inspection.

The drift of my remarks and my purpose in taking the floor, and that is all the purpose I have, is to say that I intend that the Senate shall face the question of building ships in navy-yards established by law for that purpose, rather than putting them out to private contract to repay political work and to establish a fund for political assessments. I think perhaps my remarks would be better timed a little further along in this bill; and I give notice now that at the right time I intend to ask the Senate to say whether the Navy Department shall build ships and repair ships in the navy-yards established by law, or whether the Secretary of the Navy shall have the discretion to go among his friends and make contracts to pay political debts and raise political-assessment funds. This is one of the scandals of the time. It has not arrested the attention of the Senate and the country as it ought to.

Here let me repeat myself. Five ships were ordered to be rebuilt eight years ago, and they have been in the hands of men asking every year, and sucking from the Treasury every year until more than $8,000,000 has been sucked out of the money of the people, and yet nothing has been done. But one ship in the last eight years has been launched, and it can not float an hour. It is a scandal, it is a crime, it is an outrage, and it should be ended by ordering the Secretary of the Navy to take these vessels into the Government ship-yards, to take them out of the hands of the John Roaches and that class of men, and put them where they can be seen and known, and where they will come to an end some time.

Sir, rather than allow this thing to go on as it is going on, every one of this little miserable batch of five ships had better be sunk in the bottom of the sea than for us to go on making appropriation after appropriation with no end. It is a bottomless well. Here is $1,000,000 called for in this bill to keep on after eight years of nugatory effort. The Steam-Engineering Department asks for $1,165,000 for the same purpose—$2,165,000 in one year; and yet no end, no place to stop. I call upon Senators to consider this question. Eight years have elapsed, but there is no end yet, and there is no end promised.

I say to the Senator from Maine that I have not the slightest disposition to disturb him in this bill by calling up past things; but this question has got to come to an end. It can not go on forever, and it shall not. I ask the Senator from Maine, and I know he will co-operate in the laudable purpose as well as anybody else I ever knew, to devise some method to advise the Senate and the country when this thing is to stop, when we are to have an end of it. Eight million dollars have gone already to repair five old vessels that cost $6,000,000 to begin with, and yet we are asked here for $1,000,000 in this bill, and the Steam-Engineering Department asks for $1,165,000 more, with no period put to this continuous and eternal thing. I would rather move to sink the Terror, the Amphitrite, the Miantonomoh, and all the rest of them to the bottom of the sea than to go on with this illimitable and miserable raid upon public decency and public economy.

I wish to say a single word more. It may be a repetition of what I have said before, but I intend to call sharply and specifically the minds of Senators to this question: What are navy-yards for? Their tools are there, their forges are there, their furnaces are there, their men are there. The force, the labor, the skill, everything is there at the navy-yards. What are you going to do with them? Are you going to allow the Secretary of the Navy to go on spending indefinitely a million this year and more millions next year without a limit, when the Government has provided by law where this money shall be expended? This matter of private contracting outside of the navy-yards has no excuse in any economical policy of the Government, and I intend to have the sense of the Senate on the question of whether the navy-yards established by law can build our ships, and if they can not then I intend to move to abolish as many of them as we can spare.

Mr. BAYARD. Mr. President, I think that this is a very simple and a very clear business proposition, whether or not it is wise and right for the Senate to vote the sum of a million dollars to place engines and machinery upon the four double-turreted ironclads referred to in the debate and in the bill. In 1877 the construction of all of these iron-clad vessels was suspended by the direction of the incoming Secretary of the Navy, Mr. Thompson. His predecessor had made certain contracts which Mr. Thompson entirely disavowed and put an end to so far as he could, and certain it is that the whole progress of the construction of these ironclads under those contracts was arrested, and it was not begun again and has not been continued from that day to this.

I have nothing to say now of the causes which led to the arrestation of these contracts; of the charges that were made and of the charges that were in some degree investigated; but simply to say that it is to be regretted that the cloud of suspicion in regard to these contracts and the construction of these vessels was cast upon them, and it has never been since fully removed. I believe that it attached unjustly in many cases, and in one case of which I have personal knowledge and information as to the contracting parties I am prepared to say that I think there is no doubt of its injustice.

It so happens that at my home and within view from the porch of my house lies one of these monitors, distant probably a mile from where I live, and I have visited the yard of Harlan & Hollingsworth and there I have seen this vessel. I have gone over it in company with officers of the Navy, and I know something of its condition. Besides that, I know a great deal of the character of the men who had built the boat. So far we have had, I believe, since 1877 four separate commissions to go to these yards to examine these boats and to make reports to Congress upon them.

Mr. McPHERSON. Does the Senator mean all of these boats, including the Puritan?

Mr. BAYARD. All of them have been examined, I believe. I include in that the last report of the naval advisory board, dated the 15th of December, 1882, and supplemented by a further report from the same body on the 15th of January, 1883.

The delay in finishing these boats has been, in my judgment, wise and economical, and was in the first place, because it was demanded by the honest sentiment of the American people to know whether there had been frauds upon the Government in the construction of vessels so far as that construction had proceeded. The result was that in 1879 or 1878, upon a full examination of the facts as they stood, and upon the report of the agents of the Navy Department, then presided over by Mr. Thompson, of Indiana, all of these contractors were paid, not upon the contracts, but paid what is known in law as a *quantum meruit* for the work and labor that they had up to that time bestowed on these vessels. They were paid, and I believe they were paid in full. That was of itself a renunciation of the original contracts on either side, and since that day the contractors for these vessels, as I understand, have received nothing, and no appropriation has been made to them for the continuance of their construction.

Now, you are asked, after the lapse of these six years, will you spend more money in finishing these vessels or not? And when you are asked that question and asked to vote upon it, the point is is it expedient for

the interests of the American people that these four ironclads should be finished, or will you let them stand unfinished and continue them as they have been for the past few years?

Mr. VOORHEES. Will the Senator from Delaware answer me a question which he is better able to answer than I am? Why have they not been finished?

Mr. BAYARD. Because Congress have refused to appropriate money until they knew that that money would be wisely expended and for the public use. I say further to my friend from Indiana, because Congress has been sending a series of commissions composed of the officers of the Navy, composed of the very best men we could get, as I understand, to examine this question, to know whether in fact we should continue the appropriation.

Mr. VOORHEES. Now, will the Senator from Delaware pardon me for asking him whether he is aware of the amount required to finish these ships?

Mr. BAYARD. Exactly. I have it here. The whole cost to complete the Puritan will be $1,668,729, which will include her armament in full and make her a perfect ship ready for sea.

Mr. VOORHEES. Without asking the Senator to go over the details, I understand the evidence is that these vessels, after they have been in private and dock yards for from six to eight years, will cost now six and a half millions more than they cost for their original construction.

Mr. BAYARD. If my friend will allow me to get through I think he will be satisfied, if not with my opinion, with the ground that I have for it.

Mr. McPHERSON. Will the Senator yield to me?

Mr. BAYARD. I would with pleasure, but I should like to get through with my statement.

Mr. McPHERSON. I will not interfere with the Senator.

Mr. BAYARD. Go on.

Mr. McPHERSON. The Senator from Delaware has given the Senate the information asked for by the Senator from Indiana of what it would cost to complete one of these vessels. I suppose that statement is based on the estimate of the advisory board?

Mr. BAYARD. That is the only thing I have before me.

Mr. McPHERSON. I should like to have the Senator now compare that estimate made under the present navy administration by the present advisory board with the contract price that was to be paid for that vessel under the original agreement.

Mr. BAYARD. Really that would be very immaterial.

Mr. HALE. And there never was a contract for the entire completion.

Mr. BAYARD. Even if there had been that contract has been terminated; it has been abrogated on both sides. The contractor has rendered the bill for the amount of material and labor, and the Government has settled it, and they are acquit so far.

Mr. McPHERSON. It is important, so far as this goes, that the contracts were made at a time when everything was costly, at the close of the war, when materials were dearer than now, when labor was dearer than now, and it is proposed now to pay additional hundreds of thousands of dollars upon a ship to complete her above the contract made, at that time deemed exorbitant. That I deem significant of itself.

Mr. BAYARD. That is the Senator's speech made over again on this subject. I have not much to say, but I should like to state it consecutively, if I may be allowed. Really this is not the question presented by my friend from New Jersey; it is his own view, expressed, no doubt, with entire accuracy on his part.

Mr. McPHERSON. I submit it is not my view, because I bring the record to prove it.

Mr. BAYARD. I might answer, I think, the Senator's suggestion by this: The specifications attached to the original contracts made in 1875 may have been changed, but no matter what they were, they no longer exist as an obligation either upon the contractors or upon the Government. In the mean time I understand that the armor, and especially the armament of ships, has undergone a very great change, and that which the Government would have built under the condition of light and knowledge in 1873, 1875, or 1877 it would not be wise to build at the present time. Therefore I do not see that much is to be gained by comparing the original contract price of these vessels with the present proposition to finish them, except it may be that if the Senate shall believe that these estimates are excessive, if they shall believe they are improper, they ought to vote against them.

Now, who shall decide that question for us, Senators? Can we have special knowledge of our own, or must we take the testimony of those officers of the United States Navy who by the act of Congress of the last session were created an advisory board with plenary powers and control by the Secretary of the Navy? I take it for granted we must trust some one, and for my own part I would rather trust the officers of the Navy. I believe it has been, I believe it is still an honorable service, and therefore when men of standing and character, of good record, are appointed to make examinations into affairs which their education and experience have qualified them to be judges of, I know no better source of information upon facts than those of experienced men of character who shall examine and report them.

Mr. VOORHEES. I should like to be instructed by the Senator from Delaware, whose long service and varied experience we all know. I ask him why would not the official place fixed for the construction of ships be better than private yards?

Mr. BAYARD. Does not my friend know that there is not an iron-ship-building yard belonging to the Government of the country; that the Government has not got to-day a place where it can build an iron ship of two hundred tons?

Mr. VOORHEES. Does not my friend from Delaware know that this Government is quite as able to provide a proper place under the law with appropriations to build ships as John Roach or anybody else?

Mr. BAYARD. I do not doubt that the Government has the power to have an iron-ship-building yard just as much as a wooden-ship-building yard.

Mr. VOORHEES. I think so.

Mr. BAYARD. But I merely state the fact that the Government has not yet exercised that power.

Mr. VOORHEES. Let them do it, then.

Mr. BAYARD. There is no place in the United States under the control of this Government where an iron ship can be built, and there never was.

Mr. VOORHEES. The Government can not possibly make a more dismal failure than has been given to the world in the last seven or eight years in the case of these five ironclads.

Mr. BAYARD. I have nothing to do with that question. The question of their failure or success is to be determined by the officers of the Navy. If they can not be trusted to tell us the truth in regard to such facts which they personally examined, then I think we had better abolish our Navy altogether; but that I do not believe.

Mr. VOORHEES. I think we ought to abolish the navy-yards unless they can perform the functions for which they are established and supported by law. We are paying millions a year for navy-yards, and yet let out the building of ships to private contract.

Mr. BAYARD. It is not, I believe, in this bill to originate the policy of the Government owning yards for iron-ship building. Whenever that comes up I shall endeavor to understand it and to vote upon it according to my convictions. But the facts are before us now that the Government has no navy-yard in the country where an iron ship can be even repaired, much less built. There is no such thing. I believe in Great Britain there are but two government yards, and all the great ships and strongest ships of that country, or at least the great majority of them, have been built by private parties.

But, Mr. President, this I think is rather beside the question we are discussing. It is whether or not it is wise and expedient to spend the sum of $1,000,000 on these four ships. That will be about $250,000 apiece. What will be the result of that? It simply will be to allow them to be finished, with engines and machinery, to be thoroughly tested, before their turrets and before their armament is definitely settled. A million dollars will not finish these four vessels.

Mr. INGALLS. How much will it require to finish the four vessels?

Mr. BAYARD. The figures are here.

Mr. INGALLS. I should like to hear them.

Mr. BAYARD. I have them here. For the four vessels, the Puritan, the Amphitrite, the Terror, and the Monadnock, the total cost according to the figures now given, when they are completed, armored, ready for sea, will be $8,925,400.

Mr. ALLISON. That includes, of course, what has been already expended.

Mr. BAYARD. That includes what has been already expended.

Mr. INGALLS. What I desired to know was how much more will be required to be appropriated to complete the four ironclads so as to render them effective for service.

Mr. BAYARD. I read the figures from this report, dated January of this year, and I must take them *seriatim*.

The total cost to complete the Puritan will be $1,668,726. There has been already expended upon her $687,798.24. Her total cost when built and ready for sea as a man-of-war for active operations will be $2,381,-839.21. That is the Puritan, the largest of them all. Next take the Amphitrite, the vessel which I say I have seen very near my home. The Amphitrite has had expended upon her already $507,218.96, and the total cost to complete her in addition will be $1,294,220. The Terror will be about the same as the Amphitrite, and the Monadnock a little more than the Amphitrite.

Mr. INGALLS. What will be the aggregate that we shall be required to appropriate hereafter to render these vessels fit for sea-service?

Mr. BAYARD. It is before me in these figures.

Mr. ALLISON. Five million six hundred and ninety-one thousand six hundred and five dollars, including the one million dollars in this bill.

Mr. BAYARD. The Senate may face the bill as it will be. It will cost us rather more than $5,000,000, in addition to what has been expended for the American Government to own these four ironclads. Now, are they worth it? Is it advisable, contemplating that ultimate expense, is it wise for us to continue the outlay? How are we to answer that question? Who shall instruct us? Have we any better au-

thority than the naval advisory board as at present constituted? That is a question of fact. It is a question dependent on the weight that is to be given to the personal character, professional skill and experience of these gentlemen, not one of whom I think is personally known to me, Commodore Shufeldt; Henry Steers, naval architect; Miers Coryell, marine engineer; Alexander Henderson, chief engineer of the Navy; J. A. Howell, commander; Edward W. Very, a lieutenant, and Mr. Fernald, a naval constructor. Senators, can we trust these men or can we not? Have they the skill; have they the science, and then have they the character to tell us the true result?

Mr. VOORHEES. What do they say? What is their report?

Mr. BAYARD. Their report is that these vessels should be finished; that it is expedient for the interests of the people of this country that they should be. Let me read what they say; and remember that this report is the culmination of a series of reports, all pointing in the same direction:

It is our opinion that it would be wise and expedient to finish these vessels at once, and for the following reasons, namely—

Then follow the reasons they give that these vessels when finished would be superior to vessels of their class owned by any other government. I say "of their class," because we have no such vessels as vessels in the Italian navy or, I believe, two in the German navy, the cost of which singly is more than the entire cost of these four. I myself saw, I was on board a ship, I think called the Superb, in 1879, lying at the docks at Chatham, in England, built by a private ship-yard there for the Turkish Government. Either the Turkish Government could not pay for it or the British Government would not let them take it, but the British Government had bought this vessel. She was a masterpiece of strength, and had cost under their system at that time more than £600,000 sterling, and her armament, which was to consist of but two guns, two 200-ton guns, such as we have not in this country at all, was to cost about £150,000 more.

There you have more than three and a half million dollars for a single vessel. We are asked under the total cost of these four to pay something about $8,100,000. These are large sums; they are grave sums; and the men who are to be intrusted with this expenditure, or the men who are to vote this expenditure, must have good ground for their judgment and their confidence. It comes down to that—can we trust our own officers? The naval advisory board tell us truly when they say here:

The hulls, as they are at present, are of excellent workmanship, fully up to the present standard of iron-ship construction, while the flotation of the Puritan and the behavior of the Miantonomoh at sea confirm the correctness of the calculations of the designs.

It is easily possible to complete the vessels by taking advantage of the recent developments in armor, guns, and machinery, without making any radical changes in the design, so that their speed, endurance, battery power, protection, and sea-going qualities shall be fully equal to those of any foreign iron-clad of similar dimensions designed previous to 1879.

What there has been since 1879 I do not know; but here is a report made almost in the month in which we are speaking, in which they continue to recommend the finishing of these vessels. It is, therefore, a question of judgment, a question of conscience, whether we are to take the money of the American people and continue the construction of these ships or not; for the present appropriation of a million dollars does not finish one of them. It simply puts in steam-engines that they may be maneuvered and tested as to their capacity of armor carrying. It will not buy them a gun; it will not put the machinery in their turrets. I may say that as far as one of these goes, I am informed that the boilers and the like are already there, and that the sum of $250,000 will put in the machinery and allow it to go to sea and to be maneuvered, but it will not finish it for the use for which it is designed; that will require still more money.

The action of the House of Representatives was to appropriate $450,000, which was to be exclusively spent upon one of these ships, and they recommended that one which the advisory board might advise to be first completed. That was understood, I believe, to be the Puritan. She is nearer completion; she is launched; she is lying at the yard of her builder on the Delaware River, just below Philadelphia. It was understood that that money would be spent upon the Puritan alone, and the others would not be touched. But the Committee on Appropriations of the Senate said that it would be invidious, as I understand the meaning of their report, to select one to be finished and leave the others not. They all stand about upon a level of official recommendation. I mean by official recommendation the recommendation of the naval advisory board. We created that board last year as a double guard to the American people, or I will call it a check upon the Navy Department.

Mr. McPHERSON. Will the Senator yield to me for a question in this connection?

Mr. BAYARD. Certainly.

Mr. McPHERSON. The Senator bases his whole judgment, his whole argument, the reason for his entire action upon the advisory board, contradicted, disputed as it is, by five former boards of naval officers, equally intelligent, equally distinguished. He still insists upon it that the decision of the five other boards is to be rejected, and the recommendation of the advisory board is to be taken.

Mr. BAYARD. There comes an issue of fact which is settled by the record, not by me. I ask the attention of the Senator from Maine [Mr. HALE]. It has been averred by the Senator from New Jersey that the present finding of the advisory board is contradicted by—how many did the Senator say?

Mr. McPHERSON. I will speak within my knowledge of four.

Mr. BAYARD. Of four previous commissions to examine into this very subject. My impression is, and it is a very positive one, that I have read three reports in favor of finishing these monitors.

Mr. HALE. As I stated, since these ironclads assumed the form in which they now exist——

Mr. McPHERSON. Will the Senator please distinguish as he goes along between the Puritan and the other vessels?

Mr. HALE. I will distinctly state it, and state it in my own way as clearly as I can, and then the Senator may make his statement. Setting aside all the preliminary work upon these ships when they were first struck out and small sums of money were diverted from the regular appropriations to build them up from time to time, when there was a question whether their model was good and when self-invoked boards or officers of the Navy passed upon them, up to the time when the Government took charge of them and the new contracts were made which were arrested by the Navy Department, every report that has been made upon them in their present condition has been in favor of finishing them. At the earlier stage, before they had assumed any form, when it was a question of theory in the Department and one officer was contending with another, you will find letters and so-called reports both in favor and against; but there has not been any condemnation of these vessels as they are now; it is as they were seven years ago. There has not been a word of condemnation; on the other hand it has all been approved by every board.

Mr. McPHERSON. Did not the Mullany board, the Stevens board, and the Lenthall board all condemn the policy?

Mr. HALE. There never was a Lenthall board.

Mr. McPHERSON. Then the record lies.

Mr. BAYARD. I think Mr. Lenthall did make a dissenting report.

Mr. HALE. He did.

Mr. BAYARD. And he criticised the feature and existing possibilities of these vessels very severely, but certainly he did not do it as a board.

Mr. HALE. There was one school of thought and theory in the Navy that never believed in the construction of these ships, but when they took form and when any board could pass upon them and their capabilities the report was in their favor and has been ever since.

Mr. BAYARD. The question of naval architecture, the question of the advisability of constructing a navy of heavily-armored ships is a still unsettled problem anywhere. There have been some tragical examples in the British navy and in other navies that might well give pause to the people of the United States before they embarked upon a system that had created the Captain, the Vanguard, and the great ship of the Germans which was sunk the other day and lies at the bottom of the English Channel. The Captain was the strongest ship that ever floated, and she went down in the Bay of Biscay in less than five minutes from the time she was seen by her consort.

Mr. HALE. If the Senator will allow me I will state that she cost more than double what either of these ships will cost. The reports of the British navy show that the ironclads that they have built from time to time, more than half of which have been laid up as failures or have sunk, cost all the way from $3,000,000 and $3,500,000 to $5,000,000 and $6,000,000 or over £1,000,000.

Mr. BAYARD. What was the name of the German ship?

Mr. VOORHEES. The Cimbria?

Mr. BAYARD. That was a mere passenger ship. Was it called the Kaiser?

Mr. HAWLEY. The Kurfurst.

Mr. BAYARD. I think there is something in this far beyond the question of the cost of a million dollars, now proposed, or of $8,000,000 proposed or contemplated. You may spend $80,000,000 on the Navy and it may turn out to have been an unwise expenditure. Great Britain has spent more in experiments upon this subject since these vessels were put upon the stocks than would have built us a pretty fair navy. It is a very grave question, an enormous question, that may possibly involve the question of our natural superiority on the sea, whether we are moving in the right direction on this subject. It is not simply a matter of the expenditure of this million dollars for finishing these vessels, but it is whether we are progressing upon a wise road for our national safety.

Let any man read the history in our civil war of how vessels went down at anchor in Charleston Harbor, how that grand historic little vessel, the Monitor, the original one, went down off Cape Hatteras. It seemed as though they were destined to be the coffins of brave men; and there was a very strong feeling in the Navy among very distinguished officers that iron ships or heavily iron-armored ships could not be a success. Nor do I believe that their success to-day is assured in the history of marine architecture. Can any one say to-day that an iron-armored ship is a safe sea-going vessel? Is there a man here who would not feel his heart grow chill if he knew the crew and officers of an American man-of-war were to be exposed upon a dangerous coast in any iron-clad that floats to-day?

But here we are face to face with a problem that we are compelled to treat tentatively, and yet at the same time affirmatively. We have been a long time in finishing these vessels. Fortunately, owing to their material they can not decay, and the seven or eight years that have gone by have been well expended probably in waiting to see whether such improvement will not be made by the experiment of other countries that will give us instruction without the expense.

Now, at last, the question is, what will you do? Are these vessels worthy of completion, or should they be torn to pieces and sold for old iron? One of these alternatives should be adopted. I am perhaps as little accomplished as any man in this assembly to give any voice on the subject, and I should refuse to give an opinion of my own on the subject except it was guided by those who I think are competent to instruct me.

Can we safely follow the recommendation of this naval advisory board or ought we to turn our backs upon it and wait for another board to be formed and get another authority? That is the question. As far as I am concerned, I have confidence in these men; and more, I have confidence in these constituents of mine whom I know. They have too much at stake to let them furnish to the Government an expensive ship that shall turn out to be worthless. They are men too honest and too upright; they are not necessitous; they are not begging favors of any kind; they are only willing and anxious to employ their skill and their ability in competition with all for the benefit of the public in building these men-of-war. I do not believe that they would be capable of furnishing to the Government a perfectly useless ship; but I think if no one else would disclose the fact of the uselessness of the purchase they would do so themselves, unaided by the criticism of the officers of the Navy. But I do not stand upon that.

I take the report of these men. Are they capable, are they skillful, and are they honest? If they are, are they not competent witnesses to instruct us, and may we not, as the agents of the American people, vote their money to create for them that which every man feels is a need to-day, a serviceable navy for the defense or our commerce and the defense of our shores?

The proposition to build a steel cruiser is obviously a wise one. There must be an experiment in this, and all experiment has its risk of failure. I must say that I have looked upon the condition of the American Navy for the last fifteen years with humiliation and regret. It seems to have gone, and certainly there ought to be a beginning of its resuscitation. If these vessels are built and are finished they will be the only four really modern vessels of war at the service of the American people in case of trouble. That I believe to be so. We have not to-day a modern ship serviceable for modern warfare under the conditions that warfare is now waged between nations. We neither have the ships nor the guns, neither have we a governmental machinery for making either. There is not a steam-hammer in the country that could forge a modern gun, not one. There is not a Government yard where an iron ship can be built, not one. But I do believe that there are in this country American mechanics who are equal to any task of mechanism provided the opportunity is given to them that they may be justified in embarking their capital and skill in the attempt.

I shall feel myself justified, with the information that I have, in voting this sum, equivalent to $250,000 each, to put these four monitors in a condition in which their sea-going qualities can be tested. You may say that that being expended it may result in loss. Better that; the loss would be greater to give them up now. But I do not believe it would result in loss, simply because I am told that it will not by these experienced men.

Therefore I shall vote for the recommendation of the Committee on Appropriations, and I am perfectly willing to do so. I feel that I am ustified, and I think the Senate would be justified.

Mr. VOORHEES. Mr. President, if this were an original proposition whether we would have five iron-clad ships, the remarks of the Senator from Delaware would be somewhat in point. They would be still more in point if it were a disputed question whether the Government should build those ships or whether it would have to rely upon somebody outside. They would be still further in point if the Senator could have shown that the private parties who have had this matter in hand had done something in responding to the demands which he has so well and strongly put forth for iron-clad ships. They have done nothing.

I am not standing here saying that these ships shall not be completed. On the contrary, I intend to ask that they shall go into the navy-yards and be completed there. The men for whom the Senator from Delaware speaks with such strength and force have had their day. They have had time enough, they have had money enough, and they have demonstrated to the world that they can not do this thing that we all want so much, or that they will not do it. On the contrary, they seem to be eking out their employment from year to year for some unknown purpose.

Mr. BAYARD. I am sure the Senator would not intentionally be unjust.

Mr. VOORHEES. No, sir; I would not.

Mr. BAYARD. I am sure of that. Let me state that one vessel, the only one that I know personally anything about, and which has prompted me to say what I have, is the Amphitrite. There has been spent on the Amphitrite $507,218.90, and every dollar of that has been cost. There lies the hull finished, the boilers finished, the turrets finished. They have all been examined by United States officers, and they say that the money has been honestly used by the men who put the material and labor in the shape in which they now lie in that yard. Since 1877 they have not been allowed to progress one inch, because not one dollar has been given to them to continue the work. They went on up to that time, and there they were stopped.

Mr. VOORHEES. What does the Senator think of a system that would suspend the work for six years, let the vessel lie there and rot and rust instead of being finished? Why not put her into Government hands and under Government control in a navy-yard, where she can be seen and where the work will go forward? The Senator says that appropriations were not made for her. There must have been some reason for that. There was a distrust in Congress; there was a distrust either as to the honesty and integrity of the private contractor or of those who had made a contract with him. The result is that the money already appropriated has been virtually lost.

I am not impeaching the propriety of finishing these vessels. They ought to be finished; they ought to have been finished long ago. I am impeaching the methods. I say here, as I said a while ago, this Government has eight navy-yards, and one station at New London, making nine places for ships to be built and repaired. There is the place for these vessels to go and to be put into responsible hands and held to a strict construction. There will be no motive then for eking out this employment and extending it from year to year.

In order that I may not be misunderstood I call attention to the fact that these vessels are being rebuilt, as follows: Two by John Roach, at Chester, Pennsylvania, the Puritan and the Miantonomoh; the Monadnock, at San Francisco, California, by Phineas Burgess & Co., private contractors. Why are they so much more reliable than this Government itself? Why are they more reliable than the Navy Department itself? Why should this power be extended to the Secretary of the Navy to make contracts with Jones and Smith or whomsoever he pleases, on such conditions as he pleases? The Terror has been rebuilt at Philadelphia, by William Cramp & Sons; and the Amphitrite at Wilmington, Delaware, by the Harlan and Hollingsworth Company. I have not a word to say in impeachment of the Senator's constituents. I have no doubt they are good and true and able men, but I put my Government up against them. I say your constituents have had their time; they have had their opportunity; and without aspersing them I tell the Senate and the country that it is time to order these vessels into the navy-yards where they will come under the cold daylight of inspection, where they will be brought in from these private circles.

I say, without meaning the slightest offense to anybody, that this long delay, this dilatory system of now, I think, more than eight years of attempt at building five ships, is one of the great scandals of our Government at this time. It horrified me when I first discovered it. I did not know that we had been wasting seven or eight million dollars upon five ships in the hands of private contractors, when by our system of government we provide for the building of our vessels in our navy-yards.

I allow neither my esteemed and accomplished friend from Delaware nor anybody else to go beyond me in desiring the construction of these vessels; they should go to the glory and renown of this country. I do not believe that anybody who has served with me either in the branch of Congress at the other end of the Capitol or in this body regards me as an illiberal man. I would vote liberal appropriations for the Navy, to support it, so that we could confront the world in honor and in power. That is not the question here. The question is how we should do this work. I say, before this bill passes from our hands we should record this verdict, that for seven or eight long years the effort has been made to construct these vessels by private contract and has failed, and now they shall go into the navy-yards, where the tools, the implements, the forges, and the labor are already prepared, and let us see how that will come out.

I would favor a clause settling up with these people. I would not harm them. I take no issue with the Senator from Delaware in regard to the report of the advisory board. I agree with them: they ought to be finished. Unless the material is wasted and rusted or unless the system of construction is vitally wrong they ought to be finished. That is not the question. I say that the time has come when the methods should be changed. The Senator from Delaware admits on the floor that it will cost some $8,000,000 to finish these vessels.

Mr. BAYARD. About $5,000,000, I believe.

Mr. VOORHEES. Say $5,500,000. I figure it $6,000,000, but it does not matter; that is a small amount, when you get to a sum of $5,500,000 to finish works that have been in private contractors' hands for eight years and nothing has been shown for the money already spent: say $3,000,000, which the Senator admits, except the imperfect launching of one of these vessels that lays down here now, in a condition that it could not meet a Chinese junkboat; it could not meet an open boat of Baratarian pirates; it could not meet anything.

Mr. BAYARD. Is that the Miantonomoh?

Mr. VOORHEES. Yes, I understand it is; and that is all we have

to show for eight years of naval service. Administrations have come and gone, Secretaries of the Navy have come and gone, and that is all we have to show, with all this talk. I am weary of it, and I say, unless you have mistaken the ignorance of the country, there has got to be a period. You can not keep on appropriating, you can not go on this year with your $1,000,000 and your $1,500,000, and then next year ask for more, and then the next year ask for more. I have been in public life at one end of the Capitol or the other more than twenty years, and more than one-third of that time I have heard of these ironclads. More than one-third of my entire public service I have heard dinned and repeated the story of building and rebuilding these old ironclads that did gallant service during the war; and yet there is not one of them that can stand up to-day. As a matter of course I do not expect any foreign power to bombard us.

The nearest I have ever heard of anything of that kind was a threat which was made by the Spanish Cortes some years ago in regard to the thirty gun boats that were built in New York harbor with which to repress and suppress Cuban liberty. With true ancient hidalgo insolence the Spaniards said they could come up to New York harbor and cut out those vessels. This Government, through its officials in New York, had in a very feeble, timid, mild way libeled the vessels for being constructed in violation of the laws of neutrality, and for a little time they were detained, but not long. The Spanish authorities threatened that they could send up their fleet from the West Indies and cut those vessels out of New York harbor. They could have done it, too. The worst part of the threat is that they could have done it; they could have sacked and burned our cities for six months, and then we would have swept them from the face of the earth, for I have great faith in our own people. But that is not likely to happen; consequently I do not feel that we are in any great danger from foreign powers. The danger we are in is of being disgraced by keeping these chronic, consciousless, miserable old ships on our hands.

I intend at the proper time to make a motion to remit this matter back into the official fold where we can all see what is going on, taking it out of the hands of these people.

Mr. MCPHERSON. Mr. President, I think the contribution of the Senator from Delaware arraying himself with the opposite side of this Chamber in support of this bill would have been entirely unnecessary if he had waited until the vote had been taken, for I believe they have decided that this bill shall be passed as reported from the Committee on Appropriations. If there was any way of judging of the future except by the past, and I could be informed how so to judge, perhaps I might form a different estimate of the advantage to them politically of this legislation; but it seems to me as though it was determined for political or other reasons (I am pleased to call it for political purposes) to destroy whatever there is of the American navy and to place in the hands of the Secretary of the Navy an extraordinary and an unheard-of power, one that may and can be used wisely, one that may and can be used unwisely, and the people of the United States will be powerless to prevent it.

I have asked that in regard to one monitor (and to that subject the Senator from Delaware took especial pains not to refer, except as I persistently called his attention to it), which has been condemned by several boards of naval officers, the Senator and the Senate should omit it from the appropriation until we had determined whether those vessels not condemned would answer the requirements of the service. To that the Senator replies, "No; I insist upon the report of the committee, notwithstanding the adverse reports of naval boards." I submit to the Senator from Delaware if different boards of naval officers, equal in ability, equal in honesty, equal in diligence, perform alike for the interest of this Government the duty imposed upon them and report upon a particular matter as to what should be done with a particular work, if there is not a reasonable doubt as to whether that construction should go on. The answer of the Senator has been already given. He prefers to vote with the committee.

There is one question that I should like to have the honorable Senator who represents the committee, and who speaks for it, answer. Understanding as I do from all the speeches I have heard made here that it is the intention that this $2,000,000 shall complete the engines and machinery of these monitors, why do the committee strike out the word "completing?" Let me turn the attention of the Senate to line 401. The provision, as passed by the House, reads in this wise:

> For completing, in accordance with the recommendations of the naval advisory board, the engines and machinery of the double-turreted ironclad, which said board may advise to be first completed, &c.

The Senate committee for some reason best known to itself strike out the word "completing" and leave this a continuing appropriation, inserting the words "engines and machinery for the double-turreted ironclads," and striking out the latter part of the clause I have just read. Next year they will probably be here asking for $250,000 more to complete the engines and machinery of the double-turreted monitors.

For the present this is sufficient to begin with. No Senator on this floor is so ignorant of the construction of these monitors as not to know that an engine and machinery built for and adapted to the use of one of these monitors is of no consequence and no value whatever for any other class of vessels. I have shown reasons why in my judgment the Puritan should not be finished until the other vessels, or some of them, have been finished, and a demonstration made as to the utility of the vessel for the purpose for which it was built. Here lies the Miantonomoh in the navy-yard in Washington incomplete. Twelve months ago an appropriation of $200,000 was made to complete her, to place turrets upon her. To-day she is as incomplete as she was then, simply because the Navy Department, in my opinion, did not dare to present to the country a completed vessel of such a character as the Miantonomoh would be when completed, and then come to Congress and ask for an appropriation to complete other vessels of like character.

I am informed by a gentleman who ought to know, and who does know, that he would be very glad to take the contract for building the machinery of other vessels of like character with the Miantonomoh for a great deal less sum of money than the Senate committee have recommended should be given—for what? Not for completing engines and machinery, because the committee propose to strike out the word "completing" and leave it for engines and machinery, a continuing appropriation, an avenue for fraud, an opportunity by which somebody may be benefited; and I am sure I am not very wrong when I say that in the opinion of the people of this country somebody has been benefited.

If the Republican party in the Senate can afford to pass legislation here which is to confer upon one Department of this Government the extraordinary and unheard-of power that this bill confers upon the Secretary of the Navy, I have no objection to their doing so. Let the people hold that party responsible for it. But when that effort is strongly supported by distinguished Senators upon this side of the Chamber who do not belong to that party, then I say I am sorry.

I have made no criticism on any vessel which naval officers have reported as being worthy of completion. I have criticised only that one which, to say the least, is subject to a doubt. Therefore I propose to amend the amendment of the committee. I wish to retain in the bill, and shall insist upon it, the word "completing," which the committee proposes to strike out. I mean that there shall be no continued appropriation if I can prevent it. I propose to so modify the language as to read:

> For completing engines and machinery for the double-turreted ironclads Amphitrite, Terror, and Monadnock, the sum of $750,000.

This reduces the appropriation by the amount of $250,000, giving to the vessels not condemned all that is asked by the committee. After a committee of the House of Representatives had instituted an inquiry, and, as I understand, a searching inquiry, into the probable and the necessary cost of completing the engines for these vessels, and had made that sum even less than our committee asked for, and when I am informed by competent authority and by a responsible party that he will finish them for a much less sum and give a great deal better machinery, then I do insist upon it that the word "completing" shall be left in the bill.

Mr. HALE. Let us have a vote, Mr. President.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Jersey [Mr. MCPHERSON] will be reported.

The ACTING SECRETARY. In line 401 it is proposed to insert the word "completing;" and in line 402, after the word "ironclads," to insert "Terror, Amphitrite, and Monadnock;" so as the read:

> For completing engines and machinery for the double-turreted ironclads Terror, Amphitrite, and Monadnock, the sum of $750,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Committee on Appropriations.

Mr. MCPHERSON. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired on this question with the Senator from New Jersey [Mr. SEWELL].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. PLATT (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Nebraska [Mr. VAN WYCK] on this question. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. FRYE (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Tennessee [Mr. JACKSON].

Mr. GROOME (after having voted in the affirmative). I observe the absence of the Senator from New York [Mr. MILLER] and hence I withdraw my vote, having a general pair with that Senator.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay." I do not know how he would vote.

The list of Senators voting was called.

Mr. BUTLER. I am assured that the Senator from Pennsylvania [Mr. CAMERON] would vote "nay." I therefore record my vote "nay."

Mr. MILLER, of California. I have reserved the right to vote to make a quorum. I vote "nay."

The result was announced—yeas 16, nays 25; as follows:

YEAS—16.

Barrow,	Cockrell,	Jonas,	Ransom,
Brown,	Garland,	McPherson,	Vance,
Call,	George,	Maxey,	Vest,
Camden,	Harris,	Pendleton,	Voorhees.

NAYS—25.

Allison,	Davis of Ill.,	Jones of Florida,	Rollins,
Anthony,	Dawes,	Logan,	Sawyer,
Bayard,	Edmunds,	McDill,	Williams,
Blair,	Hale,	McMillan,	Windom.
Butler,	Hawley,	Miller of Cal.,	
Cameron of Wis.,	Hill,	Morrill,	
Conger,	Hoar,	Plumb,	

ABSENT—35.

Aldrich,	Gorman,	Kellogg,	Saulsbury,
Beck,	Groome,	Lamar,	Saunders,
Cameron of Pa.,	Grover,	Lapham,	Sewell,
Coke,	Hampton,	Mahone,	Sherman,
Davis of W. Va.,	Harrison,	Miller of N. Y.,	Slater,
Fair,	Ingalls,	Mitchell,	Tabor,
Farley,	Jackson,	Morgan,	Van Wyck,
Ferry,	Johnston,	Platt,	Walker.
Frye,	Jones of Nevada,	Pugh,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment of the Committee on Appropriations.

Mr. McPHERSON. I should like to have a division of that question. I should like to have a separate vote on the word "completing," in line 401. The recommendation of the committee being to strike out the word "completing," I want to vote directly upon that question.

Mr. EDMUNDS. A motion to strike out and insert can not be divided.

The PRESIDENT *pro tempore*. It is not susceptible of division.

Mr. McPHERSON. Very well; I withdraw the request.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

Mr. COCKRELL. What is the amendment?

The PRESIDENT *pro tempore*. In line 401, to strike out "completing" and insert "engines and machinery for the double-turreted ironclads."

Mr. MORGAN. The committee's amendment includes all that is proposed to be stricken out down to line 428, I understand.

Mr. EDMUNDS. No; that is another amendment.

The PRESIDENT *pro tempore*. The question has not yet been reached on striking out the words referred to by the Senator from Alabama.

Mr. MORGAN. I prefer the original text of the bill to the recommendation of the committee, and I do not know how I am to get a vote on that.

The PRESIDENT *pro tempore*. By voting to disagree to the amendment of the committee proposing to strike out.

Mr. MORGAN. But the Chair was going on, as I understood, to put the question on a part of it, to strike out the word "completing."

Mr. EDMUNDS. The point is to disagree to that if you so desire.

The PRESIDENT *pro tempore*. Striking out the word "completing" and inserting "engines and machinery for the double-turreted iron-clads" is one amendment.

The amendment was agreed to.

Mr. MORGAN. I propose now to disagree to all the amendments of the committee striking out any part of the text of the bill as it came from the House.

Mr. HALE. That we have not reached yet.

Mr. VOORHEES. Mr. President, I desire to observe, without wishing to interfere with the order of business, that it is now nearly 6 o'clock. One hundred and fifty-one years ago to-day the greatest man in history, not in American history alone, but in all history, was born. We have consented to set aside the fact that the Government has made this day a legal holiday and have gone on with our work. It is nearly 6 o'clock, and I feel entirely justified in moving that the Senate do now adjourn.

Mr. HALE. I hope the Senator will not insist upon that.

Mr. VOORHEES. I hope the Senator from Maine will not object. I would not disturb the order of business, as the Senator from Maine has it in charge, but the Senator from Alabama makes a motion that opens up a question that will take some time to consider. I think we have done quite enough after sitting from 11 o'clock until 6 on this day set aside by law as a legal holiday, and I hope the Senator from Maine, with whom I would not interfere, will see as I do that it would be very well to adjourn.

Mr. HALE. I do not expect to ask the Senate to stay here into a prolonged night session, but I do think, as we have got over the main difficulty in the bill, that if we can be allowed to run along for half an hour or an hour or perhaps a little longer we can finish the bill to-night. We have only eight days in all for all the other business that must be done. I do not believe we can put our time to better advantage than by staying here now for an hour or two and ending the bill. I hope the Senator will not push his motion.

Mr. VOORHEES. The Senator from Maine will make better progress to-morrow morning in eight minutes than he will to-night in an hour. I think that is true. I think we have done enough on this day to testify our desire to transact the public business. I insist on my motion that the Senate adjourn.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn. Until 10 o'clock to-morrow?

Mr. VOORHEES. Is 10 o'clock the regular hour of meeting?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. VOORHEES. Then I move that the Senate adjourn to 10 o'clock.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate adjourn.

Mr. HALE. If we can finish the bill in a little time, then I shall move that the Senate adjourn until 11 o'clock to-morrow.

Mr. VOORHEES. I do not believe the bill can be finished in a short time. For that reason I insist on the motion to adjourn.

The motion was not agreed to; there being on a division—ayes 14, noes 26.

Mr. HALE. Now let us go on and finish the bill, and then adjourn until 11 to-morrow morning. ["Ten!" "Ten!"]

Mr. VOORHEES. I say to the Senator from Maine he will not make one single step of progress to-night. I know that by the intimations conveyed to me of the view of gentlemen on this side of the Chamber, and still I am so heartily in favor of getting on with business that I will not obstruct it at all. If he will move to meet at 11 or any other time to-morrow, I shall be glad to follow him; or I shall be glad to stay here if he wishes; but I fear we shall make no progress by continuing our session to-night.

Mr. HALE. I think we can finish the bill.

Mr. VOORHEES. Go on and see.

The PRESIDING OFFICER (Mr. EDMUNDS in the chair). The next amendment will be read.

The next amendment of the Committee on Appropriations was, after the word "board," in line 404, to strike out the following clause to line 428:

The engines and machinery of the double-turreted ironclad which said board may advise to be first completed in the Government navy-yards, under the direction of the Secretary of the Navy, by the officers and employés of the Government, and not by contractors: *Provided*, That he can do the work of the same quality in the navy-yards as cheaply and thoroughly and with as much advantage to the Government: *And provided*, That if he shall not decide to do this work in the navy-yards of the United States, he shall then invite proposals from all American ship-builders whose ship-yards are fully equipped for repairing or building iron or steel ships, and from constructors of engines, boilers, and machinery, and shall build the same by new contract or otherwise, as the Secretary may think best for the interests of the Government, $450,000; but the execution of no contract shall be entered upon for the completion of either of these vessels until the terms thereof shall be approved by the advisory board, who shall approve only such contracts as may be to the best advantages of the Government, and fair and reasonable, according to the lowest market price for similar work, from responsible and competent bidders, and at a total cost not to exceed the amount estimated by the advisory board, in its full report, required by the act of August 5, 1882.

And insert "$1,000,000;" so as to read:

To be applied by the Secretary of the Navy under the appropriate bureaus: For engines and machinery for the double-turreted ironclads, in accordance with the recommendations of the naval advisory board, $1,000,000.

Mr. VOORHEES. I hope the amendment will not prevail. It is an amendment in the interest of private contractors, to give them a job; it is in the interest of those that confront the Government itself. I do not know how a Senator can justify himself in voting that his own Government can not do the work that is prescribed, and that he has got to authorize the Secretary of the Navy to put it out as a private job, and especially when year after year has transpired with no return except continuous failures.

Mr. President, I call upon the Senate to justify themselves in voting for this private jobbery, for that is what it is, to Pennsylvania and to Delaware and elsewhere, and against the navy-yards of the United States in constructing vessels. If there is a reason for doing this thing I have not heard it. Has any Senator here heard a reason why this matter should be let out at private contract to favorites instead of putting it up to official authority? I mean to keep on asking that question until I have some better answer than I have heard here.

It is not worth while to tell me that good men and honest men have these contracts in hand. That may be so. I do not stand here seeking to asperse anybody; on the contrary, a man who does so ought to die, unless he has just cause for what he says; but I do say, and I mean to press it to the last degree, that private contracts, private contractors, jobbers, and jobbers for profit, have this work, and they have done nothing worthy of recognition by the representatives of the American people, and I do not intend that this question shall be voted upon in any slipshod, idle, or blind way.

I believe these ironclads ought to be finished, and yet I believe we could live without them. I think that corn would grow and wheat would sprout and cotton and rice would plant and bloom without these four or five ironclads. It occurs to me that the world does not turn on that question.

I said a while ago that I had rather sink every one of them to-morrow in the sea than to carry along this prolonged and chronic scandal, and there is not a Senator here who will rise in his place and take issue with me. I challenge Senators on the other side who are responsible for the last seven or eight years of administration to tell me how you will account to the American people for the money you have spent for nothing—nothing.

All I ask is that this work shall be remitted and ordered into the hands of the Government; and I intend to make an issue here, if I can, between the authorized agents of the Government and the private contractors and jobbers who hold this work and have held it for eight years past, shamelessly doing nothing, producing nothing, accomplishing nothing, and yet they come up here smilingly, with cold-blooded, shameless indifference to public decency, and ask us to appropriate one million, two millions, and so on, until we appropriate five or six millions for them to do what they have had a chance to do for the last seven or eight years.

Mr. HALE. Now, Mr. President, let us have a vote.

Mr. VOORHEES. What is the question?

Mr. HALE. On agreeing to the committee amendment striking out these provisoes.

Mr. VOORHEES. I ask for the yeas and nays, and I ask for the yeas and nays on the square understanding that those who vote to sustain the committee vote to sustain these private contracts and jobs as against remitting this work that ought to be in the navy-yards for which we appropriate four or five million dollars to do the very work this amendment contemplates.

Mr. HALE. Let us have the yeas and nays.

Mr. VOORHEES. Yes; I want the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

Mr. HARRISON (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM]. If he were here I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Missouri [Mr. VEST]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. FRYE. I am paired with the Senator from Tennessee [Mr. JACKSON].

Mr. PLUMB. By the terms of my pair I am authorized to vote to make a quorum. I therefore vote "yea."

The result was announced—yeas 21, nays 14; as follows:

YEAS—21.

Allison,	Dawes,	Logan,	Sawyer,
Anthony,	Edmunds,	McDill,	Tabor,
Bayard,	Hale,	McMillan,	Windom.
Blair,	Hawley,	Morrill,	
Cameron of Wis.,	Hill,	Plumb,	
Conger,	Hoar,	Rollins,	

NAYS—14.

Barrow,	Coke,	Jones of Florida,	Vance,
Brown,	George,	McPherson,	Voorhees.
Call,	Harris,	Pendleton,	
Cockrell,	Jonas,	Ransom,	

ABSENT—41.

Aldrich,	Garland,	Lamar,	Saunders,
Beck,	Gorman,	Lapham,	Sewell,
Butler,	Groome,	Mahone,	Sherman,
Camden,	Grover,	Maxey,	Slater,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Van Wyck,
Davis of Ill.,	Harrison,	Miller of N. Y.,	Vest,
Davis of W. Va.,	Ingalls,	Mitchell,	Walker,
Fair,	Jackson,	Morgan,	Williams.
Farley,	Johnston,	Platt,	
Ferry,	Jones of Nevada,	Pugh,	
Frye,	Kellogg,	Saulsbury,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. ROLLINS. Call the Senate.

The PRESIDING OFFICER. Under the rule the Chair will direct the Secretary to call the roll of the Senate.

The Acting Secretary proceeded to call the roll.

Mr. HARRIS (when Mr. JACKSON's name was called). I desire to say that my colleague [Mr. JACKSON] is necessarily out of the city. He is paired with the Senator from Maine [Mr. FRYE].

The roll-call having been concluded, the following Senators were reported as present:

Aldrich,	Conger,	Hill,	Platt,
Allison,	Dawes,	Hoar,	Plumb,
Anthony,	Edmunds,	Jonas,	Ransom,
Barrow,	Frye,	Jones of Florida,	Rollins,
Bayard,	George,	Logan,	Sawyer,
Blair,	Groome,	McDill,	Tabor,
Brown,	Hale,	McPherson,	Vance,
Call,	Harris,	Mitchell,	Voorhees,
Cameron of Wis.,	Harrison,	Morgan,	Windom.
Coke,	Hawley,	Pendleton,	

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. A quorum is present.

Mr. HALE. What was the vote on the yeas and nays?

The PRESIDING OFFICER. Thirty-five voted—21 yeas and 14 nays. If no motion be made, the question recurs on agreeing to the amendment recommended by the Committee on Appropriations, and the Secretary will again call the roll.

Mr. HARRIS. I suggest to the Senator from Maine that perhaps it would be quite as well to move an adjournment, because there are some Senators present who are paired and the roll-call may not disclose a quorum unpaired.

Mr. HALE. I offer the following resolution.

The PRESIDING OFFICER. The resolution will be read if there be no objection.

The Acting Secretary read as follows:

Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate.

Mr. HALE. I should like to have that passed upon.

Mr. HOAR. I object.

Mr. MORGAN. Let it lie over.

Mr. HOAR. I object to the offering of the resolution at this time, when another matter is before the Senate.

The PRESIDING OFFICER. The Chair put the question and asked unanimous consent.

Mr. HOAR. The Chair had the resolution read for information, which is the rule. I so understood or I should have objected to it at once.

Mr. HALE. Does the Senator object in the present condition of business to a rule of limited debate?

The PRESIDING OFFICER. The Chair will state the question. He thinks the Senator from Massachusetts, after the resolution is read, has the right to object. The Chair, therefore, pending this bill can not receive the resolution.

Mr. HALE. The Secretary will hand the resolution back to me. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll on the pending question, a quorum being present, whether the Senate will agree to the amendment recommended by the Committee on Appropriations.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL], reserving the right to vote if a quorum does not appear on the first call.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], reserving the right to vote to make a quorum. I shall not vote at present.

Mr. FRYE (when his name was called). I am paired with the Senator from Tennessee [Mr. JACKSON].

Mr. PLATT (when his name was called). I was paired with the Senator from Maryland [Mr. GORMAN], but I have transferred that pair to the Senator from New York [Mr. MILLER], and vote "yea."

Mr. VOORHEES (when his name was called). I am paired on this vote and upon this bill for the rest of the evening with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. HARRISON. I am paired with the Senator from New Jersey [Mr. SEWELL]. If I find that my vote will not change the result, I may vote to help make a quorum.

Mr. GROOME. My pair with the Senator from New York [Mr. MILLER] having been transferred to my colleague [Mr. GORMAN], I vote "nay."

Mr. ALLISON. I vote "yea."

Mr. CAMERON, of Wisconsin. I vote "yea."

Mr. MITCHELL. I am paired with the Senator from Virginia [Mr. JOHNSON], but reserved the right to vote to make a quorum. I vote "yea."

Mr. HARRISON. As I notice my vote will not change the result, and I think the Senator from New Jersey [Mr. SEWELL] would be willing that I should vote to make a quorum, I vote "yea."

Mr. FRYE. The colleague of the Senator from Tennessee consents that I may vote to make a quorum. I vote "yea."

The result was announced—yeas 27, nays 12; as follows:

YEAS—27.

Aldrich,	Dawes,	Hoar,	Platt,
Allison,	Edmunds,	Jones of Florida,	Plumb,
Anthony,	Frye,	Logan,	Rollins,
Bayard,	Hale,	McDill,	Sawyer,
Blair,	Harrison,	McMillan,	Tabor,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Windom.
Conger,	Hill,	Mitchell,	

NAYS—12.

Barrow,	Coke,	Harris,	Morgan,
Brown,	George,	Jonas,	Pendleton,
Call,	Groome,	McPherson,	Ransom.

ABSENT—37.

Beck,	Garland,	Lapham,	Slater,
Butler,	Gorman,	Mahone,	Vance,
Camden,	Grover,	Maxey,	Van Wyck,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Vest,
Cockrell,	Ingalls,	Morrill,	Voorhees,
Davis of Ill.,	Jackson,	Pugh,	Walker,
Davis of W. Va.,	Johnston,	Saulsbury,	Williams.
Fair,	Jones of Nevada,	Saunders,	
Farley,	Kellogg,	Sewell,	
Ferry,	Lamar,	Sherman,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 445, to strike out the word "equiped" and insert "equipped;" in line 446, after the word "steel," to strike out "ships" and insert "steamships;" in line 447, before the word "engines," to insert "marine;" in line 449, after the word "vessels," to insert "and procure their armament;" and in line 451, after the word "report," to strike out "the same" and insert "said vessels;" so as to read:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law, two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch-boat, as recommended by the naval advisory board in its report of December 20, 1882, $1,300,000; and for the construction of all which the Secretary of the Navy shall invite proposals from all American ship-builders whose ship-yards are fully equipped for building or repairing iron and steel steamboats, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report, said vessels to be built by and under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe.

The amendment was agreed to.

The next amendment was in line 479, after the word "dollars," to insert "to be available immediately;" so as to make the clause read:

For investigating and testing the practicability of deflective turrets designed by Passed Assistant Engineer N. B. Clark, $20,000, to be available immediately.

The amendment was agreed to.

Mr. LOGAN. I desire to offer the following amendment, to come in after the word "immediately," on line 479:

The investigation and test to be made by the naval advisory board.

There is no objection to that.

Mr. HALE. No objection.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Naval Academy," in line 501, after the word "dollars," to strike out "one messenger, $288."

The amendment was agreed to.

The next amendment was, in line 519, to reduce the total amount of the appropriation for the pay of professors and others at the Naval Academy from $53,847 to $53,559.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 520, to strike out the following proviso:

Provided, That the appointments of naval cadets provided for by the act of August 5, 1882, shall be made by the academic board of the Naval Academy, in the order of merit, upon such tests as shall be determined on by said board, and to be by it applied at the conclusion of their six years' course.

Mr. VANCE. Are amendments other than amendments of the committee in order?

The PRESIDING OFFICER. They are not yet in order, according to the usual practice of the Senate, unless an amendment to the paragraph which the committee propose to strike out. That is in order.

Mr. VANCE. It is germane to this. I offer the amendment in place of the amendment of the committee.

The PRESIDING OFFICER. The Senator from North Carolina proposes to amend the paragraph to be stricken out.

The Acting Secretary read the proposed amendment, as follows:

Provided, That the act of Congress of August 5, 1882, shall not apply to naval cadets and cadet-engineers who had completed their four years' course at the Naval Academy previous to the passage of the said act, and who may finish the six years' course and pass the prescribed examination.

The PRESIDING OFFICER. The Chair thinks that this is really another motion. It is a motion to strike out and insert in place of the motion simply to strike out. The Chair thinks, therefore, that at this moment the amendment would not be in order. The question is on the amendment of the Committee on Appropriations to strike out the proviso which has been read.

The amendment was agreed to.

Mr. BARROW. I offer the following amendment, to come in after the word "dollars," in line 520——

The PRESIDING OFFICER. The amendments of the Committee on Appropriations have not yet been gone through with. So, according to the practice of the Senate, other amendments are not yet in order.

Mr. BARROW. My amendment is germane to that particular clause, and I think it should go in now.

The PRESIDING OFFICER. The Senate has now stricken out the provision about the appointment of cadets, agreeing to the amendment recommended by the committee. That leaves the rest of the text stand. The amendment of the Senator will be in order after the other amendments proposed by the committee shall have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 538, after the word "each," to strike out "three laborers, at $1.50 per day each;" and in line 539, after the word "all," to strike out "$24,471" and insert "$23,062.50;" so as to make the clause read:

For pay of watchmen and others: For captain of the watch and weigher, at $2.50 per day; four watchmen, at $2 per day each; foreman of the gas and steam-heating works of academy, at $5 per day; ten attendants at gas and steam-heating works, one at $3, one at $2.50, and eight at $2 per day each; one steam-pipe fitter, $600; one foreman of joiners, one foreman of painters, and one foreman of masons, at $3.50 per day each; one mason, at $3 per day; two joiners and one painter, at $2.50 per day each; one tinner, one gas-fitter, and one blacksmith, at $2.50 per day each; in all, $23,062.50.

The amendment was agreed to.

The next amendment was, in line 559, after the word "each," to strike out "one attendant in the department of steam-engineering, at $25 per month;" and in line 561, after the word "thousand," to strike out "nine" and insert "six;" so as to make the clause read:

For pay of the employés in the department of steam-engineering, Naval Academy: One master-machinist, one boiler-maker, and one pattern-maker, at $3.50 per day each; two machinists and one blacksmith, at $2.50 per day each; four laborers, at $1.50 per day each; in all, $7,671.

The amendment was agreed to.

The next amendment was, in line 567, after the word "appropriations," to strike out "for improvements or repairs at the Naval Academy" and insert "provided for in this act;" so as to read:

For necessary repairs of public buildings, pavements, wharves, and walls inclosing the grounds of the Naval Academy, and for improvements, repairs, and furniture and fixtures, $21,000: *Provided*, That no appropriations provided for in this act shall be construed to authorize, &c.

Mr. HAWLEY. I should like to inquire whether it is not well after all to allow them to finish that building for the superintendent? I thought when I first heard the facts that it was an unwarranted act of beginning the construction without sufficient authority; but is it not a matter of fact that the old building ought to have been destroyed? It was utterly unsafe and unworthy of continuance.

Mr. HALE. I will say that on my full investigation of that subject, conferring with the superintendent, I changed my mind upon it. I think that perhaps something further had better be done about it. I should like to have the amendment concurred in and leave it open to conference.

Mr. PLUMB. Let the Senator from Maine make some explanation. The explanation that has been heretofore offered seemed to indicate that there had been a gross usurpation of power or of discretion at least on the part of the superintendent of the academy at Annapolis.

Mr. HALE. I sent for the superintendent and he came over here. I was of the impression, as were the other members of the committee, that the action of the committee last year to the effect that this building should not be pulled down was known to the superintendent and that he was present when the committee talked about that. He convinced me clearly that he was not present; he stated that he knew nothing about the feelings or wishes of the committee and never heard anything about them until after this matter came up this year; but that on the other hand the building had become so bad, the walls were disintegrating so far that the sun and the rain came in, and that had nothing been done he could not have ventured to keep his family there for the winter; that he conferred with the Secretary of the Navy, and the Secretary directed him to appoint a board to examine it and if it was condemned then to go on and rebuild.

Mr. DAWES. Does the Senator mean to say that the present Secretary did not know of that provision in the bill of last year?

Mr. HALE. That I do not know. There was no provision in the bill last year. We only failed to appropriate for it.

Mr. DAWES. The provision in the bill was expressly for "repairing," and "repairing" was put in expressly for the purpose of preventing a new construction.

Mr. HALE. I do not know about that.

Mr. DAWES. Here was a building that had stood one hundred and fifty years and was made from brick imported, one of the most elegant and desirable buildings, it seemed to me, there was upon the ground.

Mr. HALE. I thought so.

Mr. DAWES. There was a little defect in one corner, and that was made the occasion for taking the building down in the face of the express provision that the appropriation was for "repairs," and when there was expostulation and argument used to convince parties designing to take that building down that it ought not to be taken down and that it ought to be repaired.

Mr. HALE. I think if the Senator had talked fully with the superintendent, who I am bound to believe is an honorable, truthful man, he would have become convinced, as I was, that it would not have been safe to have kept a family in the building. I did not think so myself at first. I think the superintendent talked with other members of the committee. I have not conferred with them, and I do not know what impression he made upon them.

Mr. HAWLEY. The correspondence on that subject with the report of the board appointed and the architect, changed my mind entirely. It seemed to me that that building was about to fall if those gentlemen told the truth, as undoubtedly they did to the extent to which those walls had bent and curved so that great cracks were opening and the foundation was settling. That report is here in type; I have it not before me at the moment, but it was laid on our desks to-day, and it changed my views. Whatever the unwisdom of beginning the building, I think as the old one is torn down and the new one is being put up, it is hardly possible to stop finishing it. You may censure the officer if you choose, but nothing is left but to go on.

Mr. PLUMB. My respect for the Senator from Massachusetts is so great that I hope he will not set himself up against the triumvirate of authority on this question. He might have been willing to risk his own precious body in that building, but he could not expect the rule he would apply to himself to apply to a naval officer. I hope he will withdraw himself from this controversy.

Mr. DAWES. Certainly I will.

Mr. PLUMB. These gentlemen at the Naval Academy of course are not to be measured by the rules which apply to ordinary individuals; and that which is supposed to be a legislative direction is to be obeyed or disobeyed at their own sweet will, and we do not have anything to do about it. I say seriously that I think this appropriation ought to be not only limited as it is now in the bill, but it ought to be still further limited as I suppose it was intended to have been that not only should not anything in the appropriation for the Navy Academy be applied to the building of this structure, but that no other appropriation in this bill should be used for that purpose.

Mr. DAWES. That was the intention of the committee.

Mr. PLUMB. That was the intention.

Mr. DAWES. I will withdraw anything that may seem to be an implied censure on the officers there. I only express my own opinion upon the matter and my own feeling in reference to the loss of that building. It seems to me to be one of the landmarks that nothing would have tempted me to part with under any circumstances. There were two of these buildings there, one called the old Government house. They were both of about the same age, and they were buildings that nothing would have induced me to part with, and I very much regret indeed that they have been torn down. The circumstances under which they were torn down there have been a great many stories about, but I do not desire to discuss the thing at all. This amendment was put in in the House, and I hope it will stay myself.

Mr. HALE. Let us have a vote.

Mr. HOAR. Is there any difference in sense between the Senate committee's amendment and the House provision, or have they merely adopted different language in order that a committee of conference may legislate on the subject?

Mr. HALE. It is intended to be more restrictive.

Mr. HOAR. I do not mean to say that it may not be proper to have a committee of conference, but I think if that is the purpose, and it will be avowed of course if that is the purpose, it is hardly proper.

Mr. DAWES. I should like to inquire of the Senator from Maine if anybody has appeared before the committee in regard to this matter since the bill was reported?

Mr. HALE. No. The superintendent came here after the bill had been reported.

Mr. DAWES. Were there any new facts presented?

Mr. HALE. They were entirely new to me.

Mr. HAWLEY. May I ask the Senate to listen a moment? I have here a letter from the Secretary of the Navy covering this subject. The Department was inquired of by a resolution of the House, and this was in response to it:

NAVY DEPARTMENT, *Washington, February 5, 1883.*

SIR: The Department has the honor to acknowledge the receipt of the following resolution, dated the 31st ultimo:

"*Resolved*, That the Secretary of the Navy is hereby requested to inform the House at his earliest convenience, when, by whom, and for what reasons the old mansion at the Naval Academy, long used and occupied by the superintendent as a residence, was condemned and torn down and other foundations laid for a new building on the same site; also to state the total estimated cost of new building, if one is proposed, including furniture and fixtures, and to specify the items of appropriation under which expenditures therefor have been made and estimates submitted to Congress."

In response to the foregoing resolution the Department incloses a communication dated February 3, 1883, from Captain F. M. Ramsay, superintendent of the Naval Academy, and a report dated May 24, 1882, of a board of officers and experts, and also a report dated August 4, 1882, by Mr. E. F. Baldwin, architect, which furnish the information called for by the House of Representatives.

The action taken by the superintendent is approved by the Department.

The attention of the House of Representatives is called to the following extract from the report of the Board of Visitors to the Academy dated June 10, 1882:

"1. *The superintendent's quarters.*—This house was built about the year 1720. A cellar has since been dug under it, and several doors have been at various times cut through the walls, which has much weakened them. One of the side walls is seven inches out of plumb; the chimney on that side is ten inches out of plumb. The exterior walls are badly cracked, and the cracks are rapidly opening; in one room the floor has had to be pieced where it had separated from the wall. Owing to the disintegration of the bricks and mortar (not originally of the best quality and yielding to decay) it is impossible to bind the walls with ties. It would not be surprising if this building should fall at any moment."

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives, Washington, D. C.

Here follow the application for the survey and the appointment of the board appointed by Mr. Ramsey in May, 1882. I read from the report of the board:

UNITED STATES NAVAL ACADEMY, *Annapolis, Md., May 24, 1882.*

SIR: In obedience to your order of the 22d instant, we have held a strict and careful survey of the articles therein mentioned, and we respectfully report as follows:

BUILDING OCCUPIED BY SUPERINTENDENT UNITED STATES NAVAL ACADEMY.

The main building now occupied by the superintendent was erected between the years 1720 and 1740. It came into the possession of the United States Government on the erection of Fort Severn, and was transferred to the Navy Department in 1845, on the establishment of the Naval Academy at this place.

The building has been repaired and additons made to it several times, notably in the years 1845, 1850, 1866-'67, and 1870. In making these repairs and additions many doors, windows, and passages were cut, weakening the walls very materially.

The present condition of the building is as follows:

Foundation.—Originally built of very inferior stone mixed with brick, has deteriorated very much. The scaling of the stone used has caused the whole building to settle, especially the northern end. It has also been undermined for the purpose of deepening the cellars, and, although it has been underpinned with bricks, it shows signs of weakness from this cause.

Outside walls.—The walls from the center of the building toward the north end are very much cracked and bulged outward, the bulge on the front of the building being about four inches. The north end and gable incline outward about seven inches and the top of the chimney from nine to ten inches.

The wall of the back building (over dining-room) rests on a piece of timber about sixteen feet long, which causes the ceiling of the dining-room to crack continually.

The walls of the south end of the building are in a better condition, though numerous small cracks have made their appearance within a year.

Inside walls and partitions.—These show signs of the unequal settling of the building, it being impossible to keep the plastering fair on them. The old style of riven laths are used throughout, the fastenings of which are rusty and insecure. Very recently the plastering of one of the rooms fell, bringing the laths with it.

Floors.—The floors are very uneven, being much depressed in the north end of the building. The falling off of the north gable has necessitated piecing out the floors in that direction to give it proper support. The condition of the joists is not readily ascertained, but from repairs already made it is known that they are in bad condition.

The boards forming the floor are simply laid together (without tongue or groove), and the joints, by shrinkage, are open from one-quarter to three-eighths inch. Many graving pieces have been put in to stop the larger crevices and decayed places.

Roof.—The roof has been repaired and tinned within the last ten years, and is in fair condition.

Woodwork.—The woodwork is in very bad condition. The door and window frames are shrunken and out of square, and the base-boards have shrunk away from the floors and plastering, and are very much patched throughout the building.

In our opinion the building is unsafe, inconvenient, and unworthy of repairs. We would therefore recommend that it be torn down.

Respectfully,

W. I. MOORE,
Lieutenant, U. S. N.
CHAS. A. STONE,
Lieutenant, U. S. N.
N. T. HOUSTON,
Lieutenant, U. S. N.
P. H. GIBBS,
Foreman Mason.
WILLIAM TAYLOR,
Foreman Carpenter.

Captain F. M. RAMSAY, U. S. N., *Superintendent.*
Approved June 3, 1882.

F. M. RAMSAY,
Captain, Superintendent.

Here follows a report from E. F. Baldwin, of Baltimore, architect. He recites very much the same facts and says:

The house is so seriously damaged, so old and inconvenient, that I think that it will be a waste of money to attempt to strengthen and alter it, as when it is done it will be but little better than a shell after all. I would advise by all means the demolition of the old and building of a new house suited to the place, and am satisfied that it will be economy in the end to do so.

If, however, you decide to attempt to repair or rebuild only the damaged portion of the house I shall be pleased to prepare plans and specifications for the same, with such approximate estimates as an outside view of its condition will admit.

I believe a new house can be built suited to your wants for from $15,000 to $16,000.

Then Mr. Ramsay says:

Subsequent to the report of the board of officers and experts, the main wall between the north parlor and the dining-room broke badly; and subsequent to the report of the architect, the walls of the chamber over the north parlor opened to such an extent on the east side as to admit the sunlight.

The work of pulling down the old building was commenced in the month of October. The foundations of the new building were laid in November. The good material found in the foundations of the old building was used in the new foundations. All good bricks have been cleaned and piled for use in rebuilding.

The building was torn down by my orders, after having received the verbal authority of the Department to make the necessary repairs. The building was unsafe; the foundations and walls were in such bad condition that they could not be properly repaired.

The architect's estimated cost of rebuilding was $16,000. No estimate has been made for furniture.

The materials purchased to rebuild the foundations of the house were purchased under the item of appropriations "for necessary repairs of public buildings * * * and for improvements, repairs, and furniture and fixtures, 1882-'83."

The labor used thus far on the house was under the items, "for pay of watchmen and others;" "for pay of mechanics and others," and "for * * * incidental labor and expenses * * * (generally known as miscellaneous), 1882-'83."

The architect's estimate for completing the house is $13,000, which amount was asked for in the annual estimates for the academy.

I should think that the officer had very doubtful authority, indeed, about beginning that building; but the question is what will you do with it now?

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. PLUMB. I am informed that at the time when this building was so certified to be insecure there was a reception there at which five hundred people appeared; that the whole business from beginning to end was a part of the plan of a certain woman of that garrison to have a new house. She has twisted to her purposes the Secretary of the Navy, and the appropriation which was limited to repairs is now supposed to cover the entire construction of a new building. It is simply for us to say whether, when we make an appropriation for a par-

ticular purpose, we shall permit it to be diverted to an entirely different purpose. That is all there is of it. I propose, as far as I am concerned, to say that no building shall ever be built upon that foundation so long as Annapolis stands; that salt shall be sown upon it and nothing shall grow or be built there until we have sufficiently rebuked this kind of executive usurpation of the functions of legislation.

Mr. INGALLS. One of the advantages of a permanent office-holding class?

The PRESIDING OFFICER. The question is on the amendment in line 567.

The amendment was agreed to.

Mr. HAWLEY. Is a motion to strike out the proviso in order now?

The PRESIDING OFFICER. Not yet.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 569, after the word "new," to strike out "an entirely" and insert "a;" so as to read:

Provided, That no appropriations provided for in this act shall be construed to authorize or be applied to a new building for the use of the superintendent or other officers of the academy.

The amendment was agreed to.

Mr. HAWLEY. Is it in order now to move to strike out the proviso?

The PRESIDING OFFICER. Not at this time, according to the practice of the Senate. It will be after the amendments of the committee are through.

Mr. HAWLEY. I hope the committee will take into consideration the future necessities of the Government instead of the mere idea of punishing some one.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 578, after the word "dollars," to strike out "to pay mileage as now allowed by law, and a per diem of $5;" so as make the clause read:

For expenses of the Board of Visitors to the Naval Academy, $1,500.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Maine to line 619, where the bill reads "computation of quarters."

Mr. HALE. It should be "commutation."

The PRESIDING OFFICER. This correction will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Marine Corps," in line 622, after the word "corps," to strike out "and for difference between cost of rations and commutation thereof for detailed men," so as to make the clause read:

For provisions for the Marine Corps, $60,000.

The amendment was agreed to.

The next amendment was, in line 629, to strike out "one laborer at $1.50 per day."

The amendment was agreed to.

The next amendment was, in line 634, to strike out "for purchase of one hundred Springfield rifles, $1,500."

The amendment was agreed to.

The next amendment was, in line 638, to reduce the total amount of the appropriations for military stores of the Marine Corps from $11,756 to $9,786.50.

The amendment was agreed to.

The next amendment was, in the clause making appropriation for contingencies in the Marine Corps, in line 659, after the word "labor," to strike out "and as clerks, messengers, &c.," and insert "for periods not less than ten days;" so as to read:

For contingencies, namely: For freight, ferriage, toll, cartage, funeral expenses of marines, stationery, telegraphing, rent of telephone, apprehension of deserters, per diem to enlisted men employed on constant labor for periods not less than ten days.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 702.

Section 2 was read, as follows:

SEC. 2. That hereafter no officer of the Navy shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall himself so state in the order of employment, and also the duration of such service, beyond which time it shall not continue.

Mr. LOGAN. The word "himself" ought to be stricken out in line 4, after the word "shall;" so as to read:

And shall so state in the order of employment, &c.

Mr. HALE. That is right.

The PRESIDING OFFICER. If there be no objection the word "himself" will be stricken out. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3 in the following words:

SEC. 3. Any pay director, pay inspector, paymaster, passed assistant paymaster, assistant paymaster, paymaster's clerk, or other officer or person who shall purchase or pay for any stores, supplies, or property of any kind whatever for the use of or on account of the Navy of the United States, or any vessel therein, or any bureau of the Department of the Navy, and who shall be offered any discount on the price thereof, for cash, or as an inducement for the purchase thereof, or for any other reason whatever, shall account therefor and charge himself therewith in the settlement of his accounts; any such officer or person who shall willfully fail so to do, or who shall receive any present or gratuity of any kind or value whatever on account or by reason of any purchase or payment made by him as aforesaid, shall, on conviction thereof, be dismissed the service, imprisoned for a term of not less than one nor more than ten years, and fined not less than one hundred nor more than ten thousand dollars.

Mr. INGALLS. Why is that stricken out?

Mr. HALE. It is new legislation creating penalties.

Mr. INGALLS. Are there to the knowledge of the committee officers who have been guilty of the performances mentioned in the section?

Mr. HALE. I know of none.

Mr. INGALLS. The Senator regards it as being superfluous?

Mr. HALE. I regard it as a pure piece of new legislation creating offenses and penalties, which I do not want on an appropriation bill.

Mr. ALLISON. The committee did not like to interfere with the Naval Committee about these matters.

Mr. ANTHONY. No doubt that is the law now. Any paymaster guilty of peculation is of course subject to court-martial and dismissal from the service. You might as well put in the Ten Commandments.

The amendment was agreed to.

The Acting Secretary proceeded to read the next amendment of the Committee on Appropriations, which was to insert a new section as section 3.

Mr. INGALLS. Is not that new legislation also?

Mr. HALE. To some extent.

The PRESIDING OFFICER. The clause will be first read and then it will be open to debate.

The Acting Secretary resumed and concluded the reading, as follows:

SEC. 3. It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the provisions of the act making appropriations for the Naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made. The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 10 per cent. of the amount of the offer or proposal, and also a bond, with two or more sureties, to be approved by him, conditioned for the payment of the remaining 90 per cent. of the amount of such offer or proposal within the time fixed in the advertisement. And in case default is made in the payment of the remaining 75 per cent., or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act. And in that event said cash deposit of 10 per cent. shall be considered as forfeited to the Government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury: *Provided, however*, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions. Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury. But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. In case any vessel now in process of construction in any navy-yard has been or shall be found to be unworthy of being completed, and has been and shall be condemned under the provisions of said act, and can not properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold.

Mr. PLUMB. I move, in line 26, to strike out "75 per cent." and insert "90 per cent."

Mr. HALE. That is right. I had an amendment of that kind which I proposed to offer.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment.

Mr. HALE. That makes it harmonious.

Mr. INGALLS. The Senator from Maine thinks this is general legislation?

The PRESIDING OFFICER. Does the Senator from Kansas make the point of order?

Mr. INGALLS. The Senator gave as a reason for moving to strike out section 3 of the House bill that it was general legislation. I do not know whether he desires to be consistent in the bill or not.

Mr. HALE. Whether this provision is technically subject to the point I do not know; it may be that it is; but it is not in spirit, because it comes about in this way: Last year in the appropriation bill Congress provided that the Secretary of the Navy should make report to Congress of old materials and ships for sale, which should be left to the action of Congress, and that no sale should be made until Congress did act carrying out that provision, and this is put in to carry out that provision of last year's appropriation bill. I suppose that technically it is new legislation; that is, there are provisions in it without which the act of last year can not be carried out; but the Senator will see that in spirit it is not. It was contemplated by last year's act.

Mr. INGALLS. Yes, I see.

Mr. HOAR. I see on the thirty-second, thirty-third, and thirty-fourth lines money is to be paid, 10 per cent. by the person who purchases and does not take the vessel, and is to be applied, first, to the

payment of all costs and expenditures attending the resale; second, to the payment of the difference, if any, between the first and last sale of said vessel, and the balance, if any, shall be covered into the Treasury. Then the forty-second line is:

The net proceeds of such sale shall be covered into the Treasury.

To whom is that difference between the first and last sale to be paid, and what is to be done with it?

Mr. HALE. It all goes into the Treasury, of course.

Mr. HOAR. Then that ought to be stricken out.

Mr. HALE. There is no necessity for its being in.

Mr. HOAR. It might imply there was a little fund that was kept.

Mr. HALE. I have no objection to striking out the words.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the committee to strike out "75" and insert "90," in line 26.

Mr. HALE. I thought that was agreed to.

The PRESIDING OFFICER. The Chair does not understand that it has been voted on.

The amendment to the amendment was agreed to.

Mr. HALE. Now the Senator from Massachusetts suggests striking out, in lines 33, 34, and 35, the words "second, to the payment of the difference, if any, between the first and last sale of said vessel." To that I have no objection.

Mr. HOAR. I move that amendment to the amendment, to strike out those words.

The amendment to the amendment was agreed to.

Mr. PLUMB. Now I suggest, in line 32, that the word "first" should be stricken out.

Mr. HALE. Yes.

The PRESIDING OFFICER. That amendment will be made to conform to what has already been done, if there be no objection. The Chair hears no objection, and it is agreed to. The question now is on the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. HARRIS. Does that conclude the amendments reported by the committee?

The PRESIDING OFFICER. It does.

Mr. HARRIS. I move that the Senate adjourn.

Mr. ROLLINS. Will the Senator yield?

Mr. HARRIS. I yield to the Senator from New Hampshire.

Mr. ROLLINS. In the same line with the amendment just offered by the committee I desire to offer an amendment.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire will be read.

Mr. ROLLINS. It is to carry out the law of last year. It may be legislation in the technical sense; but in the sense in which the other amendment was not general legislation, I think this is not.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. The proposed amendment is to add as an additional section:

SEC. 4. That the President shall appoint a board of nine officers of high rank on the active or retired list, who shall, before the 1st day of October, 1883, thoroughly scrutinize the active-list of the Navy, and shall select therefrom six rear-admirals, ten commodores, forty captains, eighty commanders, seventy lieutenant-commanders, two hundred and forty lieutenants, seventy masters, seventy ensigns, one hundred midshipmen, ten medical directors, ten medical inspectors, forty-five surgeons, eighty-five assistant and passed assistant surgeons, eight pay directors, eight pay inspectors, thirty-five paymasters, fifteen passed assistant paymasters, ten assistant paymasters, five chief engineers with the relative rank of captain, ten chief engineers with the relative rank of commander, forty chief engineers with the relative rank of lieutenant-commander or lieutenant, fifty-five passed assistant engineers, thirty-five assistant engineers with the relative rank for each as now fixed by law, twelve chaplains, six professors of mathematics, eight naval constructors, four assistant naval constructors, three civil engineers, thirty boatswains, thirty gunners, thirty carpenters, and twenty sailmakers, to be retained on the active-list of the Navy, to discharge the current duties of the service under the law and regulations governing it; and all others now on said list shall be considered supernumerary, and shall be placed on a separate list, not entitled to promotion, and with leave-of-absence pay, but subject to be ordered to service with the proper pay of their grade only in time of war; and they shall retire on reaching the age as fixed by law, or at any time before reaching that age, on their own application; and the officers so retained as above provided shall be entitled to their promotion, after proper service and examination, as vacancies may occur, without regard to the officers remaining on the supernumerary list: *Provided*, That nothing in this act shall be so construed as to remove from the active-list the Admiral and Vice-Admiral of the Navy, nor in any manner to affect the status of any officer who has received a personal vote of thanks of Congress.

Mr. LOGAN. I call for the regular order.

Mr. CAMERON, of Wisconsin. I make the point of order on the amendment.

Mr. HARRIS. I move that the Senate adjourn.

Mr. LOGAN. I ask the Senator to withdraw that motion till the regular order be laid before the Senate.

The PRESIDING OFFICER (Mr. ALLISON in the chair). The Senator from Wisconsin raised the point of order on the amendment of the Senator from New Hampshire.

Mr. HARRIS. I withdraw the motion to adjourn until the unfinished business is laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be laid before the Senate.

Mr. CONGER. I want a ruling on the point of order.

Mr. LOGAN. I have called for the regular order, and I ask that it be laid before the Senate. I want that done first.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2871) to provide for the extension of the Capitol, North O street and South Washington Railway.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7462) to create three additional land districts in the Territory of Dakota; and

Joint resolution (H. Res. 352) to provide for an increased supply of the laws of the United States for the Treasury Department and its officers.

SUPPRESSION OF BIGAMY.

The PRESIDING OFFICER. The regular order will be laid before the Senate. The title of the bill will be read.

The ACTING SECRETARY. "A bill (S. 2238) to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882."

HOUSE BILLS REFERRED.

The bill (H. R. 7462) to create three additional land districts in the Territory of Dakota was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 352) to provide for an increased supply of the laws of the United States for the Treasury Department and its officers was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO A BILL.

Mr. MAHONE, from the Committee on Naval Affairs, reported two amendments intended to be proposed to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL and Mr. JOHNSTON submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner.

ADJOURNMENT.

Mr. HARRIS. At the suggestion of some Senators I move that the Senate do now adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 7 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 22, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL LAND DISTRICTS IN DAKOTA.

Mr. STRAIT. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 7462 and that the same be brought before the House for present consideration.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7462) to create three additional land districts in the Territory of Dakota.

Mr. HOLMAN. I have no objection to that bill, provided officers shall not be appointed for the two districts which embrace a part of the Sioux Indian reservation until the treaty for the cession is ratified. I suggest to the gentleman from Minnesota that it may save time to let the bill pass for the one district, and if the treaty is ratified the Senate can amend it.

Mr. STRAIT. The bill provides that officers shall not be appointed nor land offices opened in those districts unless that treaty is ratified.

Mr. HOLMAN. I ask that the last section of the bill be reported.

The Clerk read as follows:

SEC. 4. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said land districts, who shall discharge like and similar duties and receive the amount of compen-

sation allowed by law to other officers discharging like duties in the land offices of said Territory: *Provided*, That such officers shall not be appointed nor land offices opened in the districts created by the first and second sections of this act until a cession shall have been made by treaty duly ratified by Congress of a portion of the Great Sioux Indian reservation within the limits of the said districts.

Mr. HOLMAN. That section, as I understand, speaks of a treaty "to be" ratified by Congress. If the words "to be" are stricken out I have no objection to the passage of the bill.

Mr. STRAIT. I have no objection to strike out the words which are objected to.

The SPEAKER. The Chair is informed that the language is "by treaty duly ratified," not "to be ratified."

Mr. HOLMAN. Then I do not offer any amendment.

Mr. STRAIT. I offer an amendment to insert the words "each of" after the word "for," in line 3 of section 4; so that it will read:

A receiver for each of said land districts, &c.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES.

Mr. HASKELL. I submit the resolution which I send to the desk for reference to the Committee on Rules.

The Clerk read as follows:

Resolved, That during the remainder of this session it shall be in order on any day, after the morning hour, to move to suspend the rules and to take from the Speaker's table any revenue or general appropriation bill which may at that time be on the Speaker's table, and ask for a conference with the Senate thereon. Such motion shall be decided by a majority vote.

The resolution was referred to the Committee on the Rules.

CAPITOL AND NORTH O STREET RAILWAY.

Mr. PEIRCE. I desire to make a privileged report. I present the report of the committee of conference on the bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from the amendment numbered 3.

R. B. F. PEIRCE,
ROBERT KLOTZ,
SAM. F. BARR,
Conferees on the part of the House.

E. H. ROLLINS,
JAMES W. McDILL,
Z. B. VANCE,
Conferees on the part of the Senate.

The statement accompanying the report was as follows:

That the act as it passed the House of Representatives gives to the Capitol, North O Street and South Washington Railway Company the right of way for a single or double track from its present line, at the corner of Eleventh and E streets northwest; east along E to Tenth street; thence south along D to Ninth street; thence south along Ninth street to Louisiana avenue; thence southwest along said avenue to Ohio avenue; thence west along Ohio avenue to its intersection with its present line at the junction of Ohio avenue and Twelfth street northwest.

The Senate, by amendments Nos. 1 and 2, so amended the act as to run said line from Ninth street east along E to Ninth street, instead of Tenth street, and thence along Ninth street to Louisiana avenue. The conference committee agreed to these amendments.

The Senate amended the second section of the act by adding thereto provisions requiring this company and all other street-railway companies in the District of Columbia to pay the original cost of the grading and paving that portion of the streets occupied by them, in addition to the requirements under which they are compelled to grade, pave, and keep in repair that part of all streets occupied by them; and also providing that any refusal to pay, after notice by the commissioners of the District of Columbia, of the amount due for said original improvement, shall work a forfeiture of the charter of the company so refusing. The committee of conference agree that the Senate shall recede from this amendment.

Respectfully submitted.

Mr. HOLMAN. I ask that the title of the bill may be again read.

The title of the bill was read.

The report of the committee of conference was agreed to.

Mr. PEIRCE moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAMPHLET LAWS, ETC., FOR TREASURY DEPARTMENT.

Mr. VAN HORN, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. Res. 352) to provide for an increased supply of the laws of the United States for the Treasury Department and its officers.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of State shall hereafter issue to the Secretary of the Treasury three hundred copies each of the pamphlet and bound volumes of laws of the United States in lieu of the number now authorized by law.

Mr. VAN HORN. I ask the Clerk to read the letter of the Secretary of the Treasury, which will explain the purpose of this joint resolution.

The Clerk read as follows:

TREASURY DEPARTMENT, *January* 25, 1883.

SIR: I have the honor to recommend that sections 6 and 7 of the "act providing for publication of the Revised Statutes and the Laws of the United States," approved June 20, 1874, be so amended as to increase the number of the pamphlet and bound copies of the laws to be furnished for the use of this Department to three hundred.

In order to supply its officers the Department is now obliged to purchase one hundred copies of the pamphlet laws in addition to the two hundred received by authority of the above act, and from twenty-five to fifty of the bound volumes in addition to the two hundred and sixty received, and the change recommended will be a great advantage to this Department, and sufficient for any ordinary call made upon the office.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. R. T. VAN HORN,
Chairman Joint Committee on Printing,
House of Representatives.

The joint resolution was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. VAN HORN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GALLUS KIRCHNER.

Mr. STOCKSLAGER submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 2013, entitled "An act referring to the Court of Claims the claim of Gallus Kirchner," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the House bill with the following amendment:

Add after the word "any," in the last line, the words:

"*Provided*, That no judgment shall be rendered for any such stone used in the construction of the main arsenal building."

And the House agree to the same.

JOHN B. CLARK, JR.,
STANTON J. PEELLE,
S. M. STOCKSLAGER,
Managers on the part of the House.

WM. P. FRYE,
D. W. VOORHEES,
JOHN SHERMAN,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. STOCKSLAGER moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. RYAN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 26, 27, 57, 67, 74, 75, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 22, 23, 31, 63, 64, 68, 69, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of $89,400; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of said amendment strike out the word "four," where it occurs, and in lieu thereof insert the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "the vicinity of Fort Custer," and insert in lieu thereof the words "some suitable location on their reservation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "And no contract by any such Indian, creating any charge or incumbrance thereon, or liability of said land for payment thereof, shall be valid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of $8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of $8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of $70,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 55, and agree to the same with an amendment, as follows: At the end of the amended paragraph, insert the following:

"And no portion of this sum, nor of any other sum appropriated by this act, shall be paid for services rendered by any scholar taught in said schools during the period of his tuition, except for excess of value of labor over and above cost of tuition and support or other expense furnished by the Government."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: After the word "repairing," in said amendment, insert the words "and constructing;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 44 of the bill, in line 8, strike out the words "and education" and in lieu thereof insert the words "education and transportation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out down to and including the word "made," in line 25, page 44 of the bill, and insert after said word the following words:

"Immediately available for the completion and furnishing of the school building and erection of out-houses near Arkansas City."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of $10,000; and at the end of said amendment insert the following:

"And also for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor."

And the Senate agree to the same.

THOMAS RYAN,
L. B. CASWELL,
BEN. LE FEVRE,
Managers on the part of the House.

H. L. DAWES,
M. W. RANSOM,
Managers on the part of the Senate.

The accompanying statement from the managers on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the Indian appropriation bill submit the following written statement in explanation of the effect of the action recommended on each amendment should the conference report be adopted:

On amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13: Provides for separate agents at Neah Bay and Quinaielt, at $1,000 each, at Nisqually and S'Kokomish, at $1,200, and at Tulalip, at $1,000; fixes salary of the agent at the Navajo agency at $1,500, and provides that no money shall be expended at that agency for clerical labor; limits the expenditure for clerical labor at the Quapaw agency to $1,200, and corrects total stated in a paragraph.

On amendments 15, 16, 17, 18, 19, 20, 21, 22, and 23: Provides for five Indian inspectors, and appropriates $6,000 for their traveling expenses; provides for four special agents, and limits their necessary expenses, exclusive of transportation, to $3 per day.

On amendment 25: Provides that of the appropriation of $48,000 to furnish flour, meat, and other necessaries for the Crow Indians, $10,000, or so much thereof as may be necessary, may be expended for the removal of the Crow agency to some suitable location on their reservation, and for the erection of necessary agency and other buildings.

On amendments 26 and 27: Strikes out provision that of the annuity of $12,500 payable to the Seminole Indians $5,000 thereof should be appropriated for the Seminoles in Florida for the establishment of schools, for the purchase of land, agricultural implements, and seeds, to be expended under the direction of the Secretary of the Interior.

On amendment 30: In lieu of the language in the bill as it passed the House touching certan land patents to be issued to Sioux Indians inserts the following:

"*Provided*, That the patents authorized to be issued to certain individual Indians by the concluding paragraph of article 6 of the treaty with the Sioux Indians proclaimed the 24th day of February, 1869, shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, according to the laws of the State or Territory where such land is located; and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and no contract by any such Indian creating any charge or incumbrance thereon or liability of said land for payment thereof shall be valid."

On amendment 31: Inserts the folllowing:

"To enable the Secretary of the Interior to complete the negotiations with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, in accordance with the provisions of the sundry civil appropriation act approved August 7, 1882, $5,000, or so much thereof as may be necessary, to be immediately available."

On amendments 39 and 40: Inserts the following:

"For support and civilization of Sioux of Lake Traverse, including pay of employés, $8,000. For support and civilization of Sioux of Devil's Lake, including employés, $8,000."

On amendment 52: Fixes the appropriation for Indian police at $70,000.

On amendment 55: Fixes the appropriation for support of Indian day and industrial school, and for other educational purposes not otherwise provided for in the bill at $400,000, and provides that no portion of that sum nor of any other sum appropriated by the act for the support of Indian schools shall be paid for service rendered by any scholar taught in said schools during the period of his tuition, except for excess of value over and above cost of tuition and support or either, furnished by the Government.

On amendment 56: Appropriates $10,000 for repairing and constructing school buildings.

On amendment 57: Limits cost of each scholar for support, education, and transportation at the Carlisle school to $200.

On amendment 60: Includes transportation in the limit of cost of each scholar in the Indian school at Forest Grove.

On amendment 61: Makes immediately available the sum reappropriated for the erection of a school-house near Arkansas City; and also makes it available for furnishing the building and for erection of outhouses.

On amendments 63, 64, and 65: Makes the appropriation for support and education of Indian children in the schools of the United States, not otherwise provided for, $75,000; and provides $10,000 of that amount for transportation of Indian children to and from said schools, and for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor.

On amendment 67: Appropriates $10,000 to defray the expenses of consolidating Indian agencies.

On amendments 68, 69, and 70: Insert the following:

"To enable the Secretary of the Interior to establish the Turtle Mountain band of Chippewas in permanent homes on homesteads upon the public lands, and to purchase stock, implements, and other necessaries, $10,000, of which a sum not exceeding $1,000 may be expended in defraying the expenses of such of said Indians as are now in Washington city.

"For the purpose of enabling the Secretary of the Interior to continue to carry out the provisions of the act of June 15, 1880, ratifying the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same, $5,000, or so much thereof as may be necessary, to be taken from moneys appropriated by said act and remaining unexpended; and the commission appointed under said act, and known as the Ute Commission, is hereby abolished, to take effect March 15, 1883. And the Secretary of the Interior, with the consent of the Ute Indians, may, instead of paying to said Indians the $50,000 provided by the agreement incorporated in the above-named act, in cash, per capita, pay the same in stock, or such other property as the Secretary of the Interior and said Indians may agree upon.

"For this amount, or so much thereof as may be necessary, to enable the Commissioner of Indian Affairs to employ temporarily sufficient clerical force to bring up the work on the records of the files division of his office, $3,000, to be immediately available."

On amendments 74 and 75: Makes a verbal correction in the text of section 7 of the act, and otherwise leaves it unchanged as it passed the House.

On amendment 77: Strikes out section 8 of the act which was inserted by the Senate.

The act as agreed upon in conference appropriates $5,362,655.91, being $13,600 less than as it passed the Senate, and $153,700 greater than as it was passed by the House, $120,500 less than the appropriations for the current year, and $1,363,075.63 less than the estimates.

THOS. RYAN,
L. B. CASWELL,
BEN. LE FEVRE,
Managers on the part of the House.

Mr. HOLMAN. I desire to ask the gentleman from Kansas [Mr. RYAN] a single question. This bill contains an appropriation of $10,000, I believe, for the consolidation of Indian agencies; yet there is also a provision for an additional number of agents—ten I believe. What necessity is there for additional agents if the agencies are consolidated?

Mr. RYAN. My friend is mistaken in regard to the increase of agents. By the consolidation of some agencies in Washington Territory and elsewhere under the Indian appropriation bill for the current year the number of agents was reduced ten or twelve. The consolidations in the extreme Northwest were found impracticable in two instances, because one agent could not superintend the whole number of agencies assigned him; hence it was found necessary to make an increase of two. But we have reduced the number in another place by not giving any agent to the Moqui Pueblos. It was deemed by the Senate unnecessary that these Indians should have an agency; so that in the bill as reported by the conference committee the increase is but one.

Mr. HOLMAN. Is there not an increase of six upon the bill as it passed the House?

Mr. RYAN. No, sir.

Mr. HOLMAN. Are not six special agents provided for?

Mr. RYAN. Special agents are not Indian agents.

Mr. HOLMAN. What are they?

Mr. RYAN. They are special agents charged with the duty of visiting the agencies and inspecting them, under the direction of the Secretary of the Interior. But they are not Indian agents in any sense of the term.

I wish to say that the bill as it passed the House made some changes in regard to inspectors and special agents; but the Senate insisted upon an amendment leaving the existing law in force with regard to those special agents and inspectors. In other words, under the bill as agreed upon in conference, the special agents and Indian inspectors remain precisely the same as by existing law.

Mr. HOLMAN. There is no increase, then, in the number of special agents or inspectors of agencies?

Mr. RYAN. No, sir. I move the adoption of the report.

The report of the committee of conference was agreed to.

Mr. RYAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. 123) providing for the termination of articles No. 18 to 25, inclusive, and article No. 30 of the treaty between the United States of America and Her Britannic Majesty concluded at Washington May 8, 1871.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 7191) making appropriations for fortifications and other

works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

ARMY AND FORTIFICATION APPROPRIATION BILLS.

Mr. BUTTERWORTH. I ask unanimous consent that the Army appropriation bill just returned from the Senate be taken from the Speaker's table and, with the amendments, referred to the Committee on Appropriations; and that the amendments be ordered to be printed.

There was no objection; and it was ordered accordingly.

Mr. HISCOCK. In the absence of the gentleman from Alabama [Mr. FORNEY] I ask the same course in regard to the fortification appropriation bill.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

ILLINOIS AND MICHIGAN AND HENNEPIN CANALS.

Mr. SPRINGER. Mr. Speaker, the Legislature of the State of Illinois, at the session a year ago, passed an act approved April 12, 1882, to cede to the United States the Illinois and Michigan Canal, its right of way, real estate, and all appurtenances for canal purposes, on condition that the United States should, within five years after such act should take effect, accept the grant. One of the conditions of this session was that the canal should be enlarged and maintained as a national water-way for the use of all the people without discrimination. Under the constitution of the State of Illinois this act could not become a law without submission to a vote of the people. This vote was had at the election of November, 1882, when members of the Forty-eighth Congress were chosen. The people ratified this act by an almost unanimous vote. The object had in view by the State in conferring upon the Government this important water-way was its enlargement as a national work, in connection with the construction of the Hennepin Canal, which, if constructed by the Government, will make a continuous line of water communication from the upper waters of the Mississippi River at Rock Island to the headwaters of Lake Michigan at the city of Chicago.

The importance of this great water-way in a commercial point of view can not be estimated. The subject has attracted the attention of the leading minds of the country for many years. The Iroquois Club of the city of Chicago, an organization composed of professional and business men of that city, have carefully investigated this whole subject through a committee composed of Hon. Lyman Trumbull, late a Senator of the United States, Hon. Carter H. Harrison, formerly a member of this House and now mayor of the city of Chicago, Melville W. Fuller, S. Corning Judd, William C. Goudy, E. M. Phelps, the president of the club, and Henry Waller, jr. The report of the committee, which it is well known was prepared by Mayor Harrison, is a most exhaustive document, covering the whole subject, and full of valuable information. I therefore ask unanimous consent that the memorial of the Iroquois Club, to which I have referred, be printed in the RECORD in order that members of the House and all others interested in the subject may be put in possession of the valuable information and the exhaustive argument contained therein.

There was no objection. The memorial is as follows:

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialist, the Iroquois Club of Chicago, a political organization composed of about three hundred professional and business men, citizens of Chicago, do present to your honorable Congress this our most respectful memorial:

By the constitution of the State of Illinois the State is forbidden to alienate or grant to any person or persons whatsoever the title to the Illinois and Michigan Canal, unless such grant shall have been first approved of by the vote of the people of the State at a general election.

Whereas the people of Illinois, believing that said canal of right should and ought to be the property of the United States, to be by it enlarged and maintained as a national water way for the use of all its people, did, at a special session of the thirty-second General Assembly, by an act approved April 22, 1882, cede to the United States said canal, its right of way and real estate, and all appurtenances, for canal purposes, on condition that the United States should, within five years after said act should take effect, accept the grant; and

Whereas the people of the State did, at a general election held on Tuesday, the 5th day of November, A. D. 1882, by an almost unanimous vote, approve of such cession:

Therefore, your orators do most humbly petition your honorable Congress to accept said grant and, as soon as in your wisdom you may deem it proper, to enlarge said canal so as to make it a national water-way capable of floating gunboats and such large vessels as navigate the waters of the Mississippi River; and also petition you to construct, as a branch of said water-way, the Hennepin Canal, connecting the same with the waters of the Upper Mississippi; and we most respectfully ask that you give ear to a few reasons why we believe these things should be done by the Federal Government.

The grandeur of this our country and its mighty march in material, moral, and political progress has been, to a great extent, owing to the many facilities afforded for the easy and cheap transportation from one part of the country to another of the products of its fertile soil, by means of its unequaled system of navigable rivers and lakes.

Our forefathers, whose wonderful wisdom evolved and established this Republic as a government of the people, by the people, and for the people—a system of government prior to their day existing only in the brain of dreaming philosophers, but which has withstood for more than a century the test of enervating prosperity and of destructive war of unparalleled magnitude—these our forefathers early saw the necessity of free and accessible water-ways in every part of the land, and did, as far back as 1787, when organizing a government for the Territories northwest of the Ohio River (then but recently ceded to the confederacy by the State of Virginia), solemnly declare "as a fundamental article of compact to be forever binding on the original States and on such States as should be carved out of such territory, 'that the navigable waters leading into the Mississippi and the Saint Lawrence, and *the carrying places between the same*, shall be common highways and forever free as well to the inhabitants of said territory and the citizens of the United States, and without *tax, impost, or duty*.'"

Thus did they deny to such new States through which said rivers ran and in which such carrying places lay the right to regulate or in any way to interfere with these common highways. This resolution was a most extraordinary one, and was pregnant with remarkable prescience. It showed that these giant thinkers even then with prophetic eye foresaw the vast proportions of the mighty governmental fabric they had but recently brought into being, and that they foresaw the necessity of uniting by artificial means the waters of the two great systems, which, rising in juxtaposition, flowed the one to the east into the Gulf of Saint Lawrence, the other to the south into the Gulf of Mexico.

The most remarkable one of all the carrying places between these waters was and is the one along which is cut the Illinois and Michigan Canal. It had been, since Pere Marquette first saw it, the portage used by the Indians in moving from one to the other of these two mighty currents. In long ages past, a deep river had flowed along it, when Lake Michigan sent her crystal stream to mingle with the turbid floods of the Missouri. Nature's bold engineering skill had upon the rocks written her decree, that here should be the marriage bond between the two distant gulfs. Deep grooves had worked far into the eternal rocks—grooves worn by ice floods of far distant ages. By some sudden convulsion this bond had been broken; the prairies had been lifted, grasses had grown and molded upon them, preparing them to be the garden-field of a mighty people. The people were coming, and our forefathers with a wisdom almost superhuman prepared for them a government, and suggested the propriety of again restoring by pick and shovel the broken bonds which had bound the rolling floods of the Father of Waters to the crystal depths of the great fresh-water seas.

A few years ago the Government spent $4,000,000,000 in its determination to preserve the Union; with those countless millions was mingled the blood of 600,000 sons of the soil. These vast treasures were spent and these countless drops of precious blood were spilled to save the Union. Should we hesitate to spend a few paltry millions to help cement that Union forever? A ship-canal only forty-six miles long over a level plain—a canal already partly built at an expense of $6,000,000 to the State of Illinois, which can be completed for less than $20,000,000—will enable the people of twenty States to mingle freely and to deal cheaply one with the other and each with all.

Permit us to call your attention to some more of the thoughts and recommendations of our forefathers on this subject. In 1808, a general and comprehensive system of roads and canals was proposed by the then Secretary of the Treasury, with the recommendation that $2,000,000 a year should be employed to complete such system. This was during the last year of the administration of the author of the Declaration of Independence and the father of the Democratic party. He believed that man was capable of self-government. He believed that governments were for the people, and thus, through his Secretary of Treasury, showed that he thought one of the duties of government was to afford to the people roads and water-ways as a means of making them prosperous and happy.

During the war of 1812 with Great Britain, the decisive battles which settled the controversy were upon Lakes Erie, Ontario, and Champlain. It was there that England saw the danger of Canada slipping from her grasp. President Madison, the great expounder of the Constitution, foresaw that upon these fresh-water seas would be the theater of future wars, should they break out between America and the mother country. In his message to Congress in 1814 he urged upon it the necessity of a ship-canal to connect the waters of the Mississippi with those of Lake Michigan. The Committee on Military Affairs made a favorable report.

But the war ended, and republics are prone to forget in time of peace the lessons of war. Congress did nothing. Again, in 1815, Mr. Madison in his message urged the matter, and again, with his judgment ripened by long experience and nearly eight years of that experience won in the Presidential chair, he in 1816 with most impressive language called attention to the continued neglect of Congress to this to him all-important subject. This, his last warning, had effect, for in 1817 surveys were consented to and made, and the easy practicability of a ship-canal from the lake at Chicago to the Illinois River was demonstrated.

But still Congress hesitated and hesitated, and not till 1827 was definite action taken. Sectional jealousies were already looming up. The slavery question was a dark spot on the horizon, and day by day was growing blacker. Government, instead of undertaking this improvement as a direct national undertaking, turned it over to the State of Illinois, and voted to her 290,915 acres of land, reserving to herself alternate sections. These reserved lands, marked at double price, were rapidly sold, so that the United States lost not one cent. Illinois started upon the projects with the grand idea of giving to the country a canal deep enough and wide enough to float gunboats. But the financial crash, which culminated in 1836, so depleted her treasury, that this canal project almost bankrupted her, and she was forced to abandon her original ideas, and completed the work in 1848, as a simple barge canal.

Even this little work, however, at once caused the Northwest to spring from a wild prairie land, the trackless home of the savage, into a rapidly developing country. That little canal showed that a woodless prairie, in a cold climate, could be made to teem with a mighty and prosperous population.

Illinois built the canal, and the Government was soon repaid with the sale of her alternate sections of land for the donation she had made. Short-sighted politicians thought they had shown statesmanship in thus saving to the Federal Government the cost of the project.

England showed no such penny-wise policy. During her last war with us, her great captain, the Duke of Wellington, told her that "a naval superiority on the lakes was a *sine qua non* of success in a war with America." She made a treaty with us in 1817, by which each nation bound itself to keep no more than one armed vessel of a hundred tons burden upon the lakes. England, however, immediately proceeded to make their treaty obligations of no injury to herself; at an expense of $22,000,000 she threw canals eight feet deep around the rapids of the Saint Lawrence, and the Welland Canal, ten feet deep, from Lake Erie to Lake Ontario. She was thus enabled to throw light-draft gunboats upon the lakes, while the United States was hand-tied by the treaty obligation. The Illinois and Michigan Ship Canal would have placed this country on a par with England. But the warning of the Father of his Country, "to enjoy peace we should be prepared for war," was by America wholly unheeded.

When the Mason and Slidell imbroglio, during the late civil war, threatened to precipitate the two countries into war, there was a feeling throughout this country that such a catastrophe might be destructive of our hopes of preserving the Union. One of America's brilliant generals, discussing this canal, said on the floor of Congress that "a fleet of light-draught, heavily armed gunboats could in a short month get into the lakes and shell every city from Chicago to Ogdensburgh." The London Times said:

"The worst part of the struggle will not be on the Atlantic seaboard, but on the Great Lakes of Upper Canada and North America. We are glad, therefore, to be able to tell our readers that their danger has been foreseen and amply provided for." Provided for at a cost of $22,000,000, which had been repaid again and again by the commercial facilities afforded by the Canadian canals. The Mason and Slidell matter cost this country, in a few months, directly over $100,000,000. That vast treasure and the demoralization of the country which was engendered by the danger of a conflict with England would have all been saved had the advice of Madison been followed.

It is the earnest prayer of your memorialists that the peaceful relations existing between America and England may never be ruptured. The dictates of civilization and material interests would seem to be sufficient to prevent such rupt-

ure. But madness oftentimes seizes upon nations as well as upon individuals. We can not tell when such madness may seize one or the other of these two countries. A few weeks of such madness would cost oceans of blood and millions of treasure. "To enjoy peace we should be prepared for war." England builds armor-clad ships at a cost of nearly $3,000,000. She has lately completed one such, and has another in preparation. She has six or eight vessels the cost of which would make a ship canal from Lake Michigan to the Mississippi. These vessels are maintained at vast annual loss, and bring no return other than the tranquillity of preparation. This ship-canal would be equal to an armed fleet, and at the same time would soon repay its cost by its peaceful returns.

It is to these returns we would now ask your indulgence, while we present them as to us they are made apparent:

Prior to the commencement of the Illinois and Michigan Canal the population of the territory northwest of the Ohio and Wabash did not greatly exceed 500,000. Settlements were confined to the wooded margins of streams. Lured by the results demonstrated by this improvement, capitalists and emigrants began to turn their attention to the prairies already cleared and ready for the plow. Railroads soon began to cut in every direction the great table lands of the Northwest. Vast numbers of intelligent and industrious foreigners settled wherever transportation of lumber and fuel became possible; State after State has sprung into existence, and to-day not far from 10,000,000 people find happy homes in this section and add to the national wealth. The States of Illinois, Wisconsin, Minnesota, Iowa, and Nebraska have a population of nearly 8,000,000. They produce (average years) about 160,000,000 bushels of wheat, one-third of all produced in the United States; about 580,000,000 bushels of corn, more than one-third of all; about 140,000,000 bushels of oats, being two-fifths of all; 7,500,000 bushels of rye, one-third of all; 10,400,000 bushels of barley, more than one-quarter of all.

After feeding the people of the country the United States exports its surplus of breadstuffs. This surplus comes entirely from the Northwest. Pouring into the lap of hungry Europe, this surplus has in the past five years, aided by cotton and petroleum, turned the tide of trade in favor of this country. It has brought home from abroad $1,000,000,000 in bonds. It has made an irredeemable currency as good as gold. It has given to us a redundancy of metallic currency, and thus helped to make the people of the United States to-day the most prosperous of all peoples.

Railroads have made the Northwest habitable, and have turned waste places into green pastures. But railroads are beginning to do what the Greeks did, who came bearing gifts; what the Europeans did when they brought blankets and luxuries to the Indians. They are becoming the masters and tyrants of those to whom they were at first only a blessing. The iron horse carried the rose and the lily, and planted them where before bloomed only the wild prairie flower. He carried the plow and seeds, and left them where now, instead of plains of coarse grass, are seas of waving wheat, oats, and rye. But the iron horse has an insatiable maw. His hot breath is beginning to blast the green pastures.

Watered railroad stocks demand dividends, which rob the farmer of his hard earnings. Warm suns and gentle rains have for the past few years caused his fields to blossom and to return him many-fold; wars abroad and bad harvests have given him a market for his surplus. That surplus he has been able to send abroad, although the railroad demanded so much of it for freightage. But give to Europe a few years of peace and a succession of good crops, and then a few cents a bushel on the transportation of Northwestern grain will throw the balance of trade against this country.

Russia is the great competitor of the Northwest in the grain trade. A few years since, when it cost 20 cents to carry a bushel of wheat from Chicago to New York, the United States and Russia gave to England each 23,000,000 bushels of wheat. Freight dropped 10 cents a bushel between Chicago and New York, and at once America gave to England 50,000,000 bushels, and Russia fell to 15,000,000. A part of this reduction of freight was for the benefit of the foreign consumer in getting slightly cheaper food, but the bulk of the 10 cents lowered freight went to the producer in this country.

The average cost of carrying wheat from Chicago to Liverpool is, during the seven winter months, 31.43 cents per bushel. In the five summer months, when the lakes are open, this cost falls to 26.86 cents per bushel. Corn in winter, 29.33 cents, and in summer 25.07 cents, the difference being over 4 cents a bushel. The price of the surplus fixes the price of the whole product. This difference makes a nominal saving to the producers of Illinois, Iowa, Wisconsin, Minnesota, and Nebraska of not far from $30,000,000 per annum.

The cost of carrying grain from the Mississippi to Chicago by rail is about 9 cents a bushel. Were the Hennepin Canal completed the cost would be on it about 5 cents a bushel. It may safely be determined that the saving on rail transportation would be from 2 to 4 cents. The freightage from Chicago to New York regulates, to a considerable extent, the price of transportation to the East as far south as Louisville and Saint Louis. This is conceded by Mr. Fink, the commissioner of railroads; indeed, he says it affects cost of carrying on all east and west roads even further south.

The effects of lake transportation in the summer, in other words, regulate to an appreciable extent the tariffs on roads running east and west from the lakes to the Gulf of Mexico and lowers them. If the Illinois and Michigan Canal was so enlarged as to float steamers, and the Hennepin Canal were built to float barges from the Upper Mississippi, then a thorough regulator of freights, during the summer months, would be in operation from all points contiguous to the waters of the Mississippi and its tributaries, and to a marked extent throughout the vast territory northwest of the mouth of the Ohio.

There is a feeling growing throughout the country that Congress will be compelled, sooner or later, to regulate railroad freights throughout the land. Many wise men dread the necessity for this, fearing it may prove a dangerous experiment. By building a system of canals, which can become competitors of railroads, regulators will be at once in operation, which can not be reached by the seductive wiles of fat corporations—competitors which will require neither commissioners nor legislative restrictions.

We are aware that very many people think that canals are of but little value, and that the introduction of railroads have absolutely superseded the necessity of building more. During a period of time in this country, prior to 1840, very great attention was given to the inauguration of canal systems in various parts of the country, and many were built which have not been of great practical value. But this was the result not of such system but of the location and direction given to many of the lines. They were all built under State auspices; the location, direction, and termini were fixed more by political log-rolling than by the necessity of trade. Canals, too, can only be profitably built along lines topographically fitted for them.

Railroads, however, can under engineering skill be carried wherever trade demands them. Railroads turned the tide of trade eastward; nearly all the canals west of the Alleghanies run with water inclines, north and south. Trade being diverted from such directions, most of the lines of canals became valueless They were generally more or less the creatures of jobbery, whereas railroads have been the result of business sagacity, seeking profitable investment. The Erie Canal lies in the path of traffic. The result is that it has regulated railroad tariffs in New York, and has made it the Empire State of the Union.

In 1877 a reduction of transportation on the Erie from 1¼ to 1 cent per bushel of grain caused 18,000,000 bushels to leave other routes and to seek this one. A bushel of corn and wheat within ten miles of the Illinois and Michigan Canal is worth an average of about 2 cents more than at other points equally distant from Chicago and close to railroads. Why? Because this canal regulates the tariffs of the several railroads running near it.

It has been declared by men who have made close calculation that the cost of the Hennepin Canal would be saved to the people in one year, certainly in two, by the lessened tariffs it would fix for the railroads running from Iowa to Chicago.

The Mississippi River and its tributaries represent 12,000 miles of navigable rivers. The great lakes have a shore-line of 5,000 miles. If the Illinois and Michigan Canal should be deepened and widened in accordance with the survey of General Wilson, made in 1868, then all steamers which ply upon the Mississippi, except a few which run to New Orleans, could sail to Chicago, and there, lying alongside the steamers and ships of the lakes, freight could be transferred from one to the other, and by the use of machinery, so cheaply that the advantages of a continuous navigation could be had from all points on the lakes to all points on the lower rivers.

We believe such a canal is purely national, and ought to be erected by the General Government and made free to all of its people. Although Mr. Madison dwelt upon the necessity of this canal as a war measure, still his mind, ever inclined to the arts of peace, laid still greater stress upon it as a means of cementing the people together, and of increasing their general prosperity. He used the following language: "The General Government is the more urged to such undertakings requiring national jurisdiction and national means by the prospect of their systematically completing so inestimable a work."

These canals are, it is true, within a single State, but the people of twenty States will be the direct beneficiaries, for they will unite the waters of rivers which are navigable in these twenty States. Illinois is not so directly interested as are the States to the east and to the west of her. To the west lies an empire of grain-growing territory. The East is better adapted to pasturage and manufacturing purposes. Its lands have been worn by overcropping in cereals. What it wants is cheap bread, so that it can devote its lands to dairy and gardening purposes, while the people can employ themselves in manufacturing arts, and can exchange the products of such arts for the grain grown in the rich virgin prairies of the West. In this way worn lands of the East may be brought back to their original fertility.

Thomas Benton, whose bible was the Constitution of his country, spoke eloquently in favor of this work and of its nationality. Silas Wright and Horatio Seymour have spoken and written in its favor. Leading statesmen from every quarter of the land met in 1863 in Chicago and urged that the Government should at once undertake and complete it. John C. Calhoun, in terse and eloquent words, said: "Let us bind the Republic together. Let us conquer space by a perfect system of roads and canals."

Millions upon millions of dollars have been spent by the Government on its seaboard harbors and bays—millions spent to enable its people to trade with the people of other lands. This expenditure we do not antagonize, but we believe it of far more importance to enable the people of the different sections of this land to have easy and free communication with each other than to give a like communication with foreign people. This is a vast country. It has every variety of climate except that of the burning sun and the frozen zone; it has within its bosom every mineral, it produces nearly every plant, fruit, and grain, all varieties of useful animals, birds, and fishes feed upon its soil or swim within its waters. If an impassable wall were thrown around it, cutting it off utterly from all other lands, it could yet be within itself a happy world.

Give her cheap roads, cheap water-ways, so that her people can mingle with each other, and can exchange the products each of his own labor for that of every other American, and her people can and will be happy and prosperous.

Canals have been and are being built and extended in all prosperous countries of Europe. Rivers are being canalized wherever it is possible. There were in Great Britain, in 1858, 2,172 miles of canals, and 1,315 miles of improved river-beds. These improvements cost, respectively, $142,000,000 and $51,350,000; in all, $173,350,000. In 1874, she had 4,700 miles of canals, costing $370,000,000. In other words, she had expended from 1858 to 1874, $196,650,000 on canals. And yet railroads run in every direction. These canals carry heavy freight and tend greatly to regulate railroad tariffs. Many of them run along the lines of prosperous railroads, and the stocks of many canals are owned by the railroad corporations, who run the canals in the interest of the roads.

Germany has a system of canals, but your memorialists have no statistics showing the mileage or cost. But intelligent Americans traveling throughout the German Empire are struck by the number of shallow streams which have been improved of late years. Heavy stone dikes are thrown up along these streams, so as to contract the channels, giving sufficient depth to float steamers. The currents made by these dikes are too strong for resistance by ordinary steamers. To overcome these currents, endless chains are strung along the middle of the channel.

On the steamers are large drums, which take up the chain and by rolling it over the drum powerful light-draught tugs are seen pushing or drawing tows of barges oftentimes nearly a quarter of a mile in length. These tows do the carrying of heavy freights and operate to regulate the tariffs of railroads, which in many instances run on the banks of the streams. In the Elber one of these chains runs for several hundred miles. Railroads are on either bank. Government is interested in the ownership of the rail lines, and yet, in the interest of the people, thus canalize these rivers and *pro tanto* injure the productiveness of its railroad interests. Shall it be said that kings and emperors, who claim to rule by divine right, do more for the people than do the servants of this free Republic, who govern by the will of the people?

France has the most complete and extended system of improved water-ways of any land; all were built by and are owned by the Government. She had ten years ago 3,000 miles of canals, built at a cost of $157,200,000. She has 2,000 miles of canalized rivers, costing $48,000,000, and 2,000 miles of improved river beds, on which had been expended $30,000,000. In all, up to ten years ago she had expended on these water-ways $235,200,000. About $180,000,000 of this has been expended since the year 1800, or since the introduction of railroads. In the past ten years France has not rested from her labors in this line, but your orators have not exact statistics of the extent done in this time. But observant travelers say the system has been greatly extended.

In that country freightage is almost equally divided between the canals and the railroads, the cost on the former being as two to three on the latter. The water-ways nine years ago transported 1,500,000,000 tons per annum. The visible saving upon this in the ratio above named was $5,000,000. But this was in fact but a part proportion of such savings, for by the lowering of the railroad freightage another $4,000,000 was saved. France has six separate systems of improved water ways diverging from Paris: the northern, the northeastern, the southeastern, the southern, the western, and the southwestern.

Twelve years ago France was apparently crushed by her Germanic war. But already she has so recuperated that the effects of the war are observable only in the hearts of the people.

A more general and equally divided prosperity exists within her borders than in any other European country. Much of their equally divided prosperity is owing to the ease and cheapness of transportation from one part of the country to every other part. Railroads run in every direction, but canals with cheap tolls run also in every direction, carrying the heavy necessaries of life and cheapening the carrying of all articles by rail.

Canada has within the past few years expended many millions on her canals, which now are able to float vessels of large draughts. This she did for military purposes. But the returns from commercial benefits pay a large percentage upon the investment.

In this country, within the last few years, little attention has been paid to the building and extension of canals. People have supinely allowed railroads to monopolize the carrying trade and to build up extortionate monopolies. Within

the last ten years the increase of the mileage of canals has been too insignificant for mention, while the mileage of railroads has grown from 61,000 in 1871 to about 115,000 in 1882, representing in the former year a capital and funded debt of $2,600,000,000, and in the latter year over $5,100,000,000. In the State of Illinois alone, the fifty-seven railroad corporations within its borders have an aggregate capital of $541,261,536, an increase over last year of about $50,000,000, and show a gross income of $189,352,977, an increase over last year of more than $13,000,000.

Your orators are opposed to river and harbor bills passed for log-rolling purposes—passed without full and free discussion, and by which insignificant streams are improved at vast cost for mere local purposes, or to benefit personal aspirations. They are opposed to putting burdens on the people for such purposes, but they believe that the United States should inaugurate a comprehensive system of water-ways, and should pay particular attention to a system of canals which would unite together the great system of natural water-ways. Such canals should be large enough to float the ordinary craft navigating such natural ways. Many of the portages or watersheds intervening between such natural systems appear to have been designed by the Creator for such artificial junction. Nature is bountiful, and like Hercules, when he ordered the carter to apply his shoulder to the wheel, asks man to complete her works. This country has unparalleled systems of rivers and lakes; the divides between the different systems are oftentimes small and easily overcome, thereby inviting man to use the pick and shovel to complete the designs of provident nature.

Our country to-day enjoys wonderful prosperity. But all such periods are followed by seasons of depression more or less long. During such depression labor is idle, tramps abound, visionary or criminal demagogues are on the alert, and the slumbers of men and women are disturbed by dreams of riot and bloodshed. By giving to the people means of cheap transportation, so that the plenty of one locality may be easily carried to other and less favored localities, you would equalize the condition of all, and thus prevent suffering and enable the people to outlive the periods of depression.

Such a beneficent policy will tend to enable governments to trust to the people and measurably to dispense with armed soldiery and costly police organizations. It will keep our jails and penitentiaries from being overcrowded and will make the people prosperous and happy citizens.

At a regular meeting of the Iroquois Club held Tuesday evening December 5, 1882, the following was unanimously adopted:

"*Resolved*, That the club appoint a committee of seven to prepare a memorial to Congress on behalf of this club on the subject of the acceptance of the Illinois and Michigan Canal and the completion of the Hennepin Canal by the General Government."

And in pursuance thereof the following committee was appointed: Lyman Trumbull (chairman), Carter H. Harrison, Melville W. Fuller, S. Corning Judd, W. C. Goudy, E. M. Phelps, Henry Waller, jr.; which committee made the above report at the next meeting of the club, held Tuesday, January 2, 1883, and the report was ordered printed and a copy sent to each Senator and Representative in Congress, duly certified.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

IMPROVEMENT OF THE MISSISSIPPI.

Mr. BURROWS, of Michigan. I ask unanimous consent that certain papers relating to the improvement of the Mississippi be printed for the use of the special committee on appropriations for the improvement of that river.

The SPEAKER. If there be no objection, the printing will be ordered.

There was no objection.

GOVERNMENT CONTRACTS AND PURCHASES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, recommending that the sundry civil appropriation bill be amended by the addition of the paragraph enacted last year relating to contracts and purchases in open market; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFALCATIONS OF JOHN T. BEST.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, with accompanying papers, in regard to claims against the United States arising from defalcations and forgeries of John T. Best; which was referred to the Committee on Claims, and ordered to be printed.

GAS FOR LIGHTING BEACONS AND BUOYS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a copy of a letter from the Light-House Board relating to the cost of introducing gas for lighting beacons and buoys; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT ON RIVER AND HARBOR BILL.

The SPEAKER. The Committee on Commerce requests the Chair to ask that an additional number, equal to the usual number, of copies of the report accompanying the river and harbor bill be printed for the use of the committee. If there be no objection, it will be so ordered. The Chair hears none.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURROWS, of Michigan. I rise to submit a privileged report, the report of the committee of conference on the consular and diplomatic appropriation bill.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 14, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$110 000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: On page 16, in line 3 of the bill, after the word "dollars," insert the following: "the same to be immediately available;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "dollars" in line 5 of said amendment; and the Senate agree to the same.

J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill submit the following written statement in explanation of the effect of the action recommended on each amendment should the conference report be ratified by the two Houses, namely:

On amendments 1, 2, 3, 4, 5, 6, and 7: Provides for a chargé d'affaires to Paraguay and Uraguay at $5,000, as it now exists by law, and for a minister resident to Venezuela at $7,500, which is also in accordance with existing law.

On amendment 8: Appropriates $85,000 for the contingent expenses of foreign intercourse proper and of all the missions abroad, being the same amount as is appropriated for the current year.

On amendments 9 and 10: Appropriates $60,500 for clerks at consulates, including $1,000 for the consulate at Port au Prince, Hayti.

On amendment 11: Appropriates $110,000 for contingent expenses of consulates, being a reduction of $25,000 under appropriation for current year.

On amendment 12: Makes the appropriation for the French and American Claims Commission immediately available, and strikes out provision requiring statement of expenses of the commission to be submitted to Congress in the annual estimates.

On amendment 17: Inserts the following:

"For defraying the expenses of transporting the remains of ministers and consuls of the United States to their homes for interment where such ministers or consuls have died or who may die abroad while in the discharge of their duties, $10,000."

On amendment 14: Inserts the following:

"SEC. 2. For the purpose of enabling the President to extend diplomatic relations with the governments of Eastern Asia, $5,000."

The act as agreed upon in conference appropriates $1,296,755, being $25,600 less than as it passed the Senate, and $38,500 greater than as it passed the House, $46,100 less than the appropriations for the current year, and $94,150 less than the estimates.

J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report of the conference committee was adopted.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION AGAINST STEAM-YACHT MENHADEN FISHING.

Mr. HILL. I ask unanimous consent that the joint resolutions to Congress asking relief and protection to citizens along the seacoast of New Jersey from steam-yacht menhaden fishing with purse-seines be printed in the RECORD and referred to the Committee on Commerce.

There was no objection, and it was ordered accordingly.

The joint resolutions are as follows:

Joint resolutions to Congress asking relief and protection to citizens along the sea-coast of New Jersey from steam-yacht menhaden fishing with purse-seines.

Whereas the inhabitants along the sea-shore of New Jersey have been in the habit of catching, in addition to other food-fish, large quantities of menhaden or mossbunkers, used by many for food; and

Whereas the menhaden are naturally inclined to draw toward the beach, and being a principal "feed" for other and better grades of food-fish, the latter naturally follow the "feed," thereby affording those residing contiguous to the ocean favorable opportunities for securing the means of subsistence, and also of furnishing the home market, with its increasing demands along the entire coast, as well as that of the country and cities, with a very important article of food; and

Whereas the said citizens residing aforesaid, especially those accustomed to the occupation of fishing in the ocean adjacent to the beach, have been and are being greatly injured in their business by men fishing with steamers and purse-seines from other States and Territories, who operate their machinery within a few hundred yards of the beach, by which means a lifetime business and dependence for subsistence of a worthy, useful, and needy class of citizens are being destroyed, the people deprived of a luxury and needed article of food, and the eastern section of the State of its natural sources of revenue and income; and while the aforesaid citizens neither ask nor seek any special immunities or franchises, they are not willing to concede, under similar circumstances, to citizens of any other State; and, realizing that they have no means of competing with or protecting themselves against so formidable an enemy, they feel compelled to seek relief and protection from the power they believe can render it; believing, therefore, as we do, that the General Government exercises jurisdiction over the waters of the Atlantic Ocean a sufficient distance from the beach to answer all practicable purposes: Therefore,

Be it resolved by the senate and general assembly of the State of New Jersey, That our Senators and Representatives in Congress from this State be, and they are hereby, respectfully and urgently requested to use their influence and best endeavors for, and urge such action as it may be the prerogative and right of Congress to adopt, in order to afford the necessary relief and protection to the aforesaid citizens of New Jersey, by prohibiting the mode and means of fishing referred to for a reasonable distance from the beach, that the natural rights and privileges enjoyed by said citizens for time immemorial may be continued and guaranteed to them.

And be it resolved, That his excellency the governor of this State be, and he is

hereby, respectfully requested to transmit to each of our Senators and Representatives in Congress a certified copy of the foregoing preamble and resolutions.

PENSIONING EX-PRISONERS OF WAR.

Mr. ANDERSON. I ask, by unanimous consent, that the concurrent resolution of the Legislature of Kansas for act pensioning ex-prisoners of war be referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolution is as follows:

House concurrent resolution No. 31.

Resolved by the house (the senate concurring herein), That our Senators in Congress be instructed and our Representatives be requested to urge the passage of a law granting a reasonable pension to all soldiers of the late war who were confined for a period of three months or more in Libby, Andersonville, or any other military prison of the late confederacy.

That a certified copy of these resolutions be sent to each of our Senators and Representatives by the secretary of state.

February 2, read, laid over under rules. February 3, read and laid over by consent. February 6, read and adopted.

H. L. MILLARD, *Chief Clerk.*

February 7, laid over. February 13, concurred in.

HENRY BRANDLEY, *Secretary.*

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original house concurrent resolution No. 31 on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kansas, this 15th day of February, A. D. 1883.

[SEAL.] JAMES SMITH, *Secretary of State.*

LEAVE TO PRINT.

Mr. BAYNE, by unanimous consent, was granted leave to print in the RECORD some remarks which he had prepared on the tariff. [See Appendix.]

ELECTRIC-LIGHT TOWER, HALLETT'S POINT, NEW YORK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the request of the Light-House Board for authority to effect a lease of ground for the site of the electric-light tower on Hallett's Point, New York; which was referred to the Committee on Commerce, and ordered to be printed.

IOWA CONTESTED-ELECTION CASE—COOK VS. CUTTS.

Mr. RANNEY, from the Committee on Elections, submitted a report in the case of Cook *vs.* Cutts; which was ordered to be printed.

Mr. THOMPSON, of Iowa, presented the views of the minority in the same case; which were ordered to be printed in connection with the majority report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. KASSON in the chair), and resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The CHAIRMAN. By order of the House all debate on the pending paragraph and all amendments thereto has been limited to thirty minutes. The pending paragraph will be read.

The Clerk read as follows:

UNITED STATES GEOLOGICAL SURVEY.

For the United States Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, to be expended under the direction of the Secretary of the Interior, $240,000. And there may be expended therefrom for the engraving of maps (in order that they may remain in the possession of the Government) and the necessary expenses thereof, $25,000; and for the engraving of illustrations on wood and the necessary expenses thereof, $6,000, said work of engraving to be done by the Bureau of Engraving and Printing.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Kentucky to strike out $240,000 and insert $222,000.

Mr. WILSON. Mr. Chairman, I rise to oppose the amendment of the gentleman from Kentucky, and desire to congratulate the Committee on Appropriations, to congratulate this House and the country because of the provision made for carrying on and extending the geological survey of the United States into the States of this Union. I am sure, sir, that no public money can be expended which will to a larger extent benefit a greater number of people in this country than the money appropriated in this paragraph.

Let us see what the geological survey has effected. It has, at an expense of about two and one-half million dollars, extended over nearly 700,000 square miles of trackless mountain and prairies. It has led to the discovery of the richest mines in the world and has made the American States the largest producers of the precious metals. It has added hundreds of millions of dollars to the wealth of the country and will in the future add hundreds of millions more.

Mr. BLOUNT. Will the gentleman from West Virginia allow me to ask him a question?

Mr. WILSON. I will if the gentleman will not consume much of my time.

Mr. BLOUNT. I understand the gentleman to congratulate the county on the provision of law authorizing this geological survey to be extended into the States. I should like to know what authority——

Mr. WILSON. The gentleman must not take up too much of my time. I remember when this country was scourged with the yellow fever the gentleman from Georgia raised his eloquent voice to ask the aid of the Federal Government for the sufferers, and aid was granted. If we can in one case extend the aid of the Government why not in the other? What authority, what power has the Government to go into the States and improve their rivers and harbors if it has not the right to go there for the purpose of making this geological survey? [Mr. BLOUNT rose.] I have only five minutes and can not yield any portion of my time.

Mr. Chairman, the gentleman from Georgia is remarkable for his ability, and is also remarkable for his inconsistency. He fights every proposition, contests every bill that does not in some form or other and to some extent aid the State of Georgia.

Who pays this two millions and a half of money which have been expended by this service and which has produced such splendid results? It was paid by the people of the States, not for their own immediate advantage but for the development of the great Western domain. And now, Mr. Chairman, I claim that it is but just and equitable that the survey be extended into the States.

Why make appropriation for the improvements of rivers and harbors in the States? Is it not because gentlemen know that the improvement of these rivers and harbors will open up in many instances the vast regions of country which are rich in mineral deposits, rich in agricultural production and timber, and which have no other outlets to the markets? But we are told that there are State surveys. In some of the States it is true that there are surveys, carried on under the State governments and at State expense. But, Mr. Chairman, we want a survey that will be more thorough and national in its character, one that will have more weight and credit in the eyes of the country and the world. My distinguished friend from New York [Mr. FLOWER], when he speaks of these surveys and their influence in this country and in Europe, knows very well that they have drawn millions of dollars from foreign countries, which have been invested in the Territories of the West and have built up great communities and States.

I was struck on yesterday, during the course of the discussion on this bill, with the remarks of the gentleman from New York [Mr. HISCOCK], the chairman of the Committee on Appropriations. He was defeated in Committee of Appropriations and defeated here in Committee of the Whole in his opposition to geological surveys; and I congratulate him that he was. But I was still more struck by hearing him honor the gentleman from Kentucky [Mr. BLACKBURN] for his opposition to this measure and his adherence to the doctrine of State rights; and I was also surprised to hear the gentleman from Kentucky state that the gentleman from New York had so much more ably and clearly stated than he could have done himself his position upon this subject. I had supposed, sir, that if the learned gentleman from New York [Mr. HISCOCK] had a well fixed and settled opinion upon any one subject it was upon the subject of State rights, and that he hated that doctrine as the devil hated holy water. [Laughter.]

Mr. HISCOCK. So I have.

Mr. WILSON. And yet we find him tickling the ribs and encouraging his friend from Kentucky. [Laughter.]

Mr. Chairman, where a conflict exists between the Federal Government and State government as to any matter, I admit that the Federal Government must have clear and unquestioned authority under the Constitution before it can invade the State. But in this matter those governments, State and national, are in harmony. The Federal Government is able and willing to have the geological survey extended within the States, and the States invite it.

I desire to ask the gentleman from Kentucky [Mr. BLACKBURN] a question. Whether in the case I have supposed, as when the Federal Government has the power and the readiness to disburse the public moneys for the protection of our people as in cases of yellow fever or cholera, and for the relief of the people North and South, if it has not by parity of reasoning the same power to extend these geological surveys to the States? I hold that it has.

Mr. BLACKBURN. Let me answer the gentleman's question.

Mr. WILSON. I have but a few moments of my time remaining.

Mr. BLACKBURN. You asked a question and refuse to permit me to answer it.

Mr. WILSON. If you will not take up much of my time you can answer it.

Mr. BLACKBURN. I will only say this in answer to the gentleman's question, that I have been unable to find in the Constitution of my country any warrant or authority or any provision thereof which can be stretched to cover the claim of such an authority on the part of Congress to make these geological surveys of a private citizen's farm or tract of land, and that is about the substance of this thing. I have therefore opposed it.

Mr. WILSON. The gentleman from Kentucky will no doubt find equal difficulty in discovering that provision of the Constitution which

will authorize him to vote, as he has done over and over again, for appropriations from the public Treasury of millions of dollars for other purposes without any express constitutional authority.

Mr. BLACKBURN. Not a dollar that was not fully authorized.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. KING. I desire, Mr. Chairman, to take the floor briefly in response to some remarks which have fallen from the gentleman from Kentucky. My friend from Kentucky in the first place brings up the question of constitutionality in this matter. This country, as well as that from which the body of its people and its laws have sprung, is governed more by precedent than by written law; and the precedents set by previous Congresses in making appropriations for these geological surveys are ample to warrant us in pursuing the same policy at this time. This is a question which is not bounded by State lines. It can not be limited by the boundaries of the States. It is one that covers the entire continent. No geological boundaries are found under the imaginary lines dividing the States. To perfect a system of geological inspection we must go under and beyond State lines. To undertake a work of this kind hampered by such restrictions would be like having a volume of great value with some of the most important chapters omitted. We do not propose, Mr. Chairman, in our system of government to leave to posterity an iron rule or system as if it was carved in stone. But ours is a system that must advance in knowledge, in the temples of which will be found the wealth and prosperity of the people.

I am glad that there is one bureau, if I may so call it, of this Government which is brought under the consideration of this committee that has not been charged with fraud or wrong upon the country. I understand that there is in this whole question no claim that the officers in charge of this work have performed their work otherwise than conscientiously, efficiently, and satisfactorily; and I trust, therefore, that the objections of the honorable gentleman from Kentucky will not prevail against the demands of this country, which require that we should in every instance give to the people authoritative information that we have the power to give them for the benefit of their material interests and the prosperity of the whole country. We have already developed by means of this system some of the boundless treasures of this country. Do not let us stop now in the onward march.

Mr. BLACKBURN. Mr. Chairman, I regret very much that in the discussion of a plain, practical proposition expressed in dollars and cents any Representative upon my side of this House, especially one whom I esteem so highly and to whom I am so warmly attached personally as the gentleman from Louisiana [Mr. KING], should have taken occasion to speak of State rights as an imaginary thing.

Mr. KING. I correct my friend. I spoke of State lines.

Mr. BLACKBURN. The gentleman speaks of State lines as an imaginary thing. That assertion is not sustained by the organization of this Congress. The body that sits in the other wing of this Capitol by virtue of its structure under the Constitution——

Mr. KING. I am sure my friend will not misrepresent my statements.

Mr. BLACKBURN. Certainly not.

Mr. KING. What I meant was that, scientifically speaking, there is no such thing as boundaries between States.

Mr. BLACKBURN. Very well. As I am not a scientist I will not discuss it from a scientist's standpoint. I want to call the attention of the House to the practical proposition here submitted. The amendment I have offered proposes to give to this service precisely the same amount of money that it has for the present current fiscal year. In order that the figures stated yesterday may be understood, I take occasion to repeat them. The estimate for this service, I do not mean for this paragraph or clause of the bill, but the estimate for this service for the present year was $389,700. The amount appropriated was $222,000. We have recommended by this bill an aggregate of $323,000. The gentleman from New York [Mr. HISCOCK], the chairman of the Committee on Appropriations, by his amendment reduced that amount $19,000, making it $304,000 in the aggregate, as against $222,000 in the aggregate appropriated for the current year.

Mr. KENNA. Will the gentleman yield to me for an inquiry?

Mr. BLACKBURN. I hope the gentleman will make his inquiry very short, as I have very little time.

Mr. KENNA. I desire to make an inquiry in reference to the amendment adopted yesterday evening. I understood it to have been adopted without dissent on the theory that the bill recommended more money than the estimates of the Department called for. I understand that to be a mistake, and that there is not a dollar more in the bill for the Geological Survey than the estimates of the Department call for.

Mr. BLACKBURN. The gentleman will pardon me; I am not discussing that question.

Mr. KENNA. I desire to ask if that be the fact.

Mr. BLACKBURN. I will not discuss that question. I have lost half of my time in allowing the gentleman from West Virginia to state the proposition, to which I decline in five minutes to give a reply or consider at all.

I want the committee to understand what is the aggregate of all the appropriations for this bureau. And I say it has been established and made a bureau by methods that will not admit of ventilation or defense. We know as well as we know anything that there is not a member of this House who is deemed to hold power or influence exceptionally that has not been approached and appealed to in the interest of this appropriation.

Mr. BLOUNT. By whom?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BLACKBURN. I wish the time was given me to answer.

Mr. DUNN. Mr. Chairman, the distinguished gentleman from Kentucky [Mr. BLACKBURN] throws down the gauntlet and challenges us to a debate of constitutional law under the five-minute rule, with all debate limited to thirty minutes.

Few, if any, prudent lawyers would be willing to accept his wager of battle under such limitations and conditions.

I certainly will not enter into a discussion of constitutional law under the five-minute rule, but I will simply say that I find no constitutional difficulty in voting for this appropriation for the extension of the geological surveys to the States and for continuing them.

The powers granted by the Constitution are not confined to instrumentalities, agencies, and necessities in use or known when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They were intrusted to the General Government for the good of the nation. I will also say to the gentleman from Kentucky, who prides himself upon his learning as a constitutional lawyer and reminds us often of it, that there is a great difference between a wise, practical, and sensible construction of the Constitution, and old, fossilized, decayed, political-party dogmas of a by-gone political era that have passed out of existence and become obsolete. And I want to remind him that in this era of progress those statesmen and politicians who adhere to those old fossil ideas and swear by them yet will stand like "milestones along a deserted road," or will sit by the highways of advancement, along which the car of progress moves in its triumphal course, and gnash their teeth with impotent rage like Bunyan's Giant Despair.

In spite of reactionary obstructionists the world will move on under the glorious inspiration of the civilization of the nineteenth century, which seems to be approaching the splendors of a noonday glory. He may as well attempt to halt the stars in their orbits around the sun.

But, sir, I want to answer some statements that the gentleman from Kentucky made yesterday. In the first place he charged that we brought this question into this House at the last session under specious guises and endeavored to force its passage; and finally he said that it had been pressed upon the House in all of its phases, and it was beaten. Why did not the gentleman tell the House it was ruled out on a point of order, and that he did not dare to submit it to a vote of the House? Does he not know that, and that when the bill went to the Senate and came back with this clause inserted as a Senate amendment, so that it could not be ruled out on a point of order, this House voted for it by a more than three-fourths majority?

Mr. BLACKBURN. Will the gentleman allow me——

Mr. DUNN. I can not yield. Does the gentleman not know the Forty-sixth Congress passed a joint resolution offered by the distinguished gentleman from Tennessee [Mr. ATKINS] by nearly a two-thirds vote, deliberately authorizing these surveys to be extended to the States?

Mr. BLACKBURN. If the gentleman from Arkansas wants the truth——

Mr. DUNN. Deliberately committing this Government to a survey of the States?

Mr. BLACKBURN. That is not true.

Mr. DUNN. Did not the Forty-sixth Congress pass such a resolution offered by the gentleman from Tennessee [Mr. ATKINS]? I appeal to the record.

Mr. BLOUNT rose.

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. DUNN. No, sir.

The CHAIRMAN. The gentleman from Arkansas refuses to yield.

Mr. DUNN. I desire to correct another statement. The gentleman from Kentucky said yesterday that this will cost $100,000,000——

Mr. BLACKBURN. I did not.

Mr. DUNN. Or certainly not less than fifty millions. The gentleman said that. Why, sir, the gentleman has been reading the history of the ordnance surveys of England and Europe and he has had a nightmare that has startled him, and in his fear and trepidation he rushes into this Hall and tries to alarm the House and the country.

Let the gentleman possess his soul in peace and security; for I assure him that there are no such horrible designs upon the Treasury. The country is entirely safe even if our friends on the other side do pass their bill to reduce (?) revenues.

Why, sir, this commission has already surveyed more than 600,000 square miles of territory; it has nearly completed the survey of 200,000 square miles more, an area equal to the area of twenty average States in this Union; and yet $2,000,000 have not been expended for that work. Does not the gentleman see and understand that these visions of fifties and hundreds of millions are only the creations of a distempered imagination? There is nothing in it to startle either the House or the country, but much to commend it to our favor and support.

Let me tell him further what I believe and what the country believes. It is that a great Government that rises full up to the measure of its duty owes it to every living soul whose allegiance it claims to place

within their reach a common-school education and a correct knowledge of all the natural resources of the whole country, available for food, for industry, and for commerce; and I believe that there is not only constitutional power to do it, but that it is a constitutional duty to do it.

[Here the hammer fell.]

Mr. DUNN. I ask leave to print in the RECORD some remarks from the speech of Hon. A. S. HEWITT, and from the RECORD of last session.

There was no objection, and leave was granted accordingly.

Mr. DUNN. The distinguished gentleman from New York [Mr. HEWITT] who reported the existing laws consolidating the scientific and geological surveys and establishing the present organization in the Forty-fifth Congress concluded his remarks on that occasion with the following instructive and eloquent words, which I commend to the consideration of the House and the country:

When we come to contemplate the whole field of these natural resources available for food, for industry, and for commerce; when we attempt to grasp in one act of thought the length and breadth and depth of the riches with which the Maker of the universe has loaded this continent on which happily our lot is cast; when we try to realize how every possible want, every material aspiration of man is bounteously provided for; when we consider how measureless are the values which spring into being at the touch of modern industry, and how these values when once created are solid and real and become incorporated into the enduring structure of human society, we may begin to estimate properly the measure of responsibility which rests upon this nation and its chosen rulers, not merely to preserve unharmed the priceless boon of civil liberty which leaves the individual citizen free to do his share in the work of development, but to adopt such measures as will prevent the waste of natural resources, clear the way of progress, and promote the triumphs of civilization.

It is to these immeasurable elements of national wealth that we wish to direct the new surveys.

It is to a rigid, profound study of these great fundamental problems of national progress that we mean to turn the new organizations.

Is there any member of this House, is there any man living within our borders, who can suggest an undertaking more deeply fraught with all the elements of national prosperity? Has there ever been submitted to Congress a proposition more worthy of the support of patriots and statesmen?

I have attempted to draw the rough outlines of this great national picture in order not merely to show the magnitude of the interests involved and the necessity of a comprehensive and intelligent system of administration, but to make it apparent how trivial are the objections which have been presented to this House, all looking to minor details and overlooking the great salient features, the superabounding merits of this beneficent scheme. How unworthy of the vast interests involved is the petty dispute between different branches of the public service as to the peculiar qualifications of one or the other for this great work. Let us brush them all aside as belittling the real question involved in this magnificent conception. It comes to us from the highest scientific authority in the land. It commends itself to the judgment of the men who have been most energetic and successful in the development of our resources, the "captains of industry" of our time.

If we can but rise "to the height of this great argument" we shall place the work of national development and the elements of future prosperity upon the firm and enduring basis of truth and knowledge, from which they can not be moved so long as the Republic shall endure. *Esto perpetua.* [Great applause.]

During this discussion I said that during the Forty-sixth Congress the distinguished gentleman from Tennessee [Mr. ATKINS] reported to this House a joint resolution authorizing the geological surveys to be extended to the States, and that this House passed it by nearly a two-thirds vote. The gentleman from Kentucky said, "That is not true." I said that I repeated that it was true, and that I appealed to the record. Under my leave I print that record, which is as follows, showing that the gentleman from Kentucky has a bad memory, but a power of assertion equal to the emergency. The CONGRESSIONAL RECORD of June 29, 1879 (first session Forty-sixth Congress, volume 38), shows the following proceedings:

GEOLOGICAL SURVEY.

Mr. ATKINS, from the Committee on Appropriations, reported a joint resolution (H. Res. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

The joint resolution was read. It provides that the first clause under the heading of geological surveys, in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, approved March 3, 1879, and providing for said survey, is hereby amended by inserting after the words "national domain," in said clause, the words "and the States;" so that as amended it would read:

"*Provided*, That this officer shall have the direction of the geological survey and classification of the public lands and the examination of the geological structure and mineral resources of the national domain and the States."

Mr. KEIFER. I would like to understand the necessity of putting in the words "and the States."

Mr. ATKINS. Just this: the law officers of the Department construe the words "national domain" to be confined to the Territories and the States where there are public lands. The Geological Director desires to make surveys of the mineral resources of the entire country, not only in the Territories and in the States where there are public lands, but also in all the States. He desires to make a survey of all the mineral resources, and the words "and the States" are added to the words "national domain" in order that he may be enabled to do so. If the Legislature or the executive of any State shall object, the Geological Director will not go into that State.

After discussion at some length a yea-and-nay vote was reached with the following result (pages 2423 and 2424, same volume):

The SPEAKER. The pending question is upon the passage of the joint resolution, upon which tellers have been ordered.

The House again divided; and the tellers reported that there were—ayes 72, noes 34.

Mr. BLACKBURN. No quorum has voted.

The SPEAKER. The Chair suggests that the yeas and nays might be called on the passage of the joint resolution. The Chair thinks that there has not been a quorum in the House to-day.

Mr. ATKINS. I move that the House now adjourn.

Mr. BLACKBURN. I second that motion.

The SPEAKER. The Chair thinks that the test of a quorum had better be made on the passage of this joint resolution.

Mr. WHITE. Does any one raise the point of order that a quorum has not voted?

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN], one of the tellers, has raised the point that a quorum did not vote.

Mr. ATKINS. I withdraw the motion to adjourn.

Mr. KLOTZ. I call for the yeas and nays on the passage of the joint resolution.

The question was taken upon ordering the yeas and nays; and there were 24 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 92, noes 53, not voting 141.

Mr. HISCOCK. I desire to inquire how much time there is remaining?

The CHAIRMAN. Twelve minutes; and the Chair recognizes the gentleman from West Virginia [Mr. KENNA] for five minutes.

Mr. HISCOCK. I desire to have some time.

The CHAIRMAN. The Chair will then recognize for five minutes the chairman of the Committee on Appropriations.

Mr. KENNA. Mr. Chairman, I desire to submit only an observation or two, and to make a suggestion confirmatory of what my friend from Arkansas [Mr. DUNN] has just said in reply to the gentleman from Kentucky [Mr. BLACKBURN].

Not having heard yesterday the remarks of the gentleman from Kentucky, I was surprised in looking over the RECORD this morning to find the statements made by him to this committee. One of these statements is to the effect that the proposition to extend the Geological Survey into the States, a proposition which was submitted in the last Congress and adopted, and is submitted for continuation to this, is a proposition to do "under cover" what would not be done openly. Another statement by him in that language adopted in this bill is "a guise" to enable the officers of the Government to extend this survey. Another is that the continuance of this survey to its completion throughout the country, including all the States, will cost $50,000,000, and, to use his own language, "$100,000,000 will scarce meet" the demand. Still another of the gentleman's declarations is that the attempt to carry this survey into the States is "an imposition, bad faith, and a repudiation of an implied if not an express agreement."

Now, Mr. Chairman, I do not go too far when I say that in each and every one of these utterances the gentleman from Kentucky is grossly mistaken. And I do not go too far when I declare that the ordinary avenues of information, if resorted to by the gentleman in this connection, would have saved him the hazard of such mistakes.

In the first place, he says the proposition was pressed and beaten at the last session. In this statement also he is mistaken. Sir, the gentleman from Kentucky knows full well that when the amendment was offered to provide for a continuation of the preparation of the geological map of the United States it was objected to on a point of order, and the Chairman, who now again occupies the chair, sustained the point of order on the very ground that the language used would inevitably carry the surveys into the States and thus enact a new law not then in force. The gentleman from Kentucky knows that to meet that point of order the words "public domain," as words of limitation, were inserted, but the amount was increased to cover the proposed extension. He likewise knows well that when the amendment went to the Senate the words "public domain" were stricken out. And he ought to know, if he remembers the facts, that when the amendment of the Senate came back to this House gentlemen on this floor were notified by the friends of the proposition that the effect of that amendment was to restore the original proposition as offered in the House, which carried the surveys into the States. This was its plain and simple object, and the purpose and scope of the concurrence were not concealed.

Mr. BLACKBURN. Were they notified publicly or privately?

Mr. KENNA. They were notified publicly and by me. And I suggest to the gentleman that in the discharge of my official duty I am in the habit of doing things publicly and openly.

Mr. BLACKBURN. Let us have it so.

Mr. KENNA. To demonstrate that it is so, I will read from my own remarks at the time the Senate amendment on my own motion was concurred in:

The whole matter was discussed before, and we do not want to discuss it any further, unless gentlemen who are opposed to concurrence desire to do so.

That is what I said at the time I moved that the House concur in the Senate amendment, referring to the former full discussion of its effect, in opposition to the motion of the gentleman from New York [Mr. HISCOCK] that the amendment be now concurred in. The object of my motion I frankly declare was to extend the geological surveys into the States, and it was well understood at the time.

I further said:

By concurrence in the amendment of the Senate we leave it as it was offered originally in the House.

Mr. BLACKBURN. Very well.

Mr. KENNA. "As offered originally in the House," a point of order was sustained against it, because the surveys would go into the States. But coming from the Senate the rule did not apply, and a majority vote controlled and adopted the provision.

Now, as to the "guise" under which the matter was carried, it is fully answered by the facts I have stated. So far as the action of the committee of conference was concerned, of course I know nothing. But I know that when an officer of the Government makes either a statement or a promise he is bound by neither when it comes in conflict with subsequent provisions of both the letter and spirit of the law.

To make the whole matter plain, Mr. Chairman, allow me to state

more succinctly the history of the provision of the last session. The friends of the measure offered an amendment to add to the appropriation for surveys $100,000 "to continue the preparation of a geological map of the United States." The amendment was rejected on the point of order that it extended the surveys into the States, and was therefore new law and obnoxious to the rule which prohibited the enactment of new law on appropriation bills except on certain conditions. The amendment was then modified by adding the words "public domain," so as to make it read:

To continue the preparation of a geological map of the public domain of the United States.

With this modification, which did not antagonize the rule, the amendment adding the $100,000 was adopted by the friends of the surveys. Thus when the bill went to the Senate it was not necessary to add anything to the amount but simply to strike out the words of limitation, the words "public domain." This the Senate did. When the bill came back to the House the amendment of the Senate, on my own motion, was accepted. Thus the original proposition was restored, and thus the geological surveys were extended into the States. If gentlemen choose to characterize the method by which this important object was accomplished I have no controversy with them. It was done in an open, manly, fair, and parliamentary way, and no man who supported it was in any manner deceived. Nor indeed could any gentleman have been misled, for the record of the proceedings shows that the issue was squarely made and as squarely and successfully met.

With reference, Mr. Chairman, to the cost of these surveys, I desire to submit the facts as they are. Enough has been done already to determine with reasonable accuracy the cost of the future work.

The total area whose survey is completed is 672,580 square miles. It includes the surveys known as King's survey of the fortieth parallel, Hayden's surveys of the Territories, Wheeler's survey west of the one hundredth meridian, Powell's survey of the Rocky Mountain region, Jenney's survey of the Black Hills, and the present geological survey under the management of Major Powell. The total cost of this work has been $2,428,028.57. The average cost per square mile has been, therefore, about $3.60. Under the present system of triangulation and base-lines 400,000 square miles have been surveyed, at a cost of $1,200,000, which is only $3 per square mile.

Now, sir, the total area of the United States is 3,000,000 square miles. The total cost of surveying it under the present system would be but $9,000,000; and the total cost of surveying it, including the cost of the earlier work under a different system—the rectangular system—would be $9,410,288. Deduct from this sum total the amount already appropriated and expended, and you find a balance of $6,982,260 which it will cost the people of the United States to complete and perfect the geological survey of a continent and exhibit to mankind in its prominent features and general detail a wealth of resource which will astonish as its partial disclosure has already excited the admiration of the world.

But, Mr. Chairman, we do not realize the vastness of the work heretofore done. The area already surveyed is more than equal in extent to that of nineteen of the States of the Union, and the economy of the work, if my information is correct, is greatly to the credit of those having it in charge. I shall include the list of those States in a table of the facts which I have stated and to which I invite the attention of the House.

Total area surveyed, square miles, 672,580; total cost, $2,428,028.57; average cost per square mile, $3.60.

Area surveyed under present system, in square miles, 400,000; total cost, $1,200,000; average per square mile, $3.

So that we may calculate the area surveyed in square miles, 672,580; average cost, $3.60; total, $2,428,028.57.

Area to be surveyed in square miles, 2,327,420; average cost, $3; total, $6,982,260.

Thus we have the cost of past work	$2,428,028 57
Cost of future work	6,982,260 00
Total cost of all surveys made and to be made	9,410,288 57

The list of States, Mr. Chairman, whose combined territory does not quite equal the area already surveyed is as follows:

	Sq. miles.
Maine	33,000
New Hampshire	9,000
Massachusetts	8,300
Connecticut	4,990
New York	49,170
Delaware	2,050
New Jersey	7,800
Pennsylvania	45,120
Maryland	12,210
Virginia	42,250
North Carolina	52,250
South Carolina	30,570
Florida	58,680
Ohio	41,060
Kentucky	40,400
Georgia	59,470
Illinois	56,650
Missouri	69,410
Louisiana	48,720
Total	671,150

Thus we have for less than two millions and a half of dollars the survey of a magnificent domain, larger than many empires, and thus we may have, if we adhere to the present purpose and plan, for less than seven millions more the survey of an additional area more than three times as great. The value of the work can not be exaggerated. If it will be of inestimable advantage to the grand little State which I have the honor in part to represent its service will be commensurate to the country at large. [Here the hammer fell.] I hope some gentleman will yield me two minutes of his time.

Mr. McKINLEY. I desire to be recognized, and will yield to my friend from West Virginia [Mr. KENNA] for two minutes.

Mr. BURROWS. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Michigan [Mr. BURROWS] if he rises to oppose the proposition.

Mr. BURROWS, of Michigan. I will rise to oppose the amendment, and yield a portion of my time to the gentleman from West Virginia.

The CHAIRMAN. The Chair thinks that at this stage of the debate, the time for debate being limited, that would not be right. The Chair will recognize the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. I am perfectly willing to relieve my friend from West Virginia [Mr. KENNA] from the consequences of his reckless statements.

Mr. KENNA. Give me two minutes before you do that.

Mr. BLACKBURN. The gentleman took two minutes of my time. Mr. Speaker, I reiterate every statement that I made yesterday. I am willing to confess that my friend from Arkansas [Mr. DUNN] has at least succeeded in impressing the House favorably—not with his answer to the proposition as to whether this appropriation was defensible under the warrant of the Constitution, for that he very prudently refrained from touching. No man has yet undertaken or dared to answer the proposition submitted—[Mr. KENNA rose.] I beg the gentleman to remember that he declined to yield to me.

The CHAIRMAN. The gentleman from Kentucky [Mr. BLACKBURN] has but one minute remaining.

Mr. BLACKBURN. I thought I had five.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is entitled to the last five minutes.

Mr. BLACKBURN. I wish to say that the gentleman from West Virginia [Mr. KENNA] fails to impeach a single statement I made as to the amounts necessary to be appropriated; he fails to produce a single atom of evidence to refute the statement that this was done surreptitiously as it was done; and the gentleman from Arkansas, with a prudence for which he is to be commended, slunk clear away from the question of constitutional warrant——

Mr. DUNN. I did not think I could settle the constitutional question in five minutes.

Mr. BLACKBURN. And satisfied himself with convincing the House that he was the most perfect adept in the House in the matter of swallowing every political conviction that he ever held, and pleading to be allowed to make a raid upon the Federal Treasury without warrant of constitutional law, when he found an opportunity to enrich the private citizens who chance to constitute his constituents.

[Here the hammer fell.]

Mr. HISCOCK obtained the floor.

Mr. DUNN. Now, Mr. Chairman, I think in all fairness the gentleman from Kentucky ought to let me answer that statement.

Mr. BLACKBURN. I want to answer you.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is recognized for five minutes.

Mr. HISCOCK. Mr. Chairman, the gentleman from West Virginia [Mr. KENNA] has said he supposed if there was any doctrine in the world I am opposed to it is the doctrine of State rights. However much I may be opposed to the doctrine of State rights, I am not in favor of individuals taking from the Treasury money for the improvement of private property; and I had a right to call the attention of the committee to the attitude occupied by gentlemen on the other side of the House upon this question, in view of what has been transpiring here for the last two or three weeks.

I have seen gentlemen on the other side of the House who are advocating the most liberal appropriations of money to aid railroad and other corporations in the investigation of the hidden resources of their lands, voting on every conceivable occasion to strike down a domestic industry because, as they said, it was supported and sustained by a protective tariff. There is scarcely an interest in the whole country in regard to which these gentlemen have not said—and some of them for constitutional reasons—that it should have no protection, that it was not the province of the General Government to protect manufacturing industries; yet they come in here and say, "We will take money from the Federal Treasury for the purpose of developing private property."

Gentlemen where is your consistency? I had a right to say yesterday that the gentleman from Kentucky was consistent; and I have a right to say that gentlemen who have addressed themselves to this question here to-day are inconsistent.

In my own town there is an industry I have heard inveighed against upon this floor almost constantly. "Free salt" has been the slogan, the war cry, on the other side, and yet gentlemen over there would take

the major part of the protection afforded to that industry, supported in the interest of 25,000 workingmen, and use it to develop the wealth of corporations which are hunting mines in the Appalachian range.

As I said yesterday, Mr. Chairman, this is the humorous side of this question to me. It presents before the country the fact that gentlemen who almost hissed down the gentleman from Ohio [Mr. MCKINLEY] the other day, in the constitutional position he assumed in reference to the tariff, are now willing to vote the largest possible amount when that money is to be used in the development of individual interests in their own localities.

[Here the hammer fell.]

The CHAIRMAN. Debate is closed by order of the House on the pending paragraph and all amendments thereto.

Mr. DUNN. In view of the rather personal fling the gentleman from Kentucky [Mr. BLACKBURN] made at me, I ask unanimous consent for two minutes.

Mr. BLOUNT. I object unless the debate is opened on both sides.

Mr. BLACKBURN. I trust the request of the gentleman from Arkansas [Mr. DUNN] may be granted and that I may be allowed equal time to reply. [Cries of "Vote!"]

Mr. BROWNE. I have no objection to granting unanimous consent to print.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Kentucky to strike out "$240,000" and in lieu thereof to insert "$158,000."

Mr. BLACKBURN demanded tellers.

Mr. HISCOCK. I hope the gentleman from Kentucky will withdraw his pending amendment and make it $200,000 instead of $158,000.

Mr. ROBESON. I hope the committee will stand by the Committee on Appropriations in their vote.

Mr. RYAN. I hope the chairman will stand by his committee.

Mr. BLACKBURN. I accept that modification of my amendment and will make it $200,000 instead of $158,000.

Mr. ELLIS. I hope it will be voted down and we will stand by the committee.

Mr. BLACKBURN. I move my amendment in the order suggested by the gentleman from New York [Mr. HISCOCK].

The CHAIRMAN. By unanimous consent the amendment will be so modified.

Mr. BLACKBURN. Let us have a division on that amendment.

The committee divided; and there were—ayes 84, noes 64.

Mr. ELLIS. Tellers.

Tellers were ordered; and Mr. HISCOCK and Mr. ELLIS were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 86.

So the amendment was rejected.

The Clerk read as follows:

For salaries of the scientific assistants of the geological survey: For salary of five geologists, at $4,000 each.

Mr. ANDERSON. I offered an amendment yesterday which has not been voted on.

The CHAIRMAN. The Chair inquired of the Clerk, and the Clerk said there was no further amendment.

Mr. ANDERSON. You will find it in the RECORD.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas.

The Clerk read as follows:

In line 1404, after the word "mineral," insert the words "agricultural and other industrial;" so it will read:

UNITED STATES GEOLOGICAL SURVEY.

For the United States Geological Survey: For the geological survey, and the classification of the public lands and examination of the geological structure, mineral, agricultural, and other industrial resources and products of the national domain, and to continue the preparation of a geological map of the United States, &c.

Mr. HISCOCK. I make the point of order against that amendment that it changes existing law and does not retrench expenditures. Besides that it is not germane to the pending provision.

The CHAIRMAN. The pending provision is for the geological survey and the classification of the public lands and examination of the geological structure, mineral and industrial resources and products of the national domain, &c., and the Chair thinks the amendment of the gentleman from Kansas is germane to the pending provision.

Mr. HISCOCK. Now, Mr. Chairman, I ask that the amendment may be again reported.

The CHAIRMAN. The Chair calls the attention of the committee to the fact that this amendment is offered to come in after the word "mineral," in line 1404; and the Clerk will report the paragrah as it will stand should this amendment be adopted.

The amendment was again read.

Mr. HISCOCK. Mr. Chairman, the point of order that I make is this: that it changes existing law. It must change existing law, for this is intended evidently by the gentleman who offers it to enlarge the scope and objects of the bill. I do not know that I would have any great objection to this amendment in itself, but I do protest against making this Geological Bureau an agricultural bureau, or in this way changing the law which created this bureau.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order? If not, the Chair has already indicated his ruling.

Mr. HISCOCK. I desire to be heard for a moment upon the point of order. The point I make is that when you are extending this bureau as proposed here you are going beyond the language of the original law authorizing it. As is provided in the bill, and as the language is framed, it simply refers to a report upon the mineral resources of the country, as well as the geological structure and products of the national domain. Now, the organic law on this subject, which the Chair should have before him when ruling upon the point of order, will be cited by the gentleman from Illinois, my colleague upon the committee, who has sent for it.

The CHAIRMAN. The Chair thinks it is important that that law should be cited before the point of order is finally determined.

Mr. ANDERSON. Mr. Chairman, we were told on yesterday that these surveys were accomplishing a great many things besides what was originally contemplated in the law; that they were making reports on arable land, flow of rivers, State lines, and resources of the public domain generally. Now, the amendment which I propose is simply to put into this bill what it was stated is being already in process of execution by this survey. That statement to which I have referred was made upon the floor, and I claim that this amendment can not change the existing law if it be held that the work of this survey is in accordance with the present law. For if this amendment is not in order, then the work of the geological survey is itself out of order under the present law, because they are doing in part what this amendment proposes that they shall do in a more systematic manner. For myself, however, I have no doubt in the world that this amendment is entirely in order and that the ruling as already indicated by the Chair is correct.

Mr. CANNON. I will submit in a moment the original act creating this survey. But in 1878 or 1879 this bureau was created by a permanent law; and in creating it the language of this bill was used. It was established and given jurisdiction over that class of work which is enumerated in this paragraph of the bill, namely:

The geological survey and the classification of the public lands and examination of the geological structure, local resources, and products of the national domain.

Since that time the appropriations have literally followed the law, so that there is an organic law at the bottom of the appropriation, which the committee deem it advisable and of course absolutely essential should be followed.

The CHAIRMAN. That is an important point; the Chair recognizes it, and it should be limited to the scope of the existing law. That is not before the Chair, however.

Mr. CANNON. I will have it in a moment and submit it to the Chair. The gentleman from Tennessee, who is present and the author of the law, will recollect that this appropriation runs in the language of the original appropriation for this bureau. I refer him to page 58 of the present bill.

The CHAIRMAN. Undoubtedly the appropriations must be confined to the authority given by the law.

Mr. HISCOCK. While the Clerk is procuring the copy of the law, I ask in the mean time that we proceed with the bill if there be no objection.

The CHAIRMAN. If there be no objection the pending paragraph will be informally passed over to be returned to hereafter.

There was no objection.

The Clerk read as follows:

Columbia Institution for the Deaf and Dumb:

For current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses and for books and illustrative apparatus, for general repairs, and improvements, $55,000: *Provided*, That no more than $25,000 of said sum shall be expended for salaries and wages.

Mr. BLACKBURN. I move to amend this paragraph by striking out, in line 1481, the word "five" and inserting "two;" so that it will read:

Provided, That no more than $22,000 of said sum shall be expended for salaries and wages.

The object of the amendment, Mr. Chairman, is to make this bill conform to the present law, and I only trust that if it shall be agreed to the power of the American Congress may be sufficient to make the teachers, the tutors, and professors of this institution conform to the law of the land, which it seems they have not been heretofore doing.

I took occasion a year ago, when this bill was pending, to call the attention of this House to the fact that this is the most liberally endowed and most expensively sustained institution either on this or any other continent, an institution where they have in round numbers one hundred pupils, with a corps of fourteen professors and tutors with salaries ranging from six or seven thousand dollars a year in actual value down to $1,200. There is not another eleemosynary institution in this District, there is not another charitable institution on this continent, whose superintendent receives the salary that is given to this gentleman. He has $4,000 a year in money paid to him; he has a house built and furnished by the Federal Government; he has his supplies all given to him; and when you come to add his salary to these various items

you will find that the position is worth in round numbers from six to seven thousand dollars per annum.

Nominally the disbursement of this $25,000 is under the Secretary of the Interior, but practically it is under the control of the superintendent of this asylum, and he disposes of it as he pleases. I do not know what has been done in that direction during the last twelve months, but I do remember the fact that I called the attention of this House a year ago to the circumstance that he was allowed $500 for the payment of the expenses of his trip to Europe, and several hundred dollars for painting the portrait of his father, which money came from the Federal Treasury, because he thought it was a proper thing to do.

Fifty-five thousand dollars appropriated to maintain this institution with one hundred inmates, one hundred and four or one hundred and eleven, and about one-half of it going into the pockets of the professors, to say nothing of the drain that you make upon the remainder to supply them with grocery stores and provisions! If this be the institution that its friends claim it is, at least one-half of the money that is appropriated for its maintenance should go to the institution proper and not to the pockets of its professors.

The law of the current year limits the expenditure for salaries to $22,000. The present bill proposes to raise it to $25,000. I simply ask this Committee of the Whole to put it back, and declare that out of a gross appropriation of $55,000 not more than $22,000 plus the supplies furnished to the professors shall go in the way of salaries.

Mr. HISCOCK. Last year I concurred in the report of the Committee on Appropriations of the House limiting the salaries to be paid at this institution. But, Mr. Chairman, I am compelled to recognize the fact that this institution is the pioneer in the higher education of mutes; and I have no doubt it is doing a good work.

I do not believe that it ought to be fostered by the General Government at all, and I grounded my action last year upon that conviction. But the General Government has fostered it for twenty years or more. It has become one of the recognized institutions of the land. I think all such institutions as that should be established and supported by private enterprise and private means or by States; and I am opposed upon general principles to more of them being fastened upon the General Government. But we find this here. It is doing a good work. It is no better and no worse than many others we are providing for every year; and I therefore concluded, and the Committee on Appropriations concluded, that we would allow it to be supported for the next fiscal year as it has been supported in the past.

This difference is, I believe, a matter of $2,500; and we did not believe that it was wise to continue the restrictions upon the salaries of the officials which we imposed last year. I hope the report of the committee will be approved.

Mr. NEAL. I move to strike out the last word.

An examination of the expenditures of this institution in comparison with its results will show the most reckless extravagance as contrasted with any institution of the kind in the United States. There is not a single State where the institutions of this character are managed with as reckless extravagance as this institution is managed. And whatever may be the quality of its education, I undertake to say it is in no respect superior to that of the institutions in Ohio, New York, Connecticut, and other States.

For the information of the committee I have made a comparison of the institutions in three of the leading States with that in the District of Columbia; so that this committee may see how this institution is managed in comparison with others.

But before I give these figures let me say there has been in the neighborhood of a million and a half of dollars spent on this institution for salaries, buildings, grounds, &c.

Last year there was spent $58,000 in round numbers; number of pupils, 111; cost per pupil, $522.79; expended for salaries and wages, $29,000; per pupil, $265.

In Ohio the expenses per capita were $172, a difference of over $350 for each pupil per annum. Paid for salaries, $17,954, $12,000 less than was paid here; while there were educated in the Ohio asylum 506 pupils as against 111 in the Columbia Institution.

In the Western Pennsylvania Institute for the Deaf and Dumb there are 110 pupils, the number at the Columbia Institution here being 111; total expenditure, $31,956, $28,000 less than spent here. Expenses per capita $198, against $522, at the Columbia Institution. The salaries and wages were $7,906, against $29,726 at the Columbia Institution.

In Connecticut the expenses per capita were $175—and the institution there is in as fine order, I am informed, as the Columbia Institution—$175 against $522.

To recapitulate: Charges per capita in the Columbia Institution, $522; in Ohio, $172; in the Pennsylvania Western Institute, $198; in another Pennsylvania institution, $239; in Connecticut, $175.

Salaries: In the Columbia Institution, $29,726; in Ohio, $17,956; in the Western Institute, Pennsylvania, with the same number of scholars, $7,906.

The committee can easily discover from these figures that this institution, as compared with others in the United States, is kept up with the most reckless extravagance.

Mr. HUMPHREY. I hope, therefore, the gentleman from Ohio, as chairman of the Committee on the District of Columbia, will not claim support for any more eleemosynary institutions in this District.

Mr. NEAL. I have nothing to do with that. The Committee on Appropriations have charge of the eleemosynary institutions.

Now, Mr. Chairman, the president of this board, and I believe the chairman of this Committee of the Whole is one of the directors, reports that when the Appropriations Committee limited the expenditure for salary and wages to not over $22,000—

The directors are under the impression that this provision of law must have been adopted by Congress without a full understanding of the needs of the institution and the character of the service that was required in doing this work.

[Here the hammer fell.]

Mr. CANNON. I want to say a word in justice to myself and to this institution in opposition to the amendment.

Last year, I will state very frankly, from an examination of these expenditures, but not having examined carefully the management of this institution and not being fully advised, as I am now, as to the work it was doing, I concurred with members of the House in putting the limitation at $22,000 for these salaries. Since that time I want to be equally frank with the House and say that I have looked into the work they are doing and am better advised in regard to it than I was a year ago. If this was an open question that we were commencing now for the first time to establish this institution I should hesitate about commencing appropriations for it.

I want to say to the House that in my opinion, from the examination I have made of it, it is doing a very valuable work. I grant you it is doing a much more expensive work than is done in some institutions in most if not all of the States. But that, I apprehend, arises very largely from the fact that it is superior in the character of instruction to institutions in most of the States, and that fewer students are instructed in this institution than in State institutions. I think it is altogether probable that you might instruct double or three or four times the number of students that are now instructed there at a very much less cost per capita than those now being instructed.

But the impression has been left upon my mind from the examination I have given the subject since last year that this limitation should be raised from $22,000 to $25,000. For one I am not willing to vote for the amendment.

Mr. NEAL. I withdraw my *pro forma* amendment.

Mr. HENDERSON. I renew it. I want to say a single word in reply to what has been said by the gentleman from Ohio [Mr. NEAL]. He says this is the most expensive institution of the kind in the United States.

If I am correctly informed there is not only no other institution like this in the United States, but I believe there is none in the world. There is perhaps in every State of this Union a deaf and dumb asylum where instruction is given. But I am informed and believe there is no other college in the world for the education of the deaf and dumb in the higher branches of education.

I doubt if the expense in this college is higher than that of other colleges in proportion to the number educated, and the difference per capita is perhaps no greater than it is between other colleges in the country and common schools. I think the difference in expense per capita between this institution and those referred to by the gentleman from Ohio can be largely explained by the difference in numbers; and certainly by the difference between a college with a faculty and institutions of learning where only common branches are taught. I only desired to say this much.

The question was taken upon the amendment of Mr. BLACKBURN, and it was not agreed to.

Mr. NEAL. I move to amend the paragraph by adding the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided further, That hereafter the reports of said institution shall contain an itemized statement of all of the employés and the salaries or wages, respectively, of each of them, and also all other expenses of said institution.

Mr. HISCOCK. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following:

For the improvement and inclosure of the grounds, $5,000.

The CHAIRMAN. The Chair will state to the gentleman from Kansas [Mr. ANDERSON] that from an examination of the law establishing the geological survey he finds that the bill under consideration in its limitations follows the precise language of the original law, and that the amendment proposed to be inserted would extend the scope of this bill beyond the provisions of the original law, and is therefore not in order.

Mr. HISCOCK. I now ask the Clerk to return to the provisions in the bill making appropriations for surveys of the public lands.

The CHAIRMAN. The Clerk will read the first paragraph which was passed over.

The Clerk read as follows:

Surveying the public lands:

For surveying the public lands, $400,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountain-

ous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines; and of the sum hereby appropriated $60,000 shall be expended for surveys in the Territory of Dakota; and a further amount, not exceeding $50,000 thereof, may be expended for occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal-fields, and timber districts.

Mr. RYAN. I am instructed by the Committee on Appropriations to offer the amendment which I send to the Clerk's desk, to come in at the end of the paragraph just read.

The Clerk read as follows:

And for the making of such other survey or examination as may be required for identification of lands for purposes of evidence in any suit or proceeding on behalf of the United States.

The amendment was agreed to.

Mr. BRENTS. I move the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "undergrowth," in line 1346, insert the following:
"Or where for any cause not already provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid."

Mr. HOLMAN. I wish to reserve all points of order until I can hear some explanation of that amendment.

The CHAIRMAN. The Chair will direct the paragraph to be read as it will be if amended.

The Clerk read as follows:

For surveying the public lands, $400,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, or where for any cause not already provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines, &c.

Mr. HISCOCK. I reserve a point of order on that amendment.

The CHAIRMAN. The point of order has already been reserved.

Mr. BRENTS. I ask the gentleman to withhold his point of order.

Mr. HISCOCK. I will reserve it until the gentleman makes his statement.

Mr. BRENTS. Under the provisions of the sundry civil appropriation bill of last year the rates for surveys were reduced $3 per mile. I opposed that reduction at that time for the reason that I was satisfied surveys could not be made in my Territory at those rates. Subsequent information has confirmed me in that opinion. We have been unable to get any surveys whatever made at the minimum rates provided in that act of $5 per mile for section lines and $7 per mile for township lines.

The matter has been brought to the attention of the Commissioner of the General Land Office and the Secretary of the Interior, and they have written letters asking that increased rates be allowed for Oregon and Washington Territory. This proposition was submitted to them and modified in some respects at their suggestion.

It simply gives the Commissioner of the General Land Office a discretionary power to allow greater rates for surveys in Washington and Oregon. It is utterly impossible to get surveys made there at the rates provided for in this bill. Our agricultural lands can not be surveyed at all. We have been unable to get any contracts taken in either Oregon or Washington for the survey of agricultural lands at the rates provided for in this bill.

Augmented rates are provided for heavily timbered lands and lands covered with thick underbrush. We have had some surveys of those lands at the augmented rates, but the agricultural lands, where the tide of immigration is necessarily setting in, can not be surveyed at these rates, for the deputy surveyors can not make surveys at these rates except at a loss.

The surveyors-general have been unable to get any contracts taken at those rates. The surveyor-general of my Territory informs me that unless some provision is adopted allowing a discretionary power in reference to some increase of rates the appropriation of last year will lapse, and we shall get no surveys at all. You might as well make no appropriation for Washington Territory and Oregon as to allow no greater rates than those provided in this bill. The wages for ordinary labor are much higher in that portion of the country than in other districts.

Mr. GEORGE. Mr. Chairman, I hope that the amendment proposed by the gentleman from Washington Territory [Mr. BRENTS] will prevail. In the last Congress the rates for this service were changed; but experience has demonstrated that a large portion of the lands of Washington Territory and Oregon can not be surveyed under the rates fixed by Congress. The result is that much of the money appropriated for surveys is lying in the Treasury unused, and unless some amendment similar to that now proposed be adopted, it is useless to appropriate further for the survey of lands in Eastern Oregon and the eastern part of Washington Territory. In this statement I am supported by the surveyor-general of my State, whose letter I shall ask to have read. I desire also to have read a memorial adopted by the last Legislature of the State of Oregon, reciting facts which can not be denied or disputed.

The amendment offered by the gentleman from Washington Territory has been submitted to the Commissioner of the General Land Office and the Secretary of the Interior, and has been approved. I hope that the point of order will not be pressed. I now call for the reading of the letter of the surveyor-general of Oregon and the memorial of the Legislature of that State.

The CHAIRMAN. The reading of these papers can not be finished in the gentleman's time. Does he desire to have them read, or printed in the RECORD?

Mr. ALDRICH. I ask unanimous consent that they be read without reference to the termination of the gentleman's time.

Mr. GEORGE. I hope they will be read. This is a vital matter with us in Washington Territory and Oregon.

The CHAIRMAN. If there be no objection the gentleman's time may be extended, not exceeding five minutes, for the purpose of allowing these papers to be read.

There was no objection.

The Clerk read as follows:

OFFICE OF THE UNITED STATES SURVEYOR-GENERAL,
Portland, Oreg., December 21, 1882.

DEAR SIR: Until to-day I have been unable to find time to write you, and do so now in appreciation of the necessity of an early move on the part of Congress toward the increase in prices for surveys on this coast and particularly with reference to this State, and respectfully ask your attention to the memorial passed by our last Legislature in regard to this matter, which instrument in a measure accorded with my views and was a recital of the general facts. All of the unsurveyed portions of this State are of such a character that present rates afford no profit (in the main would entail loss if undertaken) to deputies, and if said rates are permitted to remain the result must be the entire stoppage of surveys in this State, and, as you can plainly see, will result in great injury to, if not prevention of, settlement. In plain justice, the maximum rates allowed by the appropriation act for 1881-'82 (see paragraph under head of Surveying the Public Lands, page 273, volume 21, United States Statutes at Large) should be the minimum rates allowed for Oregon, with this change in reading: "For standard and auxiliary meridian lines, $16 per mile; for township and meander lines, $14 per mile; and for section lines, $10 per mile." There are some limited areas for which such rates would afford fair compensation, but much the greater portion could not be executed at even those rates; and for them an "augmented rate" (there should be only two rates for this State) should be provided and should read: For standard and auxiliary meridian lines over mountains or lands covered with dense growth of timber or through thick underbrush, $18 per mile; for township or meander lines of same character, $16 per mile, and for section lines, $14 per mile, the character of the greater portion of each mile, as shown by the field-notes of survey, to determine the price of the mile considered.

This latter price is the same as is provided for California and Washington Territory by section 2405, United States Revised Statutes, second edition, 1878, and might serve as a repeal of section 2404 *ibid.*, and be embodied in the regular appropriation act as specially applicable, if necessary, to Oregon, though California and Washington are entitled to the same rates. And these rates should be made available in contracting for work under the appropriation of last year, as not a dollar of the $20,000 then allotted to Oregon has been or can be used at present rates, so far as my effort has yet been rewarded.

Very respectfully, &c.,

JAMES C. TOLMAN,
Surveyor-General, Oregon.

Hon. M. C. GEORGE, M. C., *Washington, D. C.*

House joint memorial No. 9.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully represent that the rates per mile now allowed for the survey of the public domain in the State of Oregon, which rates were established by the last Congress, are insufficient and altogether inadequate to secure the end desired, and that their maintenance must result in the discontinuance of the surveys in this State, for the reason that deputy surveyors will not contract to do the work because of the great expense of reaching the yet unsurveyed portions of the State with supplies and assistants, and the difficult and expensive character of the work now remaining to be done, which is almost exclusively of that character hitherto avoided by surveyors, and for which the immediately preceding prices afforded little or no profit.

The unsurveyed portions of this State consist mainly of lands lying along the coast or on the mountain ranges, and are covered with dense forests and thick and tangled jungles of almost impenetrable brush, in addition to a ragged and craggy nature, and are generally distant from the ordinary bases of supplies. Of these facts all who are acquainted with our State are fully aware, and none more so than deputy surveyors; yet large areas of these lands are of the richest soil; are valuable for their timber as well as other natural advantages, and are now eagerly sought for by persons in search of homes and who are willing to clear and cultivate them. This is attested by the number of applications and petitions to the proper officers asking for their survey. These requests can not be complied with so long as the present prices prevail for the reasons before given.

The results of this condition of things are readily seen and are a matter of much seriousness to this State at this time, now that thousands are here seeking homes and thousands more are coming, the majority of whom are seeking locations upon the Government lands. That portion of the appropriation by the last Congress for the extension of surveys in Oregon is rendered useless and will necessarily be returned to the Treasury and the extension of the surveys be suspended until more remunerative prices are allowed by law. This must result in great damage to the State in preventing settlement and improvement. There is perhaps no State in the Union which is at this time attracting more attention abroad, or which is making such rapid strides in material advancement and prosperity, as Oregon; and it is safe to say that to discontinue the public surveys at this time is to strike a serious and unnecessary blow at the material prosperity of the State.

We, your memorialists, therefore earnestly ask and pray that this impediment may be speedily removed by an advance in the prices for surveys at least equal to those which prevailed before the last reduction, and that such change may at least include the appropriation to Oregon for the current year, as well as for the future. And this your memorialists will ever pray.

Mr. HOLMAN. The point of order I make is that the rates for these surveys are fixed by law, and that the effect of the amendment is to change existing law.

The CHAIRMAN. According to the recollection of the Chair, the compensation for this class of service has always been adjusted in appropriation bills under such limitations as the particular acts may have prescribed.

Mr. HOLMAN. That has been uniformly the case. The act of last session fixed the basis of compensation, which this amendment proposes to change.

Mr. HISCOCK. A single word in reply to the suggestion of the Chair. These divisions of the work have never been changed.

The CHAIRMAN. The Chair desires to inquire whether in view of the exception in this bill, "the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth," it may not be in order to insert an additional exception such as this amendment proposes.

Mr. HISCOCK. The point I make is that these divisions have always been as they are now. No doubt Congress has at times varied the pay in these divisions; but the divisions have always been maintained. Now the sundry civil appropriation bill of last year contains this provision:

For surveying public lands, $400,000, at rates not exceeding—

Then it goes on to give the terms. We have followed that provision in this bill.

Now, it is barely possible that the prices given for these different classes of work might be changed; but the classes have always been maintained as distinct, and the point I make against this amendment is that it breaks down the classification.

The CHAIRMAN. The Chair sees nothing in this amendment touching the classification. It simply proposes an additional exception to that made in the bill. The Chair calls the attention of the gentleman from New York to the language. After providing the rates and divisions and classification the language is:

Except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth.

Now the amendment proposes to add the words, "or when, for any cause not already provided for by law, in Oregon or Washington Territory he is unable to get the necessary surveys made at the rates aforesaid." This language changes the classification in no particular, but only adds another exception. In this point of view the Chair is inclined to consider the amendment in order.

Mr. HISCOCK. Do I understand the Chair to hold this amendment to be in order?

The CHAIRMAN. Unless the gentleman shows it is not germane.

Mr. HISCOCK. I will not spend any more time, then, on the point of order.

Mr. WASHBURN. I was about to ask the gentleman from New York to withdraw his point of order even if it were held to be good by the Chair. Let the amendment be read.

The amendment was again read.

Mr. WASHBURN. Of course, Mr. Chairman, that gives a large discretion, and with that provision in the bill we can not tell what price this work will amount to.

The CHAIRMAN. The limitation follows what the Clerk has read.

Mr. BRENTS It gives a discretion of $2 a mile.

Mr. WASHBURN. There should be further limitation, and I therefore propose to make a limit to the amount. I am satisfied from my knowledge of the situation there should be a discretion between the price paid on this side of the Rocky Mountains and the price paid in Oregon and Washington. In a business point of view, and as a practical question, I am satisfied in order to get these agricultural lands surveyed some discretion of this kind must be reposed in the Department.

The CHAIRMAN. The Chair will remark to the gentleman from Minnesota that what follows contains the limitation.

Mr. WASHBURN. I move an amendment limiting the amount to be expended during the next fiscal year.

The CHAIRMAN. That will come up in order as an amendment to the amendment after this is adopted.

Mr. CASSIDY. I desire to offer a substitute for the pending amendment.

The Clerk read as follows:

In lines 1341, 1342, and 1343, strike out "9," "7," and "5," and in lieu thereof insert "10," "9," and "7;" so it will read:

"At rates not exceeding $10 per linear mile for standard and meander lines, $9 for township and $7 for section lines," &c.

Mr. HISCOCK. I make the point of order that amendment changes existing law and increases expenditure.

Mr. CASSIDY. I should like to be heard on that amendment.

Mr. ROBINSON, of Massachusetts. It seems to me, Mr. Chairman, that is not a substitute for the pending amendment.

The CHAIRMAN. The gentleman had better offer his amendment as an independent proposition.

Mr. ALDRICH. Let the gentleman withdraw it for the present and offer it again.

Mr. CASSIDY. I will withdraw my amendment until action is taken upon the one now pending.

Mr. HISCOCK. Mr. Chairman, I desire to call the attention of the committee and of the gentleman from Minnesota [Mr. WASHBURN] to what we have learned in respect to this matter. It has been said this money was insufficient to procure the survey of the lands in the Territory of Washington and the State of Oregon. If that be true it is a remarkable fact we have not heard of it from the Commissioner of the General Land Office or from the Secretary of the Interior. I do not know but gentlemen have obtained later information. I do know when this provision was inserted in this bill it was satisfactory to the General Land Office and to the Secretary of the Interior, so far as he was represented before the Committee on Appropriations.

And there is one other fact I desire to call to the attention of this Committee of the Whole. There is to-day of surveyed lands in the State of Oregon 19,546,918 acres which have not yet been entered. It has been intimated—I do not know but falsely—it has been supposed if these surveying parties refuse to do this work Congress will increase the price. As I have said, I do not know that is true. I know, however, after the fullest consideration and the most mature deliberation, the last Congress fixed these rates as they are provided in this bill. Now, in Washington Territory there are nine and one-half millions of acres of surveyed lands which remain unentered. With these large margins in Washington and Oregon I believe this work could rest a year in order to see whether men could not be found to do it for the rates indicated in the statute.

One other word. We reduced these rates in the last Congress under great difficulty and against an immense amount of pressure. I believe that reduction was right. We satisfied the House it was right. And, Mr. Chairman, we scarcely had the concurrence of those connected with the General Land Office in our efforts, but they did acquiesce in it. With this large margin of surveyed lands in Washington and Oregon which are yet unentered, it seems to me we should wait to see whether the contractors there may not conclude they can do this work for the rates here indicated.

[Here the hammer fell.]

Mr. CASSIDY. Before the vote is taken upon this amendment I desire to offer an amendment to the amendment, to come in after the words "Washington Territory."

The CHAIRMAN. The amendment proposed by the gentleman from Nevada will be read.

The Clerk read as follows:

Insert, after the words "Washington Territory," the words "Nevada, Utah, Idaho, Montana, and Arizona."

Mr. CASSIDY. The object of this is to make the amendment general in its application to all of the Western States and Territories.

The amendment to the amendment was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment proposed by the gentleman from Washington Territory, which has been read.

The committee divided; and there were—ayes 16, noes 21.

Mr. BRENTS. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HISCOCK and Mr. BRENTS were appointed tellers.

The committee again divided; and the tellers reported—ayes 35, noes 55.

So (no further count being demanded) the amendment was not agreed to.

Mr. CASSIDY. I offer the further amendment which I have already suggested.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In lines 1341, 1342, and 1343 strike out the words "nine, seven, and five," and insert in lieu thereof the words "ten, nine, and seven," so that it will read:

"At rates not exceeding $10 per linear mile for standard and meander lines, $9 for township, and $7 for section lines."

Mr. HISCOCK. That is subject——

Mr. CASSIDY. I would like to be heard for a moment upon that amendment. All that has been said by the gentleman from Washington Territory and the gentleman from Oregon applies with equal force to all the Western States and Territories. Under the reduction in the price allowed for these surveys in that Western country, where labor is necessarily much higher than elsewhere, the surveys have been practically suspended during the past year. The reduction made at the last Congress was over 37 per cent. in the price.

In reference to the point made by the gentleman from New York, the chairman of the Committee on Appropriations, asking that this be ruled out upon the point of order, I desire to say simply that it is not proposed by this amendment to change the existing law in any sense whatever. There is nothing in the amendment which goes to the manner or classification of the surveys. It is simply the compensation allowed for them that is affected by this amendment. And I hold, therefore, that, being germane under Rule XXI, it is entirely admissible as an amendment to this bill.

I had the honor of presenting a few days since to this House a memorial unanimously adopted by the Legislature of my State, praying this body to increase the price of the surveys of the public lands in that State. This memorial set forth fully the fact that during the last year there had been no surveys whatever made under the contract system. Prior to 1880 the price paid for this same class of surveys was $12, $14, and $10, according to the classification. At the last session of Congress I joined with the honorable gentleman from New York in

repealing that portion of the law upon this subject which related to the deposit system. In other words, we ingrafted upon the bill a provision that certificates taken in payment of the surveys should be applicable only in the land district where the survey is made. I believe that was correct legislation. But I do not believe that it was wise to reduce the rate for the surveying or that the rates should have been cut so largely as they were by that last appropriation bill.

I therefore appeal to gentlemen on this floor to vote with me to restore in a measure the old rates. The amendment I suggest increases the rates $1 per mile on the specific classes of surveys.

Mr. HISCOCK. Mr. Chairman, I certainly believe that this amendment is subject to the point of order. I do not know whether the Chair has passed upon it or not——

The CHAIRMAN. It has not been made, as the Chair understands, up to this time; but the Chair will recognize the gentleman as making or reserving it if he desires to do so.

Mr. CASSIDY. Let me state again that this does not increase at all the amount of the appropriation carried by the bill.

Mr. GEORGE. It provides for the distribution of the money without affecting the aggregate of the bill.

Mr. BRENTS. It does not make the aggregate of the bill a dollar more or a dollar less.

Mr. GEORGE. No; as it has no effect whatever upon it in that respect.

Mr. CASSIDY. I do not see how it can be ruled out on the point of order.

The CHAIRMAN. The Chair will state that these amendments have been affixed uniformly as limitations upon appropriation bills without affecting the amount covered by the bill. It is a limitation upon the expenditure of the amount paid for the service; and being a limitation the Chair feels it to be his duty to submit it as a legitimate question for the action of the committee. He therefore overrules the point of order.

Mr. HISCOCK. Then I will address myself briefly to the merits of the amendment.

In the State of Nevada, which the gentleman represents, there are today eighteen and a half millions of unentered surveyed lands.

Mr. BRENTS. How many that are entered?

Mr. HISCOCK. I repeat, eighteen and a half millions of acres are open under the pre-emption laws.

Mr. BRENTS. How many altogether?

Mr. HISCOCK. Now I am opposed to the survey of the Rocky Mountains——

Mr. CASSIDY. I do not live in the Rocky Mountains.

Mr. HISCOCK. Until there seems to be some necessity for it while there are, as in this State, such large margins of public lands not yet entered.

Mr. CASSIDY. Let me say to the gentleman that the State of Nevada is as large as New England and New York all together.

Mr. HISCOCK. I recognize the fact that it is a very large State.

Mr. GEORGE. And it is a long way from the Rocky Mountains.

Mr. HISCOCK. It is possible I may have made a mistake in calling them the Rocky Mountains. But they are rocky mountains.

Mr. BRENTS. The gentleman from New York can not see beyond the Rocky Mountains. He seems not to be aware that there is any country beyond the Rocky Mountains.

Mr. HISCOCK. I have heard a great deal said about the desire of the gentlemen of the East to hold down appropriations. But I undertake to say, whether it is due to my influence or that of anybody else, we have been fairly liberal in our appropriations. And I undertake to say another thing——

Mr. GEORGE. When you appropriate money for our use we merely ask that you shall regulate it so that we may have the benefit of it.

Mr. HISCOCK. Now, then, it was discovered by the Committee on Appropriations in the last Congress that extraordinary rates were being paid, and that organizations had been formed for the survey of these lands to get the benefit of those rates. In accordance with the recommendation of the Commissioner of the General Land Office we reduced the rates, and those reductions were made on the advice of men from the West and not from the East. There are gentlemen on the Appropriations Committee who are, if I am not, thoroughly in sympathy with liberal appropriations in this direction; and we called in other gentlemen from the West and they said the rates we fixed were fair. Now comes in a proposition to increase them. I repeat, Mr. Chairman, that in view of the large margin of surveyed lands that there is in the gentleman's State——

Mr. CASSIDY. This does not apply to one State merely.

Mr. GEORGE. It applies to nearly all the States.

Mr. HISCOCK. Well, I will say in all of the States, we can afford to wait a while and see if the prices we have offered will not command the work.

Mr. GEORGE. Then why do you not wait in the case of the other States?

Mr. HISCOCK. We are waiting. There has been no other State which has not been willing to accept it.

Mr. GEORGE. Where it is not accepted it is because they can not use it.

Mr. MAGINNIS. As I understand the argument of the gentleman from New York [Mr. HISCOCK] it is that unless settlers go upon those portions of the public lands which are surveyed they are not to go upon the public lands at all; and they are not to have their lands surveyed or to obtain title for their improvements.

Many of those surveys have been made over arid lands and where settlements can not go. And it is true that from all the valleys of those Territories petitions are coming up to have surveys made that the petitioners may get titles to their homes. And I undertake to say under the rates fixed by this bill no contracts can be made in any one of those Territories. They may be perhaps in Kansas, which is represented on the Committee on Appropriations, or in Dakota, whose interests seem to be well taken care of, an innovation having been made on the system of appropriations for the benefit of that Territory. But the great Northwest has no representation on that committee and no one on the committee looks out for its interests.

I hold in my hand a letter from one of the surveyers of the Territory of Montana who was offered and refused to take a contract under the last appropriation. If the gentleman's argument means anything, that the surveys are in excess of the demand, why make any appropriation at all? Why not strike out this amount of $400,000? If the object is to reduce the bill, reduce it by that amount. I would as soon have it that way as have the appropriation coupled with conditions such that money can not be expended except in one or two favored localities. I publish as a part of my remarks the letter I referred to:

HELENA, MONT., *January* 17, 1883.

DEAR SIR: Being a United States deputy surveyor of long standing in this Territory, and well known to you as such, I beg leave to write to you on the subject of the present pay allowed by the Government for surveying the public lands. You will remember that I spoke to you on the subject previous to your departure for Washington to attend this session.

I have resided in this Territory for twenty-three years, having been almost all the time employed in various branches of surveying. For fifteen years of that time I have been connected with the surveyor-general's department, either in the office or as deputy surveyor. In these various capacities, and also as an explorer, I have visited nearly every part of the Territory and am very thoroughly acquainted with it.

I was offered and intended to take a contract last year, but when the reduction in price was made by Congress in the last appropriation I declined to take one, as I knew by experience that at such prices it was impossible to make any money. I had, however, already made a contract for surveying a single township on the Missouri River under a special deposit. The township was very rough; it took me four weeks to survey and three weeks to write the field-notes, and for all this work I shall barely get back the money which I paid out for expenses. It was at the old rates.

Several surveyors who were already in the field, making surveys under old appropriations, and who had been at great expense in outfitting themselves with horses, &c., at the commencement of the season, finding that they must either keep or sell out at a loss, took further contracts in Eastern Montana, in the Yellowstone, Judith Basin, and Musselshell. Owing to the remarkably fine season they were enabled to work up to December, but have all come in and are now engaged in making up their field-notes and maps. I am told by all that they have lost money, and as I know the country well where they have been surveying to be very rough, I believe it.

Mr. Rodney Page, an old and experienced surveyor, took a contract on the west side on the Missoula and Clarke's Fork Rivers. Getting out late in the season he found the country so rough that he could only do part of his work, and retired from the field in December, not having made enough to pay his expenses. He did not have to purchase an outfit, as he had one already from the previous year. I do not think a single surveyor has made anything by his work this year.

A surveyor's expenses do not end with the survey. Almost all of them have to borrow money from the banks at high rates of interest in order to pay for provisions, horses, hire of men, &c. It takes nearly as much time to write the field-notes and make the maps as it does to make the surveys in the field, particularly if the work is rough and has meanders in it. Then it has to be examined in the Surveyor-General's Office, and transcripts, maps, &c., made, and it frequently happens that a year elapses before he receives his pay from the Government. Besides this he has a number of horses, which must be taken care of in winter, and he has to pay some ranchman $2 per head per month for looking after them. This expense frequently amounts to $25 or $30 per month. All these items and many more which I could name have to be taken into account in calculating the paying value of a contract.

Notwithstanding the increased emigration the expenses have not at all diminished. The contract surveyor when he starts out comes in competition with the farmer and the miner, who want help at that particular time, and are willing to pay for it, and there are many new enterprises now beginning; consequently the surveyor still has to pay from $50 to $60 per month to his hands and even more to those who have skill and experience. Last year, in surveying, I had to pay my hands $2 per day and board, including idle days, in order to get them at all.

I would further remark that a surveyor who takes contracts in this climate, can do little else. Surveyors here are divided into two classes—those who do private and mineral work, and who generally reside in the towns where such work can be obtained, such as Helena, Butts, Benton, and Virginia City, and those who take contracts from year to year for surveying public lands. These latter employ the spring and summer in doing their work, and part of the winter in writing their notes. They can therefore undertake no other work, and they are compelled therefore to earn their living for the whole year in the summer months. None of the surveyors in this Territory, whichever class they belong to, have ever made more than a living.

All the best and most level parts of the country have been surveyed; what remains are in Eastern Montana, the lands along the Missouri, Lower Musselshell, and Lower Yellowstone Rivers, with the country back of them. On the rivers there are small bottoms, with perpendicular bluffs from two to three hundred feet high between them. Back of these is generally a high rolling table-land, intersected by small streams and deep ravines, called coulées, which frequently extend back for miles, and from one to two hundred feet deep, and often very rocky, and, as I know from experience, make the worst ground to survey of any other. Besides this are the Judith, Snowy, Belt, and Highwood ranges, which are all very rugged. All these should be surveyed, as along the streams are bottoms suitable for farming, cattle and sheep ranches, while the uplands will be taken up as desert lands and cultivated, while all of the country is suitable for grazing, and much of the mountainous ground is covered with fine timber. This part of the Territory is now settling up rapidly.

In Western Montana the surveys would lie principally along the line of the Northern Pacific Railroad, in the valleys of the Hellgate, Missoula, and Clarke's

Fork Rivers. These are large streams, running in many places through cañons with but few bottoms of any size, and bordered by rough and jagged mountains, covered with a dense growth of pine timber, much of which is of fine quality and very valuable. There are settlements and towns on the Hellgate and Missoula, and but few as yet on Clarke's Fork. It is well known that valuable minerals exist in the mountains on either side of these streams. All of this country has to be surveyed at some time, so that both the Government and the railroad can sell their lands, both timber and agricultural, the profits of which will otherwise be lost to the Government.

This description of the country is drawn in great measure from personal observation, and it is not exaggerated. For what remains to be surveyed the present rates per mile are wretchedly inadequate. The old rates which existed previous to last year should be restored, and would be none too large. Even those for such timbered mountains as are around Clarke's Fork would be inadequate, and I would suggest that a new classification, "mountainous and heavily timbered land," be introduced, to be paid $15 for section lines, and others in proportion. This is none too much for such work. It must be remembered that the surveyor has to blaze every tree on or near his line, cut his way through brush, put four bearing trees to every section and two to every quarter corner, and travel over deep ravines and rough rocks, and he is a lucky man if he can make an average of four miles a day over such ground. Moreover, as I have said before, he has in this climate in five months to make his living for the year.

With the disastrous experience of last year, should the same rates continue, I doubt whether contracts can be let for the ensuing season.

I am, with much respect, your obedient servant,

WALTER W. DE LACY,
United States Deputy Mineral Surveyor.

Hon. MARTIN MAGINNIS,
House of Representatives, Washington, D. C.

Mr. REAGAN. I would like to call the attention of the committee to the provision which it is proposed to amend. This is an appropriation of $400,000 for surveying the public lands:

At rates not exceeding $9 per linear mile for standard and meander lines, $7 for township and $5 for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines.

I think I may be permitted to say a word on this, having been a practical surveyor for a number of years where the law allowed $3 a mile for running out lines, and it was through a very hard country to run them; large contracts were not made, and it was a paying business at $3 a mile, when proper economy was exercised by those engaged in it. Making allowance for going to the frontier, where, however, living is but little higher, if any, and labor little higher than near the principal settlements, that at least is counterbalanced by the fact that these surveyors when they take contracts take a region altogether to survey. It is a business with them; and a man who can not take a contract and make money under this bill ought to retire from the service. If he wants more he simply wants to billet himself on the Government for an enormous job. The amendment ought not to be allowed, in my judgment. The pay it seems to me is ample, unless we assume in this as in most other things that when a man is being paid by the Government he must be paid several times the value of his work—that in this case he can play the gentleman, sit in his quarters, send out others to do the work for him, and then pocket a large profit for sitting in his tent or hunting with his gun.

I hope the amendment and all amendments in the same direction will be defeated.

[Here the hammer fell.]

Mr. WASHBURN. I move to strike out the last word. The committee will bear witness that so far as any question of appropriations for the West, and especially for the frontiers, is concerned, I have always been in favor of those that are most liberal. I believe in liberal appropriations looking to the proper development of that great area of country.

I am frank to say, however, that in my judgment it is not wise to increase the price to be paid for these surveys. I believe the abuses and frauds in connection with making the surveys of this country have grown up more from the fact that we pay too large an amount for the work than from any other cause. I believe that by the rates fixed in this bill we will be more likely to obtain honest work than by increasing them.

Originally, when the surveys were first being made, work was done legitimately by deputy surveyors at a fair and reasonable compensation. But the profits of this work became so large that organizations were formed in the country for doing it, and from that fact the abuses under the survey-deposit system grew up.

Now, I believe it is a wise policy to hold these prices down to just and fair compensation to the man who does the work, and not open the door for organizations and frauds and abuses. I therefore do not believe it wise to raise these rates.

If it could be done in an exceptional case, in the case of Washington and Oregon, for instance, where the conditions are different, I should have been very glad to have seen it done. But to open the door for fraud throughout the whole country by increasing these rates I think would be very unwise and very improper.

Mr. BRENTS. I desire to say a word. The gentleman from New York [Mr. HISCOCK] has spoken of the surplus of surveyed lands in Washington, Oregon, and Nevada that are yet unoccupied. Such is the case all over the country. In the older States there are vast tracts of land which have been surveyed but not yet settled, and probably will not be settled, some of them, for the next hundred years.

But there are great tracts of land all over the West upon which settlers are now living, which lands are still unsurveyed. If the provisions of this bill remain unaltered and surveys have to be made at the rates here proposed those lands will probably not be surveyed for years. The whole appropriation will be used in the survey of other lands, while lands upon which the settlers desire to make their homes will not be and can not be surveyed at the rates here proposed.

I would not pay a dollar or a cent more for the survey of our public lands than is absolutely necessary; I would have the work done as cheaply as possible. But if you retain the rates proposed in this bill, without any discretion to the Commissioner of the Land Office to allow greater rates, we will not be able to get any surveys of our agricultural lands in those sections.

Mr. WASHBURN. I withdraw my *pro forma* amendment.

The question was taken upon the amendment of Mr. CASSIDY; and upon a division, there were—ayes 29, noes 34.

Mr. CASSIDY. I call for tellers.

The CHAIRMAN. Tellers are called for.

Mr. BRENTS. No quorum has voted.

Mr. HISCOCK. That point is too late.

The CHAIRMAN. The Chair thinks it is too late.

Tellers were not ordered.

The amendment was accordingly not agreed to.

Mr. REAGAN. I move to amend the paragraph by striking out these words:

And of the sum hereby appropriated $60,000 shall be expended for surveys in the Territory of Dakota.

This bill proposes to appropriate the sum of $400,000 for surveys. I do not understand why of that sum $60,000 should be set apart for surveys in any one particular Territory. If you were to appropriate that much for each of the eight Territories it would require more than is given by this bill.

I ask the chairman of the Committee on Appropriations [Mr. HISCOCK] what is the reason for assigning $60,000 of this sum for one particular Territory? Why not leave the matter to the Commissioner of the General Land Office, or the authority which controls him, to expend this money where the settlement of the country and the necessity for surveys shall be apparent? Why place this limitation upon the discretion of the Department of the Government having control of this subject?

It is fairly to be presumed that the Interior Department will see that the public lands are surveyed wherever the wants of the country call for surveys. If there is any reason for this discrimination it does not appear upon the bill, and it would seem to be a violation of proper principles and an abridgment of the power of the Department of the Government to exercise its judgment.

I take it that many members on this floor can not be so well informed in relation to the necessity for these surveys as are the proper executive officers of the Government. Those coming from particular Territories or from the land States may know the condition of their several States and Territories; but as to the great body of members of this House, they can not know the necessities of the case.

It seems to me to be unwise, not to say unjust, to take $60,000 of this $400,000 and apply it to one particular Territory. If the public needs shall require it, the Interior Department will cause that or a greater sum to be expended in any one Territory. It seems to me the limitation is improper, and I would say it is unjust and unnecessary, as taking away the proper discretion of the Executive Department having charge of this subject, to have these surveys made where they are most needed.

Mr. PAGE. The gentleman from Texas [Mr. REAGAN] has offered the amendment which I myself desired to offer. I do not believe that this Committee of the Whole ought to appropriate an amount in bulk for the surveys of the public lands of the United States and then make an exception by making a specific appropriation for any particular State or Territory.

If this money is to be expended by the Commissioner of the General Land Office, as has been the practice in the past, then he should be allowed to distribute it all. Or if Congress should see proper to apportion it, as has been done many times since I have been in Congress, then it should apportion it to those States and Territories where there are unsurveyed lands.

I hope that the amendment of the gentleman from Texas striking out this exception will be agreed to. I would like to hear from the chairman of the Committee on Appropriations why an exception is proposed in this particular case. It is true that Dakota is being rapidly settled; but the case is the same with California, Oregon, and Washington Territory. Within the next three years Washington Territory will have as large an immigration proportionately as the Territory of Dakota. Some of the finest lands in America are in Washington Territory, and there is now a large immigration into that Territory. In my judgment it is wrong to apportion to one State or Territory a fixed amount, while the remainder of the sum is left in bulk to be distributed according to the discretion of the Land Department.

Mr. HISCOCK. Mr. Chairman, the reason of the Committee on Appropriations for adopting this provision was their belief that the needs of immigration called for the expenditure of more money in Dakota than

in some others of the Territories or States. Take, for instance, the State of California; 35,000,000 acres of land have been surveyed there.

Mr. PAGE. That statement certainly is calculated to mislead, from the fact that as to millions of acres township lines have been run where perhaps settlement will never go; for instance, in the heights of the Sierra Nevada Mountains. There are parts of that State already surveyed to which, until there is water for irrigation, settlement will never go.

Mr. HISCOCK. The suggestion of the gentleman bears upon the policy of the committee in limiting the expenditures for surveys to arable and farming lands rather than mountainous regions.

I was remarking that in California there are 35,000,000 acres of surveyed lands undisposed of, and in Colorado 40,000,000 acres; while in Dakota, this large Territory about which so much has been said, there are only 9,000,000 acres undisposed of. I call the attention of the gentleman to this fact.

Mr. REAGAN. I inquire whether the Commissioner of the General Land Office can not in his discretion expend this money for surveys where he may deem the expenditure most necessary?

Mr. HISCOCK. He can. But it seemed to us that the needs of immigration demanded the expenditure of more money in Dakota than in other Territories or States.

Mr. PAGE. Washington Territory, according to the gentleman's own statement, has only 8,000,000 acres undisposed of.

Mr. HISCOCK. I concede it; but there is not such a tide of immigration to that Territory as to Dakota.

Mr. BRENTS. There will be in a year or two.

Mr. HISCOCK. I suppose there may be in a year or two. Nevada is not increasing very rapidly in population. There are 18,000,000 acres of surveyed lands there undisposed of; only 4,000,000 acres of all that have been surveyed have been sold.

Now, I concede—and on this point I ask the attention of the gentleman from Texas [Mr. REAGAN]—that the Commissioner of the General Land Office has power to distribute this money in his discretion, and will very probably do it in a just way; but last year, in submitting with his estimates his divisions of lands in these States and Territories, he said that if we gave him $400,000 for this purpose he would expend $45,000 of the appropriation in Dakota. For some reason—I have no doubt a good one—he reduced the amount to $40,000. We made our appropriation upon the basis which he submitted to us—$45,000; and he said that was right. We thought it would not be unwise to relieve the Commissioner of the General Land Office from the pressure that is being brought to bear upon him in regard to the distribution of this money, and that if the needs of immigration in Dakota require this amount, it should be given.

Mr. MAGINNIS. Why did not the committee follow in regard to Dakota the same practice which has been adopted in reference to the other States and Territories?

Mr. HISCOCK. Because it seemed to us that immigration was tending especially in that direction.

Mr. BRENTS. As soon as the Northern Pacific Railroad is completed the tide of immigration will pour into Washington Territory.

Mr. HISCOCK. When the Northern Pacific Railroad is completed we will make similar provision for Washington Territory.

Mr. PETTIGREW. Mr. Chairman, last year there were disposed of in the United States 13,998,000 acres in round numbers of public lands. One-third of this quantity, 4,360,000 acres, were disposed of in the Territory of Dakota. Congress appropriated last year $400,000 for the survey of public lands; and of this amount Dakota received $40,000, only one-tenth of the appropriation. There are in Dakota to-day 10,000 people living upon unsurveyed lands unable to acquire titles to their lands, because a sufficient amount has not been allotted to that Territory for making surveys. It seems to me that Dakota ought to have for this purpose not only $60,000 but $1,000,000 or more. One-third of the entire appropriation would not be more than is justly demanded.

We have found that the Commissioner of the General Land Office, surrounded and pressed on every side, has been unable to do justice to Dakota. Last year he allotted only $30,000, and by the most strenuous effort on our part and on the part of those whom we solicited to assist us, we succeeded in getting it raised to $40,000, and that was every dollar we could get. Why? Because States which have Representatives who vote appropriations in this House and Senators in the other Chamber had more influence than the Territory of Dakota, with no voice in the other House and no vote here. For that reason the Committee on Appropriations determined to make this allotment to Dakota, and now instead of striking it out, this House ought to increase the amount to the extent of one-third the appropriation.

I am satisfied this year 100,000 people will go to the Territory of Dakota, and I know equally well if this amount is not allotted to that Territory we will not receive anywhere near sufficient to survey the lands which will be occupied by actual settlers.

[Here the hammer fell.]

Mr. MAGINNIS. Mr. Chairman, I move to strike out the last word. I concur fully in all that has been said by the gentleman from Dakota [Mr. PETTIGREW]. In my judgment there ought to be $100,000 appropriated for the survey of Dakota. But I wish to call the attention of the Chair and of the House to this fact: Formerly it was the practice of this House to vote separate appropriations for the survey of the several States and Territories, and not an amount in gross, leaving the discretion to the officers in the General Land Office to make allotment as to them seemed best. When the Committee on Appropriations under the lead of the gentleman from Indiana [Mr. HOLMAN] changed the old practice from separate appropriations to the several States and Territories to an appropriation in bulk as it is in this bill, I then made the remark which the gentleman from Dakota has just repeated, that we would not get a fair share of the appropriation when it came to be divided. I begged the House at that time to maintain its old practice, and consider the necessity as to each State and Territory, to make itself appropriations in detail.

I am not opposed to my friend from Dakota having the appropriation which is provided. Indeed I think he should have a larger appropriation; but I do object to this discrimination made by the committee in favor of one Territory and against all the other States and Territories. If the practice of the House is to be abandoned and we are to go back to the old practice, then the Committee on Appropriations ought to have made the proper allotment to each one of these States and Territories.

Mr. CANNON. I wish to say a single word. This is to a certain extent in the line of the policy of making detailed appropriations to these States and Territories. If the attention of the committee had been called in time to this point, I have no doubt it would have reported separate items, as in the case of Dakota; but separate estimates were not submitted to us, and there was not sufficient time on the part of the committee to make full inquiry touching each State and Territory. We did see, however, from the examination we made that Dakota furnished one-third of the lands sold last year, and concluded it was only just and proper that one-seventh should be allotted to that Territory. As I have said, it is in the line of making separate appropriations, as suggested by the gentleman from Montana, to these several States and Territories.

The question recurred on Mr. REAGAN'S amendment.

The committee divided; and there were—ayes 31, noes 47.

So the amendment was rejected.

Mr. GEORGE. I have an amendment to offer, which I ask the Clerk to read.

The Clerk read as follows:

In line 1341 insert the following:

"Or where, for any cause not provided by law, in Oregon or Washington Territory he is unable to get the necessary surveys made at the rates aforesaid he may allow a sum not exceeding $12 per linear mile for standard lines, $10 for township lines, and $6 for section lines."

Mr. GEORGE. This is $1 less than was proposed by the gentleman from Washington Territory.

Mr. RYAN. That ought to be adopted.

The committee divided; and there were—ayes 44, noes 17.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. GEORGE and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 79, noes 77.

So the amendment was agreed to.

Mr. HOLMAN. I move to strike out $400,000 wherever it occurs and insert $300,000. I understand the original proposition is still pending, and I move my amendment to that paragraph.

The CHAIRMAN. The original paragraph is still pending, and the amendment of the gentleman from Indiana is entertained thereto.

Mr. HOLMAN was recognized.

Mr. HISCOCK. Mr. Chairman, if the gentleman from Indiana will allow me to ask him a question it may enable us to proceed a little more expeditiously with the bill. Did the gentleman from Indiana intend to address himself to the repeal of the pre-emption laws?

Mr. HOLMAN. No, sir; to another part of the bill.

Mr. HISCOCK. I did not know but the gentleman had intended to refer to that part of the bill, and if so it would probably be more appropriate at another point for him to be heard.

Mr. HOLMAN. I wish to occupy a few minutes upon the pending proposition.

There are, Mr. Chairman, some facts that should arrest the careful attention of this country: first, the rapid disposition being made of the public lands which are adapted to agricultural purposes; and, secondly, the great forces which are now at work throughout the country seeking to accelerate the disposition of these lands. First, there is a large body of men, yearly growing larger as wealth increases, who are seeking to speculate in the public domain, and in their interest the means of reaching the public lands are everlastingly sought to be enlarged.

In vain you have in the sections of the West and Northwest which mostly attract emigration limited the disposal of the public lands to the homestead, pre-emption, and forest-culture laws, for these laws, wise in their purpose, are being forced to gratify the cupidity of the land monopolist. Even the commutation feature of the homestead law is being used to build up great landed estates in the West. As the public lands are diminished the motive to monopolize them is increased.

The strong speculative motives operating at this time have produced and are producing unexampled efforts to secure large surveys of the pub-

lic lands. In the work of exhausting the public domain the land-grant railroads are powerful auxiliaries.

The land speculators and land-grant railroad companies have a common interest. These corporations which have hitherto received immense grants through Congressional action to more effectually avail themselves of the benefits of those grants seek to enlarge the surveys; and under these influences and with perfect integrity of purpose I have no doubt the Committee on Appropriations was induced at the last session of Congress to increase the appropriations covered by this paragraph of the pending bill from $300,000, which was the amount before that time appropriated, up to $400,000, the amount contemplated also by the present bill.

Notwithstanding the fact that under the system of advancing money by parties interested in securing surveys on account of the profitableness of that business and also for the purpose of speculation, large sums had been supplied in addition to our appropriations to facilitate the surveys, and millions of dollars have gone into the offices of the surveyors-general to hasten those surveys, and yet the appropriations out of the public Treasury are increased annually $100,000. We seem to go upon the theory that the sooner these public lands are surveyed and disposed of the better; and so under this pressure 14,309,166 acres were disposed of last year, a territory equal to half the area of a great State.

But my object in seeking the floor at this time was to give as much publicity as I can to the fact that notwithstanding the rapid exhaustion of the public lands rendering due consideration of the subject the more imperative, Congress has repeatedly been urged by the gentleman at the head of the Interior Department to take action on the subject of the lands heretofore granted to railroad corporations and which have been forfeited by these corporations, yet Congress refuses to take one step in that direction; and the only affirmative report made by any committee during this entire term to Congress in reference to this matter (although near 100,000,000 acres of the public lands covered by these grants have been clearly and unquestionably forfeited by reason of their failure to comply with the condition of the grants) is one which in effect, though not in terms, confirms a grant which expired years and years ago, some twenty years before the organization of the corporation now seeking to obtain the benefit of the grant, and that report was rejected by the House, and this is the only result of an entire Congress on this vital question.

The conditions of these grants, and conditions on which alone these lands could have been secured to the corporations, and which were not performed, was that the lands should revert back to the public domain unless the railroads should be completed within a specified period. With the public lands rapidly passing from beyond the control of this people near 100,000,000 of acres are being left in a condition where a decision of the law officers of the Government may secure them for the benefit of these corporations which long since have forfeited all right to them, the most grasping, heartless corporations that ever oppressed mankind. And yet, sir, we come to the very edge of this Congress with nothing done to secure the rights of this Government in reference to these forfeited grants, and that too notwithstanding the fact that vigorous efforts have been made under the rules of this House from the beginning of the term to bring the matter before Congress for consideration, and not a minute's time has been given to the consideration of a matter involving such vital consequences to this people.

Every gentleman who has ever examined the subject knows well that inside of twenty years' time scarcely an acre of this land adapted to agricultural purposes will remain for the landless people of this country. Then, but not till then, the real perils that endanger a republican form of government are to begin with us; and yet we seek year after year to exhaust the public domain, as if unconscious that we but hasten on that period which is to test the permanency of our free institutions. For, Mr. Chairman, when we shall have exhausted this public domain; when we shall no longer have an outlet for overcrowded labor, struggling in vain for relief; when there are no more homes to offer to strong hearts and willing hands, then and not till then will we have reached the period when the real strength of our system of government is to be tried. I for one will not hasten that period, and I for one will seek to give strength to our free institutions by enlarging to the furthest possible extent the ownership of the freeholds and homes of our country by its people.

For one, sir, I believe, instead of this extraordinary effort which is being made in the Territories and the new States to exhaust the public domain, and which Congress so willingly yields to, the true policy of this Government should be now more than ever to husband that most valuable of all our wealth, that wealth which can secure homes to the people, the wealth which can identify and which can alone identify every citizen with the permanent interests of his country. That much, in my judgment, it is our duty here to do, a duty which we owe to the future more than to the present.

I have said, sir, that my purpose was if possible to arrest the attention of the country to the fact that Congress remains passive with near 100,000,000 acres of land rightfully belonging to the people of this country in a condition that it may by crafty entanglements of law be craftily framed in the interests of grasping and remorseless corporate monopolists, yet Congress remains passive and refuses to assert the rights of Government and people after being called upon year after year by faithful public officers to act, and informed of the imperative necessity for action.

The Commissioner of the General Land Office in his last annual report points out the necessity for Congressional action:

> The status of various grants for railroad purposes where the roads have not been constructed within the time prescribed by law was reported to Congress on March 28 last. The absence of legislative action touching the renewal of these grants, or declaring the forfeiture thereof, seriously embarrasses the work of this office. It is not deemed expedient to certify additional lands to the railroad companies, nor to award to the companies lands in dispute between them and settlers or other claimants, pending the determination of Congress in the premises. Large numbers of settlers are occupying such lands, and it is important to them to know whether they can receive their titles from the United States or whether they will be required to purchase from the railroad companies. The prevailing uncertainty necessarily retards improvements and impairs values.
>
> New applications are also constantly being made to enter the withdrawn lands under the public land laws.
>
> I deem it of pressing importance to the public interests that Congress should take early action in respect to these grants.

And the Secretary of the Interior in his last annual report to Congress urges the subject upon Congress in a vigorous statement of the necessity for action:

> Congress has from time to time, commencing in 1850, made grants to the several States or to corporations to aid in the construction of railroads. In some instances the roads have been constructed and in others partially completed; but in some cases no attempt has been made to build the roads and thus secure a title to the land. The lands thus granted have been withheld from the operation of the settlement laws. The Supreme Court of the United States has declared, in the case of Schulenberg *vs.* Harriman, 22 Wallace, 44, that a failure to complete the road within the time fixed in the grant did not forfeit the grant. Lands thus withheld from the operation of the settlement laws must so remain until Congress shall declare such lands forfeited.
>
> If it is the intention of Congress to allow the railroad companies to complete their roads after the expiration of the term fixed in the grant, and thus claim the benefit of the grant, it should be so declared at an early day. Large tracts of land are not available for settlement because the settler can not determine whether the title is in the Government or in the railroad company. If he purchase from the railroad company and it fails to complete its road and secure the title he takes nothing by such purchase, and he can not secure the land under the settlement laws, for the Department is not authorized to treat such lands as public land. Besides this, the even sections within the limits of the grants are subject to cash entry at not less than $2.50 per acre. Thus the settler is sometimes compelled to pay a double price for the privilege of owning lands near a railroad which is never constructed.
>
> Doubtless in some cases, the companies having in good faith attempted to build within the time fixed, a forfeiture would be a great hardship, and might be unjust, but in every case where no effort was made to construct any portion of the road until the expiration of the time fixed, the grant ought to be declared forfeited and the land so withheld from the operation of the settlement laws declared public land.

Yet with these great interests at stake this Congress has deliberately refused to act. The Secretary of the Interior, as becomes the head of a great Department, is moderate and forbearing. In my judgment a just regard for the rights of the people demand that every acre of the forfeited land should be restored to the public domain.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Indiana.

The amendment was again read.

The committee divided; and there were—ayes 37, noes 53.

Mr. HOLMAN. I think upon a question like this that we should have a reasonably fair approach to a quorum. I am only asking to restore this appropriation to what it was in years past.

Mr. HISCOCK. Right here I desire to say to the gentleman from Indiana that the amount expended for surveys was decreased more than $100,000 by the reduction of rates which were put upon the last bill, and which are in this.

Mr. HOLMAN. My friend knows that for the first time in years this appropriation at the last session of Congress was increased to $400,000. It has always been $300,000 heretofore.

Mr. HISCOCK. The appropriations for this purpose have been $300,000, with the power to use certificates which were given on the depositions of pre-emption, assignable to be used all over the country, which largely increase the expenses of the surveys beyond what the bill carried.

The CHAIRMAN. Debate is not in order, as the committee is dividing. The Chair appoints as tellers the gentleman from New York, Mr. HISCOCK, and the gentleman from Indiana, Mr. HOLMAN.

The committee again divided; and the tellers reported there were—ayes 47, noes 64.

So (there being no further count called for) the amendment was not agreed to.

The Clerk read lines 1361 to 1364, as follows:

> For preliminary survey of unconfirmed and survey of confirmed private land claims in New Mexico, at a rate not exceeding $13 dollars per linear mile, and office expenses, $8,000.

Mr. DWIGHT. I offer the amendment which I send to the desk.

The Clerk read as follows:

> In line 1361 strike out the words "preliminary survey of unconfirmed and."

Mr. DWIGHT. I understand the policy of the Government up to within a very few years has been never to survey unconfirmed land claims. But five or six years ago a provision was enacted upon a sundry civil bill whereby authority was given to survey unconfirmed as well as confirmed land claims.

I have looked into one case in connection with this. Some ten years ago there was in New Mexico a claim made that covered one square league, which amounted to 4,438 acres. Since then it has run up. There have been different claims made for the same lands precisely. The second claim was for 9,978 acres. And this [holding it up] was the map on which that claim was predicated. The third claim was for 17,754 acres. The fourth was for 71,018 acres. And to-day there is a bill pending before this Congress which proposes to confirm the title for these same lands for 243,000 acres under a survey that was authorized by such a provision as this in a sundry civil act. A preliminary survey has been made and as gentlemen will see by looking at it it covers 243,000 acres; the same land precisely, as will be seen by examination of the original map, upon which the claim was based and the map and survey made by such an appropriation as is proposed by the provisions of this bill, which I ask the committee to strike out.

Gentlemen are invited to examine both maps and judge whether they are willing to vote money out of the Treasury to continue this needless and unwise departure from the older and safer policy of not surveying unconfirmed lands.

The result of such legislation as is now urged has resulted in one case, as I have stated, and there are many others of the same character.

When these lands were originally granted by the Mexican Government the country was poor and the people were all poor, and there was but little land desired and but little granted. But now the time has come when these large grants pay everybody that holds them better profits than almost any other investments in the country. And now you propose to provide for these preliminary surveys. And what will be the result? Somebody who has bought somebody else out, somebody who has assumed to get a title, goes to the surveyor-general of the Territory. The surveyor-general knows nothing about it, but delegates one of his deputies. The deputy goes and the parties are on the ground who are interested in extending these lines and increasing these large grants for the purpose of making cattle ranches.

And I understand to-day the man who is making the claim I have referred to and has a bill before this Congress for the purpose of confirming the title to what was originally one square league of land and which has run up to 243,000 acres, has a large cattle ranch and desires these lands in order to use them for that purpose.

Mr. PAGE. The object in making appropriations for the survey of these unconfirmed land grants ought to be obvious to the members of this House. Thirty years ago and more I went to California to live and to make there my home. I found there every acre of arable land in that State was claimed under a Mexican grant. People were settling in that State, and every homestead and pre-emption settler did not know but the land he was on was claimed to be a Spanish grant. It retarded settlement in California. It has retarded the settlement of every State and Territory in the Union where these Spanish grants exist. And until the lands are surveyed by the Government, until the boundaries of these grants are ascertained, these cormorants who hold or pretend to hold title to large amounts of Spanish lands will claim the whole Territory of New Mexico as they claimed at one time the whole State of California.

This is the only protection you have for actual, *bona fide* settlers. Let the Government make this survey. Let it set apart the lands that belonged to the Spanish grants and are covered by them, and let the boundaries be fixed by the Government, beyond which the lands shall be open to actual settlement.

There are gentlemen on the floor of this House who know well the truth of what I say. My friend and colleague from the San Francisco district, who was there at an early day, knows these lands were sought to be claimed by owners of these Spanish grants who would have gobbled up the entire arable lands of the State. And until you make the boundaries, until the Government has made the survey of these lands or orders it to be made, the whole country will be at the mercy of those people, and no man who enters on these lands will know whether he is making improvements that will not be taken away from him or that will not be claimed by some representative of a Spanish grant. Until that is done he does not know whether he is making an entry on a Spanish grant or on the public domain.

I know my friend from New York [Mr. DWIGHT] does not want this state of affairs to exist. If there can be any reason which can be suggested why these surveys should not be made, if there is any fraud suspected, if anybody is to be injured by the Government making an appropriation for this purpose, let us understand it. But I say from the experience I have had with these lands it is the duty of the Government to survey them at the earliest practicable moment so as to define their boundaries and allow actual settlers to enter on the unoccupied lands of the Government.

These lands were first granted by the Mexican Government to citizens of Mexico, and we were bound to respect those grants when we acquired the country. A grant would be made for, say, five leagues, and then the party would claim ten or fifteen leagues. In that way they absorbed all the arable lands of the State of California as they are now absorbing those of the Territory of New Mexico.

I say that we should make surveys of these lands and establish boundary lines between the lands belonging to the Government and those covered by these Spanish grants.

Mr. CONVERSE. I move to strike out the last word. The gentleman from California [Mr. PAGE] has made a very strong argument, it seems to me, in favor of a bill establishing a court and requiring Mexican land-grant claimants to go into that court to establish their claims, and providing that lands shall be surveyed by order of the court, by a United States surveyor, so that the Government may know what lands in the Territories belong to it and what belong to the land-grant claimants. The proposition now in this bill, however, to make an appropriation to survey unconfirmed land grants is certainly not in the direction of the argument of the gentleman.

Propositions have been pending before Congress for years looking to the settlement of these land-grant questions, which I admit are a blight upon the Western Territories and will continue to be a blight until they are finally settled. But it seems for some reason or other that these questions can not be brought forward, can not be acted upon here.

Although the Government of the United States in its treaty with Mexico promised that it would settle these land-grant questions, for thirty years they have been outstanding, and for more than twenty years, I believe, or nearly twenty years, there has been not more than one or two cases where a land grant has been confirmed.

Mr. PAGE. Will the gentleman permit me to ask him a question?

Mr. CONVERSE. Certainly.

Mr. PAGE. Is it not important that these grants shall be surveyed before they can be confirmed by the Government?

Mr. CONVERSE. If surveyed they should be surveyed in pursuance of some authority of the Government. This bill merely appropriates money out of the Treasury to enable private persons to have their lands surveyed, whether they have any claim or not. It is simply in the direction of aiding them to manufacture claims which may be brought forward at some future time, and which may be ripened into more perfect claims.

Mr. ROSECRANS. Will the gentleman permit me to state a fact in this connection?

Mr. CONVERSE. Certainly; I would be very glad to have the gentleman do so.

Mr. ROSECRANS. Under the act of Congress of July 23, 1866, it was made the duty of the United States surveyor-general of California to survey and segregate from the public lands any and all ranches deriving title from Mexican grants, which ten months after the passage of that act had not been segregated by application from the owners thereof.

The following is the section of the act which prescribes this duty, namely:

SEC. 8. That in all cases where a claim to lands, by virtue of a right or title derived from Spanish or Mexican authorities, has been finally confirmed, and a survey and plat thereof shall not have been requested within ten months from the passage of this act, as provided by sections 6 and 7 of the act of July 1, 1864, "to expedite the settlement of titles to lands in the State of California," and in all cases where a like claim shall hereafter be confirmed, and a survey and plat thereof shall not be requested as provided by said sections within ten months after the passage of this act, or any final confirmation hereafter made, it shall be the duty of the surveyor-general of the United States for California, as soon as practicable after the expiration of ten months from the passage of this act, or such final confirmation hereafter made, to cause the lines of the public surveys to be extended over such lands; and he shall set off, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such final decree, and as near as can be done in accordance with such decree; and all the land not included in such grant, as so set off, shall be subject to the general land laws of the United States: *Provided*, That nothing in this act shall be construed so as in any manner to interfere with the right of *bona fide* pre-emption claimants. (United States Statutes at Large, volume 14, 1865–'67, Chapter CCXIX, page 220.)

But in California there never has been an adequate fund to enable the surveyor-general of that State to carry out the requirements of that act; and so it has come to pass that only those persons owning Mexican land grants who chose to ask for the survey and to furnish the funds to pay for the surveys have had their grants segregated from the public domain.

I have had many conferences on this subject with the United States surveyor-general for California, Nevada, and Arizona. The invariable complaint in all cases was that he had not had the funds to comply with the requirements of this act with regard to those ranches which, after the expiration of ten months from the passage thereof, were required to be segregated by the surveyor-general from the public lands.

It is therefore clear that for California at least there is plain and ample statutory provision for the survey of all lands having title from Mexican grants.

It is my testimony to this committee that the failure to make the separation of these from other lands for fifteen years past has been due to the failure of Congress to provide money to pay the necessary expenses of the work.

Mr. CONVERSE. The gentleman is mistaken. There was a law applicable to California which settled these questions of title under form of law. If surveys failed to be made under that law, then provision ought to be made for them. But the provision in this bill is not in that direction, and I think the amendment should prevail.

Mr. HISCOCK. I will state for the benefit of the Committee of the Whole what little I think I know upon this subject. Since I have been in Congress each annual appropriation bill has carried for the survey of private lands in New Mexico the same amount, I think, which is carried

in this bill, and a like amount has been carried for the Territory of Arizona.

I do not now recall a case in which one of these private land claims has been adjudicated, passed upon, and confirmed by Congress. If there is one or has been one, I hope some gentleman who knows that fact will call my attention to it.

We put these items in this bill because it seemed to us that if Congress was to be the judicial forum where these private land claims were to be settled, it was but proper that we should furnish Congress with the necessary evidence to act upon the subject. And I will say in this connection that it has seemed to me that enough has been appropriated during the last five or six years to pile up an immense amount of business for Congress to do in this direction.

From my experience, and from the experience which we have all had in the past, it would seem that Congress would never confirm one of these private land claims, and for the reason stated by my colleague from New York [Mr. DWIGHT] whenever one of these claims is brought here for confirmation, it turns out that there has been something in connection with the surveys which is suggestive of fraud. When we go through the papers it would seem as if the agent of the Government, the person selected by the Government, instead of surveying honestly had attempted to fabricate a case for the claimant.

This is what I think I know in reference to these cases; yet if Congress is to adjudicate upon these claims, it is necessary that we should have these lands surveyed. There is no doubt about that.

If we are to retain in the hands of Congress the power to confirm or not confirm these titles, we must have surveys before us to be used in considering the question before we enter judgment of confirmation. And I do not know that we can strike down these appropriations, because it turns out that in some cases our officers are dishonest—perhaps I ought not to use so harsh a word in connection with them; but it is true that their surveys have defeated the confirmations of all private land claims, certainly for the last six years.

Now, I do not know what to do, the committee did not know what to do in this connection. I believe for one that some forum should be provided as suggested by the gentleman from Ohio [Mr. CONVERSE]. I believe there should be some court into which these parties might go and have these claims settled. I do not believe that these claims will ever be confirmed by act of Congress, because in the majority of instances the same kind of facts which my colleague has brought to light here will be presented. Mr. Chairman, so far as I am concerned it is a matter of entire indifference to me whether these items be voted in or voted out.

Mr. CONVERSE. I withdraw the *pro forma* amendment.

Mr. REAGAN. I renew the amendment. Mr. Chairman, under the treaty of Gaudalupe Hidalgo of 1848 and subsequent legislation this question with reference to titles originating under Mexican grant has been frequently dealt with. I am not able now (because I have not recently had my attention called to the subject) to give precise information as to the action which has been taken. In the portion of country acquired from Spanish America there has been a great deal of difficulty about these large land grants. Perhaps no subject has been more fruitful of stupendous frauds than land titles in Florida, in the Louisiana Territory, in Texas, and in the territory acquired from Mexico under the treaty of 1848. This is so well known to men who have been much in the courts of the country that it is proper Congress should be cautious in any action it may take.

If there is any title which is authorized to be perfected under this treaty it must have its descriptive boundaries; it must have its legitimate foundation in the laws under which it originated. It can not be that any person has any claim to confirmation unless his title has descriptive boundaries. If so, it has the basis for coming before Congress or the courts to secure confirmation. If it has no such thing—if it is a vague claim to something undefined—I submit that it would be improper for Congress to enable some claimant, under some sort of ill-defined pretense of a right to land, to have a survey unauthorized by law. Why should persons claiming immense land grants as their private property be placed in a higher position than the settler with his one hundred and sixty or three hundred and twenty acres? When the settler is obliged to litigate the Government does not survey his land for him, but he must employ his surveyor or a survey must be made by order of the court to ascertain the boundaries and the description of his land. Why should a different rule prevail where these large grants of many leagues are concerned? If any one has a title recognized under the treaty of 1848 or under any law of Congress, he knows that he can maintain his action in the courts of the country, and if (as often happens in litigation) a survey is necessary for the more precise determination of the boundaries, he can do as others do—he can ask an order of the court for a survey which shall settle disputed questions which can not be settled without a survey.

I can not but believe that the suggestion made a while ago by the gentleman from Ohio is true; that the object is to enable men to get a descriptive survey with precise boundaries in order to give them a foothold in the courts of the country to which they are not now entitled, and enable them to absorb large bodies of the public land. I trust that the amendment will be adopted.

Mr. McLEAN, of Missouri. Where these Mexican grants are in question the necessity of having the land surveyed is often very great. I know of one instance where the boundary of a grant is defined as the side of a certain mountain, extending from a certain ranch to another ranch. Since the miners have come in a large gold-mine has been found on the other side of the mountain, and now the owners of that grant undertake to extend it to that side. It is necessary to have a survey of the land in such cases in order to determine just what the grant is and what it is not. If the United States survey should give wrong boundaries, then a resort to the courts, as the gentleman from Texas suggests, would be very proper. But the necessity for surveys in these cases is very apparent.

Mr. REAGAN. I withdraw the *pro forma* amendment.

Mr. DWIGHT. I move to amend by striking out the last word.

Mr. Chairman, I understand that the present Commissioner of the Land Office in his last annual report makes the extraordinary statement that down to his advent the Land Office held that it had no power to call on the surveyor-general to send up the original surveys upon which these claims are supposed to be based.

The truth is, Mr. Chairman, this is a one-sided *ex parte* transaction from beginning to end. As I showed in the statement I have made, the claim for this particular piece of land swelled from 4,438 acres to 243,000 acres. What would be the effect if you had a title to a piece of land that I claimed? Would you make a survey to accommodate me or would I be required to make my own survey and make my claim against you? You might then resurvey your land, and we might test in the courts as to whose survey was right and whose was wrong. If I establish my survey as the true one and the better one, then of course the courts would grant me the land. But how is it with these men? They start out with a claim for 4,438 acres and run it along until they get it up to hundreds of thousands of acres, and when the land becomes valuable and is in demand they come here and ask you to establish their claims, when even the surveyor-general is not required to send up the original maps or the papers on which the claim is founded.

There is a bill pending in the Senate to cover just such a case as this. It is such a bill as we ought to enact. It is a measure which will carry these cases to the proper tribunal. Then, when a claim is made, the claimant must go before the court. If he is successful, of course his claim will be granted. Otherwise it should not and will not be. The rights of the Government should be asserted, and somebody provided to represent it. Both sides should be heard, and not, as now, the whole thing made *ex parte* on the part of interested parties.

These claims have extended, as my friend from Missouri has said, from one hill to another. It has been done in this case, and this is only one of those in the Land Office to-day. I have discovered this one, but there are others. I believe the whole thing is an outrage on the public domain. Claims are being made for confirmation here and will continue to be when the House is unguarded and not conscious of what is done. Thus large claims will be granted and hundreds of thousands, yes millions of dollars will be squandered by this loose, wild, and reckless legislation which ought to be saved to the Government.

[Here the hammer fell.]

The Clerk proceeded to read the next paragraph.

Mr. CONVERSE. I am sure the Committee did not understand the question was being put a while ago on the amendment of the gentleman from New York [Mr. DWIGHT.] Nobody around me understood it. Therefore, for the purpose of presenting the question again, I move to strike out the words "preliminary survey of unconfirmed and."

The CHAIRMAN. That was the pending motion.

Mr. CONVERSE. I understood the motion was to strike out the entire clause.

Mr. HISCOCK. I hope by unanimous consent the vote may be taken over again. That will be the shortest way.

Mr. CONVERSE. Let the section be read as it will stand in case the amendment prevails.

The CHAIRMAN. The Clerk will read the amendment as requested.

Mr. HISCOCK. I think the question might be taken on the motion to strike out those two clauses. That presents the whole question and disposes of it.

The CHAIRMAN. The question recurs, Shall the motion of the gentleman from New York [Mr. DWIGHT] prevail?

Mr. DWIGHT'S motion was agreed to.

Mr. HISCOCK. Let the motion be put to the House to strike out the two clauses.

The CHAIRMAN. Does the gentleman mean the entire paragraph?

Mr. HISCOCK. From lines 1361 to 1368.

The CHAIRMAN. The Clerk will read the paragraphs as they stand in the bill.

The Clerk read as follows:

For preliminary survey of unconfirmed and survey of confirmed private land claims in New Mexico, at a rate not exceeding $13 per linear mile, and office expenses, $8,000.

For preliminary survey of unconfirmed and survey of confirmed private land claimes in Arizona, at a rate not exceeding $13 per linear mile, and office expenses, $8,000.

Mr. CONVERSE. I ask whether it is not a fact there are no confirmed surveys?

Mr. HISCOCK. I do not know whether there are or not.

Mr. CONVERSE. None made for the last twenty years.

The CHAIRMAN. Does the gentleman from New York make the motion to strike out?

Mr. HISCOCK. I do not, but I think that is the proper motion.

The CHAIRMAN. It can not be entertained unless made.

Mr. ANDERSON. I make the motion.

Mr. HAZELTON. Mr. Chairman, I wish to be heard a moment on the motion to strike out. I do not think that the committee understands either the nature of the law covering private land claims in the territory of New Mexico, or the real merits of the pending question. There can be no doubt that the House desires to carry out in good faith the stipulations of the treaty of Guadalupe Hidalgo concerning the rights of those citizens whose allegiance by the triumph of American arms was transferred to our Government and whose property interests we solemnly covenanted to protect and secure by the terms of that treaty.

Marvelous as it may seem, Mr. Chairman, this Congress seems to have lost sight of the great fact that in 1854 a former Congress enacted a law which prescribed the exact mode in which these titles were to be tested and confirmed, and by which the provisions of the treaty as to land titles resting thereunder should be carried into effect. And yet we are proceeding here, if this motion prevails, precisely as though we had no such law on the statute-books, as if no such law had ever been enacted or rule of action prescribed for the enforcement of the treaty, and as I believe in direct violation of the letter and the spirit of the treaty, the law of 1854, and the instructions given by the Department of the Interior to the surveyor-general of New Mexico pursuant to that law and to give it effect.

By law the surveyor-general is required to examine the title to the grant and report his findings both of law and fact to the Secretary of the Interior, who in turn reports the same to Congress for its consideration and action thereon; and here, and here only, can the claimant find a court that can confirm and settle his rights as the law now stands. And yet here are distinguished men of this Congress of the American people in their places upon this floor telling us that we may go into the courts of the Territories and get a title to these unconfirmed land grants, or that we may in the courts obtain orders for a survey of the same at our will and at our convenience. We have denied to the courts by this very law of Congress all such power, and made Congress the only court having jurisdiction of the subject.

Why can not we ascertain, as becomes members of Congress charged with the responsibility, being as we are the law-making power of this great country, our duties and the duty of this Government toward the parties owning these claims? We ought to discharge the solemn duty. Why, it is said if you survey the unconfirmed grants the Government must pay the expense. Mr. Chairman, if they are a part of the public domain, then it should pay the expense; but we have a law which in express terms requires the owner of the grants to pay every dollar of that expense if his title is confirmed thereto. Here are maps and diagrams of a preliminary survey, brought in here by the gentleman from New York to show the frauds which he claims has occurred under this class of grants.

What is the *modus operandi?* There is the surveyor-general, there is that Department of the Interior having control of these surveys, and every one of these questions are submitted to them, examined, reviewed, and understood, until if there is any tribunal on earth that can judge whether the survey is correct or not it is that Department. It passes the scrutiny and most rigid examination of the best experts that the Government can employ one after another. And yet in the face and eyes of all that we are asked to assume that these three or four great Departments are either guilty of fraud or that they do not know their business, because somebody here totally ignorant of the true condition and the facts of the case and of all the law governing this subject asks us to do so on a mere whisper perhaps floating in the air of Washington. We have no right to so assume, and there is no ground for so doing.

Now, Mr. Chairman, I say these preliminary surveys are not binding on any Department of the Government.

We have not a bill on this subject, not a single bill pending before Congress, which does not authorize the Secretary of the Interior and the Commissioner of the Land Office to make a resurvey to determine whether they conform to the original preliminary surveys and are correct.

I say this Government has never committed a greater outrage. Congress never slept on a right more sacred than that which she gave and now denies to the people of these Territories under the treaties made in 1848.

Mr. Chairman let us go to work and learn the law if we do not know it, and take another day to come and discuss this question in the light of the law made by Congress itself.

Permit me, sir, to cite the following letter from the Commissioner of the Land Office in 1854 to the surveyor-general of New Mexico, full and complete on this subject:

Instructions to the surveyor-general of New Mexico by John Wilson, Commissioner of the Land Office.

GENERAL LAND OFFICE, *August* 21, 1854.

SIR: The eighth section of the act approved 22d July last, for the establishment of the office of surveyor-general in New Mexico, declares as follows:

"SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

"He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims all lands shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act."

The duty which this enactment devolves upon the surveyor-general is highly important and responsible. He has it in charge to prepare a faithful report of all the land titles in New Mexico which had their origin before the United States succeeded to the sovereignty of the country, and the law contemplates such a report as will enable Congress to make a just and proper discrimination between such as are *bona fide* and should be confirmed and such as are fraudulent or otherwise destitute of merit, and ought to be rejected.

The treaty of 1848 between the United States and Mexico (United States Statutes at Large, volume 9, page 922) expressly stipulates in the eighth and ninth articles for the security and protection of private property. The terms there employed in this respect are the same in substance as those used in the treaty of 1803, by which the French Republic ceded the ancient province of Louisiana to the United States, and consequently in the examination of foreign titles in New Mexico you will have the aid of the enlightened decisions and the principles therein developed of the Supreme Court of the United States upon the titles that were based upon the treaty of cession and the laws of Congress upon the subject.

The security to private property for which the treaty of Guadalupe Hidalgo stipulates is in accordance with the principles of public law as universally acknowledged by civilized nations.

"The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of property, remain undisturbed." (United States vs. Perchman, 7th Peters's Reports.)

In the case of the United States vs. Arredondo and others, 6th Peters's Reports, the Supreme Court declare that Congress "have adopted, as the basis of all their acts, the principle that the law of the province in which the land is situated is the law which gives efficacy to the grant, and by which it is to be tested whether it was property at the time the treaties took effect."

Upon the same basis Congress has proceeded in the present act of legislation, which requires the surveyor-general, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land "under the laws, usages, and customs of Spain and Mexico," and arms the surveyor-general with power for the purpose by authorizing him to "issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises."

The private land titles in New Mexico are derived from the authorities of Old Spain as well as of Mexico. Among the "necessary acts" contemplated by the law and required of you is that you shall—

First. Acquaint yourself with the land system of Spain as applied to her ultramarine possessions, the general features of which are found—modified, of course, by local requirements and usages—in the former provinces and dependencies of that monarchy on this continent. For this purpose your must examine the laws of Spain, the royal ordinances—decrees and regulations as collected in White's Recopilacion, two volumes.

By the acts of Congress approved 26th May, 1824, 23d May, 1828, and 17th June, 1844 (United States Statutes at Large, vol. 4, page 52, chap. 173; page 284, chap. 70; and vol. 5, page 676, chap. 95), the United States district courts were opened for the examination and adjudication of foreign titles. Numerous cases on appeal under these laws, and other cases on writs of error, in which actions on ejectment in the courts below had been instituted, were brought before the Supreme Court of the United States, where the rights of property under inceptive and imperfect titles which originated under the Spanish system have been thoroughly examined and discussed with eminent ability.

For these decisions I refer you to Peters's and Howard's Reports of the Decisions of the Supreme Court of the United States. It is important you should carefully examine them in connection with the Spanish law, and the legislation of Congress on the subject, in order that you may understand and be able to apply the principles of the Spanish system as understood and expounded by the authorities of our Government.

Second. Upon your arrival at Santa Fé you will make application to the governor of the Territory for such of the archives as relate to grants of land by the former authorities of the country. You will see that they are kept in a place of security from fire, or other accidents, and that access is allowed only to land owners who may find it necessary to refer to their title records, and such references must be made under your eye, or that of a sworn employé of the Government.

You will proceed at once to arrange and classify the papers in the order of date, and have them properly and substantially bound. You will then have schedules marked (1) of them made out in duplicate, and will prepare abstracts (No. 2), also in duplicate, of all the grants found in the records, showing the names of grantees, date, and locality, by whom conceded, and under what authority.

You will prepare, in duplicate, from the archives or authoritative sources, a document (No. 3) exhibiting the names of all the officers of the Territory who held the power of distributing lands from the earliest settlement of the Territory until the change of government, indicating the several periods of their incumbency, the nature and extent of their powers conceding lands; whether, and to what extent and under what conditions and limitations, authority existed in the governors or political chiefs to distribute (*repartir*) the public domain; whether in any class of cases they had the power to make an absolute grant; and, if so, for what maximum in area, or whether subject to the affirmance of the department or supreme government; whether the Spanish surveying system was in operation, and since what period in the country and under what organization; also, with verified copies in the original and translations of the laws and decrees of the Mexican Republic, and regulations which may have been adopted by the general government of that republic for the disposal of the public lands in New Mexico.

Herewith you will receive a table of land measures adopted by the Mexican Government, translated from the "Ordenanzas de Tierras y Aguas," by Marianus Galvan, edition of 1844, as printed in Executive Document No. 17, first session Thirty-first Congress, House of Representatives, containing much valuable information on the subject of California and New Mexico, and of which document I would invite your special and careful examination.

In a report of the 14th November, 1851, from the surveyor-general of California, it is stated that all the grants, &c., of lots or lands in California, made either by the Spanish Government or that of Mexico, refer to the "vara" of Mexico as the measure of length; that by common consent in California that measure is

considered as exactly equivalent to thirty-three American inches. That officer then inclosed to us copy of a document he had obtained as being an extract of a treaty made by the Mexican Government, from which it would seem that another length is given to the "vara;" and by J. H. Alexander's (of Baltimore) Dictionary of Weights and Measures, the Mexican vara is stated to be equal to 92.741 of the American yard.

This office, however, has sanctioned the recognition in California of the Mexican vara as being equivalent to thirty-three American inches. You will carefully compare the data furnished in the table herewith, and in the foregoing, with the Spanish measurements in use in New Mexico, and will report whether they are identical; or if varied in any respect by law or usage, you will make a report of all the particulars.

You should also add to "document No. 3" the forms used under the former governments to obtain grants, beginning with the initiatory proceeding, namely: the petition, and indicating the several successive acts until the title was completed. A copy of the "schedule," "abstract," and "document" required of you in the foregoing, duly authenticated by you, should constitute a part of the permanent files of the surveyor-general's office, and duplicates of them should be sent as soon as practicable to the Department of the Interior.

The knowledge and experience you will acquire in arranging the archives, collecting materials, and making out the documents called for by these instructions, will enable you to enter understandingly upon the work of receiving and examining the testimony which may be presented to you by land claimants and prepare your report thereon for the action of Congress.

In the first instance, you will provide yourself with a journal, consisting of substantially bound volume or volumes, which is to constitute a complete record of your official proceedings in regard to land titles; and with a suitable docket, for the entry therein of claims in the order of their presentation, and so arranged as to indicate at a glance a brief statement of each case, its number, name of original and present claimant, area, locality, from what authority derived, nature of title whether complete or incomplete, and your decision thereon.

Your first session should be held at Santa Fé and your subsequent sessions at such places and periods as public convenience may suggest, of which you will give timely notice to the Department. You will commence your session by giving proper public notice of the same in a newspaper of the largest circulation in the English and Spanish languages; will make known your readiness to receive notices and testimony in support of the land claims of individuals derived before the change of government.

You will require claimants in every case, and give public notice to that effect, to file a written notice setting forth the name of the present claimant, name of the original claimant, nature of claim, whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality, notice, and extent of conflicting claims, if any; with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show a transfer of right from the original grantee to the present claimant.

You will also require of every claimant an authorized plat of survey, if a survey has been executed, or other evidence showing the precise locality and extent of the tract claimed. This is indispensable in order to avoid any doubt hereafter in reserving from sale as contemplated by law the particular tract or parcel of land for which a claim may be duly filed, or in communicating the title to the same hereafter in the event of a final confirmation.

The effect of this will be not only to save claimants from embarrassments and difficulties inseparable from the presentation and adjudication of claims with indefinite limits, but will promote the welfare of the country generally by furnishing the surveyor-general with evidence of what is claimed as private property under treaty and the act of July 22, 1854, thus enabling him to ascertain what is undisputed public land, and to proceed with the public surveys accordingly without awaiting a final action of Congress upon that subject.

You will take care to guard the public against fraudulent or antedated claims, and will bring the title-papers to the test of the genuine signatures, which you should collect of the granting officers, as well as the test of the official registers or abstracts which may exist of the titles issued by the granting officers. In granting all cases of course the original title-papers are to be produced, or loss accounted for, and where copies are presented they must be authenticated; and your report should also state the precise character of the papers acted upon by you, whether originals or otherwise; where the claim may be presented by a party as present claimant in right of another you must be satisfied that the deraignment of title is complete, otherwise the entry and your decision should be in favor of the legal representatives of the original grantee.

Your journal should be prefaced by a record of the laws under which you are required to act, and of your commission and oath of office, and should contain a full record of the notice and evidence in support of each claim, and of your decision, setting forth as succinctly and concisely as possible all the leading facts, particulars, and principles applicable to the case, and upon which such decision may be founded. All the original papers should of course be carefully numbered, filed, and preserved; and upon each should be indorsed the volume and page of the record in which they are entered, and such reference should be made on the journal and docket as will properly connect them with each other. Your docket should be a condensed exhibit of every case, and of your decision. The claim both as to grade and dignity may be classified by numerals or alphabetically accompanied by explanatory notes in such a manner that it will show every case confirmed and every one rejected by you.

In the case of any town lot, farm lot, or pasture lots held under a grant from any corporation or town to which lands may be granted for the establishment of a town by the Spanish or Mexican Government, or the lawful authorities thereof, or in the case of any city, town, or village lot, which city, town, or village existed at the time possession was taken of New Mexico by the authorities of the United States, the claim to the same may be presented by the corporate authorities; or where the land on which the said city, town, or village was originally granted to an individual the claim may be presented by or in the name of such individual, and the fact being proved to you of the existence of such city, town, or village at the period when the United States took possession may be considered by you as *prima facie* evidence of a grant to such corporation or to the individuals under whom the lot-holders claim, and where any city, town, or village shall be in existence at the passage of the act of July 22, 1854, the claim for the land embraced within the limits of the said city, town, or village.

Such is the principle sanctioned by the act of 3d March, 1851, for the adjudication of Spanish and Mexican claims in California, and I think its application and adoption proper in regard to claims in New Mexico.

In the month of March, 1849, there was published in the Atlantic States an extract of a letter dated December 12, 1848, at Santa Fé, New Mexico, purporting to be from a young officer of the Army, in which it was stated that the prefect at El Paso del Norte has for the last few months been very active in disposing (for his own benefit) of all lands in that vicinity that are valuable, antedating the title to said purchasers that these land titles would be made a source of profitable litigation, &c. It will be your duty to subject all papers under suspicion of fraud to the severest scrutiny and test in order to settle the question of their genuineness.

You will also collect information from authentic sources in reference to the laws of the country respecting minerals, and ascertain what conditions were attached to grants embracing mines; whether or not the laws and policy of the former governments conferred absolute title in granting lands of this class in New Mexico. It is proper also, and you are instructed in the case of every claim that may be filed, to ascertain from the parties and require testimony as to whether the tracts claimed are mineral or agricultural; and you will be careful to make the necessary discrimination in the record of your proceedings and in your docket.

Your report should be divided into two parts. Part first should embrace individual and municipal claims, and should be prepared in the manner contemplated by law, and in accordance with the requirements in the foregoing instructions. The law further requires you also to make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each; stating the numbers of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Part second of your report should be devoted to this branch of your duty. It will be your business to collect data from the records and other authentic sources relative to these pueblos, so that you will enable Congress to understand the matter fully and legislate in such a manner as will do justice to all concerned.

The CHAIRMAN. The Chair will submit the motion.

Mr. HISCOCK. It is possible, Mr. Chairman, that I may be mistaken about the confirmation of these land claims, and therefore I think the motion had better be limited to strike out the words suggested by the gentleman from New York, the original motion.

The CHAIRMAN. That question will then be submitted to the committee in the original form.

Mr. DWIGHT. I want to correct a plausible statement which my friend from Wisconsin has made in his remarks. He stated that the Government has the means of determining all these facts, and the amount of land contained in these grants from the surveys. I made some inquiries at the Land Department in reference to the matter and I have just this word to add. I want to ask but a moment as I would like to read the questions and replies, for they are certainly in contradiction of what the distinguished gentleman has just said. I wrote to the Department of the Interior asking these questions:

First. What quantity of land is contained in the grant?

Second. Whether the ancient boundaries of the corners or the landmarks mentioned in the original record have been preserved as a guide to the later survey?

Third. Whether the original grant, which as applied for to the governor and captain-general, was for a league and a half more or less is now extended so as to be some thirty or thirty-five miles in area?

Fourth. What facts the Department is in possession of respecting the position of the whole tract claimed by those claiming title or those under whom they claim?

The answer of the Department is as follows:

I have the honor to state in reply, first, that this office has no knowledge as to the quantity of land granted, nor means at hand of ascertaining the same other than transcripts of the papers embraced in the surveyor-general's report and the plat of preliminary survey, all of which are before Congress.

Now, that is what the Department states, and then again it goes on:

It will be seen that in the petition for the grant the applicants designated boundaries and estimated the extent of the tract asked for at "one league and a half on each side, more or less," which would give an area of two and one-quarter leagues, equal to 9,987.03 acres.

Now, that is what the Land Department says, and notwithstanding that, the distinguished gentleman who has just taken his seat is here with a bill before Congress asking for 243,000 acres of land, and that this shall be confirmed to these applicants under the preliminary surveys which have been made. I have therefore made this motion to strike out.

Mr. HAZELTON. Now a word in reply.

The CHAIRMAN. This debate is entirely out of order.

Mr. HAZELTON. But let me call the gentleman's attention to a mistake he has made.

Mr. DWIGHT. I have given my authority for the statement.

Mr. HAZELTON. But the gentleman misrepresents me. He says I am here with a bill. The Committee on Private Land Claims is here with a bill. I am not. He says they have no evidence down here in the Interior Department about these surveys. Why, they have the field-notes. They have all the preliminary surveys.

Mr. DWIGHT. The Department say they have no such information as the gentleman claims, as I have shown by the written statement of the Department itself.

The CHAIRMAN. The question is now on the amendment of the gentleman from New York [Mr. DWIGHT], the gentleman from Kansas having withdrawn the motion made by him. The question is on striking out the words indicated in the amendment of the gentleman from New York.

Mr. ANDERSON. I rise to a question of order. The committee voted on that.

The CHAIRMAN. By consent that vote was nullified.

The question being taken on Mr. DWIGHT'S amendment to strike out the words "preliminary survey of unconfirmed and," it was agreed to.

The Clerk read lines 1365 to 1368, as follows:

For preliminary survey of unconfirmed and survey of confirmed private land claims in Arizona, at a rate not exceeding $13 per linear mile, and office expenses, $8,000.

Mr. HISCOCK. I ask that the same amendment be made in this as in the previous section by striking out the words "preliminary survey of unconfirmed and."

The CHAIRMAN. In the absence of objection that amendment will be made.

There was no objection.

The Clerk read lines 1369 to 1372, as follows:

For the protection of public lands from illegal and fraudulent entry or appropriation, $60,000, of which sum $15,000 shall be immediately available.

Mr. POUND. I desire on behalf of the Committee on the Public

Lands to submit a very important amendment to this clause, which I believe will be accepted by the Committee on Appropriations. I ask the Clerk to read the amendment.

The Clerk read as follows:

At the end of line 1772, after the word "available," insert the following:

"*Provided*, That the pre-emption laws, together with all laws authorizing the filing of declaratory statements for entries of the public lands by agent or attorney, be, and the same are hereby, repealed: *Provided further*, That this repeal shall not affect the disposal of lands under treaty stipulations with Indian tribes, nor be deemed to impair any legal rights heretofore acquired under the laws hereby repealed; but all existing settlements, entries, or filings may be perfected upon proper proof of the lawful and *bona fide* character of said claims and of due compliance with the provisions and requirements of the laws under which such entries, settlements, or filings were made: *And provided further*, That any person who has heretofore made or may hereafter make a *bona fide* entry of public lands under the homestead laws shall have the privilege of paying the minimum price for the quantity of land so entered at any time before the expiration of five years from the date of entry and after actual residence, improvement, and cultivation has been maintained for a period of not less than two and one-half years after entry; and it shall be the duty of the Commissioner of the General Land Office to require evidence of actual compliance with the requirements of law in respect to settlement, residence, improvement, and cultivation in all cases in which title now is or may hereafter be claimed under the homestead or other settlement or improvement laws of the United States: *And provided further*, That any person applying for the benefits of the timber-culture laws shall make his entry in person, at the proper local land office, and shall make affidavit that he is an actual resident of the county, State, or Territory in which the land is situated, and that he has not entered into any contract or agreement to relinquish the entry he may make, and that he has no present or prospective purpose of making such relinquishment; and the offering for sale, as a matter of traffic or speculation, of relinquishments of public land entries shall be deemed *prima facie* evidence that such entries were made for speculative purposes, and not in good faith, as required by law, and such entries shall thereupon be liable to cancellation by the Commissioner of the General Land Office, and the land covered thereby shall be deemed subject to entry by the first legal applicant; and the first section of the act of May 14, 1880 (authorizing lands covered by relinquished claims to be held as open to settlement or entry without further action by the Commissioner of the General Land Office), and all other acts and parts of acts inconsistent herewith, are hereby repealed: *And provided further*, That when the timber-culture entry shall have once been made on a tract of public land subject to such entry, and the same shall be canceled or relinquished, the land covered thereby shall thereafter be subject to entry only under the timber-culture laws; and no patent shall be issued for such land until the requirements of such laws shall have been fully complied with."

Mr. VALENTINE. I wish to ask the Chair whether the action of the House last evening relieved this amendment from the point of order?

The CHAIRMAN. No gentleman has made the point of order.

Mr. VALENTINE. My question is whether the action of the House relieved it from the point of order?

The CHAIRMAN. That is for the gentleman to decide.

Mr. VALENTINE. I desire to make the point of order if the action of the House last night did not annul the right to do so. The point of order is that the amendment is new legislation, or that it changes existing law and is not in the line of retrenchment.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin [Mr. POUND], unless the gentleman from Nebraska desires to be heard further on the point of order.

Mr. POUND. The gentleman from Nebraska [Mr. VALENTINE] submits to the Chair the question whether or not the House on yesterday relieved this amendment from being amenable to the point of order were it to be raised.

Mr. VALENTINE. If the Chair will decide that question it may settle the whole matter. It is the opinion of some of the members here that the action of the House relieved the amendment from liability to the point of order.

The CHAIRMAN. The Chair supposes the gentleman from Wisconsin is familiar with the matter, and will hear him.

Mr. POUND. I read from the RECORD what took place in the House last evening:

Mr. RYAN. I ask unanimous consent that the bill (H. R. 4993) to repeal the laws allowing the pre-emption of the public lands and amending the homestead law be taken from the House Calendar and referred to the Committee on Appropriations, with power to report it with or without amendments. The object is to have the bill reported as an amendment to the bill making provision for the sundry civil expenses of the Government. The bill is for the purpose of preventing frauds in connection with the public lands.

Mr. ELLIS. I suggest that the bill had better be read.

Mr. RYAN. It is the same that we have reported.

Mr. ELLIS. I do not insist on the reading.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas?

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair understood that that order of the House gave power to the Committee on Appropriations. Does the gentleman from Wisconsin report it from his committee?

Mr. HISCOCK. On the part of the Committee on Appropriations I accept the amendment, and if more is needed I will move it on the part of that committee.

The CHAIRMAN. So far as this is concerned, it is the Committee on Appropriations that is authorized to make the report.

Mr. HISCOCK. Then I make the report.

The CHAIRMAN. The Chair will treat it as an amendment reported by the Committee on Appropriations.

Mr. VALENTINE. I still insist on the point of order that the amendment is not germane, that it changes existing law, and that it does not retrench expenditures.

Mr. ATKINS. I ask the gentleman in charge of the bill, who accepts this amendment in the name of the Committee on Appropriations whether there is not more in the amendment offered by the gentleman from Wisconsin [Mr. POUND] than the gentleman from New York [Mr. HISCOCK] was authorized to accept?

Mr. HISCOCK. I think not.

Mr. RYAN. I answer, no.

The CHAIRMAN. The Chair asked the chairman of the Committee on Appropriations if he reported this as a report of the Committee on Appropriations.

Mr. HISCOCK. I do.

The CHAIRMAN. And the gentleman from New York answers he does report it from the Committee on Appropriations. The question therefore is as to the point of order made to the amendment reported under those circumstances.

Mr. POUND. I desire to say in connection with my statement that I do not regard this amendment amenable to the point of order, even though the action of the House yesterday had not been had.

The CHAIRMAN. As long as this is now offered as an amendment from the Committee on Appropriations, the Chair would prefer that the point of order be argued with reference to that condition of the amendment.

Mr. POUND. The Chair and the Committee of the Whole will bear in mind that this amendment is to a provision which appropriates $60,000, of which sum $15,000 shall be immediately available, to protect the public lands from illegal and fraudulent entry or appropriation. That this amendment is in the interest of economy and retrenchment is made apparent by reason of the fact that it is to prevent the fraudulent and illegal entry of public lands by repealing the laws under which those fraudulent entries are now made.

The frauds alluded to and to be prevented by this appropriation of $60,000 have mainly arisen under the pre-emption laws. Originally the pre-emption law was a beneficent one, but it must be evident to all familiar with the subject that to-day at least nine-tenths of all the entries made under the pre-emption laws are fraudulent and involve perjury and corruption. It is therefore made necessary for the Government to appropriate $60,000 to prevent those illegal entries.

It will certainly be in the interest of economy to repeal the laws under which those illegal entries are now made. This repealing provision preserves the homestead law under which all *bona fide* settlements can be made, modifying that law by extending the time of acquiring title from six months to two and a half years.

And furthermore it will be apparent to the committee and the Chair that if these pre-emption laws are repealed the clerical force employed in the local land offices and in the General Land Office may be very much lessened, and the expense incurred in those different offices under those laws be done away with.

Mr. VALENTINE. If the Chair decides that the action of the House has not taken it out of my power to make the point of order, I would like to be heard upon it.

The CHAIRMAN. The Chair will state that his recollection is not in accordance with the statement which has been read from the RECORD.

Mr. VALENTINE. Nor is mine.

The CHAIRMAN. And the Chair therefore has sent for the Journal, which is the highest authority, and will direct the Clerk to read that portion of the Journal referring to this matter.

The Clerk read as follows:

On motion of Mr. RYAN, by unanimous consent, the bill of the House (H. R. 4993) to repeal the laws allowing pre-emption of the public lands, and amending the homestead law, was taken from the House Calendar, and with the accompanying report referred to the Committee on Appropriations with the power to report the same with or without amendment as an amendment to the bill of the House (H. R. 7595) (sundry civil appropriation bill).

The CHAIRMAN. It will appear that power was expressly given by the House to the Committee on Appropriations to report this as an amendment to the pending bill, and the Chair decides that it is now before the Committee of the Whole for its action.

Mr. VALENTINE. And the question of its being germane is not now before the committee for its consideration at all?

The CHAIRMAN. Not under the action of the House.

Mr. POUND. Upon the merits of the proposition I desire to say that the Committee on Public Lands have had this subject under careful consideration and have given it very exhaustive examination. They learned that the Commissioner of the General Land Office especially has from time to time recommended the repeal of these pre-emption laws.

Perhaps the merits of the question can be better presented to the committee by the reading of the report which the Committee on Public Lands authorized to be made touching a bill embracing the same provisions as this amendment. I will therefore ask the committee to listen to the reading of the report submitted by the gentleman from Minnesota [Mr. STRAIT] from the Committee on Public Lands upon this subject, and if a little more time than five minutes be required for its reading I hope the committee will by unanimous consent permit the entire report to be read.

The CHAIRMAN. The Clerk can read until the time of the gentleman expires.

Mr. STRAIT. I will yield to the gentleman my time for the purpose of having the entire report read.

The Clerk read as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 4983) to repeal the laws allowing pre-emption of the public lands, and amending the homestead law, submit the following report:

The pre-emption law and the various amendments which have been made to it from time to time were enacted for the purpose of reserving the public domain to the occupation of actual settlers, and for many years was the only law under which title could be acquired to unoffered lands.

The effect of this law throughout the entire region where the public lands were situated was of the most beneficent character, and saved a large region of country from being taken for the purpose of speculation. But, with the subsequent passage of the homestead act, there seemed to be little use for the pre-emption law, as those who, in good faith, desired to occupy the public lands for the purpose of establishing homes could do so to much better advantage under the provisions of the homestead law. And since the passage of the homestead law the pre-emption act, as a rule, has been "used only to be abused," and since that time the most extensive frauds have been committed under this law.

Your committee are informed that in many sections of the country the evasion of the law has become a regularly organized business, and that offices are opened for the express purpose of pre-empting and selling lands located under the pre-emption law. Men are employed and paid definite amounts to make pre-emption locations, and agreements are made to transfer lands so acquired the moment the title vests in them. But, beyond making such agreements in defiance of law, these locations, in many cases, are, in every respect, fraudulent, the parties to them never making the required improvements, and seldom going upon the land claimed. The consequence is that this law, which was so wisely enacted, and which for a long time after its enactment was so beneficent in its results, is now made use of almost exclusively to accomplish results that it was enacted to prevent, to wit, the passing or transferring of the public domain into the hands of speculators instead of reserving it for the actual settler; and not only this, but, in too many cases, passing into the hands of dishonest speculators, who are willing to become parties to perjury and fraud.

With this state of things existing to so alarming an extent in all sections of the country where there is any Government land, and more especially in regions where the land is almost entirely valuable for its timber, coupled with the fact that the actual *bona fide* settler can acquire title to land for a home without money and without price, there seems no good reason why the pre-emption law should longer remain on the statute-book, and your committee therefore recommend its repeal.

Your committee, in order to give effectiveness to this repeal and to prevent the consummation of the same class of frauds under the homestead act, commend the provision extending the time in which homestead claimants can commute payment. The bill under consideration extends this time from six to eighteen months. Your committee recommend that this time be further extended to thirty months.

The question of the repeal of the pre-emption law and the amendment of the homestead law is not a new one, but has been repeatedly urged by the Commissioner of the General Land Office. In his last report he uses the following language:

"Previous to the passage of the homestead laws the pre-emption system afforded the only means by which settlers could acquire title to unoffered lands. The wise policy of Congress, maintained for many years, has been to withhold the public lands from disposal at ordinary cash sale, with a view to their occupation by actual settlers, and to prevent the appropriation of large bodies by individuals for speculative purposes. The pre-emption system was designed to enable actual settlers to establise their homes on the public domain, and thus to improve and build up the country.

"With the passage of the homestead act, however, the pre-emption law became of less importance, and recent supplemental legislation having placed homestead parties on an equal footing in all respects with pre-emptors, the special utility of the pre-emption law for purposes of *bona fide* settlement on the public lands has wholly ceased.

"Any person who could make a pre-emption entry can make a homestead entry. Any land that can be entered under the pre-emption laws can also be entered under the homestead laws. Under the homestead laws, also, the homestead party may purchase the land entered by him within the same time, upon the same terms, and by the same proofs as in pre-emption cases. There is therefore no practical necessity for continuing the double system in operation. A repeal of the pre-emption law would simplify the public business and be in the interest of public economy and good administration. Such repeal would, moreover, remove one of the causes of frauds in land entries which have approached great magnitude. The correspondence of this office, and reports from officers and special agents, indicate that a material proportion of the pre-emption entries now made are fraudulent in character, being chiefly placed upon valuable timber or mineral lands, or water rights, and made in the interest and by the procurement of others, and not for the purpose of residence and improvement by the professed pre-emptor."

Your committee, believing that the remainder of the public domain should be sacredly held for the actual settlers who are now crowding to the frontier in such large numbers, and that few opportunities would be left to speculators to acquire lands for speculation, urgently recommend the passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HISCOCK] on behalf of the Committee on Appropriations.

Mr. VALENTINE. I move to amend the amendment so as to strike out the words "public-land entries" and to insert in lieu thereof the words "entries made under the provisions of the timber-culture laws." It would be very unjust to homestead settlers if the provision of the amendment to prevent frauds should be confined to the tree-culture entries.

Mr. RYAN. That is right.

Mr. POUND. Let the Clerk read that clause as it will be if amended.

The Clerk read as follows:

That any person applying for the benefit of the timber-culture laws shall make his entry in person at the proper local land office, and shall make affidavit that he is an actual resident of the county and State or Territory in which the land is situated, and that he has not entered into any contract or agreement to surrender the entry he may make, and that he has no present or prospective purpose of making any such relinquishment; and the offering for sale as a matter of traffic or speculation of relinquishments of entries made under the provisions of the timber-culture laws shall be deemed *prima facie* evidence that such entries were made for speculative purposes, &c.

Mr. POUND. I do not think there is any objection to that amendment.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. I move to further amend by striking out "two and one-half" and inserting "one and one-half;" so that it will read:

After actual residence, improvement, and cultivation have been maintained for a period of not less than one and one-half years after entry.

The CHAIRMAN. Is there objection to that amendment to the amendment?

Mr. POUND. There is.

Mr. PETTIGREW. Mr. Chairman, when a settler enters upon a homestead he is allowed six months in which to begin his settlement and improvements upon the land. My amendment will require him to reside upon that land one year and a half after he begins his settlement before he can acquire title by paying $1.25 per acre. I believe that this is long enough.

In many cases settlers, after making *bona fide* settlement and occupancy, are obliged, owing to sickness, business, or other circumstances, to leave the lands within a year and a half after the actual settlement and cultivation are commenced. If the amendment of the Committee on Appropriations should be adopted the settler can not obtain title in less than two years and a half after settlement.

Six months are allowed the settler after making entry before he is required to begin actual residence and cultivation. Almost every settler avails himself of this privilege. These men after making their filings go back for their families and their property, and it is six months generally before they return to make settlement and begin their residence. But under the amendment of the committee the settler must remain two and a half years upon the land before acquiring any title whatever; and if within that time he be compelled for any cause to leave, he forfeits everything.

It seems to me that a term of a year and a half is long enough. Is it supposed that this Government is unable to protect itself against fraud? Is that the reason why the term of residence should be extended? I do not believe that such an amendment as that offered by the Committee on Appropriations is necessary to prevent fraud. I believe that if proper men are appointed as land officers and inspectors frauds can be prevented, the law can be executed in good faith, and justice done to the settlers upon the public lands.

Mr. WASHBURN. Mr. Chairman, I rise for the purpose of discussing more particularly the amendment offered by the Committee on Appropriations. I am very anxious that the Committee of the Whole should vote intelligently on this very important question. I believe that scarcely any law on our statute-book has been productive of so many abuses, so much perjury, so much absolute fraud as the pre-emption law. When originally enacted it was wise, and its effect in the new portions of the country was very beneficent, because it did just what it was intended to do—it held the public domain for the benefit of the actual settler. But after the passage of the homestead law there was of course no further necessity for the pre-emption law; for every one desiring in good faith to seek a home on the public lands could do so under the homestead law "without money and without price."

Hence there is not and has not been for years any necessity for this law. In ninety-nine cases out of one hundred its privileges have "been used only to be abused." Something more than a year ago my attention was especially called to the frauds which were being perpetrated under this law, and in the early part of last session, feeling that some step should be taken to remedy these abuses, I introduced a bill providing in terms for the repeal of the pre-emption law. I did this in order to "draw the fire" of the country and to ascertain whether any one knew good reason why the law should not be repealed. Since that time I have received letters on the subject from land officers and from prominent citizens all over the country, and almost without exception my action in this matter has been approved and I have been requested to go forward and secure the enactment of that bill.

In my own State there is one land district in the northeastern portion where the lands are valuable only for their timber, so that under the spirit of the pre-emption law they could not be taken. But within the last year and a half 125,000 to 150,000 acres of those lands have been taken under the pre-emption law.

[Here the hammer fell.]

Mr. HISCOCK. I move that the committee rise for the purpose of limiting debate.

Mr. TOWNSEND, of Ohio. I desire to take the floor and yield my time to the gentleman from Minnesota [Mr. WASHBURN]. I want to hear the facts in regard to this question.

Mr. HISCOCK. Let us fix the time for debate now; the gentleman from Minnesota [Mr. WASHBURN] can be recognized afterward. I ask unanimous consent that this debate be limited to thirty minutes.

The CHAIRMAN. Is there objection to ordering that the debate on this proposition close in thirty minutes? The Chair hears none. It is so ordered.

Mr. TOWNSEND, of Ohio, obtained the floor and said: I yield my time to the gentleman from Minnesota [Mr. WASHBURN].

Mr. WASHBURN. Within the last few months 150,000 acres of land in my own State have been taken fraudulently. So scandalous had these frauds become, so much attention had been attracted to them in our section of the country, that the Commissioner of the General Land Office felt it his duty to send an agent there to make an investigation.

For this purpose he appointed ex-Governor Marshall, of our State, one of the most reliable and conscientious men in the country. He examined this whole question, and of one hundred and twenty-four claims which he examined, covering thousands and thousands of acres, there were only two in which the law had been complied with. This business had been carried to such an extent that there were pre-emption brokers who made it their business to hire persons to go on the land and pre-empt it and then to transfer their certificates the moment they were obtained. The condition of things in this respect can hardly be exaggerated.

It may be said that these abuses relate mainly to the timber lands of the country; but I will say that my remarks apply more forcibly, if possible, to the prairie country, for instance in Dakota. It has then become a matter of scandal. It has come to this, that no honest man who undertakes to make a legitimate claim can do so without being black-mailed by the adventurers and land-sharks who anticipate them. The Commissioner of the General Land Office only a few days ago canceled one hundred and nine fraudulent filings. A party comes forward and makes fictitious claim. He takes the names of persons in some cases who have no actual existence. He files these claims and covers a broad area, often to the extent of a township. When the actual settler comes along of course he has no show. He does not want to buy a contest or lawsuit, and it ends finally by his paying from $100 to $500 to get his claim.

Now, every land office in the country is surrounded by a ring of these sharks and adventurers. It has become so scandalous, Mr. Chairman, there is not a gentleman—and I will refer to my friend from Illinois [Mr. HENDERSON]—there is not a man in any part of the country who has gone there but has had his attention called to this shameful condition of things. Now is the hour to have this business stopped. These public lands have been dedicated by Congress to the actual settler. Let us guard them for that purpose. Let us shut out this army of harpies and adventurers who go there to sap the life-blood of the actual settlers who really develop the country.

[Here the hammer fell.]

Mr. Chairman, I ask leave to have certain letters of the Commissioner of the General Land Office, reports and letters of the special agents sent to examine these frauds, printed as a part of my remarks. They are as follows:

UNITED STATES LAND OFFICE,
Duluth, Minn., November 23, 1882.

SIR: I inclose with this a report of the examination of certain pre-emption entries in tp. 59 N., R. 14 W., fourth meridian, which you specially instructed me to make by letter dated August —, 1882. (I am not able to give the date and initial, the letter being at my home, Saint Paul.) The other entries embraced in same instructions I have not reached in the progress of my examinations. They lie chiefly in the extreme western part of this district. I expect to examine them within a few weeks.

I also transmit by this mail in separate envelope detailed report of examinations in tp. 59 N., Rs. 14 (including these specially reported with others), 17, and 18; tp. 60 N., R. 18 W., and tp. 58, R. 19 W. You will see that the larger part of these are in the newly surveyed towns, declaratory-statement filings, in which I have been able to prevent entries. Under your instructions I will request the local land officers to order hearings in the case of pre-emption entries where I found no evidence of improvement or other compliance with requirements of the law.

I will await your instructions before ordering hearings in these cases examined under special instructions of August.

Very respectfully,

WM. R. MARSHALL, *Special Agent.*

Hon. N. C. MCFARLAND,
Commissioner General Land Office, Washington, D. C.

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Report of land examinations made by William R. Marshall, special agent, General Land Office, of alleged fraudulent pre-emptions in Duluth land district (made in October, 1882).

Township 59 N., R. 14 W., fourth meridian; P. E. No. 2835, W. Borowick: section 7, SE. ¼ of NE. ¼; section 8, W. ½ of NW. ¼ and NW. ¼ of SW. ¼.—Found no improvements on the land. No signs or evidence that it had ever been settled on or cultivated.

Homestead filing No. 1629, Ernest Jefferson: section 7, SE. ¼ of SW. ¼, and lot 4 and S. ½ of SE. ¼.—Found no improvements whatever.

P. E. No. 2831, Martin Shabecké: section 8, SE. ¼.—Found a log hut on SE. ¼ of SE. ¼ 12 feet square, 5 feet high, no door, no floor (hole cut for door), excuse for a roof of poles and bark, no signs that it ever had been occupied, no ashes, &c., uninhabitable. No cultivation on the land; no clearing.

P. E. No. 2834, August Polski: section 9, SW. ¼.—Found shanty on SW. ¼ of SW. ¼, about 12 feet square, 4 feet high, no floor, no door (hole cut for door), no window, no chinking between logs, few poles with bark and brush on top; uninhabitable, no ashes or signs that it had ever been occupied. No clearing or sign of cultivation.

P. E. No. 2690, John Slater: section 10, E ½ of SE. ¼ and SW. ¼ of NE. ¼; section 15, NW. ¼ of NE ¼.—No improvements, not any sign of settlement or cultivation on the land.

P. E. No. 3626, George Lamp: section 10, SW. ¼ of SW. ¼; section 15, N. ½ of NW. ¼.—No improvements found. No evidence of settlement or cultivation on the land.

P. E. No. 2833, Joseph Redlock: section 10, SE. ¼ of NE. ¼ and NE. ¼ of SE. ¼; section 11, S½ of NW. ¼.—No improvements of any kind found on this land.

D. S. No. 1791, Edward F. Krelwitz: section 11, SW. ¼.—No improvements of any kind on the land.

D. S. No. 1806, Chapman Pennock: section 11, S. ½ of NE. ¼ and N. ½ of SE. ¼.—A rude log pen, without roof, with some rusty mining tools within, apparently many years abandoned. No cultivation or sign of occupation of the land.

P. E. No. 2510, James E. Ferguson: section 18, S. ½ of SE. ¼; section 19, N. ½ of NE. ¼.—Found pole pen near NE. cor. sec. 19, on NE. ¼ of NE. ¼ of 19, 3 poles high. No other sign of human presence. No clearing or cultivation.

P. E. No. 2512, Rollin Ryder: section 18, N. ½ of NE. ¼ and NE. ¼ of NW. ¼ and lot 1.—Found small log pen near NE. cor. sec. 18, 7 feet square, 2 feet high. No cultivation.

P. E. No. 2509, Charles Myers: section 18, N. ½ of SE. ¼, SW. ¼ of NE. ¼, and SE. ¼ of NW. ¼.—No improvements found on the land.

D. S. No. 1781, Peter Bergin: section 8, SW. ¼ of SW. ¼; section 18, SE. ¼ of NE. ¼; section 17, W. ½ of NW. ¼.—Found some small logs cut as if for a shanty, but no shanty built. No sign of settlement or cultivation on the land.

P. E. No. 2832, Frederick Roth: section 17, E. ½ of NW. ¼ and N. ½ of NE. ¼.—Found log hut on NE. ¼ of NE. ¼, 17. About 6 feet high, 12 feet square; hole 2 feet square cut for door. No door, no floor, no window, no chinking between logs; poles and bark for roof; uninhabitable, and no sign of ever having been occupied. No clearing.

P. E. No. 2993, John Henrof: section 19, lots 1, 2, and 3, and NE. ¼ of NW. ¼.—No improvements found on land.

P. E. No. 2121, Moritez Grendey: section 29, SE. ¼.—Found log pen 9 feet square, partly on a windfall crushed by fallen tree. No clearing or signs of human occupancy.

P. E. No. 2979, Charles Crow: section 30, E. ½ of SW. ¼.—No improvements nor signs of settlement on or cultivation on the land.

P. E. No. 2325, John Koezloski: section 30, SE. ¼ of NW. ¼, and lots 1 and 2 and 3.—No improvements found on the land.

P. E. No. 2823, Timothy Malone: section 32, W. ½ of NW. ¼, SE. ¼ of NW. ¼, and SW. ¼ of NE. ¼.—No improvements found on the land.

D. S. No. 2695, Albert Adams: section 32, N. ½ of SW. ¼, and W. ½ of SE. ¼.—No improvements found. (Log pen 4 feet high, few poles and brush on top on SW. ¼ of SW. ¼ 32).

No habitable improvements nor any cultivated land found on any of the above lands.

WILLIAM R. MARSHALL,
Special Agent.

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Report of William R. Marshall, special agent, of the examination of the following pre-emption entries in township 59 *N., range* 14 *west of fourth meridian, Duluth land district, under special instructions of the Commissioner of the General Land Office, August —,* 1882.

Township 59 N., R. 14 W.; P. E. No. 2835, W. Borowick: section 7, SE. ¼ of NE. ¼; section 8, W. ½ of NW. ¼ and NW. ¼ of SW. ¼.—Found no improvements of any kind.

P. E. No. 2831, Martin Stabecki: section 8, SE. ¼.—Found log hut on SE. ¼ of SE. ¼ section 8, 5 feet high, 12 feet square. No door; a hole cut for door. No floor; no chinking; some poles and bark as an excuse for roof; not habitable and never inhabited. No clearing or cultivation of the land. No signs of settlement or human occupancy.

P. E. No. 2833, Joseph Redlock: section 10, SE. ¼ of NE. ¼ and NE. ¼ of SE. ¼; section 11, S ½ of NW. ¼.—No improvements whatever on this land.

P. E. No. 2832, Frederick Rock: section 17, E. ½ of NW. ¼ and N. ½ of NE. ¼.—Found log hut, about 6 feet 12 by 12 feet. No door; a hole cut for door. No floor; no chinking between logs; no window; excuse for roof of poles and bark; never inhabited; no ashes or signs of fire; uninhabitable. No clearing or cultivation.

P. E. No. 2834, August Polski: section 9, SW. ¼.—Found shanty on SW. ¼ of SW. ¼, 12 feet square, 4 feet high. No door; hole cut for door. No window; no floor; excuse for roof of poles and bark and brush; no chinking between logs; never inhabited. No cultivation on land.

P. E. No. 2823, Timothy Malone: section 32, W. ½ NW. ¼, and SE. ¼ of NW. ¼, and SW. ¼ of NE. ¼.—No improvements of any kind found on this land.

I certify that I caused to be made a careful examination of the above lands, and that there was no one living on them, or any evidence that any one ever had lived on them. There was no habitable improvement or sign of cultivation on said land.

WM. R. MARSHALL,
Special Agent.

DULUTH, *November* 23, 1882.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 5, 1883.

SIR: In compliance with request contained in your letter of December 23, 1882, I transmit herewith map showing location of the canceled pre-emption filings and timber-culture claims in Douglas County, Dakota Territory, known as the F. Le Cocq, jr., claims; also copy of report of Special Agent William W. Burke, and affidavits relative thereto.

Special Agent Burke reports that he made a personal examination of each of the tracts, the filings on which were canceled, and that the claimants did not make an actual personal settlement on their respective tracts prior to filing therefor. A pre-emption filing made without an actual personal settlement prior to the filing therefor is void. A pre-emption settlement can not be made by proxy, and if so made is of no effect; hence the cancellation of the declaratory statements aforesaid. This office is constantly in receipt of letters calling attention to fraudulent and illegal appropriations of the public lands, in addition to the reports of like nature from special agents of this office. It seems absolutely necessary for the protection of the interests of the Government and the *bona fide* settler that special agents should be appointed to act in all the large and new land districts so that fraudulent entries may be prevented, but this can not be done now as no appropriation is available with which to pay the salaries and expenses of such agents.

I have under preparation a report which is intended to be laid before the House of Representatives for consideration. The manner in which the public domain is being appropriated by fraudulent and illegal practices in the interest of speculators and others will therein fully appear, together with a brief synopsis of the information and data in possession of this office, and on which said report is based.

Very respectfully,

L. HARRISON,
Acting Commissioner.

Hon. W. D. WASHBURN,
House of Representatives, Washington, D. C.

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YANKTON, DAK., *December* 6, 1882.

SIR: I have the honor to submit the following report upon one hundred and nine pre-emption filings described below, situated in townships 100, ranges 64, 99, and 100, ranges 65, and 99, and 100, range 66, namely:

* * * * * * *

Upon my arrival at this place, I was informed that one Francis Le Cocq, jr., was covering up a large tract of land in Douglas County under the pre-emption and timber-culture laws; that he was doing it under the guise of an agent for a colony of Hollanders, which, as he says, was to be planted there; that none of the parties filing the declaratory statements were or had been living on or had in any manner improved the land.

Upon the above information, after having obtained from the records of the land office all the data necessary for making an examination of the land, I proceeded to Douglas County where the land is situated, arriving there on November 22 and immediately began a thorough investigation assisted by Charles E. Huston, a practical surveyor, who is well acquainted with the lands.

On the 23d and 24th days of November, I visited the above-described lands, marked upon the plat herewith (Exhibit A) in red ink, denoting the pre-emp-

tion filings, and failed to find any of the claimants upon their claims, or any improvements upon them that would give the parties any rights whatever under the pre-emption law, which requires actual settlement and improvement.

Upon some of the tracts the claimants, or some one for them, have pretended to commence improvements by taking a spade and digging a hole in the ground one spit deep, about two and one-half feet in diameter. This is what is called "commencing the improvements" by "commencing to dig a well."

After making an examination of the land I waited upon Mr. Le Cocq, who has an office upon the SW. ¼ sec. 24, T. 100, R. 65, for an explanation as to the non-residence and non-improvement of these tracts by the claimants. At first he was very reluctant, but after informing him that it might be to his interest to explain, he stated that he was acting as attorney for most or nearly all of the parties; that he made out and filed their papers in the land office at Yankton; that the parties are not residents of Douglas County, but of Turner and Plankington, Dakota; Orange City, Pella, Alton, and Parkersburgh, Iowa; and South Holland, Illinois; that he knew that their filings could not stand as against any legal ones that might be filed over them, and that he thought there would be no resistance to any filings so made on account of the non-residence of the present claimants, and for the further reason that the parties had not made any improvements upon their claims. (See affidavit marked Exhibit B.)

When Le Cocq was asked how he could act as attorney for parties and file their papers in the land office, when he knew that they were not complying with the law, nor never intended to comply, he replied: that the parties had commenced improvements by "commencing to dig wells." (No doubt he was referring to those already described.) When informed that those "wells" which he referred to could not be considered improvements, he tried to excuse himself by saying: "Well, it is done every day. They are as good as most others," or words to that effect, which is the general excuse for all who try to evade the law.

These lands are the best in the county, and as good as any in the Territory. It is my opinion, and am induced to form such from the surrounding circumstances, that Le Cocq had one or two plans by which to speculate with these claims, as follows, to wit:

First. He got their filings on the land, and hence this land is virtually out of market, as no one cares to file or enter over a pre-emption filing, even if they do think the first filing is illegal. They do not care to run the risk, when they come to make final proof, of having some one who has a prior filing come in and allege prior settlement, thus delay their cases and be a source of expense to them. All honest, *bona fide* settlers avoid clashing of filings, and will not interfere for fear of losing their rights. They will pass an illegal filing by rather than run any risks, especially when they know that a man of means is interested. Le Cocq knows this, and his object may be to hold this land under these filings until the *bona fide* settlers begin to come in next spring, then if parties want any land upon which these filings are he will for a consideration obtain relinquishments of the same, thereby make a large sum of money out of the settlers, when all that it should cost them is the Government price; or—

Second. He might induce these ignorant parties, for a small consideration and a misinterpretation of the law, to make proof and deed the land to him or some other interested parties.

Of the two modes, I am inclined to think that he would adopt the latter, for the following reasons, namely:

I learn from good authority that it is his intention to start a newspaper at his so-called settlement; his object in this is to have the final proof notices printed in it and not allow the paper to go into general circulation. This mode has been adopted to a great extent in this Territory. Again, he has been trying for some time to obtain an appointment as deputy clerk of the court or position as probate judge, for the reason, as he says, that it would be more convenient for his men to prove up.

It is true the present filings upon these lands is no bar to a second filing, but, sir, it is not so easy and agreeable as it seems to file over them and bring the second to maturity. This man Le Cocq (if I may be allowed to use a vulgar expression) is a "bulldozer" and has means at his command. The parties who would attempt to file over one of his claims would be subjected to pretty harsh treatment. He has warned all to keep off of what he calls "my settlement."

I did not think it necessary to go to the expense of obtaining additional testimony by interviewing the parties in whose names these filings are made for the reason that a pre-emption filing is void unless preceded by settlement and improvement, which settlement and improvement these parties have failed to show.

Therefore, in view of the above facts, and the circumstances surrounding these cases, I would most respectfully recommend that all of the above filings be canceled upon the records of the office, so that the land may be taken by honest, *bona fide* settlers; and that the pre-emption rights of the parties making these filings and all moneys paid by them be forfeited; and further, that Francis Le Cocq, jr., be disbarred from practice before the local land offices or the general office as an attorney.

I would state further that there are a large number of timber claims taken in the same townships as the pre-emptions. These claims, it is alleged, are also taken in Le Cocq's interest, and the inference is that the allegation is true.

From an examination of the plat inclosed you will find the timber claims which are supposed to have been taken in Le Cocq's interest marked; and here allow me to call your attention to one prominent point, which may appear to you very insignificant, but to those who are acquainted with the ways of the "land shark" it is not; it is one of the points which leads me to believe that the allegation is true.

It is the contiguity of these entries. If you will notice they are in groups of twos, threes, and fours. Now this is a good point, and one which every person would try to make.

This contiguity makes a great difference to parties who have relinquishments for sale. They can sell them more readily and obtain larger prices.

The location of these claims strengthens my belief that Le Cocq is an interested party or else he was not acting in good faith with his clients, in another way, namely: Aril Emisse's D. S. was placed upon the SE. ¼, 24, 100, 66, September 12, 1882, while his timber culture is placed upon the NE. ¼, 15, 100, 66, June 1, 1882; Jan Plooster's D. S. was placed upon the NW. ¼, 26, 99, 65, while his T. C. is placed upon the NW. ¼, 24, 99, 65, both June 1, 1882. Both claims of both these parties are not contiguous, but far from it, but they could have been if Le Cocq located them in good faith. At the time these claims were located every applicant could have had his pre-emption and timber claim contiguous; and this point is made if possible by every person who locates.

Other cases than the above two can be picked out, that are in the same condition as to contiguity, but these being enough for illustration, I will proceed to inform you where and how the timber-culture affidavits were made.

I am informed by the local officers here that most of these affidavits were made before the clerk and deputy clerk of the court of Union County, Dakota Territory, not at the county seat but at a place in the Territory, just over the line opposite Calliope, Iowa, within the Yankton district. Le Cocq admitted that the affidavits were made in Union and Turner Counties, he having made such arrangement with the officers who administered the affidavits so as to save time and expense for the parties. He also admits that the parties never saw the land applied for.

I gave Mr. Le Cocq the opportunity to submit an affidavit explaining the irregularities connected with these entries and filings for transmittal to you for inspection. He said he had not time then, but would make it by the next day or two and transmit the same to me. The affidavit has not been received, but in its place he sends me a postal card, of date December 1, 1882, saying: "I have decided not to make the affidavit you ask of me." * * * (Card inclosed marked Ex. "C.")

From the above circumstances and facts, which are good grounds for an investigation, I consider it my duty to make an investigation at the earliest opportunity and report fully.

A list of the timber claims will be transmitted in a separate letter with a request that the local officers at Yankton be instructed not to accept relinquishments for any of them until an investigation is had.

All of which is respectfully submitted for your consideration and action.

Very respectfully, your obedient servant,

WM. W. BURKE, *Special Agent.*

Hon. N. C. McFARLAND,
Commissioner General Land Office, Washington, D. C.

Mr. BERRY. Mr. Chairman, I wish to say a word in favor of the amendment proposed by the Committee on Public Lands, and at the same time to enter my protest against the amendment to the amendment offered by the gentleman from Dakota. It is notorious that our pre-emption laws have become the vehicle of frauds, and it is the duty of Congress to repeal those laws. I am one of those, Mr. Chairman, who are in favor of reserving the entire public lands for the benefit of the actual settlers. Therefore I am in favor of the homestead law. And I would be glad to see such restriction thrown around the homestead law as would require the entire five years' residence. If an individual desires to make a home upon the public domain for himself and family, and this Government proposes to give him the land for that purpose, only requiring a residence of five years, I do not see what hardship there can be. I believe it to be the true policy to reserve the public domain for the actual settler and cultivator under that condition. No one who desires to settle in good faith upon the public lands could object to it. I am willing, however, under the circumstances to accept two and a half years' residence before the privilege of commuting shall be granted.

In regard to the amendment of the gentleman from Dakota I desire to say that every deduction of time is really of no benefit to the actual *bona fide* settler, while the benefit of time within which commutation can take place is in the interest of frauds like those now perpetrated under the pre-emption laws.

I yield the balance of my time to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I desire to inquire if it is in order to offer an amendment?

The CHAIRMAN. There are two amendments now pending.

Mr. OATES. I do not care to say anything unless I can offer an amendment.

Mr. DWIGHT. I desire to say, Mr. Chairman, that the Committee on the Public Lands, of which I have the honor to be a member, are unanimously in favor of the amendment proposed by the gentleman from Wisconsin [Mr. POUND]. I have heard the statements of the gentleman from Minnesota [Mr. WASHBURN], and I concur in every one of them. The present system is one of the most vicious which can exist, and the statements he has made of fraud, perjury, and plundering the Government are, as I believe, literally true.

We came unanimously to the conclusion in the committee that this legislation should be enacted, and I trust that it will prevail. Now in reference to the amendment of the gentleman from Dakota, I desire to say that in my judgment its adoption would be a great mistake. This Government undertakes to deal liberally with those who go out on the public lands to make homes for themselves and their families. It is no hardship for these men to live upon the land on which they settle for a period of five years. To do so I believe would be a benefit to the *bona fide* settlers and to those who settle upon the lands in good faith. It would be a benefit to them to extend the time, with the exception of so much as is allowed by law to those who have been in the military service. As it is, the time should be left at two and a half years. But, as I have already said, I believe it would be better if the actual settlers should be required absolutely to reside upon their homestead for five years. That would insure permanent settlement and improvements. I hope the amendment of the gentleman from Dakota will not prevail. There can be no objection, and it is no hardship for a man who goes upon the land under the homestead laws in good faith, to require him to comply with the spirit as well as the letter of the homestead law. The man who wishes to speculate or who wishes to repeat the frauds now being perpetrated under the pre-emption laws might object to it, but certainly the actual settlers in good faith have no reason to object to it. Therefore I hope that the amendment of the gentleman from Dakota will not prevail.

[Here the hammer fell.]

Mr. VALENTINE. Mr. Chairman, I am in the main in favor of the proposition offered by the Committee on the Public Lands. I believe that the pre-emption laws ought to be repealed. I have no doubt that they have been used to a great extent, if not principally, for the perpetration of fraud. Of course there are persons who do make *bona fide* entries under it. But this amendment goes further and amends the homestead law. I am very heartily in favor of the amendment offered by the gentleman from Dakota, and think it ought to prevail. I have lived for a large part of my life among these public lands. I have seen thousands of settlers enter upon the lands, and have watched them year after year, and know from actual experience that it would be but justice

and humanity to permit the Commissioner of the General Land Office, under certain restrictions, to allow persons who have taken homesteads to commute them after a certain length of time, a time sufficient to convince him of the *bona fide* intention of the homesteader. And I think twelve or eighteen months' time is ample to convince any one of the *bona fide* intention of the settler.

I have known instances where a man has come from the far East with his family, a poor man, settled upon a homestead under the law, intending to make a *bona fide* residence and a home, and perhaps after one year would lose his wife. He could not remain there upon the frontier with a large family of children under the circumstances. He is compelled in order to save himself to commute and pay the Government prices for it. If you deprive him of this right you do him a great injustice. I think now by fixing the time at eighteen months' residence that that would be ample to protect the great majority of settlers and amply protect the Government. Of course the Commissioner when he receives the testimony in such cases under the commutation act must determine whether the party has resided upon the land in accordance with the law and is entitled to the benefits of the law; and when this is done, and when he conforms to the requirements and tenders to the Government the price of that land, he should be permitted to pay for it and get his title. This in many instances would save the little property that a man has, and all that he has invested in his improvements. I think it would be a great injustice to say, as my friend from California says, that you would compel this man to go upon the frontier and brave its hardships and live there the whole five years before he can get his title. Why, in the first year it is often the case, and in fact most generally, that these settlers make large improvements. Often they invest all they have during the first year, showing their intention to become *bona fide* residents.

Mr. BERRY. Why do you want to remove the restriction and say one year's residence?

Mr. VALENTINE. And I think the amendment is just because it provides a sufficient length of time to determine whether or not they are actual residents.

Mr. BERRY. But if you bring the time down, tell me what is the difference between that and the pre-emption laws?

Mr. VALENTINE. Why, because I was about to say that under that law a man might get a title in forty-eight hours, but I believe that under the regulations of the Department it requires the homesteader to reside six months; and, as I say, I am willing to extend this to eighteen months, because it would be a great injustice to require these men to live the whole five years before getting their title when the fact of their *bona fide* intention is clearly established.

Mr. PAGE. Mr. Chairman, if the amendment of the Committee on Appropriations was passed, perhaps a great benefit would be conferred upon the people of this country. But if the amendment of the gentleman from Dakota should be adopted, you would have all of the bad effects of the homestead law without any corresponding benefit. In the first place, originally you will get the benefit of the advantages which are given under the homestead law; but if the amendment as proposed by the gentleman from Dakota be adopted, you will also have in connection with it all of the bad effects of the pre-emption law, and in its worst form. I therefore hope that amendment will not be accepted.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, legislation so manifestly wholesome and just as this hardly needs to be re-enforced by further debate. The policy of the Government in extending grants of land to railroad corporations was to open up undeveloped regions of the country and clear the way for *bona fide* settlement. It enabled combination and capital to do what was impossible to individuals and small bodies of settlers. It planted towns in the wilderness and on the plains and furnished communication with the older States. In short, it made possible that which seemed impossible without it.

In spirit and purpose its object was a right one. How far it may have been abused I do not propose to discuss here. It drew capital to the new Territories; it built States; it created enterprise; it developed wealth and enabled labor to own its home. Inseparable from the system itself was the gathering of landed estates in the hands of the few, almost baronial in their character. What this intermingling of capital, enterprise, and labor will result in, or rather what shall be the final net results of the policy as a whole, is a problem not yet wholly solved. Whether these great estates shall absorb the smaller ones until labor becomes dependent and land monopoly supreme, or whether they in turn shall be broken up and distributed among the actual tillers and owners of the soil, the future must determine. The system of land grants had its advantages and disadvantages; but whatever tracts were gathered together under it they were lawfully obtained. The policy of the Government invited it, and the individual who purchased had the undoubted right to do so. But dealing thus impartially with them there can be no doubt that the spirit of our form of government ought to be and is opposed to the gathering of large landed estates in the hands of the few. If this be so when lawfully acquired, how much more must it be when acquired in evasion of law through fraud? That this has been done and is being done by provision of the pre-emption laws admits of no manner of doubt.

Now, can there be any doubt that this is inimical to the interests of *bona fide* settlers, the men who break lands and who build estates? Why, sir, it needs no argument from anybody; it needs no investigation to convince anybody that where men only six months before settled on lands and took their solemn oath that they intended and desired to make it a homestead or a dwelling place are by the score in the same neighborhood on the same day and almost at the same hour seized with an epidemic to sell out and abandon their pre-emption claims, by which movement a single individual acquires estates reaching 10,000, 12,000, and 20,000 acres, that the whole proceeding is born in fraud and consummated in perjury, or that it is right in the teeth of the pre-emption laws and a mockery upon their pretended beneficence.

Nor does it require a moment's reflection or investigation to see that your timber-culture act is a mere travesty upon what it pretends to be. While these relinquishments are allowed every three or six months, or in steps and pauses of three years, the General Government does not get a tree; and the whole intendment of the law is thwarted and overthrown. I repeat that while these laws in some cases, in many I think, but subserve an honest and beneficial end, the abuses under them are so great and alarming that no more safe, judicious, or desirable legislation has been proposed in this Congress than that embodied in this amendment, which should be imbedded in the law.

[Here the hammer fell.]

Mr. HOLMAN. It is difficult to conceive more valuable legislation, considering the present condition of the public lands and the importance of the subject to the actual and *bona fide* settler, than the proposition which is brought before the committee on the motion of the gentleman from New York [Mr. HISCOCK] from the Committee on Appropriations. The amendment proposed by the gentleman from Dakota, reducing the period of occupatian to entitle the settler to a patent, would in a large degree neutralize the advantages of the proposition of the committee.

The three measures—the present homestead law in its formerly injurious feature, authorizing the homestead settler to pay the minimum price and secure the issue of patent at an early moment; the pre-emption law securing patents in the same way at an early period after settlement, and the timber-culture act, with the interpretations placed upon it and the practice under it—have unquestionably impaired all the measures which have been enacted for the benefit of the actual settlers and to secure the public lands exclusively to them, and have been perverted to the benefit of the speculator and threaten to defeat the wise policy of the homestead law and the high purposes of the legislators who enacted it.

I hope the original proposition submitted will be adopted and that the amendment submitted by the gentleman from Dakota will be rejected.

The original purpose of the homestead act was to secure homes for actual settlers, and not to facilitate speculation in the public lands. It required residence on the lands for a period of five years. That period of residence was deemed sufficient to indicate the purpose of the settler to make a *bona fide* honest settlement, and no one in the beginning of this legislation proposed or thought of any other than a period of five years.

But under the commutation clause, to which no importance was originally attached, the party settling under the homestead law, as under the pre-emption law, after a very brief period of residence is permitted to evade the very purpose and spirit of the law by purchasing the land at the minimum price and making the law a means of speculation, and not, as was intended, a beneficent method of securing homes for the landless. The spirit of the homestead law is against the sale of public lands in any form, and rests on the idea of securing the public domain to settlers, not to speculators.

But I am told, and I have no doubt about its being true, because it comes from a reliable source, that men of wealth seeking to secure titles to public lands employ parties who make entries under the homestead as well as the pre-emption laws, and even the timber law, a measure from which we had hoped the best results; and under these laws, by the payment of that mere bagatelle value of land, considered the minimum price fixed for the public lands, they acquire for speculation the most fertile and valuable portions of the public lands which under our policy were designed for the benefit of the *bona fide* settler only.

The period of two and a half years fixed in the amendment of the committee is short enough to indicate an honest purpose. And any man going westward to avail himself of our land policy to secure for himself a home will not object to a period of two and a half years; he will not object even to five years if he be a *bona fide* settler. And no gentleman having at heart the interest of the actual settler will propose any shorter period of time. The shorter period means speculation, for in truth the *bona fide* settler intends to secure his patent under the homestead law, which requires five years of residence; the speculator only proposes to make a purchase and get his patent at the earliest moment. The sale of the public lands was never justifiable. The highest interests of the Republic are against any sale of the public lands and always have been; the actual settler is alone justly entitled to public land.

I trust the committee will not hesitate on this subject, but will deem the limitation provided by the original amendment of two and one-half years exceedingly moderate and just. It is impossible any argument can or will be presented on behalf of the *bona fide* settler which would abbreviate the period proposed. None but speculators will object. I am confident my friend from Dakota [Mr. PETTIGREW] makes a mis-

take which he himself will ultimately regret when, overlooking the interest of the *bona fide* settler, he favors a measure which will only benefits speculators and would ultimately diminish the number of freeholders in that great State of the future and create that curse to mankind, great landed estates. Any policy which promotes the schemes of the capitalist weakens our institutions and destroys the equal condition and just expectations of our people. The policy and purpose of the homestead law was to give strength and permanence to our republican institutions by increasing the number of actual freeholders in the soil of the country.

[Here the hammer fell.]

Mr. HISCOCK. I send to the Clerk's desk and ask to have read in my time a letter from the Commissioner of the General Land Office.

The Clerk proceeded to read the letter. Before the reading was concluded,

The CHAIRMAN said: The five minutes of the gentleman from New York [Mr. HISCOCK] have expired.

Mr. HISCOCK. I ask that the rest of the communication be printed in the RECORD after reading.

There was no objection. The letter in full is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 12, 1883.

SIR: In compliance with your request I hand you herewith a brief statement of the requirements of the general laws for the disposal of the public lands of the United States. These, not including the mineral laws, are the pre-emption laws, the homestead laws, the timber-culture laws, the desert-land laws, and the timber-land laws.

The homestead laws include the provisions for the commutation of homestead entries, and for the filing of soldiers' homestead declaratory statements.

THE PRE-EMPTION LAWS.

The requirements of the pre-emption laws are settlement, inhabitancy, and improvement of land by the pre-emptor for his own use and not for speculation nor for the benefit of another.

A pre-emptor has first to establish his residence on the land he wishes to enter. He may then file a pre-emption declaratory statement, which secures to him the preference right to acquire title to that land by inhabitancy and improving it for not less than six months, and by then paying the minimum price for it. If the land has been offered at public sale and is subject to private cash entry, he may purchase it by virtue of his preference right at any time within twelve months.

If it is "unoffered" land, or land not subject to "private entry," he may have thirty-three months within which to pay for it.

If no adverse claim intervenes he may pay for it at any time after the expiration of the twelve or thirty-three months.

Abuses.—The abuses are the evasion of the law for speculative purposes by filing declaratory statements when there is no residence on the land, and the subsequent fraudulent acquirement of title by false affidavit of inhabitancy and improvement.

In these fraudulent proceedings the pre-emptor is generally the tool of others who suborn the perjury and reap the benefits of the unlawful acts they cause to be performed.

The objects sought are, generally—

First. To obtain title to large quantities of land in violation of the restrictions of entry to actual settlers.

Second. To obtain valuable mineral, coal, or iron lands at less than the Government price.

Third. To obtain lands that are valuable chiefly for timber.

Fourth. To control the ranges in grazing districts by obtaining title to valleys or to shores of streams and water courses.

Fifth. To control the land under color of claim of record and hold the same for sale on speculation.

As the actual settler can obtain title under the homestead laws without the payment of price, and as a homestead entry is more secure than a pre-emption claim (for even the United States can not disturb a valid homestead entry), it follows that there is small legitimate occasion for pre-emption entries. Yet the number of pre-emption claims keeps fully abreast with the number of homestead entries.

A pre-emption declaratory statement may be sent to the land office by mail, or in any other way. It is not required to be sworn to nor authenticated in any manner. The opportunity for fraud is therefore practically unlimited.

THE HOMESTEAD LAWS.

The requirements of the homestead laws are settlement, residence, and cultivation for five years.

The party applying for the benefit of the homestead laws must make affidavit that his application is made for his own use and benefit; that he makes the entry for the purpose of actual settlement and cultivation, and not for the use or benefit of any other person.

After making such affidavit he has six months within which to establish his residence on the land.

If he or some member of his family is residing on the land when he makes his application to enter, the affidavit may be made before the clerk of the county court.

Otherwise the affidavit can be made only before the register or receiver.

Abuses.—The abuses are the same in character under the homestead as under the pre-emption laws, and under the commutation provision, through which the land can be purchased in the same way as by pre-emption, the abuses are of the same extent as under the pre-emption laws.

Where a fraudulent entry is made for the purpose of illegally obtaining title to the land, it is usually commuted to cash.

When made for the purpose of controlling the land and speculating in the relinquishment, it is not commuted.

There is no provision for filing declaratory statements under the homestead laws except by or for soldiers and sailors.

This provision is no advantage to the soldier or sailor. It gives him six months within which to establish his residence and make actual entry of the land. But he would have the same time without filing a declaratory statement, by making his application in the regular way. Everybody, including the soldier and sailor, has the same privilege.

The abuses of the soldier's declaratory statement are that soldiers are misled by land agents and attorneys into supposing that they have only to file a declaratory statement in order to obtain land, and that residence is not necessary to enable them to lawfully dispose of what they are told is their soldier's right. The consequence is that a great many soldiers have been and are now being defrauded of their money which they send to such agents, and never afterward hear of either land or money.

In other cases soldiers' discharge papers or other evidence of their military service are purchased from them generally by promises and used for making fraudulent filings for speculative purposes.

In both cases the declaratory statement is sold as a matter of common traffic, and when filed the relinquishment is offered for sale for the benefit of the speculator who controls it. The soldier gets nothing from these proceedings. He is made a party to a fraud without deriving any advantage from it.

Actual settlers avail themselves of the general privileges of the homestead laws without preparatory filings and without commutation. Their difficulty is that the public lands are so largely covered by fraudulent claims that they can usually make a *bona fide* homestead entry only after buying off these claims.

THE TIMBER-CULTURE LAWS.

The requirements of the timber-culture laws are that entries shall be made for the cultivation of timber, and for the use and benefit of the party making the entry, and not for the benefit of any other person and not for speculation.

Residence on the land is not required, and it is not necessary that the affidavit of entry should be made at the land office.

Applications signed anywhere in the United States are filed by agents or attorneys who cause a jurat to be attached thereto either in their own offices or through some confederate in the land district.

Other abuses are that the land is not as a rule entered for the cultivation of timber, but exclusively for the purpose of speculating in the relinquishment of the entries.

A simple entry holds the land for a year. A few dollars expended in breaking five acres the first year keeps the entry alive for the second year. A like small expenditure keeps it alive the third year. If these small expenditures are made, or are not proven not to have been made, the entry holds good. Meanwhile the relinquishment is offered for sale. The purchaser makes perhaps, or causes to be made, another fraudulent entry, the relinquishment of which he controls until he can find a purchaser at a profit, and the proceeding is kept up until some actual settler buys the land at a high price and enters it under the homestead or other laws.

Timber is not cultivated under speculative timber-culture entries, and there is no way of reaching the fraud except by a personal inspection of the land by officers appointed for that purpose, and not then until some years after entry if a few acres are occasionally plowed as a pretense of compliance with law.

The act of May 14, 1880.—Fraudulent entries of the public lands have always been the drawback of the public-land system, no provision for inspection ever having been made and no guards thrown around the different methods of disposal.

But entries fraudulently made or procured for the purpose of speculating in relinquishments is a feature which has developed into great proportions under the operation of the first section of the act of May 14, 1880.

This section provides that when a relinquishment of a pre-emption, homestead, or timber-culture entry is filed in the local land office the land shall be held as open to entry without further action by the Commissioner of the General Land Office.

Previous to the passage of this act such relinquishments were forwarded to this office as a basis for the cancellation of the relinquished entry, and the land was not open to another entry until the former one had been canceled.

This proceeding did not prevent the sale of relinquishments of fraudulent entries, but was an impediment to wholesale traffic of that character, both because of the delay involved and because the transferee of the fraudulent entry had no certainty of securing the new entry. The relinquishment gave the purchaser no preference right to enter the land, which was open to entry by the first legal applicant after notice of cancellation was received at the local land office, and it was necessary for the parties to the scheme of transferring the fraudulent entry to keep a close watch for the receipt of the notice of cancellation in order to secure the new entry.

The first section of the act of May 14, 1880, removed all impediments to the easy and successful consummation of this class of frauds. Under the operation of this section the making and procurement of false, fictitious, and fraudulent filings and entries for the sole purpose of speculating in relinquishments of such entries and filings has been organized into an established business of great extent. The necessary papers are prepared and signed and attested in blank in advance of township surveys, and as soon as the plats of survey are filed in the local offices much of the lands in such townships are at once covered with the bogus claims, and then the operators have exclusive control of the land. The newspapers are filled with their advertisements of "relinquishments for sale," and settlers and persons seeking lands are compelled to go to these speculators and buy off the fraudulent claims before they can make legal settlement or entry of land so covered up and controlled.

As an example of this class of fraudulent entry and relinquishment I inclose herewith copies of three duplicate homestead receipts, each bearing a relinquishment dated on the same day on which the entries were made, thus conclusively proving the fraudulent character of the transaction. These relinquishments were sold to other parties on the 3d of the present month.

Relinquishments are always made to the United States.

The last party purchasing a relinquishment presents it at the land office simultaneously with his own application to enter the land. This secures an exclusive right of entry to the holder of the relinquishment, and it is this facility for which he pays, and it is the profit to be derived from selling such facility that inspires and promotes the making of fraudulent entries in the original instance.

THE DESERT-LAND LAWS.

Desert-land entries are restricted to lands which without irrigation will not produce some agricultural crop, and the amount of land permitted to be entered by any one person is limited to six hundred and forty acres.

The party making a desert entry pays 25 cents per acre at the time of application, and the remaining $1 upon making final proof of compliance with law, which proof may be made within the period of three years.

The abuses are that lands not desert in character are frequently entered; that the limitation of quantity is evaded by collusive entries which are afterward assigned to the real party in interest, and that the lands are held for various purposes of speculation rather than for the objects contemplated by the law.

THE TIMBER-LAND LAWS.

The timber-land act of 1878 applies only to the States of California, Oregon, and Nebraska, and to Washington Territory.

In other States and Territories timber lands are largely appropriated through fraudulent pre-emption and commuted homestead entries made in the interest and by the procurement of parties desiring to obtain the use or control of the timber.

There is no special provision for the disposal of timber lands other than the act of 1878.

The conditions of that act are that the land shall be valuable chiefly for timber but unfit for cultivation; that no one person or association shall be permitted to enter more than one hundred and sixty acres; that the entry shall not be made for speculation nor for the benefit of any other person than the party making the entry. The applicant is required to swear, among other things, that he has made no contract or agreement by which the title he may receive from the United States shall inure in whole or in part to the benefit of any person except himself.

These provisions are widely evaded. It is understood that large operators cause their employés and other persons to make the necessary affidavit, enter the lands, and then convey to their employers or principals. In this manner large tracts of timber land in California, Nevada, Oregon, and Washington Ter-

ritory are controlled by single persons and firms, contrary to the intendment of the statute.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. THOMAS RYAN, *House of Representatives.*

The CHAIRMAN. The question is first on the amendment offered by the gentleman from Dakota [Mr. PETTIGREW], which is to reduce the period of residence to one and a half years instead of two and a half years.

The question being taken on Mr. PETTIGREW's amendment, there were—ayes 9, noes not counted.

So the amendment was not agreed to.

Mr. PETTIGREW. I offer another amendment to make the time two years instead of two and a half years.

Mr. VALENTINE. The gentleman in charge of the bill agrees to accept that.

Mr. RYAN. What gentleman?

The question being taken on the amendment, there were ayes 2.

Mr. VALENTINE. The gentlemen who have charge of the bill offered to accept that amendment, and now they will not accept it when they find they have a majority.

Mr. RYAN. I would as readily accept it as not; but you insisted on the other proposition.

The negative vote was counted, and was announced from the Chair as "noes" 89.

Mr. VALENTINE. No quorum.

The CHAIRMAN. A quorum not having voted the Chair appoints as tellers the gentleman from New York, Mr. HISCOCK, and the gentleman from Nebraska, Mr. VALENTINE.

The committee again divided; and the tellers reported that there were—ayes 20, noes 128.

So the amendment was not agreed to.

The amendment offered by Mr. HISCOCK, from the Committee on Appropriations, was then agreed to.

Mr. OATES. I move to amend by adding the following:

Provided, That the laws as to commutation of homestead entries, so far as the same apply to the lands in the State of Alabama, are not changed by this act nor any clause thereof.

The amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following:

For the purpose of paying the expense of survey, appraisement, and sale of Fort Larned military reservation in the State of Kansas, as provided in an act entitled "An act to provide for the disposition of the Fort Larned military reservation," $2,500, or so much thereof as may be found necessary.

The CHAIRMAN. The Chair will state that at the request of the gentleman from Wisconsin [Mr. CASWELL] the right was reserved to offer an amendment to come in just preceding the paragraph now read.

Mr. HISCOCK. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had come to no resolution thereon.

AMENDMENT OF THE RULES.

Mr. ROBESON. I rise to submit a privileged report from the Committee on Rules. I will say that it is what is known as the "Pound" rule which was passed at the last session, with a single alteration, that it will now take four members to object instead of five as last year.

The SPEAKER. The resolution reported from the Committee on Rules will be read.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House, and such reports printed, and Senate bills and resolutions on the Speaker's table, which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the standing committees in their order, whereupon, by direction of committees so called, not more than one measure may be called up for final consideration; if not more than four members object such consideration shall proceed, providing that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees, the latter upon request of a member to be allowed prior to submitting the call for objections; this hour not to interfere with revenue or appropriation bills.

Mr. ROBINSON, of Massachusetts. That should lie over one day.

Mr. ROBESON. Unless there is some objection to its present adoption, I will now call for a vote.

Mr. ANDERSON. There is objection.

Mr. REED. I should like to make an observation about it before it is adopted.

Mr. ROBESON. Very well; let it go over.

The SPEAKER. It will lie over one day under the rules.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation in the State of Nebraska.

FEES OF CUSTOMS OFFICERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments and fees received by customs officers during the year which ended June 30, 1882; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

DAVID N. HARRISON.

Mr. RAY, by unanimous consent, from the Committee on Claims, reported, as a substitute for H. R. 7301, a bill (H. R. 7634) for the relief of David N. Harrison; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE TO PRINT.

Mr. TYLER asked and obtained consent to print in the RECORD some remarks prepared by him on the educational bill. [See Appendix.]

ORDER OF BUSINESS.

Mr. ROBESON. I now move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of Joseph Scott and others, citizens of Saint Louis, Missouri, relating to the establishment of a colored military school—to the Committee on Military Affairs.

By Mr. ANDERSON: The petition of W. T. Batchelor and 12 others, citizens of Wakefield, Kansas, asking that lumber be placed on the free-list—to the Committee on Ways and Means.

By Mr. CALDWELL: Papers relating to the claim of W. H. Wheeler—to the Committee on War Claims.

By Mr. COVINGTON: The petition of citizens of Deal's Island, praying for an appropriation to continue the improvement of the Lower Thoroughfare, Maryland—to the Committee on Commerce.

By Mr. G. R. DAVIS: The resolutions adopted by the Grand Army of the Republic, Department of Illinois, condemning the efforts being made to restore to the Army Fitz-John Porter—to the Committee on Military Affairs.

By Mr. C. B. FARWELL: The petition of James Sturgis and others, officers of banks in Chicago, Illinois, urging the passage of the Monroe resolution providing for the repeal of Article XI of the amendments to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HASELTINE: The petition of William Smith, relating to the compensation of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. PEELLE: The petition of the Atlas Engine Works and 20 others, manufacturers of Indianapolis, Indiana, protesting against the admission of steam plows and engines free of duty—to the Committee on Ways and Means.

By Mr. J. B. RICE: The petition of 52 commissioned officers and more than 500 non-commissioned officers and private soldiers who served in the command of Brigadier-General S. D. Sturgis in the expedition into Northern Mississippi in June, 1864, asking that the said Sturgis be removed from his present position, for a full investigation of his conduct in the disastrous Guntown expedition, and for his dismissal from the service—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: The petition of H. C. Fellows, relating to appropriations for Government surveys—to the Committee on Appropriations.

By Mr. VANCE: The petitions of ship-owners and merchants of New York, and of Bath, Maine, protesting against the adoption of section 13 in the bill relating to the American merchant marine—severally to the Committee on Commerce.

SENATE.

FRIDAY, *February* 23, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

A joint resolution asking immediate adjustment of land grants to railroads in this State.

Whereas millions of acres of land in this State have been granted to railroads and have been withdrawn from settlement and are untaxed; and

Whereas many of such grants have not been adjusted, and lands not falling within the grant are thus withheld from market and are untaxed; and

Whereas some of such grants have been forfeited by reason of non-compliance

in part by the railroad company to which the grant has been made with intentions of the grant; and

Whereas it requires an act of Congress or the decree of a court to forfeit the land of a defaulting railroad company: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the interest of the State and of the citizens requires that all land grants to railroads should be adjusted at the earliest possible day, or that in all cases when any railroad company has not complied with the conditions of the grant to it such grant should be at once declared forfeited.

Resolved further, That our Senators and Representatives in Congress are requested to use all honorable means to secure an immediate adjustment of such grants or an immediate forfeiture of any grant the terms of which have not been complied with.

Resolved further, That the secretary of state be, and is hereby, requested to forward a copy of this resolution to our Senators and Representatives in Congress at as early a day as practicable.

Mr. WINDOM presented resolutions adopted by the Duluth Chamber of Commerce in favor of the location at Duluth of the proposed consolidated customs port; which were referred to the Committee on Commerce.

Mr. LAPHAM. I present a memorial of 2,500 persons, printers, binders, publishers, and others, engaged in the manufacture of books in the city of New York, remonstrating against the proposed change in the duties on books imported from foreign countries while the existing duties upon the materials used in the manufacture of books are to be maintained. This memorial did not reach me until after the Senate had acted upon that question in the revenue bill, but it is possible the question may yet come before the Finance Committee. I ask that this memorial, which states the facts very fully, as it is from very responsible persons, shall be sent to the Finance Committee.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. CALL presented a memorial of delegates from the constitutional convention of Utah; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

To the honorable Senators and Representatives of the United States:

The undersigned respectfully and humbly present this their petition and memorial as follows, to wit:

We are citizens of Utah, authorized and instructed by the people of that Territory to do what is proper and possible for the preservation of their rights and liberties.

In their name we pray you to consider the situation in which your legislation may place them. We feel sure that you will at least hear us, since our worst enemies do not pretend that we have lost the right to petition for the redress of grievances.

For certain reasons, elsewhere given and which need not now be repeated, we are entirely satisfied that the act of March 22, 1882, was an assumption of power not granted to Congress by the Constitution. We admit, however, that we are not the ultimate judges of that question. If you shall be convinced that you, and not the Territorial government, have jurisdiction to legislate upon the subject of marriage, divorce, and other matters of purely private and local concern, and if you think it proper to exercise that power without regard to the nearly unanimous opinions of the people affected by it, then we beseech you to modify your law so that its penalties will be visited upon those only who commit the prohibited offense and are legally found guilty by a jury impartially selected.

We pray you to repeal so much of the act of March 22 as authorizes, or seems to authorize, the disfranchisement of persons who are not convicted, because it is a cruel punishment inflicted upon persons conclusively presumed to be innocent.

It is also hoped that the retroactive feature of your law will be eliminated. No grosser violation of common justice could be committed than a criminal law operating *ex post facto*.

Respectfully but most earnestly we protest against the commission appointed under the act of March 22. The people of the Territory had a clear and unquestionable right to choose their own local officers according to their own established laws. Congress decreed that this right should not be exercised except under the supervision of five persons to be appointed by the President. The commissioners, being appointed, undertook the duty but did not perform it. In consequence there could be no election without a conflict with Congress, which we were unwilling to bring on, however certain we were of being in the right. There was no election, and, as a legal consequence, the incumbents of the local offices held over agreeably to the statute in such case made and provided.

But an attempt was made to punish the people of the Territory for the default of the commissioners by seizing the local offices and public money into the hands of the governor and his retainers. And this, we are sorry to say, is asserted to be in accordance with what is called the Hoar amendment, hastily and inconsiderately stuck into the appropriation bill at the close of the last session. It is clear to us, and must be to you upon reflection, that this amendment has not and was not intended to have the effect claimed for it; but if the courts of the Territory should give it that construction all control of their own affairs would be taken out of the people's hands and free government in the Territory would be at an end. We submit to your candid judgment whether the repeal of this amendment is not due to the character of Congress as well as to the Territory of Utah. So, and so only, may all pretense be taken away for the perpetration of a huge political robbery.

The people of that Territory would be unfaithful not only to their own rights and the rights of their children but to the cause of liberty and justice everywhere if they did not remonstrate as earnestly as possible against the bill of pains and penalties reported by the Senate Judiciary Committee. In open defiance of the Constitution it authorizes the capture and imprisonment of citizens, male and female, known and admitted to be perfectly guiltless of any offense. It violates the sanctities of the family by compelling husband and wife, lawfully married and living together in conjugal harmony, to testify against one another. By a legislative decree purely arbitrary it disfranchises all female citizens, though their right to the ballot is vested as clearly as that of the men, and though it is not pretended that they have done anything to forfeit it; the injustice would be no greater to extend this disfranchisement to the whole population, and that probably is expected to follow, either directly or indirectly.

The pending bill abolishes the election districts for members of the Legislature, and if it passes no election can be held unless a commission of Federal officers, known to be the bitter enemies of popular government, shall redistrict the Territory. This bill, passed in its present shape and added to the hostile measures of the last session, must almost necessarily result in the destruction of the Territorial Legislature, the seizure of the local offices, and the subjugation of the people to a state of ignominious slavery.

Whatever may be the extent of the jurisdiction over our local affairs which you may think it right to claim, we are safe in assuming that no honorable man in or out of Congress will stand up to defend measures forbidden, as these are, by the express words of the Constitution.

Nor can any excuse be found for them in the antipathy which is professed by many, and by some sincerely felt, for the doctrine of plural marriages. These penalties fall upon the whole population without reference to the personal guilt or innocence of individuals. They are stabs which reach the vitals of civil liberty and do not touch polygamy at all.

We bring no railing accusation against our enemies at home who have labored to excite animosity against us to break down our Territorial government and to rob us of the right to manage our own affairs by agents of our own choice. But we can not conceal from you the dread and terror with which we contemplate the bare possibility of being placed under their domination.

Possessed of despotic authority, with law in their voice, with unrestrained power in their hands, and a helpless people under their feet, they would act after their kind and plunder us without remorse. What chance of justice will we have if we submit to their exactions? What safety for our lives if we resist? With what reason can we hope to escape the fate of all other communities placed in that unhappy situation? Our case is even more forlorn in its outlook than any that modern history records. The men who are striving to become our masters claim the offices and funds of the Territory, which are our undoubted property, in defiance of law, justice, and the rights of self-government secured to us by the Constitution. If they succeed it would be mere madness to expect the smallest regard for our rights of private property or personal liberty.

The undersigned were specially intrusted by the convention which framed for the people the constitution under which they hope to be admitted as a State to lay that instrument before Congress and ask that proper action be taken thereon. Inasmuch as our constitution is faultless and our population much larger than that of some States already in the Union, we venture to hope that our admission will not be unreasonably delayed.

We implore you to take our case into your consideration and save us, so far as your sense of justice will permit, from the great calamities with which we are threatened.

And we will ever pray, &c.

JOHN T. CAINE.
F. S. RICHARDS.
D. H. PERRY.
W. D. JOHNSON, JR.

Mr. VEST. I present two petitions from more than a thousand workingmen, one from employés of the Nova Scotia Iron Company, in Dent County, Missouri, and the other from employés of the Saint Louis Stamping Company, praying that the tariff duty upon iron may not be reduced. I move that the petitions lie on the table.

The motion was agreed to.

Mr. VEST presented resolutions of Maplewood Grange, No. 654, Patrons of Husbandry, of Pettis County, Missouri, and resolutions of Zion Grange, No. 1087, Patrons of Husbandry, of Lawrence County, Missouri, in favor of the establishment of a department of agriculture; which were ordered to lie on the table.

Mr. GROOME presented a petition of the Maryland Academy of Sciences, praying that the Signal Service Bureau be not transferred to the Interior Department; which was referred to the Committee on Military Affairs.

SANDUSKY COLLECTION DISTRICT.

Mr. MCMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2445) to amend section 2603 of the Revised Statutes of the United States, fixing the boundary of the collection district of Sandusky, to report it with a recommendation that the bill pass with a mere formal amendment made by the committee. I am also instructed to ask for the immediate consideration of the bill. It merely establishes the lines of the district as they have been understood to exist for fifty or seventy-five years, but a decision of the court determined that the district was bounded by other lines and renders this act necessary. The Secretary of the Treasury in a communication to the committee approves the bill reported, and I understand that it is in accordance with the desires and wishes of the people.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 2603 of the Revised Statutes, so as to read:

The district of Sandusky to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the eastern bank of the Vermillion River to and including the western bank of the Portage River, in which Sandusky shall be a port of entry.

The amendment reported by the Committee on Commerce was, in line 9, before the word "port," to strike out "a" and insert "the;" so as to read:

In which Sandusky shall be the port of entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJOR WILLIAM LUDLOW.

Mr. EDMUNDS. As I see it seems to be the general pleasure of the Senate to act upon bills as they are reported, as far as it is in my power I wish to withdraw the objection that I made yesterday to the bill reported by the Senator from Connecticut [Mr. HAWLEY] and assent to his taking it up now by unanimous consent. That seems to be the general notion of the Senate and I do not want to give one kind of fish to the Senator from Connecticut and another to the Senator from Minnesota, and so on. I apologize for having objected yesterday.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Connecticut when the routine morning business is through.

REPORTS OF COMMITTEES.

Mr. MCDILL, from the Committee on Public Lands, to whom was

referred the bill (H. R. 6597) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, reported it without amendment.

Mr. MORRILL. I am directed by the Joint Select Committee on Additional Accommodations for the Library of Congress to report an amendment to be proposed to the bill (S. 842) authorizing the construction of a building for the accommodation of the Congressional Library, and I ask that it be printed and lie on the table.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MORRILL. I give notice that whenever I can do so without interfering with the regular appropriation bills, I shall ask a brief time on the part of the Senate to consider that bill.

Mr. HOAR, from the Committee on Patents, to whom was referred an amendment intended to be proposed to the sundry civil appropriation bill, authorizing the Secretary of War to purchase from Addison M. Sawyer his patent right for canister-shot, reported it with a favorable recommendation, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. INGALLS. The Committee on the District of Columbia some time since were instructed by a resolution to inquire into the subject of the routes and terminal stations of the railroads in this District. From the committee I report an original bill to define the routes of steam-railroads in the city of Washington, and for other purposes, which I ask may be twice read and placed upon the Calendar; and I give notice that at the earliest possible day I shall ask the Senate to act upon that bill.

The bill (S. 2505) to define the routes of steam-railroads in the city of Washington, and for other purposes, was read twice by its title.

Mr. VEST. I am authorized by the Committee on Commerce to report back the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen, known as the shipping bill, with certain amendments, and I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VEST. I further wish to state on behalf of certain members, a minority of the committee, that there is a new section incorporated in the bill which does not meet with the entire approval of all the members of the committee. It is a section which authorizes the Postmaster-General of the United States to contract with steamship lines and other vessels for the transportation of the mails of the United States upon ocean routes, the aggregate amount so expended under such contracts not to exceed a million and a half of dollars annually. With the exception of that section the committee are unanimous in reporting the bill. I give notice that after the Senate has completed the consideration of the bill now pending in regard to Utah, I shall ask the Senate to take up the shipping bill.

Mr. VANCE, from the Committee on Naval Affairs, reported a bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service; which was read twice by its title.

Mr. HARRISON. I am instructed by the Committee on Territories, to whom was referred a petition of the Legislative Assembly of Montana Territory, praying for increased per diem and mileage of jurors and witnesses, to ask that the committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary, which committee, I understand, has the subject under consideration.

The report was agreed to.

INDIAN CEMETERY AT SALAMANCA.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report favorably and without amendment the bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes; which I ask the indulgence of the Senate to put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It makes it lawful for the Seneca Nation of Indians of the State of New York in the manner provided by their constitution, to quitclaim to the Wildwood Cemetery Association of the village of Salamanca, New York, duly organized under the laws of that State, not to exceed thirty acres of land within the village of Salamanca, as defined in accordance with the provisions of the act of Congress, approved February 19, 1875, for cemetery purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Charles Dresser be withdrawn from the files of the Senate, there being no adverse report.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I desire to submit the conference report upon the Indian appropriation bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the report? The Chair hears no objection, and it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 26, 27, 57, 67, 74, 75, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, 16, 17, 18, 19, 20, 22, 23, 31, 63, 64, 68, 69, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of $89,400; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "four," where it occurs, and in lieu thereof insert the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "the vicinity of Fort Custer," and insert in lieu thereof the words "some suitable location on their reservation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And no contract by any such Indian, creating any charge or incumbrance thereon, or liability of said land for payment thereof, shall be valid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of $8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert the sum of $8,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum of $70,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: At the end of the amended paragraph, insert the following:

"And no portion of this sum, nor of any other sum appropriated by this act, for the support of Indian schools shall be paid for service rendered by any scholar taught in said schools during the period of his tuition, except for excess of value of labor over and above cost of tuition and support or either furnished by the Government."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: After the word "repairing," in said amendment, insert the words, "and constructing;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 44 of the bill, in line 8, strike out the words "and education" and in lieu thereof insert the words "education and transportation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out down to and including the word "made" in line 25, page 44 of the bill, and insert after said word the following words:

"Immediately available for the completion and furnishing of the school building and erection of outhouses near Arkansas City."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of $10,000; and at the end of said amendment insert the following:

"And also for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor."

And the Senate agree to the same,

H. L. DAWES,
M. W. RANSOM,
Managers on the part of the Senate.
THOMAS RYAN,
L. B. CASWELL,
BEN. LE FEVRE,
Managers on the part of the House.

Mr. DAWES. The result of this conference may be stated in a very few words. As the bill passed the House it appropriated $5,208,955.91. There was added by the Senate $167,300, making a total as passed by the Senate of $5,376,255.91. The net reduction made in the conference from the Senate amendments is $12,600, as follows: Reduction in the appropriation for Sioux of Lake Traverse, $7,000; for Sioux of Devil's Lake, $7,000; for Indian police, $2,600; for transportation of children to and from Forest Grove school, $1,000, making the total reduction $17,600. The increase in the appropriation for removing Indians and property in consolidating agencies, &c., is $5,000, making a net reduction of $12,600. The amount of the bill as agreed to is $5,363,655.91; less than the appropriations for 1883, $111,748; less than the estimate for 1884, $1,362,075.63.

Mr. PLUMB. I did not see my way clear to sign the report, for reasons that I do not care to enlarge upon, but I desire to call the attention of the Senate now to the controversy chiefly in the committee, as it was also between the two Houses; that is, the appropriation for schools. The controversy here assumed the phase of a question as to the amount that should be given for the education of each Indian scholar, the Senate voting by quite a decided vote at one time that the amount at Carlisle should be $235 each.

I have had occasion to pay a little attention to the question of the subsistence and education of the poor people of the District of Columbia, both black and white, who I think so far as the obligation of the Government to them and to their needs is concerned, present and future, are quite as deserving as Indians. I find that in the Industrial Home School at Georgetown an average of more than one hundred children were taken care of by way of clothing, instructing, supporting generally, and educating in an industrial way on an average of about $70 per capita. I find that at the school or institution for the care of colored children the number is about the same and that the per capita is about $65 each. These two institutions are doing a work of great value, and just the kind of work which in my judgment should be done for the Indians; and yet we are doing, as I believe, a less valuable work for the Indians at nearly four times the cost; that is to say, we are educating the Indians at an expense to the Government of about four times what it costs to educate and care for white and black children who have just as much claim upon the Government, and who have been receiving just as much benefit from the diminished sum as the Indian children are receiving from the largely increased sum.

In connection with this statement I ask to have read a letter from a somewhat noted Quaker lady of Philadelphia, which sheds some light upon this question, written to Secretary Teller under date of the 29th day of January.

The Acting Secretary read as follows:

PHILADELPHIA, *First Month*, 29*th*, 1883.

ESTEEMED FRIEND: After leaving thee that afternoon, with my papers ready for action, I had a talk with an official, who questioned me closely about the work and workers in certain agencies; also wished to know what the Quakers of Philadelphia thought of the proposed school for Indian girls in our city. I told him I never had heard of an approval. It would be a pet school and the girls would be spoiled and we fear not fit for home duties. We would approve of industrial schools on the reservations and the women taught in their homes to live a civilized life and make home attractive to their husbands. He (the official) wished to call and have a talk with thee about it; but I know thy time, as well as my own, was precious, so ventured to write thee.

I have made it my business to visit the schools and homes of Indians both in Canada and our own country, and find the former far ahead of ours in economy and work. At the Mohawk Institute, Bruntford, Canada, they have one hundred and thirty-six pupils, at the cost to government of $53 each for the last two years, and they do all the work, with the assistance of two workers—knitting, sewing, &c., everything. Do visit it; and for more particulars see ninth and eleventh months' council series, 1882, written by me. There are too many instructors; the children ought to be workers. Not one child at Thomas Asylum, New York, is allowed to remain in the school over 16 years of age, and they do everything like work in that institution. 'Tis employment that civilizes the Indian. 'Tis not all books that is needed.

My heart is in the work, and I do crave that you, who are at the head of this great work, may bow low before the Lord and ask Him to direct you, and do not move till He shall show you the way. We are all working for or against Him. I am willing to add my mite to the work of so great a field, and all I ask is to be aided as the way may open.

Thy interested friend,

HULDAH H. BONWELL,
912 Wallace street, Philadelphia.

Secretary TELLER.

Mr. PLUMB. I simply desire to express the conviction that if Indian education should be placed in the hands of people of a practical character such as those who have charge of the institutions of which I have spoken and such as the writer of the letter evidently is, we could educate four or five times as many children as we now educate for the money we are expending, and to a very great deal better purpose.

Mr. DAWES. Before this matter passes from the consideration of the Senate I desire that a single word more should be said. There are three kinds of schools for the Indians. One is the day schools at the agencies, another is the industrial schools at the agencies, and the third is the three schools at Hampton, Carlisle, and Forest Grove. The average cost of the scholar at the day schools is only $25 a year; at the industrial schools at the agencies it is $50 a year; at Hampton it is $167; at Carlisle and Forest Grove it is $200. There is a very much larger number at the day schools than at any of the others, and if you average the cost it would come somewhere nearer the cost of the schools that have come under the observation of the Senator from Kansas than would appear by his simple statement; I do not know how near it would come.

The Senate can see at once that there are many reasons why you can reduce to a minimum the cost of educating the scholar at the schools in this District much smaller than the minimum at present of educating the Indians, who are at arm's-length, a different character of person, requiring a different kind of teacher and a different kind of expenditure. If the country can be satisfied that the effort is an honest and earnest and economical effort in the expenditure of money, the country has made up its mind that the result also will be not only in the interest of economy of expenditure, but in the interest of a wise and humane solution of the Indian question by bringing sooner than by any other effort the Indian to a self-sustaining condition of life. He is to be in the very near future a citizen of the United State, absorbed in the body-politic; and every dollar expended in preparing him or the coming generation of Indians for that duty which they can not nor we escape, the better.

I think the Senator from Kansas will agree with me that the effort is an earnest and honest one, and in the main an economical one, and that with a sincere desire to make every dollar of the money go as far as possible we can see very many reasons why it can not come down to the minimum of the expenditure in this District, which is wise as well as economical and beneficent. I think there can be no occasion for any adverse criticism. I agree with the Senator that practical notions such as are expressed in the letter he has read commend themselves to those in the management of Indian affairs, the Indian schools especially, and think those at the head of the Interior Department are exceedingly practical and sensible.

Mr. CALL. Mr. President, I should be glad to ask the Senator from Massachusetts what became in the conference of the provision the Senate inserted in the bill for the relief of the Seminole Indians in Florida?

Mr. DAWES. I regret to say that the committee of conference on the part of the Senate were compelled to give up that appropriation in order to come to an agreement upon other points. I regret it because I wished that that sum of money might have been expended. Last year it was proposed by the Senate to expend out of the Treasury that sum of money to relieve us of all trouble about the treaties. This year it was proposed to take that sum out of the treaty appropriation. The conference committee on the part of the House were very firm in the conviction that that violated the provisions of the treaty, and it was necessary in order to agree in the conference to give up the appropriation.

Mr. CALL. I shall not delay the Senate or occupy its time by reiterating what has been stated before any further than to express my protest on behalf of the people of Florida and these Indians against the refusal on the part of Congress to do for them what is plain, sheer, undeniable justice. I merely wish to say that in violation of a positive treaty obligation on the part of the Government of the United States, for which no kind of pretense or excuse has ever been given, year after year this appropriation bill is passed asserting a positive falsehood which has no kind of support in either the history of the country or in any fact stated by any individual anywhere, and that is that the Indians in Florida, for whose benefit that provision of the treaty was made, have ever removed from that State. There is no kind of reason for that assertion; they have never removed; they are there; and year after year, contrary to the evidence in the case, this appropriation is made under that treaty for the benefit of the Seminole Indians in the West, upon the allegation as contained in the bill that they—that is, the part of the tribe "remaining in Florida" at the time of the treaty—have removed to the West, for which, I wish to state here, there is not the slightest degree of evidence and which is absolutely false.

I wish further to say that these Indians in Florida alone of all the Indians in the United States are not only left without provision for their support or their education, but that they had a treaty with the Government of the United States long before the treaty was made by which provision was made for those who should remove westward, giving to them per capita so much money, which has been denied to them without any kind of reason or excuse, without any provision in the treaty abrogating it, and without any consideration whatever on the part of Congress or the Government; yet they have surrendered their lands, they have deprived themselves of their homes, they have given the consideration required by the treaty, and year after year, of all the Indians in the United States in like case, they alone are left without the least recognition or without the least care or attention by Congress. Such violation of the solemn treaty obligations of the United States, such indifference both to the claims of humanity and of justice is a reproach to ourselves and the country.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM H. FORNEY of Alabama, Mr. J. H. KETCHAM of New York, and Mr. THOMAS RYAN of Kansas the conferees on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska; and it was thereupon signed by the President *pro tempore*.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. ROLLINS. I submit the report of the committee of conference on the bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this conference report? The Chair hears no objection, and it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2871) to provide for the exten-

sion of the Capitol, North O Street and South Washington Railway having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from the amendment numbered 3.

E. H. ROLLINS,
JAMES W. McDILL,
Z. B. VANCE,
Conferees on the part of the Senate.

R. B. F. PEIRCE,
ROBERT KLOTZ,
SAM. F. BARR,
Conferees on the part of the House.

Mr. INGALLS. I should like to have the bill read as it will stand if we agree to the conference report.

The Acting Secretary read as follows:

Be it enacted, &c., That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its line, by laying a single or double track, and running its cars thereon, on the following streets in the city of Washington, namely: Commencing with the intersection of its present line at Eleventh and E streets, northwest, and running east along E to Ninth street; thence south along Ninth street to Louisiana avenue; thence southwest along said avenue to Ohio avenue; thence west along Ohio avenue to its intersection with its present line at the junction of Ohio avenue and Twelfth street, northwest.

SEC. 2. That unless said extension is constructed and the cars run thereon within six months from the passage and approval of the act, all rights granted hereunder shall be void: *Provided*, That no new track or tracks shall be laid along Ninth street from D to Louisiana avenue, but said company may use the tracks of the Metropolitan Street Railway Company between said points, upon such terms and conditions as may be provided in the original act of incorporation of said Capitol, North O Street and South Washington Railway Company.

Mr. INGALLS. Now read the first amendment that was agreed to by the conferees.

The ACTING SECRETARY. In section 1, "Tenth," where it first occurs in line 8, was stricken out, and "Ninth" inserted; so as to read:

And running east along E to Ninth street.

And all after "street," in line 8, was stricken out down to and including "street," where it occurs the second time, in line 9, section 1; so as to read:

Thence south along Tenth to D street; thence east along D to Ninth street.

Mr. MORRILL. In other words, I understand the Senate gives up its amendment.

Mr. ROLLINS. No; the Senate does not.

Mr. INGALLS. Now read any amendments that are not agreed to.

Mr. ROLLINS. The House agrees to the amendment suggested by the Senator from Vermont.

Mr. INGALLS. Now let us hear the amendments which were disagreed to.

The Acting Secretary read as follows:

Provided, The said company shall reimburse the United States and the District of Columbia for the cost of paving that part of said streets which it shall occupy by virtue of this act according to the requirements of their charter in respect of other streets occupied by said company.

Provided further, That said railway company and all street or tramway companies in the District of Columbia shall pay the full amount of the original cost, and of maintaining the same in good order, of grading and laying the number of feet required by their respective charters over the streets and avenues occupied by them, namely: the tracks, between the tracks, and two feet on the outer edge of the same; and a refusal to pay such tax when notified by the commissioners of the District of Columbia of the amount due for said original improvements the same shall work a forfeiture of the charter of the company so refusing.

And subject always to the right of Congress at any time to repeal or amend the said charter or any amendments thereto, and to establish such regulations in the use of the franchises thereby conferred as may by it be deemed reasonable and proper.

Mr. INGALLS. Do I understand that if this conference report is agreed to this street railroad has the right to occupy this newly paved street for the purposes of its track without any compensation to the Government or to the District of Columbia for the amount that has been expended for the grading and repavement in the past few months? I should like the Senator to state.

Mr. ROLLINS. If this conference report is agreed to this railroad will have the same privileges that other street railroads have had in the past. The other street railroads have been required to do only this, to maintain the road between the tracks and for two feet each side. That this street railroad will be compelled to do in all time to come. That is just what all other street railroads have been required to do. This requires the same thing of this company, no more and no less. It puts them on an equality with all other street railroads in the city. It was thought that that was just and proper.

Mr. INGALLS. When this matter was under debate in the Senate it was, I believe, agreed that the provision with regard to paving and repairing only applied to the specific road defined in the original act of incorporation authorizing this road to be constructed. Now, unless some provisions are incorporated in this bill requiring them to keep the pavement in repair between their tracks and for two feet on each side they are not subject to the same conditions that were imposed upon other roads in this city.

I regret very much that the Senator from New Hampshire has deliberately abandoned the amendments that he himself offered in the Senate and admitted the necessity of. It will be remembered that the Senator from New Hampshire himself proposed these amendments, admitted their necessity, and proposed that in addition to the requirements to be imposed on this railroad similar provisions should attach to the other horse-railroads occupying streets in the city.

After the Senator had himself admitted that this was essential, after it is agreed that unless these amendments be adhered to this street railway will have the use of that street without keeping the track in repair or the pavement upon the two sides of their rails, why is it, and what influences have been brought to bear by which the author and promoter of these amendments has seen fit to abandon them? It looks to me a little singular, Mr. President.

Mr. ROLLINS. It may seem a little singular to the Senator from Kansas, but I take square issue with him in reference to his statement of facts. I say that this corporation will be required to keep its track in order, the space between the two tracks and two feet on each side, under the charter as it now stands upon the statute-books of the land. I say further that I have not abandoned anything that I advocated here in the Senate. I stated to the Senate that I thought this amendment which was ingrafted on the bill by a vote of the Senate ought to be voted down.

Mr. INGALLS. The Senator offered it as an amendment.

Mr. ROLLINS. I did offer the last amendment for the sole purpose of showing the impropriety of the original motion. That was the object which I had in view when I offered it. When it was offered I advised the Senate to vote it down, because it was an amendment which was undertaking to forfeit the charter of the present street railroads, going further than I thought Congress had a right to go.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was agreed to; there being on a division—ayes 21, noes 19.

GALLUS KIRCHNER.

Mr. FRYE. I present the conference report on House bill No. 2013.

The PRESIDENT *pro tempore*. The Senator from Maine presents a conference report. Will the Senate proceed to its consideration? The Chair hears no objection, and the report is before the Senate.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 2013, entitled "An act referring to the Court of Claims the claim of Gallus Kirchner," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the House bill with the following amendment:

Add, after the word "any," in the last line, the words:

"*Provided*, That no judgment shall be rendered for any such stone used in the construction of the main arsenal building."

And that the House agree to the same.

WM. P. FRYE,
D. W. VOORHEES,
JOHN SHERMAN,
Managers on the part of the Senate.

JOHN B. CLARK, JR.,
STANTON J. PEELLE,
S. M. STOCKSLAGER,
Managers on the part of the House.

The report was agreed to.

DEBATE ON APPROPRIATION BILLS.

Mr. HALE submitted the following resolution, which was read:

Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate.

Mr. HALE. I suppose that will go over.

Mr. INGALLS. Let it be read again.

The resolution was read.

Mr. INGALLS. Let it lie over until to-morrow.

Mr. HOAR. I desire to save a question of order on that resolution, which I will make to-morrow when it comes up.

The PRESIDENT *pro tempore*. The resolution goes over.

DUPLICATE BILLS AND RESOLUTIONS.

Mr. ANTHONY. Yesterday I offered a resolution directing the Public Printer to bind duplicate sets of bills and resolutions of the Senate and House, which was laid over on the suggestion of several Senators that the number ought to be increased. The number is the same as already bound and will make two hundred and fifty volumes—one hundred and twenty-five of bills and one hundred and twenty-five of resolutions. The document-room has no space for more. Therefore I think the resolution had better pass as it was reported.

The resolution was read, as follows:

Resolved, That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Senate and House of Representatives of the Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes when bound to be kept there for reference.

The PRESIDENT *pro tempore*. The Senator from Rhode Island calls up for consideration this resolution. It is before the Senate, no objection being made. The question is on its adoption.

The resolution was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Is there further morning business?

[A pause.] The Chair hearing no response declares the morning business closed.

Mr. HALE. I move to postpone the Calendar, my object being to take up the naval appropriation bill, which I am entirely confident can be disposed of in a few minutes, as we have reached now merely formal amendments.

The PRESIDENT *pro tempore*. Is there objection to postponing the Calendar?

Mr. BROWN. After that bill is disposed of I shall move to take up the Calendar, giving preference to House bills favorably reported.

Mr. HALE. I move to take up the naval appropriation bill.

The PRESIDENT *pro tempore*. If the Calendar is postponed——

Mr. HALE. Let it be postponed until the naval bill is finished. The motion of the Senator from Georgia will be as much in order afterward.

Mr. BROWN. I do not want to antagonize the appropriation bill, but only give notice that after it is disposed of I shall move to take up the Calendar.

The PRESIDENT *pro tempore*. The unfinished business at 1 o'clock is the Utah bill. Is there objection to postponing the Calendar? The Chair hears none.

Mr. HALE. Now I move to take up the naval appropriation bill.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

Mr. HALE. The Senate have finished the consideration of the bill itself and the amendments of the Committee on Appropriations as incorporated in the bill when reported. There are one or two matters which I wish to present now. On page 5——

Mr. ROLLINS. I should like to inquire what is the pending question.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Hampshire [Mr. ROLLINS].

Mr. HOAR. What is that amendment?

Mr. HALE. I have not had an opportunity of presenting the amendments of the committee yet.

The PRESIDENT *pro tempore*. The first question is on the amendment of the Senator from New Hampshire [Mr. ROLLINS].

Mr. HARRIS. A question of order was raised and not disposed of last night.

Mr. HALE. I beg pardon. I thought it was disposed of. Then of course that is the first in order.

The ACTING SECRETARY. The proposed amendment is to add at the end of the bill:

SEC. 4. That the President shall appoint a board of nine officers of high rank on the active or retired list, who shall, before the 1st day of October, 1883, thoroughly scrutinize the active-list of the Navy, and shall select therefrom six rear-admirals, ten commodores, forty captains, eight commanders, seventy lieutenant-commanders, two hundred and forty lieutenants, seventy masters, seventy ensigns, one hundred midshipmen, ten medical directors, ten medical inspectors, forty-five surgeons, eighty-five assistant and passed assistant surgeons, eight pay directors, eight pay inspectors, thirty-five paymasters, fifteen passed assistant paymasters, ten assistant paymasters, five chief engineers with the relative rank of captain, ten chief engineers with the relative rank of commander, forty chief engineers with the relative rank of lieutenant-commander or lieutenant, fifty-five passed assistant engineers, thirty-five assistant engineers with the relative rank for each as now fixed by law, twelve chaplains, six professors of mathematics, eight naval constructors, four assistant naval constructors, three civil engineers, thirty boatswains, thirty gunners, thirty carpenters, and twenty sailmakers, to be retained on the active-list of the Navy, to discharge the current duties of the service under the law and regulations governing it; and all others now on said list shall be considered supernumerary, and shall be placed on a separate list, not entitled to promotion, and with leave-of-absence pay, but subject to be ordered to service with the proper pay of their grade only in time of war; and they shall retire on reaching the age as fixed by law, or at any time before reaching that age, on their own application; and the officers so retained as above provided shall be entitled to their promotion, after proper service and examination, as vacancies may occur, without regard to the officers remaining on the supernumerary list: *Provided*, That nothing in this act shall be so construed as to remove from the active-list the Admiral and Vice-Admiral of the Navy, nor in any manner to affect the status of any officer who has received a personal vote of thanks of Congress.

The PRESIDENT *pro tempore*. The point of order, I suppose, is that this is general legislation. The point of order is sustained.

Mr. ROLLINS. I merely wish to say a few words.

The PRESIDENT *pro tempore*. The point of order is not debatable.

Mr. ROLLINS. Debate upon the bill is in order, I think.

Mr. HALE. The point of order has been stated, and I have no objection if the Senator desires to say something upon the matter.

Mr. ROLLINS. I merely wish to say that when the amendment which I propose was prepared I supposed there would be some general legislation in the bill. The Committee on Appropriations subsequently reported to strike out all or substantially all the general legislation until it reaches the very close of the bill; then an amendment was made by the committee which was admitted to be general legislation, but because it provided for carrying out the law of last year, the law of August, 1882, it was admitted. With that precedent established in the Senate I ventured to move the amendment which I proposed last evening, the object of which is simply to carry out the provisions of the act of last August. We are told in different directions that the Navy is top-heavy; that it should be reduced. In the appropriation bill of last August a proviso was inserted that provided for an ultimate reduction of the *personnel* of the Navy. This amendment which I have offered proposes to reach that object at an early day and to save thereby between $100,000 and $200,000 per annum.

Mr. LAPHAM. Let me inquire where the Senator proposes to introduce his amendment?

Mr. ROLLINS. As an additional section to the bill.

Mr. LAPHAM. I suggest to him that I had prepared one on the same subject, to come in as a proviso after line 124.

Mr. ROLLINS. My amendment is ruled out of order, and I do not propose to occupy the attention of the Senate more than a moment. This amendment aimed to accomplish that result of which I spoke, at an early day, by putting upon a separate list with less pay a large number of officers who are not required for the service and who can be well spared; the efficiency of the naval service would not be at all impaired by their being relieved from duty. To-day there is very little for a large number of naval officers to do; they are assigned to our navy-yards, two or three times as many officers as are required. Why? Simply because there is nothing else for them to do. All the pay-roll of these officers is charged up against the navy-yards and goes to show the extravagance of the work performed by the Government at the various navy-yards of the country.

This is substantially all I desire to say in explanation of the reason why I introduced the amendment. I am sorry that it is ruled out of order, for I believe it would accomplish a much-needed reform in the Navy, that it would improve the *personnel* of the Navy and give those who are really deserving on the active-list a chance for promotion which they do not now have.

Mr. HALE. On page 5, line 109, I move to add, after the word "orders," the words:

And for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment of cadets.

The amendment was agreed to.

Mr. HALE. On page 19, line 443, after the words "all which," I move to insert:

Vessels, except their armament.

So as to read:

And for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals, &c.

Mr. ROLLINS. Is that an amendment of the committee?

Mr. HALE. It comes from the Navy Department.

The amendment was agreed to.

Mr. HALE. On page 10, line 215, after "steam-hammer," I move to add "or apparatus;" so as to read:

Including the cost of a steam-hammer or apparatus of sufficient size for the manufacture of the heaviest guns.

The amendment was agreed to.

Mr. HALE. On page 20, after the word "Government," in line 476, I move to add:

The services and expenses of the two civilian expert members of the naval advisory board may be paid from the appropriations for the increase of the navy, not exceeding $11,000.

Mr. McPHERSON. Eleven thousand dollars for how long a period of time?

Mr. HALE. That covers the work they have done and is for the year to come.

Mr. ROLLINS. Including the next fiscal year?

Mr. HALE. For the next fiscal year.

Mr. McPHERSON. May I inquire of the Senator from Maine the character of the duty performed by these gentlemen who are termed "experts?" Is it necessary to go outside of the Navy Department to employ experts at a salary of $5,500 a year to do that thing which we supposed the officers of the Navy were qualified of themselves to do?

Mr. HALE. That is not a question for us to settle. The bill of last year provided how the board should be made up, and that it should comprehend these experts and that no officers of the Government should receive additional pay. There has been no provision made for them.

Mr. McPHERSON. I know it provided for experts, but the question is whether it meant an expert outside of the Navy Department.

Mr. HALE. It provided that there should be outside experts.

Mr. McPHERSON. Why experts outside of the Navy Department? Is it an admission that we have no experts in the Navy Department?

Mr. HALE. I for one am very thoroughly of opinion that on any of these great subjects-matter touching the building up of a great new American navy we ought to have, and we need, in addition to any talent I have been able to find in the Department, the services of experts, skilled scientific men, outside of the Department. That is my belief.

Mr. McPHERSON. I do not know but that it is a very wise provision, and I shall offer no objection to it, but at the same time it is a very humiliating confession.

The amendment was agreed to.

Mr. HALE. On page 25, line 601, I move to strike out "fourteen" and insert "twenty-two;" so as to read:

Twenty-two second lieutenants.

The amendment was agreed to.

Mr. HALE. On page 14, line 310, after the word "hundred," I move to insert "and sixty-four;" so as to increase the appropriation for the maintenance of yards and docks from $200,000 to $264,000.

Mr. HAWLEY. Does the committee recommend that?

Mr. HALE. The amendments that I have been offering have been such as were suggested by the Department and mainly in the way of curing defects in the bill. This amendment, I am bound to say in answer to the inquiry of the Senator from Connecticut, the committee has not agreed to. It is an amount that is requested in the original papers sent to Congress by the Secretary of the Treasury as necessary in order to keep up certain yards until the 1st day of July. If this is not appropriated these yards will be closed. If the additional $64,000 I have moved is granted the yards now in maintenance will be kept up until the 1st of July. That is all there is of it.

I do not offer it from the committee, because the committee did not agree to it; but I have been requested to offer it, and I know that if the yards are to be kept up it is necessary. I shall be glad to see it adopted, but I do not in that speak as the organ of the committee; and if the Senate believes that it is not needed, of course it will vote it down.

Mr. MCPHERSON. It is then practically a deficiency of $64,000.

Mr. HALE. There will be no deficiency, because if the amount is not granted the Secretary will close certain yards. The Secretary will follow the law; he will follow the limitations fixed in it; but if this money is not given the yards will be closed; there will be no deficiency. It is for the Senate to say.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. HALE. There is one more amendment, a change of phraseology. and 178, I move to strike out:

In the appropriations for the Bureau of Navigation, on page 8, lines 177

For special equipment of ocean-surveying vessels, $10,000.

And insert:

For special ocean surveys and the publication thereof, $10,000.

The amendment was agreed to.

Mr. HALE. I have no more amendments to offer.

Mr. LAPHAM. In line 2, section 2, on page 29, after the word "duty," I propose to insert "except in cases specially provided by law;" so as to read:

SEC. 2. That hereafter no officer of the Navy shall be employed on any shore-duty, except in cases specially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue.

I am sure there will be no objection to that.

Mr. HALE. What is sought to be reached by that?

Mr. LAPHAM. It covers certain temporary employments of naval officers provided for by special act.

Mr. HALE. What kind of employments are they?

Mr. LAPHAM. I cannot specify.

Mr. ROLLINS. What is the proposition?

Mr. LAPHAM. To except in section 2, line 2, the class of cases where the law now provides for the employment of naval officers on shore duty.

Mr. ROLLINS. I think the whole second section ought to be stricken out. I do not see anything accomplished by it except to make more difficulty in the settlement of accounts in the Treasury Department.

Mr. HALE. It is the law now.

Mr. LAPHAM. Certainly the Secretary of the Navy ought not to have an absolute discretion in this respect. There are certain classes of cases where naval officers are employed by virtue of special provisions of law.

Mr. HALE. Let the amendment be read again. If I understand it correctly I shall not raise the point of order.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment of Mr. LAPHAM.

Mr. HALE. That does not seem to change existing law.

Mr. EDMUNDS. That does change existing law. I make the point of order. If it merely enacts existing law it is wholly unnecessary.

The PRESIDENT *pro tempore*. The amendment is "except in cases specially provided by law."

Mr. LAPHAM. It does not repeal any existing law.

The PRESIDENT *pro tempore*. If there is not an existing law they can not be employed. The point of order is overruled. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. There are only a very few cases to which it will apply.

The amendment was agreed to.

Mr. ANTHONY. With the consent of the Senator from New York I offer an amendment from the Committee on Naval Affairs to insert as a new section the following:

To enable the Secretary of the Navy to build one gunboat of an experimental type, not to draw more than twelve feet of water, $200,000: *Provided*, That said vessel can carry one high-powered, breech-loading rifled cannon, of not less than ten inches caliber, and said vessel to have full maneuvering power, such as to be able to use the whole power of the main engines for maneuvering purposes, so as to be able to turn around on her center without either advancing or receding, and so that the gun may be aimed by the movements of the vessel itself, and not require other means of training in order to fire with accuracy; and said vessel to have a speed of fifteen miles per hour.

Mr. MCPHERSON. Mr. President——

Mr. HALE. I wish to interpose the point of order. Mr. President——

Mr. MCPHERSON. I am in entire sympathy with the Senator from Rhode Island in this amendment, because it seems to me to be the only feasible way of creating a new navy. It is for an experimental ship which is only to cost $200,000; it is to be built by contract; and failing to perform all that is required of it, the contractor is not to be paid. This ship, costing $200,000 only, will, in my opinion, do more efficient service than the experimental ships for which we yesterday agreed to appropriate a million dollars; but I wish to ask the honorable Senator from Rhode Island who offers this amendment if he will have the kindness to inform me——

The PRESIDENT *pro tempore*. The point of order is raised to this amendment. If the point is sustained debate is not in order.

Mr. MCPHERSON. I took the floor before the point of order was raised.

The PRESIDENT *pro tempore*. The Senator may proceed.

Mr. EDMUNDS. A Senator can rise to a point of order at any time.

Mr. HALE. The point of order was raised.

Mr. MCPHERSON. I wish to ask the honorable Senator from Rhode Island who has offered the amendment, and I hope he will have the kindness to inform me, if this amendment has been submitted to the Secretary of the Navy? It seems an audacious proceeding for a Senator, even so respected and experienced in naval matters as that honorable Senator is known to be, to offer so important an amendment to the Secretary's budget—I will not say budget of plunder—without first having his permission. Perhaps, however, the Senator has that permission, for I noticed in the public press that a few days ago the honorable Secretary was in his neighborhood and an outraged and indignant Senator drove him from the floor for too much noisy zeal in furthering his scheme to the Senate lobbies—to say that he was not at home there would be to sacrifice truth and challenge history.

Mr. ANTHONY. I am not in the habit of asking the permission of the head of a Department when I offer an amendment, and as for the occasion to which my friend from New Jersey alludes, I think that his remarks are exceeding inopportune. The Secretary of the Navy was upon the floor of this Chamber, as he has a right to be according to our rules, and he did not approach me, but I approached him, and several Senators were there, near the Senator from Illinois [Mr. LOGAN], who was speaking, and he made some suggestion about the noise, which is frequently done by Senators who are speaking; but there was nothing on the part of the Secretary of the Navy that was obtrusive or unseemly in any way. I addressed him; he did not address me.

Mr. MCPHERSON. The honorable Senator from Rhode Island and the honorable Senator from Illinois appear to differ in regard to what was going on. I deal only with the fact which has become history.

Mr. ANTHONY. His rebuke was as much to me as it was to the Secretary of the Navy.

Mr. ROLLINS. Will the Senator allow me?

Mr. MCPHERSON. I have the floor. I do not yield. I have a great respect for the President of the United States; he is entitled to my respect, and he is entitled to the respect of every fair-minded man for giving to this country thus far an administration not less worthy of approval than any which has ever preceded it; but when this bill we are now enacting becomes a law, as it certainly will, for the Secretary of the Navy has so ordained and determined, I fear even the President will become convinced that mistakes are possible. Starting and leading in assigned rank in his list of advisers we find character and qualifications the purest and best, but before reaching the end of the list unfortunately we have descended by one gigantic stride to the lobby, with all that that name implies. When this bill becomes a law and the full measure of power contained therein is exercised and its results are seen the American people will then learn that extraordinary power has again been lightly yielded by their representatives here.

Mr. ANTHONY. This amendment comes from the Committee on Naval Affairs. I am instructed by that committee, or rather the Senator from Florida [Mr. JONES] was instructed by that committee, to offer this amendment, and the Senator from Florida asked me to do it, and I have done it.

The presence of the Secretary of the Navy on this floor was in pursuance of our rules. He was sitting and talking with the Senator from New Hampshire and my colleague and myself, and others went up and spoke to him. He did not commence any conversation with us, and nothing on this subject was said in my hearing.

Mr. ROLLINS rose.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield?

Mr. MCPHERSON. Mr. President——

Mr. ROLLINS. The Senator from New Jersey had yielded the floor.

Mr. MCPHERSON. I do not know but that the persistency of the Senator from New Hampshire will compel me to yield the floor.

Mr. ROLLINS. The Senator from New Jersey had yielded the floor, and taken his seat, having concluded his remarks.

Mr. McPHERSON. I will close them now.

Mr. ROLLINS. Very well. Mr. President, am I entitled to the floor?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ROLLINS. I listened to the remarks of the Senator from New Jersey with a great deal of surprise. His criticisms upon the action of the Secretary of the Navy were ungenerous, unjust, indecent. The Secretary of the Navy came into the Senate Chamber and was sitting at my side, not talking about naval bills or naval appropriations. Several Senators came to have a little conversation with him, among them the honorable Senator from Rhode Island. Two or three Senators were engaged in that conversation, and the voices that disturbed the Senate and interrupted the Senator from Illinois were not the voice of the Secretary of the Navy, but the voices of the several Senators engaged in conversation with the Secretary of the Navy. Therefore I say that the attack of the Senator from New Jersey upon the Secretary of the Navy is ungenerous and unjust in the extreme, and I trust it will not be repeated.

Mr. HALE. Now, Mr. President, let us have the point of order settled. The Secretary of the Navy will take care of himself.

The PRESIDENT *pro tempore*. The point of order is raised on this amendment, and in the opinion of the Chair it is well taken. This is a proposition to build a gunboat; and if there is anything that is general legislation, that is it. It requires both Houses of Congress to order it before it can be done. The point of order is sustained.

Mr. ANTHONY. I apprehended that point of order, but I thought it would come from my friend on my left [Mr. EDMUNDS]. I did not notice that he was here when I offered the amendment. I did not apprehend the Senator in charge of the bill would make this point.

Mr. EDMUNDS. I did not make the point of order.

Mr. ANTHONY. No, sir; you did not.

Mr. HALE. I do not know that I should have made the point of order if I had observed that the Senator from Vermont was in his seat.

Mr. ANTHONY. I do not appeal from the decision of the Chair.

Mr. BUTLER. I wish to offer a small amendment to this bill.

Mr. LAPHAM. I thought I had the floor to offer an amendment when I yielded to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. When the Senator from New York yielded to the Senator from Rhode Island he yielded permanently; but the Senator from New York will have an opportunity presently.

Mr. BUTLER. This will only take a moment, I will say to the Senator from New York. On line 139, page 7, there is an item in these words:

For putting in order and preserving the grave of Paul Hamilton, a former Secretary of the Navy, the expenditure therefor not to exceed $50.

I move to strike out "50," in line 141, and insert "100."

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. It is not in order, but I do not object.

Mr. BUTLER. I move the amendment on the suggestion of the Secretary of the Navy. He has written me a note on the subject.

Mr. EDMUNDS. That, according to the Senator from New Jersey, is a breach of privilege.

Mr. BUTLER. I will leave my friend and the Senator from New Jersey to settle that when I get my amendment in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. LAPHAM. I offer an amendment which I will send to the Secretary's desk in a moment, to come in at the end of line 124. I do this, I may be permitted to state, upon the application of a large number of those who had entered the service of the Government as cadets at the Naval Academy at Annapolis prior to the passage of the act of August, 1882, which destroys the contracts they had entered into with the Government as to all of them except ten each year. At the end of line 124 I move to insert what I send to the desk.

It seems to me, with great deference, that this ought not to be done. These young gentlemen, one of whom was placed there upon my own nomination, who was the son of Admiral Craven, of Geneva, in my old Congressional district, are, if he is a sample of them, the brightest young men in the service of the Government to-day, and entitled to consideration.

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read as follows:

Provided also, That no cadet appointed to the Naval Academy prior to the passage of the act of August 5, 1882, shall in any manner be affected by said act, but shall be retained in the service in all respects as if said law had not been passed.

Mr. HALE. I raise the point of order.

Mr. LAPHAM. I insist that this is not open to the point of order, for the reason that I offer it as an amendment to a section expressly providing by way of legislation for an increase of the terms of commissions of officers in the Navy. It seems to me, therefore, it is entirely germane and a proper subject to be offered by way of amendment.

Mr. HALE. It is germane enough, but it is new legislation.

The PRESIDENT *pro tempore*. It is unquestionably germane to the general subject; no point of order can be raised on it on that ground; but the point is that it is altering the law on this subject.

Mr. EDMUNDS. There is no doubt about that.

The PRESIDENT *pro tempore*. Therefore the point of order is sustained.

Mr. LAPHAM. It is altering a law which was put in an appropriation bill at the last session, which ought to be corrected in the appropriation bill at this session.

The PRESIDENT *pro tempore*. The Chair can not decide upon the propriety of the action.

Mr. VANCE. It seems to me that the section under consideration changes the law.

The PRESIDENT *pro tempore*. That does not make a whit of difference in relation to an amendment which is subject to a point of order.

Mr. VANCE. We are brought by this decision precisely to the same point as at the last session of Congress; that is to say, where there was a change in the law in the bill, which itself was out of order upon an appropriation bill, the Chair held, as I remember, that an amendment to it was out of order, although the section to which it was offered changed existing law, and it was out of order by reason of the existing law. Now, if that point of order is sustained I give notice that inasmuch as these young men were dismissed from the service summarily, contrary to what was done when the West Point Academy was reformed, for there was an express exception and reservation of the rights of those who were then in the Academy, I shall to-morrow during the morning hour ask unanimous consent to take up the bill which I reported this morning by the instruction of the Naval Committee to change the law, and I hope there will be unanimous consent to it if the point of order is sustained.

Mr. LAPHAM. I trust that I may be permitted to say that these young gentlemen, though graduating with the highest honors of their class, will next August have to go down to the position of common seamen, or else quit the service. Their contract with the Government is broken and destroyed. I hope no such thing will be done.

The PRESIDENT *pro tempore*. The Chair can not consider hard cases in deciding points of order.

Mr. LAPHAM. I am aware of that; I am not complaining of the President. I am giving notice to the Senate of the equities that justify something being done.

Mr. MILLER, of California. I desire to offer an amendment in line 370, page 16, after the word "million" to insert "one hundred thousand."

Mr. EDMUNDS. What is that for?

Mr. MILLER, of California. I will explain.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. In line 370, after the word "million," it is proposed to insert "one hundred thousand;" so as to read:

One million one hundred thousand dollars.

Mr. EDMUNDS. What is the connection? What is that for?

The ACTING SECRETARY. So that the paragraph will read:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, $1,100,000.

Mr. EDMUNDS. That increases an item of appropriation. Is that in order?

Mr. MILLER, of California. I think it is in order.

Mr. EDMUNDS. How?

Mr. MILLER, of California. It is an amendment to the bill.

Mr. EDMUNDS. Has it been reported from a committee, and has it been referred to the Committee on Appropriations?

Mr. MILLER, of California. I do not know that it has.

Mr. EDMUNDS. The rule is that no amendment to increase an item of appropriation shall be in order unless moved by direction of a standing or select committee and referred a day beforehand to the Committee on Appropriations.

Mr. MILLER, of California. I trust the Senator will not make the point.

Mr. EDMUNDS. Well, let me hear a statement of the case.

Mr. MILLER, of California. I will explain the purpose of the amendment. It will be observed that the estimate for construction and repair of vessels made by the Navy Department was $1,750,000. That has been cut down to one million in the bill. I am informed by the Department that if this appropriation is not raised it will be impossible to continue the work upon the Mohican, which is on the stocks at Mare Island. The Mohican has been on the stocks now for a little over nine years, and it is in that condition that it is necessary to continue the work in order to save what has already been expended upon it. The chief of the Bureau of Construction and Repair in his report says:

The work on the Mohican, now on the stocks in the Mare Island yard, should be pushed to completion this year, as the vessel has already suffered somewhat from being out in the open air exposed to the weather. Her frame is of live oak, and if she is completed will give us another vessel of the Marion and Swatara class, a very successful and satisfactory class of vessels. She is 216 feet between perpendiculars, 38 feet breadth of beam, ship-rigged, having a sail sur-

face of 14,150 square feet in her ten principal sails. Like the other vessels, she can carry an armament of one 8-inch, six 9-inch, one 60-pounder, or its equivalent in weight of more modern guns. Her draught of water, when ready for sea, is intended to be 14 feet 6 inches forward and 17 feet 6 inches aft, and at this draught her displacement will be 1,800 tons.

This is a steamer of the Marion and Swatara class, and she is nearly ready for the engines.

Mr. HALE. It is simply continuing the work?

Mr. MILLER, of California. Simply continuing the work. It is a new vessel and is of the same kind recommended by the advisory board for wooden vessels to be hereafter built. Her berth-deck is in, and the frames for the spar-deck are ready to put in. It is partly planked. If the work is now stopped before the through-fastenings are put in, and they can not be put in until it is planked, the vessel will suffer great injury and loss. The question presented here is whether we shall go on and finish this vessel or give it up entirely. I ask for only $100,000; and there has been $119,000 spent upon the vessel besides what has been spent upon the engines. The engines will be ready by next July to put in the vessel and she can be launched by next November.

Mr. EDMUNDS. I will not make the point of order on this particular case.

Mr. JONES, of Florida. Is this a wooden vessel?

Mr. MILLER, of California. A wooden vessel, a new vessel, a wooden cruiser.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from California [Mr. MILLER].

The amendment was agreed to.

Mr. MCPHERSON rose.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey [Mr. MCPHERSON] wish to move any amendment?

Mr. MCPHERSON. I do not know but that it would be just as well for me to move the amendment I shall propose in the Senate. I will wait until the bill is reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is there any amendment which a Senator wishes to reserve for a separate vote?

Mr. INGALLS. I fear very much that the committee will find themselves in a predicament when the bill goes to a conference. The Senator from Maine has resisted all portions of the bill that came from the House proposing general legislation. They have been ruled out upon points of order. The committee reported as an additional section to the bill section 3 as it now stands, which is confessedly general legislation. When the bill goes into conference, if the Senator from Maine insists upon the action of the Senate in striking out general legislation, our conferees will be confronted by the awkward and ugly fact that they have themselves inserted a proposition proposing general legislation. The result will be then that they will be brought face to face with these very important amendments of the Senate proposing to strike out matters that came from the House which were general legislation, upon which there has been no discussion whatever in the Senate, and they will be obliged to decide and we shall be obliged to concur or non-concur with the report of the conference committee upon very important matters which have never been discussed at all.

I should think, in order to make the bill symmetrical and harmonious and in a position to be sustained, the Senator from Maine had better abandon that amendment unless he proposes to discuss the propositions that have been made upon the bill as it came from the House. Is seems to me that we shall be confronted by a very disagreeable emergency unless he does.

Mr. HALE. I am glad the Senator from Kansas has called attention to this matter. It was brought up last night, but the Senate was very thin, and it is well that it should be again touched upon by a full Senate.

Section 3, I think, is subject to the point of order that it is technically new legislation, and therefore avoids our rule and what we are trying to set on foot as the practice of the Senate now, but in spirit and in purpose it is not a violation of the rule, because it is not new legislation changing any law.

I will state what the third section covers simply. Last year Congress by law provided that the Secretary of the Navy should sell no ships or material; that he should pass upon any vessels that he found of not much or any use in the Navy; and if he struck them from the list he should report them to Congress for the action of Congress in reference to their sale. That made it incumbent upon him to do one thing, to report the salable property and useless property to Congress. That made it also incumbent upon Congress to do another thing, and that was to provide the safeguards for the sale.

The committee has reported this amendment carrying out the law of last year, declaring how such ships shall be sold, under what safeguards, and has made it, as I think, a good, sound, water-proof section under which the provision of law of last year can be carried out. I do not deny that in arranging this method, in providing this way for doing it, we have had to put in provisions that create law, without which the act of Congress could not be carried out; and it is subject undoubtedly to a point of order, if it had been made while we were in Committee of the Whole.

I do not think it will embarrass us in the committee of conference, for the reason that I for one shall put it on the ground that in spirit it does not change legislation. I am bound to say that in this earnest effort which the Committee on Appropriations is making upon this bill, I being their organ, I do not intend to give up the greater principle for which we are contending for the sake of this section. If this section must go out, and the House insists that it shall go out, and this valuable work of clearing up the old property of the Navy must stand suspended for another year, I would much prefer that that should be done rather than that we should yield to new legislation upon appropriation bills.

I want this attempt that the Senate is making almost for the first time to be adhered to now as persistently and pertinaciously as it is proper for the conferees of one branch of Congress to insist upon when in conflict with another branch; and so I do not fear the practical difficulty arising in the mind of the Senator from Kansas.

Mr. EDMUNDS. Mr. President, this very discussion, the subject of it, illustrates the evil of legislation on appropriation bills. If we had not legislated to amend this subject on former appropriation bills there would have been no temptation now to go on with the system of legislation on appropriation bills. If we leave this section in and so make legislation on this bill, when it becomes a law, at the next session this same bill will be again brought up as a good ground for further legislation on the appropriation bills of the next year, and so on. In other words, if we are going to stop we must stop.

Mr. HALE. I agree with the Senator that if there was any supplemental legislation on this same subject set afoot at the last session, if we keep this section in now, we may be called upon then to continue that legislation. I do not think that would be embraced under the term "general legislation."

Mr. EDMUNDS. I agree entirely with the Senator from Kansas that it puts this bill in a very extraordinary attitude to go back to the House of Representatives. The House of Representatives (and I violate no rule between the two Houses and no parliamentary law in referring to it on this floor) will understand and will have a right to understand and ought to understand that we have rejected all their legislation on this bill, not on a discussion of its merits but upon the ground that we will not agree to passing affirmative laws in appropriation bills changing the laws of the United States in general or making new laws. That is the point upon which we stand. To put in a section which does exactly the reverse and does make a new law, while we have stricken out all their new laws, would be an entirely indefensible position. The argument of my friend from Maine would be persuasive to convince the House of Representatives and its conferees that we yielded to a strong temptation in a matter that interested us very much to violate the very principle upon which we stand. There is where we should be.

Now, when we come to the other point, of how far the conferees of the Senate may insist, expressing the views of the Senate, in saying "no" to the passage of some section or provision that the other branch says "yes" to, I do not see that there is any difficulty. The very Constitution itself, in creating the two Houses, intended that each should be a negative check upon the other, and that each should have an undisputed right always to say "no" to any proposition that the other made. It would stand, therefore, in our striking out these clauses exactly as it the House had had no clauses in at all of legislation, and we had put them on, and we insisted. The House of Representatives says "no, we are willing to appropriate money to carry on this Government as the bill does, but we are unwilling to make these changes of the law in this way, without any reference to whether we think they are good changes or not, and we can not agree to that." It is perfectly clear that the Senate must recede. Otherwise the Senate would take the attitude of dictating to the House of Representatives and saying, "unless you will consent to make a law that you do not wish to make on this bill the Government shall not go on." That has been brought out once or twice, and whenever it was brought out, whichever House it was that affirmed something, had to recede and let the bill go without the provision.

I make the point of order on this section reported from the Committee of the Whole, that it is legislation.

The PRESIDENT *pro tempore*. The Chair thinks that as the point of order was not made in Committee of the Whole it was waived and can not be made when the bill reaches the Senate. The time to raise the point of order was when the amendment was reached in Committee of the Whole, and as it was not raised then it was waived.

Mr. EDMUNDS. Of course I must bow with great respect to the decision of the Chair, but I was under the impression that whenever a committee reported to this body a provision which was against the rules of the body it would be sufficient time to raise that question; but I will not enter into any discussion about it.

Mr. MCPHERSON. Then I will move to strike out section 3.

Mr. INGALLS. May I say one word on the question of order that has just been raised, with the permission of the Senator from New Jersey? I should be disposed to think that the decision of the Chair upon reflection probably would not be sustained by the Chair himself, because the language of Rule 29 is an absolute inhibition. It declares that "no amendment which proposes general legislation shall be received," and that being the case my impression would be that at any

time when it was shown, or when the attention of the Chair was called to the fact, that any provision by way of amendment was general legislation, it would be amenable to the point of order.

Mr. EDMUNDS. This section is not yet in the bill.

Mr. INGALLS. As the Senator from Vermont suggests, this is still an amendment. It has been agreed to in Committee of the Whole, but when the bill is reported to the Senate it is still a pending amendment, not having received the final judgment of the Senate. In the spirit of the rule which declares that no amendment shall be received not in Committee of the Whole, but that no amendment shall be received in the Senate which proposes general legislation, I should think that the true spirit of the rule would be carried out, and that the object which we desire to obtain would be best achieved by ruling that the point of order could be taken at any time before final adoption by the Senate.

Mr. HOAR. Is there not an express rule that a point of order may be taken at any stage of the business?

Mr. INGALLS. That I do not remember.

Mr. MCPHERSON. Then the Chair having ruled on the point of order——

Mr. INGALLS. May I submit one thing further? Rule 29 goes on further and says:

And all questions * * * shall be submitted to the Senate and be decided without debate.

Mr. EDMUNDS. That is as to its being germane. Yesterday——

The PRESIDENT *pro tempore*. The Chair on reflection is satisfied that the point of order can be taken at any time.

Mr. EDMUNDS. I am sure the Chair is right.

Mr. HOAR. There is a rule that it can be taken at any stage of the business, but I have not had time to find it.

Mr. EDMUNDS. I make the point of order on the amendment, as it has not been put in the bill.

Mr. MCPHERSON. The Chair rules out section 3, as I understand, on the point of order.

The PRESIDENT *pro tempore*. The Chair does not rule it in or out, because the Chair does not know what it is.

Mr. EDMUNDS. I make the point of order that section 3, as it is in the amendments on page 30, is new legislation.

Mr. HALE. If I may be allowed a word, I regret very much that the point of order has been made. As I have said, in spirit this section is in no degree such legislation as we are seeking to keep from appropriation bills. I do not expect that with all the conflict that the Senate shall make it will be able absolutely always, invariably, to keep every particle of technical legislation off appropriation bills if the House of Representatives insists upon it. I do expect out of the effort that is being made that a great evil now existing will be remedied, and that appropriation bills will not be made hereafter as heretofore, sluice-ways for general legislation.

But my ways are different, unfortunately for me, from the ways of the Senator from Vermont. His methods are rigid, unvarying, immutable, procrustean. I do not believe that we can do that. I do not believe that we shall ever succeed in establishing a rule here that will dominate and control the other House, so that never anywhere shall a shred of legislation be put upon an appropriation bill. If we take that ground and insist upon it that nothing whatever of legislation shall be placed upon appropriation bills, we shall be obliged in the end, no matter how strong we take it, in some cases to yield. But we can take a ground, and can maintain it, that shall prevent, as I have said, the appropriation bills from being made the vehicle for all kinds of legislation that do not properly belong in the purview of an appropriation bill. I should be glad to see that done, and I should feel that anybody who had helped to accomplish that had deserved well of his country. I am ready to go as far as it is practicable and possible in doing this, and I do not think that this clause, which undoubtedly will be ruled off, would embarrass the conference committee, but on the other hand would help it. But it is gone; there is no use to talk any more about it.

The PRESIDENT *pro tempore*. The point of order is sustained. Is there any reservation desired upon any amendment? The Chair hearing none, the question is, Will the Senate concur in the amendments adopted as in Committee of the Whole, except the third section?

Mr. MCPHERSON. Let me understand the question distinctly. What action has been taken under the point of order raised by the Senator from Vermont?

The PRESIDENT *pro tempore*. It has been sustained.

Mr. MCPHERSON. Section 3 is out of the bill?

The PRESIDENT *pro tempore*. It is out of the bill.

Mr. EDMUNDS. It never was in there.

The PRESIDENT *pro tempore*. Is there any particular amendment upon which a separate vote is desired?

Mr. EDMUNDS (at 1 o'clock p. m.). I rise to call for the regular order, in order to keep it in its proper place before the Senate.

The PRESIDENT *pro tempore*. The regular order will be laid before the Senate, which is the Utah bill.

The ACTING SECRETARY. A bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. EDMUNDS. I do not object to the bill being laid aside informally.

The PRESIDENT *pro tempore* It will be so ordered. The Chair will state to the Senator from New Jersey that the question is on concurring in the amendments made as in Committee of the Whole to the naval appropriation bill. Usually, unless some Senator desires a separate vote on a particular amendment, they are concurred in in gross. There being no separate vote desired, the question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The bill is now open to amendments in the Senate.

Mr. MCPHERSON. I move to strike out the provisos from lines 370 to 378, and I shall follow that by an amendment, as it is a part of the same plan, to strike out the proviso from line 390 to line 395.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be reported.

The ACTING SECRETARY. Beginning with the word "provided," in line 370, it is proposed to strike out the remainder of the paragraph in the following words:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

Mr. MCPHERSON. The second proviso as will be seen is entirely a regulation of the first proviso, and therefore both should go out together, if any.

I will state the reason why I offer this amendment. The Secretary of the Navy, who to-day has discretionary power with respect to the repair of vessels in the Navy, is limited in this bill to a very severe restriction. He has no authority, and can not have any under this provision of law to repair a ship, whatever may be the exigency or the needs of the Government, if in the opinion of himself or a board of competent naval officers it is determined and estimated that it will cost more than 20 per cent. of the value of a new ship.

Therefore I say it is a dangerous thing for the interests of the Government for the Senate to impose any such restriction. We do not know what may happen in the immediate future. We do not know that it may not be required to repair many of the vessels to-day in the American Navy, and at a cost far in excess of the 20 per cent. limit fixed in the bill. I say it is unwise to destroy the existing naval establishment until something better is found to take its place.

No Senator will assert that it will be possible to create a new naval establishment for some years to come. We make a start, it is true, under the appropriations contained in this bill; yet it is only a start, and for years to come we shall necessarily be without any other naval vessels than those now in the service of the Government. This proviso would be a very proper one after we had made some progress in the creation of a new Navy; but certainly it ought not to be incorporated in the bill at this time.

Mr. HALE. The Senate passed upon this question yesterday by a very decisive vote, and I do not propose to take up any time, simply saying, as I have said, that 20 per cent. upon the cost of a new ship entire will cover every possible repair that is needed on any part of a ship, and if it does not then it ought not to be repaired. The unit is made, as the language shows, at 20 per cent. of the estimated cost of a new ship of the same size and of like material. It is not the relation that 20 per cent. bears to the ship as she is then; it is not the relation that 20 per cent. bears to the part being repaired and its full value, but what the 20 per cent. bears to the estimated cost of an entire new ship. The Senate settled it yesterday, and I ask pardon for even occupying thirty seconds of time on this matter so well settled yesterday.

Mr. JONES, of Florida. I have nothing to add to what has been already said, except to simply remark that I can not see why the Government could not afford to follow the rule which prevails among our mercantile marine. So long as the damage to a ship does not exceed 33⅓ per cent. it has always been considered worth repairing. By the experience of every commercial nation, where the damage has not exceeded 33⅓ per cent. she has always been held worthy of repair; and here it is brought down to 20 per cent.

Mr. HALE. That is 33⅓ per cent. of her then value.

Mr. JONES, of Florida. It is not of her then value. "One-third new for old" is the rule, I think, in mercantile law.

Mr. MILLER, of California. But the old must be sound.

Mr. HALE. Of course.

Mr. JONES, of Florida. That does not follow. In a loss at sea, as we know, the owner can not abandon absolutely to the underwriter if the loss does not exceed 33⅓ per cent., but the underwriter has the privilege to repair, and he always does repair.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON].

The amendment was rejected.

Mr. MCPHERSON. It is unnecessary, I find, to offer the second amendment which I had proposed. In line 372, after the word "repairs," I move to insert "to be appraised by a competent board of naval officers,"

and in line 373, after the word "cost," I move to insert "appraised in like manner;" so as to make the proviso read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. HALE. I have no objection to that.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Has the Senator from New Jersey further amendments to offer?

Mr. MCPHERSON. I had some amendments to be offered to section 3, but that having been ruled out on a point of order, I do not know that I have anything further to say.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN BUTTERWORTH of Ohio, Mr. J. C. BURROWS of Michigan, and Mr. E. JOHN ELLIS of Louisiana the conferees on the part of the House.

The message also announced that the House had passed a concurrent resolution concerning disposition of the volumes of the Congressional Globe purchased from Messrs. Rives.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 22d instant, approved and signed the following acts:

An act (S. 532) for the relief of William S. Hansell & Sons;

An act (S. 1041) for the relief of E. P. Smith; and

An act (S. 2264) to authorize the construction of certain bridges and to establish them as post-roads.

ROGER N. STEMBEL.

The PRESIDENT *pro tempore*. The unfinished business is the Utah bill.

Mr. VOORHEES. Before that is taken up, I have the consent of the Senator from Illinois [Mr. LOGAN] to dispose of a little matter.

Mr. HALE. If the Senator will allow me, the Senator from Kansas [Mr. PLUMB] desires to call up the District appropriation bill. I have sent for him, and he will be here.

Mr. VOORHEES. This matter will not take two minutes.

Mr. HALE. It will cause no debate?

Mr. VOORHEES. Oh, no; it will not interfere with anything. At the last session the Senate passed a bill (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel. After it was passed the Senator from Illinois [Mr. LOGAN], not now in his seat, made a motion to reconsider the vote by which it was passed. I have conferred with him, and I move that the motion to reconsider be laid on the table. He does not desire to press it. He does not care anything about it now. Of course I would not make the motion in his absence if I did not have an understanding with him on the subject.

Mr. GROOME. I wish to ask what would be the effect of laying the motion on the table?

Mr. VOORHEES. The effect would be to pass the bill.

Mr. GROOME. That is what I wished to know.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN], who made the motion, is absent.

Mr. VOORHEES. What I am doing will not meet with his disapprobation, or of course I would not do it.

Mr. ROLLINS. What is the bill?

Mr. VOORHEES. It is a House bill which passed the Senate in relation to the service of Admiral Stembel. It is quite a long matter. The bill was reported from the Committee on Naval Affairs and passed this body, and after it was passed the Senator from Illinois [Mr. LOGAN] made a motion to reconsider the vote. Upon conference with him yesterday I am at liberty to move that the motion be laid on the table, which will make the bill a law.

Mr. ROLLINS. Had not the Senator better wait until the Senator from Illinois is in his seat?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana to lay the motion to reconsider on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The unfinished business is the Utah bill, as it is called.

Mr. PLUMB. I move to lay it aside.

Mr. EDMUNDS. I understand the Senator from Kansas wishes to take up another appropriation bill, and I will consent that the Utah bill may be laid aside informally, in order that he may do that.

Mr. HOAR. I shall object to the Utah bill having to give place to the appropriation bill informally.

Mr. EDMUNDS. I assent to the Utah bill being laid aside informally in order that the Senator from Kansas may call up the appropriation bill.

Mr. PLUMB. That is satisfactory.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] objects, and it can not be done.

Mr. HOAR. The reason of my objecting is that I do not desire that the Utah bill shall be the bill next in order. I am in favor of that bill with the exception of one section, but it is absolutely hopeless to pass it. It is a Senate bill, and to consider it now is a mere waste of time. It contains one very vicious principle, and I do not wish to give a consent which gives it the right of way when the appropriation bill is over.

Mr. PLUMB. I shall then have to move that the pending and all prior orders be laid aside in order that I may move to take up the District appropriation bill. I desire to accommodate myself to the desire of the Senator from Vermont if I can do so without embarrassment.

Mr. EDMUNDS. Suppose the Senator from Kansas should allow the Senator from Massachusetts to take the yeas and nays on his amendment striking out the very vicious principle which is to end polygamy in Utah, and go on with the appropriation bill then. I have nothing more to say about it.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield until the Utah bill is disposed of?

Mr. PLUMB. If the vote could be taken at once upon it and thus close the apparent difference between the two Senators, I would have no objection; but if it is to lead to debate, as I have understood it would, I can not yield.

Mr. INGALLS. I wish to make some observations on the motion of the Senator from Massachusetts to strike out the seventh section.

Mr. MILLER, of California. So do I.

The PRESIDENT *pro tempore*. The Utah bill is before the Senate.

Mr. PLUMB. Then I move to lay aside all pending and prior orders in order to take up the District appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to postpone the regular order of business until to-morrow at 1 o'clock, with a view of taking up the appropriation bill he has indicated.

Mr. PLUMB. I will move to postpone the regular order until 4 o'clock to-day.

Mr. DAVIS, of West Virginia. Why not take up the appropriation bill without postponing the regular order formally?

The PRESIDENT *pro tempore*. The regular order has to be postponed to a time certain, as objection is made to laying it aside informally. The question is on the motion to postpone the Utah bill until 4 o'clock.

The motion was agreed to.

Mr. EDMUNDS. I wish to give notice that as soon as this appropriation bill is over I shall seek the floor to take up the Utah bill. I intend, if I can, to get the Senate to decide whether it is going to do anything about that business or not.

The PRESIDENT *pro tempore*. The Utah bill has been postponed until 4 o'clock. It will be the unfinished business then. The Senator from Kansas [Mr. PLUMB] moves to take up the District appropriation bill.

The motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. LOGAN, and Mr. COCKRELL.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

Mr. PLUMB. I move to dispense with the formal reading of the bill.

The PRESIDENT *pro tempore*. The formal reading of the bill will be dispensed with, and the bill will be read item by item, and the amendments of the Committee on Appropriations will be passed upon first, if there be no objection.

Mr. SHERMAN. I think that the usual course had better not be taken on this bill, because there are quite a number of legislative provisions that ought to be disposed of as we go along. I have no objection to dispensing with the first formal reading of the bill, but the text should be acted upon at the same time with the amendments of the Committee on Appropriations. I think that course would expedite action on the bill.

The PRESIDENT *pro tempore*. The Senate can go back after disposing of the committee amendments.

Mr. SHERMAN. But that would be difficult. I think it would be more rapid to dispose of the text as the amendments are proceeded with. I see here a proviso in the text of the bill changing the law which I desire to have stricken out before the amendment of the committee following it is acted upon. I only wish to expedite the matter. I propose to move to strike out certain paragraphs because they are legislative.

Mr. PLUMB. I am willing to pursue whatever course may be most agreeable to Senators and most expeditious in the disposition of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his first request?

Mr. SHERMAN. The Senator has no objection to the reservation I make.

Mr. PLUMB. Before the reading of the bill is proceeded with I wish to submit the following itemized statement in regard to the bill:

Amount of estimates for 1884, exclusive of water department	$3,443,847 08
Amount of House bill, exclusive of water department	3,346,674 47
Add amount for 12-inch water-main to Government Printing Office, to be paid by the United States	1,750 00
Total, as passed the House	3,348,424 47
Amount of reduction made by the Senate committee, including amount ($1,750) to be paid by the United States for 12-inch water-main	76,645 00
Total as reported to the Senate	3,271,779 47
Amount of appropriations for 1883, exclusive of water department	3,384,096 08
Add amount for 12-inch water-main, paid by the United States	2,800 00
Total appropriations for 1883	3,386,896 08
The bill as reported less than estimates	172,067 61
The bill as reported less than appropriations for 1883	115,116 61
Amount to be paid by the United States in bill as reported	1,635,889 73
Amount paid by the United States under act for 1883	1,694,848 04
Reduction in the amount to be paid by the United States by bill as reported from amount paid under act for 1883	58,958 31

The changes in amounts made by the committee in the bill as passed the House are as follows:

INCREASE.

Auditor and comptroller's office, temporary clerks	$2,500 00
National Association for Destitute Colored Women and Children (support $500, and new building $15,000)	15,500 00
Metropolitan police	17,410 00
Fire department, building for engine company No. 5 (net)	2,500 00
Police court, United States marshal's fees	600 00
Pay of school-teachers, increase in number	3,325 00
Janitors, and for care of school-rooms	100 00
New school buildings	12,000 00
Total increase	53,935 00

REDUCTION.

Executive office (net)	$60 00
Collector's office, contingent expenses	200 00
Auditor and comptroller's office, contingent expenses	50 00
Attorney's office, rent	300 00
Engineer's office (net)	3,120 00
Contingent expenses of District offices, such as fuel, gas, &c	500 00
Macadam roadways, repairs	5,000 00
Work on sundry streets and avenues, &c	100,000 00
Industrial Home School, support	2,500 00
Current repairs to county roads and suburban streets	5,000 00
Repairs to school buildings and improvement of grounds	5,000 00
Furniture, books, stationery, and other contingent items, schools	5,000 00
Advertising, books for register of wills, printing, &c	1,500 00
Miscellaneous, health department	600 00
Laying 12-inch water-mains to Government Printing Office	1,750 00
Total reduction	130,580 00
Net reduction made by the committee from House bill	76,645 00

The changes in amounts and items made by the bill, as reported to the Senate from the act for 1883, are as follows:

INCREASE.

Collector's office, salaries and contingent	$1,300 00
Auditor and comptroller's office, clerical force and contingent (net)	2,300 00
Materials for permit work	10,000 00
Support of indigent insane of the District in Government Hospital for the Insane	3,500 00
Support National Association of Destitute Colored Women and Children	500 00
New building for same	15,000 00
Metropolitan police	8,570 00
Fire department, exchanging engine, &c. (net)	1,920 00
Police court, contingent expenses	600 00
Total increase	46,690 00

REDUCTION.

Executive office, salaries and contingent	98 61
Assessor's office, clerical force	4,900 00
Attorney's office, rent of office	300 00
Engineer's office, including office of inspector of buildings, division of streets, parking commission, &c	5,715 00
Repairs to Macadam roadways	5,000 00
Boundary intercepting sewer	10,000 00
Work on sundry avenues, streets, &c	50,000 00
Improving Fourteenth street extended	6,000 00
Constructing bridge over James Creek Canal	5,000 00
Reform School building, new boilers and heating apparatus	9,200 00
Washington Asylum, completing new workhouse	1,000 00
German Protestant Orphan Asylum, building for	5,000 00
Sweeping streets, cleaning alleys, and repairs to county roads	3,000 00
Lighting streets, for new lamp-posts, &c	10,870 00
Telegraph and telephone service, general supplies	4,560 00
Public schools, buildings, &c. (net)	10,043 00
Payment of judgments against the District	25,000 00
Payment of land damages on account of sewer	1,000 00
Harbor-master at Georgetown	80 00
Miscellaneous items, district offices	1,500 00
Health department, contingent expenses	600 00
Laying 12-inch water-main to Government Printing Office	2,800 00
Miscellaneous items	140 00
Total reduction	161,806 61
Net reduction made from the act for 1883	115,116 61

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Secretary will proceed with the reading of the bill.

The Acting Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the clause making appropriations for "executive office," in line 16, before the word "dollars," to strike out "one hundred and sixty;" so as to read:

One secretary, $2,000.

The amendment was agreed to.

The next amendment was, in line 18, after the word "clerk," to strike out "one thousand two" and insert "nine;" so as to read:

One clerk, $900.

Mr. PLUMB. I move to amend the amendment of the committee by striking out, in line 17, "one clerk, $1,400" and inserting "two clerks, $1,200 each," leaving out entirely "one clerk, $1,200," or "$900," as proposed by the committee. That increases the sum for the two clerks $100 each, in lieu of the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 21, to increase the appropriation "for contingent expenses, including printing, books, stationery, and miscellaneous items," from $2,600 to $3,000.

The amendment was agreed to.

The next amendment was, in line 23, in the clause making appropriation for salaries and contingent expenses, to reduce the total amount of the appropriation for executive office from $21,142 to $21,041.

Mr. PLUMB. The total will have to be changed to correspond to the item agreed to providing for two clerks at $1,200 each. That can be arranged afterward.

The PRESIDING OFFICER. The amendment will be passed over for the present.

The next amendment was, in line 25, after the word "dollars," to strike out "to include, if deemed necessary, without expense to the District, the keeping of one horse and wagon;" so as to read:

For assessor's office: For one assessor, $3,000; two assistant assessors, at $1,600 each."

The amendment was agreed to.

The next amendment was, in line 32, after the word "stationery," to strike out "car-fare;" so as to read:

For contingent expenses, including printing, books, stationery, detection of frauds on the revenue, and miscellaneous items, $1,000; in all, $12,600.

Mr. SAULSBURY. I should like to suggest to the Senator who has the bill in charge that that seems to be an excessive amount for the assessment of property in a district ten miles square. The aggregate expense paid for the assessment of property in this District is I see $12,600. That is a much heavier percentage, I know, than we pay in my State for making assessments.

Mr. PLUMB. The assessment of personal property in a growing city like Washington, including also the assessment of licenses, itself is a very large work and the committee could find nothing to indicate that any portion of this money was misspent. On the contrary, there was quite an urgent demand for an increase of force beyond that provided for in the bill.

Mr. SAULSBURY. It may be all right, but it occurred to me that it was a very large amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 42, after the word "stationery," to strike out "car-fare;" in the same line, after the word "items," to strike out "1,000" and insert

"800;" and in line 43, after the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

For collector's office: For one collector, $4,000; one cashier, $1,800; one bookkeeper, $1,600; four clerks at $1,400 each; one clerk, $1,200; temporary clerks, $1,700; one messenger, $600; for contingent expenses, including printing, books, stationery, and miscellaneous items, $800; in all, $17,300.

The amendment was agreed to.

The Acting Secretary read the following proviso:

Provided, That the provisions of the act of June 11, 1878, relating to the District of Columbia, allowing a deduction of 5 per cent. upon taxes paid within thirty days after notice of assessment, be, and the same is hereby, repealed.

Mr. SHERMAN. I move to strike out that proviso. It is legislation purely and changes the law, and, I think, unwisely. I do not propose to debate it. I put it upon the ground simply that it is a provision repealing the existing law in regard to the mode of collecting taxes, and that it has no relevancy here. I hope the Senator will allow that to be stricken out.

Mr. PLUMB. That was inserted at the request of the commissioners. It will be observed that it is in the text of the bill as it came from the House. The commissioners complain that the law works a diminution of taxes to the amount of about $45,000 a year.

Mr. SHERMAN. If I were at liberty to discuss it I think I could show that they would make a great deal more by striking it out. At any rate this is part of the existing law in regard to the collection of taxes, and it ought not to be changed except upon a report of the Committee on the District of Columbia. It is not in harmony with the rule we have been going upon in regard to the naval bill, and I trust on all appropriation bills not to change existing law nor to allow the House to change an existing law in an appropriation bill. I think that it is an unwise provision.

The PRESIDING OFFICER. Does the Senator from Ohio make a point of order that the proviso is new legislation?

Mr. SHERMAN. No, I do not make the point of order, because the House can undoubtedly do as they please about it; but I move to strike out the proviso.

Mr. EDMUNDS. On the ground that it is legislation, as it certainly is.

Mr. SHERMAN. I do not care to go into the merits of the proposition, because that might lead to a great deal of discussion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] striking out the proviso beginning in line 44.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "repealed," in line 48, to insert:

And hereafter the lien upon any real estate in the District of Columbia for any general or special tax shall not be impaired by reason of any certificate or statement, erroneous or otherwise, which the collector may make concerning the same.

Mr. EDMUNDS. I make the point of order that that is legislation.

The PRESIDING OFFICER. The point of order is well taken and is sustained.

Mr. PLUMB. Before we pass from that I desire to state, by unanimous consent, exactly what is the purpose to be gained by the provision. The law now provides that the collector shall make upon application a certificate of tax-lien on real estate in the District of Columbia, and when he has made such a certificate that discharges the lien upon the real estate for all taxes except such taxes as are embraced in the certificate. In other words, if he makes an error it inures to the benefit of the purchaser and to the disadvantage of the District, a condition of things which, as I believe, does not exist elsewhere; at least I have no knowledge of it. The committee were advised that the District of Columbia had recently lost in a single case $2,000 of taxes by reason of the operation of that provision. For that reason this was inserted in order to guard against possible collusion or neglect on the part of the collector.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 61, after the word "hundred," to strike out "and fifty;" and in line 62, after the word "hundred," to strike out "and fifty;" so as to make the clause read:

For auditor and comptroller's office: For one auditor and comptroller, $3,000; one bookkeeper, $1,800; one clerk, $1,600; three clerks at $1,400 each; one clerk, $1,200; one messenger, $600; for contingent expenses, including books, stationery, and miscellaneous items, $300; in all, $12,700.

The amendment was agreed to.

The next amendment was, after line 62, to insert:

For temporary clerk-hire, to enable the auditor and comptroller to effect a settlement of the accounts of the collector and to bring up the books of his office, $2,500, or so much thereof as may be necessary.

Mr. PLUMB. I offer what I send to the Secretary's desk to take the place of the amendment of the committee. It is simply a verbal change designed to accomplish the same purpose.

The Acting Secretary read as follows:

For temporary clerk-hire to enable the auditor to bring up the books and arrange the records of his office and to audit the accounts of the collector, $2,500; or so much thereof as may be necessary, which shall be available immediately.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 71, after the word "dollars," to strike out "for rent of office, $300;" and in line 74, after the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For attorney's office: For one attorney, $4,000; one assistant attorney, $1,900; one special assistant attorney, $960; one clerk, $960; one messenger, $192; for contingent expenses, including books, stationery, printing, and miscellaneous items, $500; in all, $8,512.

Mr. PLUMB. That amendment should not prevail. That was made with the intention of combining this office with the other District office in one building; that plan was finally abandoned, but in making up the bill the clerk inadvertently left in that amendment. I therefore ask that the amendment be rejected.

Mr. EDMUNDS. Where is the office? Is it a hired office outside?

Mr. PLUMB. It is a hired office outside.

Mr. EDMUNDS. Now that we have got a new large city hall, there ought to be room for the attorney's office, I think, somewhere in the public building.

Mr. PLUMB. The committee had no advice on that subject. I therefore ask that the amendment be rejected.

Mr. SAULSBURY. I should like to inquire of the Senator who has charge of the bill, as I see three attorneys are provided for, whether there is a proper necessity for that number of attorneys in the District. I do not know anything about it. There may be a necessity for it.

Mr. PLUMB. The assistant attorneys, as I understand, are occupied almost entirely in the police court. The attorney himself is employed largely in litigation before the supreme court of the District. The District is in litigation constantly in regard to transactions past and present, damages of different kinds, and so on, and it becomes necessary to have this force. The only question, I think, in the case at all would be whether the salaries are too much. I think they are not too high.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 85, in the appropriation "for engineer's office," to reduce the appropriation for the salary of "one chief clerk" from $2,000 to $1,800.

The amendment was agreed to.

The next amendment was, in line 92, after the word "dollars," to strike out "to include, if deemed necessary, the keeping of one horse and wagon, and all expenses on account of same;" so as to make the item read:

One inspector of buildings, $2,400.

The amendment was agreed to.

The next amendment was, in line 97, after the word "dollars," to insert "who shall be subject to the control of the commissioners of the District, and shall pay into the Treasury of the United States all fees collected by him;" so as to read:

One inspector of gas and meters, $2,000, who shall be subject to the control of the commissioners of the District, and shall pay into the Treasury of the United States all fees collected by him.

Mr. EDMUNDS. I make the point of order that that is legislation, as it clearly is.

Mr. PLUMB. Will not the Senator divide the question between that part of the amendment which provides for subjecting these officers to the control of the commissioners of the District and that part which provides for the payment into the Treasury of the fees?

Mr. EDMUNDS. I make the point of order upon it, and then when it is out the Senator can move that the inspector shall pay in the money to the Treasury.

Mr. PLUMB. Very well.

The PRESIDING OFFICER. The point of order is sustained.

Mr. PLUMB. I now move to insert after the word "dollars," in line 97, the words:

Who shall pay into the Treasury of the United States all fees collected by him.

I will state for the information of the Senate that the law now provides that the fees shall be applied for the purpose of keeping up the laboratory and the other expenses of his office and so on, and makes no responsibility to anybody for the money received.

Mr. INGALLS. I suggest to the Senator having charge of the bill that the amendment ought to come in after the word "meters" to make the sentence sensible. Let the salary come in after the definition of the office.

Mr. PLUMB. I accept the suggestion and move, after the word "meters," to insert "who shall pay into the Treasury of the United States all fees collected by him;" so as to read:

One inspector of gas and meters, who shall pay into the Treasury of the United States all fees collected by him, $2,000.

Mr. SHERMAN. The other part is stricken out.

The PRESIDING OFFICER. The other part is stricken out on a point of order. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in line 103, to reduce the appropria-

tion for the salary of "one inspector of plumbing," from $1,600 to $1,500.

The amendment was agreed to.

Mr. PLUMB. While I notice it I want to call attention to line 104. The word "of" before "superintendent" should be "one;" so as to read:

One superintendent of parking, $1,200.

I move to strike out "of" and substitute "one."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 106, to reduce the appropriation for the salary of "one assistant superintendent of parking" from $800 to $700.

The amendment was agreed to.

The next amendment was, in line 108, before the word "engineers," to strike out "sub-assistant" and to insert "assistant;" in the same line, after the word "engineer," to insert "one at $1,500, and one;" and after the word "dollars," in line 109, to strike out "each;" so as to read:

One assistant engineer, $1,600; two assistant engineers, one at $1,500 and one at $1,400.

The amendment was agreed to.

The next amendment was, in line 112, to strike out "five" and insert "three;" so as to read:

Three inspectors of streets, sewers, and buildings, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 116, after the word "dollars," to insert "one sealer of weights and measures, $80."

Mr. PLUMB. I will state that that is a provision of the law of last year which was left out in the House.

The amendment was agreed to.

The next amendment was, in line 126, after the word "forage," to strike out "livery;" in line 128, after the word "for," to strike out "five thousand" and insert "four thousand five hundred;" so as to read:

Contingent expenses, including rent of property-yards, books, stationery, binding, and preservation of records in the engineer's and surveyor's offices; printing, transportation (vehicles, animals, saddlery, forage, and repairs), and miscellaneous items not otherwise provided for, $4,500.

The amendment was agreed to.

The next amendment was, in line 129, to reduce the total amount of appropriation for "engineer's office" from $63,950 to $60,830.

The amendment was agreed to.

The next amendment was, in line 132, after the word "work," to insert "or the construction or repair of buildings;" so as to read:

Provided, That overseers or inspectors temporarily required in connection with sewer, street, or road work, or the construction or repair of buildings, done under contracts authorized by appropriations, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon; and the commissioners of the District, in their annual reports to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

Mr. SHERMAN. I think that proviso is subject to the same objection; it is legislation, and I submit to the Senator from Kansas whether it is not very dangerous legislation. Suppose we should appropriate, as we do here, for certain purposes, this would authorize the commissioners of the District of Columbia, without respect to amounts, compensation, or the nature or character of the employment, to employ any number of persons they choose, to be paid out of that appropriation. It seems to me it had better be left under the existing law, whatever that is, until it is changed.

Mr. PLUMB. This is the law as it has been for two years last past with the exception of the words in italics. It had been the practice of the commissioners to pay out of the appropriations for streets and buildings for the superintendence. The account was disallowed by the Comptroller, and thereupon two years ago we provided by special law, in the language now in this bill, that temporary force might be employed out of the contract price for the purpose of overseeing the work as it was done, and it would seem to be a very necessary provision. We provide a limited number of inspectors of streets; they can not all be on hand at the time every block is put down and every bit of asphalt laid. So in the erection of public buildings. This is simply the temporary superintendence under inspectors, and so far as we are able to learn it has worked well and is absolutely necessary.

Mr. SHERMAN. I do not know but that as this money is to be paid out of appropriations made by the act and in that way it is limited, perhaps it is necessary. I withdraw the point.

Mr. INGALLS. Besides that, they are required to report to Congress what inspectors are employed and how much they are paid and out of what fund.

Mr. PLUMB. A very limited number of persons is employed.

The PRESIDING OFFICER. The point of order is withdrawn.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 142, to reduce the appropriation "for fuel, ice, gas, repairs, insurance, and general miscellaneous expenses of District offices and markets" from $5,500 to $5,000.

The amendment was agreed to.

The next amendment was, under the head of "for improvements and repairs and for care and repair of bridges," in line 146, after the word "dollars," to strike out "for repairs to macadam roadways, $5,000."

The amendment was agreed to.

Mr. SHERMAN. I ask the Senator whether there is any provision anywhere else in the bill to provide for the current repairs of these roads?

Mr. PLUMB. There is, on page 13, line 289:

For current work of repairs of streets, avenues, and alleys, $25,000.

Mr. SHERMAN. That is all right.

Mr. PLUMB. The design was not to have two items of appropriation for substantially the same thing.

Mr. SHERMAN. All right. I did not see it anywhere else.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 156, to reduce the total amount of appropriation "for work on sundry avenues and streets" from $350,000 to $250,000.

Mr. SHERMAN. I should like to know why that is done. The estimates, I see, are much larger, and it seems to me it is a matter of economy to the people of this city, as well as to the Government at large, to have these imperfect streets repaired as soon as possible, and as in the estimates submitted to us by the commissioners, and also by the Secretary of the Treasury, a much larger sum is provided for, it seems to me unless some good reason can be given that these estimates should be sustained, especially as the whole appropriation falls within the revenues of the District. My impression is that no money could be more economically expended than the money that is provided for the replacement of the wooden pavements in different parts of the city by the substitution of others. I should like to know on what ground it is proposed to reduce the amount.

Mr. PLUMB. It is a matter about which the Senator from Ohio is more competent to speak than I am. I will, however, state to the Senator the view the committee took of this question.

In the first place, the estimates embrace the replacing in Class A, as found in the Book of Estimates, page 265, of wood pavements at an estimated total cost of $249,000. Then on the same page the replacement of stone pavements at a cost of about $35,000; the laying of new pavements specified to the amount of $59,000, and of regulating and grading of certain streets to the amount of $40,000, making a total of $374,000 as embraced in the Book of Estimates as submitted by the District commissioners. The estimate of the Treasury Department was $315,000 for these various purposes, being a diminution in the estimates of the commissioners of about $60,000.

There has always been a great deal of controversy in this city as to the place where these funds for the replacement of pavements should be expended. The sub-committee having the bill in charge here gave a somewhat extended consideration to the subject last year, and were satisfied that some partiality was being exhibited, that pavements were being replaced in quarters of the city beyond the actual need of improvements, and to some extent for the purpose of inducing improvements in some way that it is not proper to characterize in any harsh way; but everything being comparative we concluded that on the whole more money should be expended upon the eastern side and upon the streets upon the east side of the Capitol. Some conversation ensuing about the matter and these complaints being brought to the attention of the commissioners through the intervention of the sub-committee the commissioners stated that another year, being this present year, more money actually and in proportion would be by them expended in the replacement of pavements on the east side of the Capitol. Of course that promise was not at all binding; but it was the expression of what seemed to us to be the existence of ground for complaint in regard to the action of the commissioners. As all the pavements can not be replaced, of course there must be discretion somewhere as to where the money shall be expended; and that is properly exercised by the commissioners. It was not designed to revise their schedule and set up a new classification of streets to be attended to, but to emphasize the expression that some of this money shall go east of the Capitol, as I have stated.

There is only a very small portion of this money provided to be expended east of the Capitol, I think less than $25,000—I am not sure what precise amount—while the sum of nearly $40,000 is provided to be expended to replace a stone pavement, good but rough, on H street, for the purpose of connecting the northwestern portion of the city with the country in the direction of the race-course, carrying all the trade and travel away from and by and around what might be called the East Capitol side of the city. In making this change the committee designed to practically compel the commissioners to an expenditure which they regard more suitable than that provided for in the estimates.

Mr. SHERMAN. I sympathize entirely with the complaints that have been made by people of this District, by large petitions sent here from time to time from those living in the eastern part of the city. They have been compelled to pay their share of the taxes on a very large valuation of their property, while all the improvements have been in the part of the city where most of us live, the western and northwestern portion of the city, and it is a just complaint that can not be answered. I myself have inquired of the commissioners why it is that this discrimination has been made against the eastern part of the city, and they say it is all because in the early improvement of this city, under the old board of public works, expensive wooden pavements were

laid down in the western part of the city, and they are now so poor as to be much worse than any kind of an ordinary country road, and therefore the money must be first expended to replace those pavements.

I do not believe this is a sufficient answer to the complaint that has been made on the part of these people, most of them poor. They have been compelled to pay taxes and not enjoy any of the benefits of the improvements for which their taxes go; but the amendment now proposed is not in that direction. The amendment now proposed, it is true, will leave one or two little appropriations, comparatively small appropriations, to be expended on the eastern part of the city; but it will cut down the appropriations generally so as to disable the commissioners from tearing up the old wooden pavements and replacing them with new.

Mr. COCKRELL. How much wood pavement, I should like to know, still remains? Can the Senator from Ohio tell?

Mr. SHERMAN. I asked that of the commissioners, and they told me they thought if Congress would give the appropriations asked for this year they would be able to replace it all, and meet this complaint of injustice in the east.

Mr. COCKRELL. Where is it now?

Mr. SHERMAN. I do not know; but there is enough of it, as you will see by going around the city. It seems to me as this money is paid out of the money of the District as well as the money of the Government it is better to let them go on and carry out their plans. I agree that the proviso is right. Indeed if the committee could see their way clear to require a proportionate expenditure in the eastern part of the city I think it would be more just. I should vote for a proposition that would require fully one-fourth of the expenditure under this appropriation to be made in the eastern part of the city, or one-third, in order to repair this injustice; but I suppose that would be rather striking blindly at the matter, and therefore I think it is better to give the commissioners the money they ask for to complete the improvements proposed in the bill, the schedule of which we have, and which I believe covers the replacement of all the wooden pavements now necessary to be replaced, and then with the hope that in the next year's appropriation some kind of justice will be done to the people living in the eastern part of the city.

There is a bill which was reported from the Committee on the District of Columbia yesterday that is more vitally important to the people of this District than even this appropriation of $300,000. It is a bill that will make some regulation as to the railroads that are coming into this city. It is a remarkable thing that the people of this city have submitted for many years to what in any other city of the United States would be regarded and indicted as a common nuisance; that is, one railroad entering in two directions from the northeastern part of the city, cutting through twenty-five squares, disregarding all the grades of the streets; and it has been authorized by Congress, so that there is no way to correct it except by the bill which I am glad to say the Committee on the District of Columbia has now reported.

Then the Pennsylvania Railroad, as it is called, comes through the southeastern part of the city, doing great injustice to all the people who live there not protected by fences, so that children, cows, and wagons are liable to be run over by steam-railway trains, a condition of affairs that has been abolished or prohibited in almost every city of 20,000 inhabitants. In the State in which I live our laws are very stringent, requiring the railroads to keep flag stations and to inclose their tracks, &c., to guard life and property; but it is not so here The result has been that the eastern part of this city has been gradually going to decay, while the western part of the city has become magnificent in its improvements and magnificent in its proportions. All that part of the city lying between this Capitol and Georgetown has increased nearly threefold. Indeed, within fifteen years property worth 20 or 30 cents a foot has come to be worth two or three dollars a foot; and all that because the Government has seen fit to concentrate its improvements in the western part of the city, while the price of property in the eastern part of the city has gradually gone down and down. The reason is merely because the government of the District under acts of Congress has constantly discriminated against this part of the city.

I think it will be better to follow out the plan of the commissioners, to give them enough money to replace the wooden pavements, and make this proviso, that a reasonable distribution shall be made of the money provided by Congress, with the hope that in the next year the complaints of those citizens that have been laid on our table year after year will be fairly met by a proportionate appropriation of money for the improvement of streets in the eastern part of the city.

Mr. INGALLS. Mr. President, I hope my colleague will see his way clear to withdraw the amendment that has been proposed by the committee. A very casual inspection of the superficies of this city will convince everybody that great partiality has been done and great injustice done. There used to be a story current about General Grant in his humbler days to the effect that he once declared that he wished he could be mayor of the city of Galena; and when asked the reason of that ambition he said it was because he wanted to have a sidewalk laid from the depot to his residence. That illustrates the general vice that follows the location of the municipal authorities in any one quarter of the city. It is a fact that the District commissioners as a rule have been selected from the northwestern portion of Washington, and without any impropriety or without any abuse of their functions the result has inevitably been that all the expenditures and all the improvements and all the advantages from the expenditure of money have been in that direction, so that we now have the spectacle of a city entirely improved so far as pavements are concerned up to the western boundary.

I believe that the streets have all been laid with concrete, that the wooden pavements have been torn up and replaced either with stone or with bitumen, so that nothing there remains to be done except to keep them in repair. But with regard to this portion of the city it is apparent to any one that great wrong exists. Take North Capitol street, one of the main approaches to the Capitol itself; from the entrance to the public grounds to C street is to-day merely a mud-hole, it is a morass almost, in which wagons of ordinary weight would become mired. Not only is there no wooden pavement, but there is no pavement at all. There is no reason why that avenue, which is one of the great radiating avenues from the Capitol, should not have been paved. It has been favoritism, it has been injustice, it has been a partial appropriation of the public funds; and inasmuch as the sum that is asked by the commissioners is entirely within the revenues of the District, and inasmuch as, if properly expended, as we now have every reason to believe it will be, these partialities can be cured and the difficulties can be corrected, I suggest that it would be a wise thing for the Senate to agree to the amount that has been appropriated by the House.

Mr. COCKRELL. I should like to ask the Senator how we are going to correct the abuses of which he speaks when the commissioners year after year persistently refuse to make any estimate for the eastern part of the city?

Mr. INGALLS. Inasmuch as they have all the western portion now improved, if they get the money they will have to put it in the eastern part of the city, because there is nowhere else to place it.

Mr. COCKRELL. They do not put it in their estimates, and hence we must take the responsibility of directing them.

Mr. INGALLS. I was not complaining about that. I concur fully with the committee as to the propriety of that direction; but the bill that came from the House appropriates $350,000, which the Senate committee have reduced $100,000. I can see no reason why that amendment should be agreed to. I wish that the committee would withdraw it, and in case they do not I should like very much to have the Senate agree to the bill as it came from the House, because I think it will be an economical and wise expenditure of the public money.

Mr. PLUMB. With the consent of the Senate I will ask that this be passed over for the present with a view to some readjustment of language which shall accommodate the various views.

Mr. ROLLINS. Before it is passed over I desire to say a word upon the subject, because my attention has been called to it as a member of the Committee on the District of Columbia very often during the last four or five years.

I had some experience myself while residing on Capitol Hill. I saw year after year the great body of the money appropriated applied for the improvement of the streets in the west and northwest portions of the city to the almost utter neglect of the streets and avenues of the east side of the city, east of the Capitol. I think if any Senator will take the map which lies upon the desk of the Senator from Wisconsin [Mr. CAMERON] and look at it, he will see at a glance what great injustice has been done to the people residing in the eastern portion of this city. There the streets and avenues are colored in such a way as to indicate just what streets have been improved, and how they have been improved, and what streets have been utterly neglected in this expenditure of money for the District of Columbia. It is a most wonderful exhibit and shows the great injustice that has been done by the utter neglect of a proper distribution of the funds of the District of Columbia.

I concur in this matter most heartily with the Senator from Ohio and both Senators from Kansas in the remarks they have made. Take the avenues: Maryland avenue, a magnificent avenue extending from a point east of the Capitol grounds; while the authorities are improving avenues and streets miles distant in the west and northwestern portions of the city they are doing comparatively nothing for this avenue and others in the portion of the city east of this building.

Now, under the proviso which has been recommended by the Committee on Appropriations, what will be the result? If the commissioners spend all the money that has been estimated for the eastern portion of the city, it will be only 10 per cent. of the whole amount. Even that would be unjust. I should be glad to have the committee go still further and make a further amendment to provide that a larger proportion of this sum shall be spent in that direction.

I speak now, I think, impartially, because I live in the northwestern portion of the city, and the expenditure of money there is a source of convenience and comfort to me. I have left Capitol Hill, but I want to call the attention of the Senate to this great injustice.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Kansas [Mr. PLUMB] asks unanimous consent to pass over this amendment for the time being. Is there objection? The Chair hears none. It will be passed over.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in line 169, after the word "the," to strike out "Chesapeake and Ohio Canal Company" and insert "lessees of the Alexandria Canal;" so as to read:

WASHINGTON AQUEDUCT.

For engineering, maintenance, and general repairs, $20,000; and the lessees of the Alexandria Canal shall keep in good repair at least two spans of the Aqueduct Bridge, so that no leakage or wastage of water shall occur.

The amendment was agreed to.

Mr. PLUMB. I move to strike out "20" and insert "15," in line 169; so as to make the appropriation $15,000. That was the amount we fixed last year for this item.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for Washington Asylum," in line 181, to reduce the item "for salary of one clerk" from $600 to $480.

The amendment was agreed to.

The next amendment was, in line 186, after the word "dollars," to insert "one ambulance driver, $120."

The amendment was agreed to.

The next amendment was, in line 189, after the word "each," to strike out "and;" in line 190, after the word "improvements," to strike out "repairs to wards and closets;" so as to read:

For contingent expenses, including improvements, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and miscellaneous items, &c.

The amendment was agreed to.

The next amendment was, in line 192, after the word "items," to strike out "$35,000" and insert "$34,500;" so as to read:

For contingent expenses, including improvements, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and miscellaneous items, $34,500.

Mr. PLUMB. The amendment striking out and inserting should be non-concurred in, so as to leave the amount stand $35,000.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out $35,000 and inserting $34,000.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after "dollars," in line 193, to insert "and for repairs to wards and closets, $500."

The amendment was agreed to.

The next amendment was, in line 195, to reduce the total amount of the appropriation for the Washington Asylum from $45,940 to $45,820.

Mr. PLUMB. I move to amend that by inserting "6" in place of "5," and "3" in place of "8;" so as to read "$46,320." That will make the total correct.

The PRESIDING OFFICER. If there be no objection, the amendment of the committee will be so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 247, before the word "colored," to insert "destitute;" and in line 248, to strike out "6,500," and insert "7,000;" so as to make the clause read:

For the National Association for Destitute Colored Women and Children, $7,000.

The amendment was agreed to.

The next amendment was, after line 249, to insert:

For the erection of a building for said National Association, in accordance with plans to be approved by the Architect of the Capitol, $15,000, or so much thereof as may be necessary: *Provided*, That the cost of said building shall not exceed the sum herein named.

Mr. PLUMB. I move to amend the amendment of the committee by striking out "15," in line 252, and inserting "20," that being in accordance with the estimate and the recommendation of the District Committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SAULSBURY. I see here "National Association for Destitute Colored Women and Children." Is this provision for erecting a house for them? I have no doubt it is a very worthy charity, but such associations are not supervised by the District; they are charities depending on private contributions, and I do not see why they should be provided with buildings out of the National Treasury. Almost every city of this size has various associations for charity which are supported by the private contributions of the inhabitants. Here we are providing appropriations for charities, all of which are worthy objects no doubt, but why should we become almoners of bounties to charitable institutions? I suppose it has been customary, and I shall not interpose any objection except to state my idea that it is improper.

Mr. PLUMB. I will say in regard to the item which may be regarded as under consideration, that this is the only eleemosynary institution designed especially for colored people in this District. It is performing a work which is not only well done but very economically done. It is now housed in a building put up out of some lumber which the Government had used for barracks during the war, and which, while answering fairly the purpose as far as space with ordinary comfort is concerned, is very much exposed to fire and is rapidly decaying, a very considerable sum of money being necessary to be expended each year to keep it in anything like order.

As long as this is on our hands in any way looking to us for its support by appropriations it was thought the dictates of an ordinary humanity would prompt us to relieve it from that great liability to fire and the necessary loss of life consequent upon the burning of the house, by supplying it with a building which would be ample for the accommodation of those seeking its shelter and also relieving it from that great danger which applies to the present building. I may say also that I think this is one of the most worthy charities in the District.

Without contesting to any considerable degree the principle which the Senator from Delaware announces, we are going on with this just as we found it. The committee has not arrogated to itself a new office of charity. It has provided, as I think somewhat scantily, for the old one. One-half of this money is to be paid by the tax-payers of the District directly, and the other half by the Government, under the arrangement by which the Government became a tax-payer of the District to the extent of one-half the revenues necessary to carry on the District government. Consequently it is in no sense a general but it represents a local appropriation.

Whatever the Senator from Delaware and myself might think about the propriety of the arrangement, it is now in existence, and it is the duty as we think of the Appropriations Committee and of Congress to carry it into effect, and in doing so we regard the Government simply as a local tax-payer to the extent of one-half the taxation to be paid in the District for the purpose of carrying on its government.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 257, to reduce the appropriation "for the Industrial Home School" from $7,500 to $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 259 to 264 in the following words:

And the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity herein appropriated for, and shall require an itemized report of receipts and expenditures to be made to them, to be transmitted with their annual report to Congress.

The amendment was agreed to.

The next amendment was, after line 264, to insert:

That the appropriation of $5,000 made by the act "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes," approved July 1, 1882, "for the erection of a building on the grounds recently purchased by the German Protestant Orphan Asylum Association of the District of Columbia, now the German Orphan Asylum Association of the District of Columbia, provided that the asylum shall contribute an equal sum for this purpose," be, and the same is hereby, continued and made available for the same purpose and subject to the like condition for the fiscal year 1884.

The amendment was agreed to.

The next amendment was, after line 277, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and required to demand and receive from the assignee of the estate of H. D. Cooke & Co. the sum proved against said estate by the Soldiers' and Sailors' Orphans' Home, and to cover the same into the Treasury of the United States; and in case of refusal to pay over the money aforesaid, the Attorney-General is required to take steps to enforce the claim of the United States thereto.

Mr. PLUMB. I move, in line 280, to strike out the initials "H. D." before "Cooke," and insert "Jay." I desire to say that the amendment as printed was practically a declaration of bankruptcy against a very responsible banking firm of this city, and I regret very much that the error occurred, as it has led to some misunderstanding.

The PRESIDING OFFICER. Is there objection to the correction being made? The Chair hears none, and the amendment will be so modified. The question is on the amendment as modified.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 291, to reduce the appropriation for current repairs to county roads and suburban streets from $20,000 to $15,000.

Mr. SHERMAN. I hope that amendment will not be agreed to. It is a double reduction. The amount estimated for is $25,000; the House reduced it to $20,000.

Mr. PLUMB. I shall not contest with the Senator from Ohio on that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, striking out "twenty" and inserting "fifteen."

The amendment was rejected.

The next amendment was, after the word "dollars," in line 293, to insert:

Cleaning tidal sewers, $3,000; repairs to pumps, $3,000.

The amendment was agreed to.

The next amendment was, in line 295, to increase the total amount of appropriation "for sweeping, cleaning, and sprinkling streets and avenues," &c., from $112,500 to $113,500.

The PRESIDING OFFICER. It will be necessary to change the figures there in consequence of the amendments adopted.

Mr. PLUMB. The total should be $118,000.

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 304, before the word "to" to insert "and;" so as to read:

And for purchasing and erecting new lamp-posts, and to replace such as are old, damaged, and unfit for use.

The amendment was agreed to.

The next amendment was, after the word "therefore," in line 313, to strike out—

Repairs to public pumps, $3,000; cleaning tidal sewers, $3,000; in all, $101,380: *Provided*, That no more than at the rate of $22 per annum for each street lamp with a six-foot burner shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and the commissioners of the District of Columbia are hereby authorized, in their discretion, to substitute, in whole or in part, other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

And to insert in lieu thereof:

Provided, That no more than $22 per annum for each street lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Metropolitan police," in line 343, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Four surgeons for the police and fire departments, at $350 each.

Mr. PLUMB. There is a mistake there. The word "three," in line 342, should be "four" and "four" should be "three;" so as to read:

Three surgeons for the police and fire departments, at $450 each.

Instead of four surgeons at $350 each, the figures ought to be transposed.

The PRESIDING OFFICER. The correction will be made.

The ACTING SECRETARY. The proposed amendment is, in line 342, to strike out "four" and insert "three" before "surgeons."

The amendment was agreed to.

The next amendment was, in line 343, after "at," to strike out "four" and insert "three;" so as to read:

Three surgeons for the police and fire departments, at $350.

Mr. PLUMB. That amendment should not be concurred in.

The PRESIDING OFFICER. The question is on this committee amendment.

The amendment was rejected.

The next amendment was, in line 344, after the word "each," to strike out "six detectives at $1,320 each," and insert:

For additional compensation to privates detailed from time to time for special service in the detection and prevention of crime, $1,440, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after the word "each," in line 352, to strike out "seven acting sergeants at $1,080 each, seventy-three" and insert "ninety;" so as to read:

Ninety privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in line 354, before the word "privates," to strike out "twenty" and insert "thirty-five;" so as to read:

One hundred and thirty-five privates, class 2, at $1,080 each.

The amendment was agreed to.

The next amendment was, in line 361, after "dollars," to strike out "fifteen" and insert "twenty;" so as to read:

Twenty lieutenants, sergeants, and privates, mounted, at $240 each.

The amendment was agreed to.

The next amendment was, after the word "driver," in line 362, to trike out "of police van, four hundred and eighty" and insert "three hundred;" so as to read:

One driver, $300.

The amendment was agreed to.

The next amendment was, in line 364, after the word "driver," to strike out "six hundred" and insert "four hundred and eighty;" so as to read:

One ambulance driver, $480.

The amendment was agreed to.

The next amendment was, in line 377, to reduce from $10,000 to $9,500 the amount of the appropriation for "miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing and binding, gas, ice, washing, meals for prisoners, furniture and repairs to same, police equipments and repairs to same, beds and bed-clothing, insignia of office, horses, harness, and forage, repairs to van and ambulance, and expenses incurred in prevention and detection of crime."

The amendment was agreed to.

The next amendment was, in line 377, to increase the total amount of the appropriation for the "Metropolitan police" from $293,140 to $310,550.

The amendment was agreed to.

The next amendment was, in the appropriations for the "fire department," in line 391, to reduce the item for "repairs to engine-houses" from $1,000 to $500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 392, to insert:

For remodeling and furnishing the old town hall, in Georgetown, District of Columbia, for the use of engine company No. 5, $3,000; and in addition to this sum the proceeds of sale of the lots in Georgetown authorized to be sold by the act approved April 1, 1882, or so much thereof as may be necessary, may be applied to this purpose.

The amendment was agreed to.

The next amendment was, in line 406, to increase the total amount of the appropriations for the "fire department" from $98,560 to $101,060.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 408, to insert:

And the commissioners of the District are authorized, in their discretion, to pay the claim of George Schlosser, for care of James Fleming, injured by being run over in 1880 by William O. Drew, assistant engineer of the fire department of the District, to be paid out of the contingent fund of the fire department: *Provided*, That after said payment no liability shall remain against the District on account of the damage to said Fleming.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "telegraph and telephone service," in line 426, after the word "blacksmithing," to strike out "forage;" so as to read:

Telegraph and telephone service: For one general superintendent, $1,600; one electrician at $1,200; two telegraph operators at $1,000 each; three telephone operators at $600 each; two repair-men at $720 each; one laborer, $400. General supplies, repairs, and battery, including battery supplies, telephone rental, wire and insulators, brackets and pins, gas and fuel, record-books and stationery, washing, blacksmithing, extra labor, and the purchase of new implements and tools, $4,000.

Mr. PLUMB. I move in that clause, in line 421, to insert after "hundred" the words "and fifty;" so as to read:

Three telephone operators, at $650 each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PLUMB. Now the amount in line 428 should be made $12,590.

The PRESIDING OFFICER. That change will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the "courts," in line 435, to increase the item for "United States marshal's fees" from $1,400 to $2,000.

The amendment was agreed to.

The next amendment was, in line 438, after the word "judge," to insert "not exceeding $300;" so as to read:

Contingent expenses, including compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding $300.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 438, to strike out "judicial expenses;" and after the word "dollars," in line 440, to insert "for judicial expenses, $2,500;" so as to read:

Books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, $2,200; for judicial expenses, $2,500.

The amendment was agreed to.

The next amendment was, in line 442, to increase the total amount of the appropriation for the "courts" from $15,418 to $16,018.

The amendment was agreed to.

The next amendment was, under the head of "public schools, District of Columbia," after the word "teachers," in line 447, to strike out "and increase of teachers' pay by continuous service;" and in line 450, after the word "and," to strike out "21,425" and insert "26,850;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and miscellaneous items, $526,850.

The next amendment was, in line 455, to strike out:

One secretary, at $150.

The amendment was agreed to.

The next amendment was, in line 457, to increase the appropriation for salary of "one clerk to superintendent" from $800 to $950.

The amendment was agreed to.

The next amendment was, before the word "teachers," in line 461, to strike out "twenty-five" and insert "thirty;" and in line 464, after

the word "and," to strike out "49,125" and insert "52,450;" so as to make the clause read:

For teachers: For five hundred and thirty teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $665, $352,450.

The amendment was agreed to.

The next amendment was, in line 467, before "janitors," to strike out "foreman;" in line 468, after the word "for," to strike out "one foreman and his assistant, $1,300; for;" in line 470, before "hundred," to insert "four;" so as to read:

For janitors and care of the several school buildings: For care of the high-school building, $1,400.

The amendment was agreed to.

The next amendment was, in line 472, to increase the appropriation for care "of the Franklin Building" from $1,000 to $1,100.

The amendment was agreed to.

The next amendment was, in line 475, after "Lincoln," to strike out "Abbott;" so as to read:

Of the Lincoln, Miner, and Stevens buildings, at $800 each.

The amendment was agreed to.

The next amendment was, in line 477, after the word "the," to insert "Riggs, Abbott;" so as to read:

Of the Riggs, Abbott, John F. Cook, and Randall buildings, at $700 each.

The amendment was agreed to.

The next amendment was, after the word "the," in line 479, to strike out "Riggs and;" in line 479, after "Curtis," to strike out "buildings" and insert "building;" and in the same line, after "dollars," to strike out "each;" so as to read:

Of the Curtis Building, $800.

The amendment was agreed to.

The next amendment was, in line 482, after "superintendent," to strike out "three" and insert "of the first six divisions, two;" so as to read:

For one janitor and messenger to the board and superintendent of the first six divisions, $200.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 483, to insert:

For one janitor and messenger to the superintendent of the seventh and eighth divisions, $200.

The amendment was agreed to.

The next amendment was, in line 487, to increase the appropriation "for care of smaller buildings and rented rooms, at a rate not to exceed $48 per annum for the care of each school-room," from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in line 488, to increase the total amount of the appropriation "for janitors and care of the several school buildings" from $23,300 to $23,400.

The amendment was agreed to.

The reading of the bill was continued to line 495, in the clause providing "for rent of school buildings."

Mr. PLUMB. On line 495 I move to strike out "15" and insert "18;" so as to make the appropriation for fuel $18,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 499, before the word "thousand," to strike out "twenty" and insert "fifteen;" so as to read:

Repairs and improvements to school buildings, including grading, graveling, inclosing, and putting in order grounds about the High, Henry, Force, Webster, Gales, Garnett, and the county school buildings, $15,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 501, to reduce the appropriation "for contingent expenses, including furniture, books, stationery, printing, insurance, and miscellaneous items, from $15,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 502, to reduce the total amount of the appropriations "for rent of school buildings," &c., from $58,000 to $48,000.

Mr. PLUMB. I move that that be changed to $51,000.

The amendment to the amendment was agreed to.

The amendment as amended was ageeed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the clause making appropriations "for buildings and schools," in line 508, after "division," to strike out "seventy-eight" and insert:

And for the purchase of a site and the erection and completion of a school building on the old Bladensburgh road, near Brooks's Station; for addition to school building on the new Bladensburgh pike; and for the erection of a school building at Benning's Station, ninety.

So as to read:

For buildings for schools: For the purchase of sites when necessary and the erection and completion of three buildings for primary and grammar schools, two of said buildings to be erected in the second school division and one in the third school division; and for the purchase of a site and the erection and completion of a school building on the old Bladensburgh road, near Brooks's Station; for addition to school building on the new Bladensburgh pike; and for the erection of a school building at Benning's Station, $90,000.

The amendment was agreed to.

The next amendment was, in line 520, before the word "next," to strike out "May" and insert "June;" and in line 523, before the word "thousand," to strike out "55" and insert "57;" so as to read:

Provided, That the plans and specifications for each of said buildings shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the commissioners of the District, and said buildings shall be constructed by the commissioners in conformity therewith, and shall be contracted for before the 1st day of June next, and finished by the 1st day of January, 1884, the money herein appropriated to be apportioned as follows, namely: For the second school division, $57,000; and for the third school division, $23,000.

The amendment was agreed to.

The next amendment was, after the word "dollar," in line 525, to insert:

And for the site and school building near Brooks's Station, $3,000; for addition to school building on the new Bladensburgh pike, $2,000; and for the school building at Benning's Station, $5,000.

The amendment was agreed to.

The next amendment was, in line 532, to increase the total amount of the appropriation "for buildings for schools" from $78,000 to $90,000.

The amendment was agreed to.

Mr. EDMUNDS. I wish to call the attention of my friend from Kansas to this, apparently without explanation, duplication of appropriations for some of these school buildings. At the top of page 22 there is a provision for the purchase of a site and the erection and the completion of a school building on the old Bladensburgh road, near Brooks's Station; for addition to school building on the new Bladensburgh pike, and for the erection of a school building at Benning's Station, $90,000.

Then from line 525 to line 529 again:

And for the site and school building near Brooks's Station, $3,000; for addition to school building on the new Bladensburgh pike, $2,000; and for the school building at Benning's Station, $5,000.

Those are exactly the words in lines 510, 511, 512, and 513; so that there appears to be a duplication of the appropriation, and this would make double the amount apparently that was intended.

Mr. PLUMB. I do not think it does so. The upper part is the generalization—a statement of the purposes to be appropriated for, and below it specifies how the money shall be expended, and then the $90,000 occurring in line 532 is simply a restraint on the expenditure, saying that it shall all not exceed the gross amount above appropriated.

Mr. EDMUNDS. I hope that is the true construction of it; but I thought it right to call attention to it. I am a little afraid that it may amount to a double appropriation.

Mr. PLUMB. I think there is no danger of that.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the head of "miscellaneous expenses," in line 540, to strike out "five" before "thousand" and insert "four;" in line 542, after "items," to strike out "three thousand" and insert "two thousand five hundred;" and in line 543, after "all," to strike out "twelve thousand one" and insert "ten thousand six;" so as to make the clause read:

For repairs and replacement of public hay-scales, $500; for rent of District offices, $3,600; for general advertising, $4,000; for books for register of wills, printing, checks, damages, and miscellaneous items, $2,500; in all, $10,600.

The amendment was agreed to.

The next amendment was, under the head of "health department," in line 549, to increase the appropriation for salary of "one inspector of marine products" from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 555, after "fuel," to strike out "rent."

Mr. PLUMB. That should not be stricken out. I ask that it be non-concurred in.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 557, to reduce the appropriation from $3,800 to $3,000 "for contingent expenses, including books, stationery, fuel, rent, repairs to pound, and wagon and horse for poundmaster, forage, meat for dogs, disinfectants, horseshoeing, and miscellaneous items."

Mr. PLUMB. That also should be restored or not stricken out.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 559, to reduce the total amount of the appropriation for the "health department" from $42,580 to $41,980.

Mr. PLUMB. That amendment should also be non-concurred in.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, under the head of "interest and sinking fund," after the word "cents," in line 565, to strike out:

And hereafter the surplus revenues of the District of Columbia, except those arising from the water department, shall be paid into the sinking fund and applied by the commissioner thereof to the payment of the principal of the bonds of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "water department," in

line 608, after "reimbursed," to strike out "after" and insert "from the;" so as to read:

And provided further, That hereafter, whenever any horses, carriages, or wagons, or property of any description may become unfit for service, in the judgment of the commissioners, the same shall be sold at auction to the highest bidder, after due advertisement, and the proceeds thereof shall be paid into Treasury of the United States to the credit of the appropriation out of which the purchase was made.

The amendment was agreed to.

The next amendment was, after the word "tax," in line 608, to strike out:

For completing the laying of 12-inch water-mains, with proper fire-plugs and connections for the proper protection of the Government Printing Office, $3,500, of which the United States shall pay one-half, and $1,750 is hereby appropriated for this purpose.

The amendment was agreed to.

The next amendment was to reduce the total amount of the appropriation for the "water department" from $5,853.50 to $4,103.50.

The amendment was agreed to.

Mr. PLUMB. I desire to have an amendment made, in line 588, to strike out "voted" and insert "provided."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The Acting Secretary read section 2.

Mr. EDMUNDS. I should be glad to be informed by the Senator from Kansas in charge of this bill what all this section means and how it changes the present law.

Mr. PLUMB. It does not change the present law.

Mr. EDMUNDS. Then what is the use of having it in?

Mr. PLUMB. It came to us from the House, and by way of precaution we let it stay. I am not quite sure that it is precisely as it was in the last year's law. The word "hereafter" was in then, I believe.

Mr. EDMUNDS. Let us look at that.

Mr. COCKRELL. I think "hereafter" was not in last year.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Kansas to the footing on page 24, line 559.

Mr. PLUMB. That should be increased $200, to $42,700.

The PRESIDENT *pro tempore*. That seems to be right, and that change of footing will be made if there be no objection. The Chair hears none.

Mr. PLUMB. I will state to the Senator from Vermont that the second section is precisely the same as the law of last year.

Mr. EDMUNDS. Then why is it put in again?

Mr. PLUMB. That is a question which might properly be addressed to the House. The House sent the bill to us in that way, and it was left in without any special consideration by the committee, it being observed after examination that it was precisely the same as last year.

Mr. EDMUNDS. I think, with great respect, the question ought to be addressed to the committee to whom we referred this bill for criticism and examination.

Mr. PLUMB. That was why we left it in.

Mr. EDMUNDS. Why did you leave it in?

Mr. PLUMB. Simply because we found it here.

Mr. EDMUNDS. That certainly is a very potent argument. Go ahead; I will see if it is the same thing.

Mr. PLUMB. If the Senator from Vermont moves to strike that section out, he can do so.

Mr. EDMUNDS. If the Senator is sure that it is the same thing—I see that the third section of last year's bill is permanent, using the word "hereafter"—it ought to be stricken out, for it is really legislation. It seems to be, as the Senator says, an evident re-enactment of an existing and permanent law.

Mr. PLUMB. It is. Last year the word "hereafter" was inserted in the bill, intending by that insertion to make it unnecessary to re-enact it; but the House sent it over and it escaped consideration, being in the same language.

Mr. EDMUNDS. The bill may go on. A motion to strike it out can be made afterward.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert the following as a new section:

SEC. 3. That the Treasurer of the United States be, and he is hereby, authorized and directed to redeem certificate numbered 9376, for $200, dated August 1, 1874, and issued by the late board of audit of the District of Columbia, in favor of David Messer, which certificate, it is alleged, was duly transferred to the Freedman's Savings and Trust Company for value, and subsequently lost or destroyed, by the issue, to the commissioner of the said Freedman's Savings and Trust Company, of 3.65 bonds of the District of Columbia, in the manner provided for the redemption of board of audit certificates by act of Congress approved June 16, 1880, upon proof of such transfer and loss, and the execution by said commissioner of a bond of indemnity, with approved security in double the amount of said certificate, to save the District of Columbia harmless against the presentation and payment of said lost certificate.

Mr. SHERMAN. I make the point of order that this is a private claim attached to an appropriation bill. I think it had better not be put here, although I have no doubt it is correct.

The PRESIDENT *pro tempore*. It is a private claim.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. PLUMB. I will just state that we were in possession of a letter very strongly urging this action from the commissioner of the Freedman's Savings and Trust Company, Mr. Knox. The matter seemed to be proper, and we put it in. If the point of order is sustained it cuts it out.

The PRESIDENT *pro tempore*. The point of order is sustained.

The next amendment was to insert the following as an additional section:

SEC. 4. That the time allowed for filing claims in the Court of Claims under an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred.

Mr. EDMUNDS. I make the point of order that that is legislation. I do not object to it because it is not right, but I object because it is legislation.

The PRESIDENT *pro tempore*. It is legislation. The point of order is sustained.

Mr. PLUMB. I hope the Senator from Vermont will make an exception in regard to this amendment. The committee were in possession of a letter from the Treasurer of the United States, the sinking-fund commissioner, reviewing the whole of these claims, and stating that there were probably about $10,000 of them outstanding which had been caught unawares in the hands of small holders, re-enforced by a statement from one of the commissioners of the District to the same effect, and on that statement the section was put in.

Mr. EDMUNDS. Undoubtedly; and so the Committee on Appropriations might take the whole Calendar of bills reported from committees that are supposed to be good bills, useful legislation, and put them on.

The PRESIDENT *pro tempore*. The amendment is ruled out of order.

The next amendment was to insert the following as an additional section:

SEC. 5. That the District commissioners shall inquire as to a suitable location, the cost of the same, and also as to proper plans and the estimated cost of a plain, fire-proof brick building, suitable for the accommodation of the District offices, and shall make report of the same to Congress on the first day of its next session.

Mr. EDMUNDS. I make the point of order that that is legislation.

Mr. PLUMB. I hope the Senator from Vermont will not do that; that is a particulary meritorious section.

Mr. EDMUNDS. I do not know whether it is meritorious or not, but it is pure legislation.

Mr. INGALLS. If the bill that the Committee on the District of Columbia have reported relative to the routes of steam-railroads is adopted, we hope to be able to provide a building for the District commissioners in the premises now occupied by the Baltimore and Potomac Railroad Company for a depot.

Mr. SHERMAN. There is one clause in the bill that was passed over.

The PRESIDENT *pro tempore*. The point of order is sustained on the last section. Line 156 was reserved. The amendment will be stated.

The ACTING SECRETARY. In line 156 the Committee on Appropriations reported to strike out "3" and insert "2;" so as to read "$250,000;" and after the word "dollars," in line 157, to insert:

Provided, That out of this sum all the work on avenues and streets and replacement of pavements on streets named in the aforesaid classes situated east of the Capitol shall be completed in full.

And in line 160 to strike out "535" and insert "430;" so as to read: "in all, $430,000."

Mr. INGALLS. I hope that the amendment of the committee in line 156 may be disagreed to, so as to leave the amount for the improvement and repairs of streets and avenues as it came from the House, $350,000; and then, in view of the partiality in the previous distribution of the expenditures, I would suggest this in lieu of the proviso:

Provided, That one-third of said sum shall be expended on the avenues and streets east of First street west.

Mr. PLUMB. I doubt if that amendment will accomplish the purpose my colleague has in view.

Mr. INGALLS. A very large proportion of the appropriations heretofore made has been expended in the northwestern portion of the city, leaving the eastern portion very largely unpaved, and the intention of the proviso is to require this proportion of the amount appropriated to be expended east of the street that runs directly west of the Capitol grounds north and south.

Mr. EDMUNDS. The expenditure hitherto has been in that part of the city which the Supreme Court of the United States held could not be investigated.

Mr. SHERMAN. Where nearly all of us live.

Mr. INGALLS. It has been appropriated where nearly all the property-holders in the Senate live and where the commissioners hitherto resided.

Mr. EDMUNDS. I remember that very well, as I was one of the small property-holders who was taxed three or four thousand dollars—I have forgotten how much—for a perfectly useless slaughter of a street in front of the houses along the row where I reside by cutting it down to the extent of about twenty feet. That was the kind of improvement. When you went a little further northwest and the House of

Representatives undertook to have an inquiry about the conduct of the expenditure of these moneys, the Supreme Court pulled up and said they could not get at the evidence that was suitable to inform Congress on that subject.

Mr. INGALLS. When the House imprisoned a party for the refusal to produce his books and papers, the court gave him a very large sum as damages for his illegal imprisonment and detention.

Mr. EDMUNDS. That, too, ought to be put into this bill probably.

Mr. BUTLER. That was not done by a court; by a jury.

Mr. ROLLINS. On the 2d of February I submitted an amendment to this bill which was referred to the Committee on Appropriations, proposing to concrete O street between Twentieth and Twenty-second streets northwest. I did this under the supposition that the policy heretofore pursued would be continued; that is, of appropriating a very large proportion of money in that section of the city. But I notice that the Committee on Appropriations have rejected the amendment, or have not offered it to the bill at any rate. I should like to inquire if that was the reason that governed them in their action, that the policy was to be changed hereafter?

Mr. PLUMB. The committee did not purpose to perpetuate it at all events, but proposed to prevent, if we could, the expenditure of so large a portion of money in the northwestern part of the city. The District board of commissioners have been treated by Congress as persons not entitled to be trusted with any considerable discretion as to the expenditure of money. Instead of giving them sums in gross to be expended, we give them items the same as we do employés in the Treasury Department and other officers directly under our charge.

We ask them to make report of the streets on which they will make improvements, and then appropriate for those particular streets, understanding that their judgment may be changed half a dozen times before the expenditure can be made. We give them clerks by name, and so on all the way through this bill. They, in turn, I take it, somewhat accepting the view that Congress takes of their functions, divide up their own responsbility, and the care of the streets falls to one person, of the police to another, and so all the way around; and the board is three distinct atoms in place of being one unit. In that way perhaps to some extent the designation of streets has fallen into the hands of a particular person. The board has been recently somewhat reorganized; it is expected that it will be still further reorganized by the appointment of a new commissioner or a continuation of the old one for a definite term. Out of either or both of these contingencies will arise perhaps a better condition of things than we have had heretofore.

I do not know that any language can be devised (unless the Senate were prepared to take up the schedules and go through them for the purpose of picking out particular streets to be improved other than those named) under which anything effective can be done. The action of the committee was a protest against what is proposed for the coming year, and a protest based upon the action of the commissioners for the preceding year, and upon the understanding had last year that the system of improvements should not hereafter be carried on so extensively for the benefit of the northwestern part of the city.

The Senator from Ohio, who has this matter at heart and who is much more interested perhaps than any person on the floor of the Senate, thinks the sum named by the House is not too large. The commissioners themselves named $374,000 to be used in work on the streets. It has been the plan, as I think it still is, to carry on the work of placing sidewalks and curbing and guttering in front of unimproved property far beyond, or at least some considerable distance beyond, the residence portion of the city. At all events, the effect of that is, whatever the design may be, to increase largely the value of such property.

Mr. EDMUNDS. If you could curb the expenditures instead of the sidewalk it would be better.

Mr. PLUMB. That we should be very glad to do in place of curbing the sidewalks in front of the lots. My own belief is that the law of Congress which requires the assessment of one-third of the cost of all improvements upon the abutting property ought to be enforced. In my own State it is the rule to assess all the expense of sidewalks, curbing, guttering, and paving to the abutting property, the general public paying nothing whatever except for drainage and intersections. That I believe to be the rule everywhere except in the city of Washington. A large sum of the money that we appropriate is devoted to the work of laying sidewalks and curbing and guttering beyond the actual necessities of the city and at places where the abutting property ought to pay at least a portion of the expense. The time will come when this will be changed, as I think it certainly ought to be changed now, and not subject the tax-payers of the United States and the general tax-payers of the District to the payment of money for the improvement of property which ought to come out of the property itself. It is as I believe a vicious and unwarranted practice; but the Committee on Appropriations, ambitious as they are, according to the theory of the Senator from Vermont, never yet have developed any ambition to take especially in charge the management of the affairs of this District in detail, and so we have had to take from the commissioners what they have given us.

I would be willing to go part of the figure and say we would take not only that but all and give them the money substantially in a lump sum and let them expend it under a proper responsibility which ought to attach to their office. So far as this amendment is concerned, I care nothing about it except as the organ of the committee. If the Senate shall think that the amount ought to be what is named in the bill as it came from the House, well and good; and if they shall think it should be materially expended on the streets, avenues, and alleys named in the schedule referred to in the text of the bill, I am willing to agree to that also, so far as I am individually concerned.

Mr. SHERMAN. I sympathize entirely with the amendment of the Senator from Kansas [Mr. INGALLS], but I am afraid that on account of the words of limitation in the previous part of the clause it will not accomplish its purpose. The section now is confined to work on sundry avenues and streets and the replacements of pavements on streets named in classes A, B, C, and D of Appendix B, b, referred to. Looking at Appendix B, I find that the streets are all named. Two of them seem to be east of the Capitol, one East Capitol street and the other H street. There is about $50,000, as near as I can see, appropriated in this schedule for east of the Capitol.

Mr. PLUMB. That is if you include H street.

Mr. SHERMAN. H street really ought not to be charged to the eastern part of the city, because the improvement of H street is really for the benefit of the western part of the city.

Mr. INGALLS. An outlet for the northwest.

Mr. SHERMAN. I suggest to leave the amendment as proposed by the Committee on Appropriations as it is, requiring that the sums provided for for replacement of streets east of the Capitol shall remain, and insert as follows:

And in addition thereto there shall be expended out of said sum upon improvement of streets and avenues east of First street west, $50,000.

That $50,000 with the $50,000 already contained in the bill will make about $100,000 for streets east of First street west.

Mr. PLUMB. I am willing to accept that.

Mr. INGALLS. It will be satisfactory to me.

The PRESIDING OFFICER. The amendment of the committee is to strike out "3" and insert "2."

Mr. SHERMAN. That is to be disagreed to, I understand.

The PRESIDENT *pro tempore*. It has not been voted on yet.

Mr. SHERMAN. This amendment comes in in line 160.

Mr. EDMUNDS. I wish to say, while this topic is under consideration, in reply to the Senator from Kansas [Mr. PLUMB], that I understand that the sidewalks and the curbing are not paid for out of the public funds but are paid for by the abutting proprietors. As to the other part of his observations about assessing the adjoining proprietors for what are called improvements of streets and which our experience has shown to be quite the reverse of the improvements of streets, I think that Congress did well in abolishing that thing. A street is a thing for general public benefit, nothing else, and therefore to compel the people, poor or rich, whatever they may be but generally poor in the outskirts where streets are extended, to pay for building a street for the lords of creation who reside around the Capitol or near the various places where bronze men on horseback sit in all weathers, in order that they can drive out into the country, I think is an outrage. Congress thought so and abolished it.

Wherever it is necessary to have a public highway, and it is for the public interest, the public should pay for it. Congress has thought so and has so determined, and I think my friend is mistaken in saying that this is the only instance where adjoining proprietors have not been assessed for that. I say this with the more freedom from suspicion that might be raised in respect to my attitude as the proprietor of a 20-foot lot and a little house in this town, from the fact that I have gone through my period of suffering and assessment and I am only speaking for the other poor of this District.

Mr. PLUMB. I do not know that I ought to criticise the Senator from Vermont because he owns so much or so little of the property of which he speaks——

Mr. EDMUNDS. Take your choice.

Mr. PLUMB. But I submit to him that the rule which he announces as having been adopted by Congress is not the general rule; it is not the rule that is adopted elsewhere, as I believe; but whether it has been or not, I have been advised, and we were told last year by the engineer having this matter in charge, that the city and Government did pay out of the public funds for curbing and guttering and placing sidewalks, and that the only limitation upon that was that in some cases, and in some cases only, under the appropriation for permit work, the Government furnished the material and required the owner of the property to lay it down himself.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee, in line 156, striking out "three" and inserting "two;" so as to read "$250,000." [Putting the question.] The ayes seem to have it.

Mr. INGALLS. I think it is because it is not understood.

Mr. COCKRELL. I thought the amendment of the Senator from Ohio had been accepted by the Senator from Kansas.

Mr. EDMUNDS. He could not accept it; it is an amendment of the committee.

Mr. INGALLS. The question is on reducing the appropriation as it came from the House to $250,000 for the improvement and repair of streets and avenues, and inasmuch as the amount proposed by the House is entirely within the revenues of the District, and as the need is very great and there is no protest from any quarter outside, I see no reason why the amendment should be agreed to. I hope it will be rejected.

Mr. EDMUNDS. In the bill as it came from the House the appropriation stands at $350,000. The Committee on Appropriations propose to make it $250,000. I move to amend the amendment so as to make it read "$300,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Appropriations.

Mr. SHERMAN. If the Senator will recall the condition of many of the streets of the city he will see that already a very large reduction is made. The estimate submitted by the District commissioners is $374,000. The Secretary of the Treasury submitted an estimate to the amount of $315,000. The House then placed it at $350,000, about halfway between the estimate of the Secretary of the Treasury and that of the District commissioners.

This is a matter which vitally affects the people of this District. We know that there are miles and miles of the old wooden streets that ought to be replaced. It is only a question of time when it must be done. Before every house where those streets are so laid it is sickly and unwholesome, and has been condemned by the physicians of the city. Those pavements ought certainly to be torn up and replaced in some way. This is the money of the people of the District largely; that is, one-half of it; the other half is paid by the Government of the United States like any other expenditure for the District. It seems to me as we have the money and the estimates are based upon the idea of keeping within the amount collected, it would be better to take the estimate of the commissioners unless there is some other object of expenditure that might be necessary.

This is a matter of public necessity, and to limit the power of the commissioners to make these improvements would be an unwise saving of these people's own money. I hope, therefore, that the Senate will be as liberal in providing the amount for this purpose as the House has been, and leave it at $350,000 and make the provision that has been agreed upon in regard to the distribution of the fund, so that the people in the eastern part of the city may have the benefit of some of this expenditure.

Mr. EDMUNDS. That has not yet been agreed upon, but I hope it will be, because I think it fair, if you have got the appropriation up to a sufficient amount. The state of the city is that it is a city much larger than its population will justify in an economic point of view. It is a capital city, as every Senator I suppose is very glad to believe and to know; but running out from this Capitol as the center of everything (one of the centers, if there can be more than one center) are avenues going east, and north, and west, and south, and southwest. So, from the President's House, which I believe is another center, or somewhere near there, are others running in every direction. Then there are all the rectangular streets, and after you get out of an area whose radius will not be more than a mile from the Capitol, probably less, or a mile from the Executive Mansion, probably less, you are merely in the outskirts of the town, with no inhabitants except here and there scattered houses, but with city lots that people who are filled with the laudable ambition of improving their condition buy and pay their taxes on and wait for a rise. The public money ought to be devoted first to the poor, and next to water and the health office, and so on, to preserve the lives and add to the security and comfort of the people, and then you come to the street money. By just so much as you take the money of the whole stock for streets, by just so much you diminish the money appropriated to these other objects, and, which is a great point about it, the means of paying off the debt of this District, which is perfectly enormous.

I wish for one, for the good of the very people who live on those outgoing streets all around, to be a little economical and careful in the total amount that we appropriate year by year for making asphalt pavements, &c., on streets where there is neither inhabitants nor traffic. That is my reasen for making this middle proposition.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Appropriations, making the appropriation $300,000.

The amendment to the amendment was agreed to—ayes 20, noes not counted.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment as amended.

Mr. MORRILL. That leaves the appropriation at $300,000 as we understand?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SHERMAN. The question is now between $300,000 and $350,000. I hope the Senate will allow it to be $350,000, which is $20,000 less than the commissioners have recommended and about half way between the report of the Secretary of the Treasury and the recommendation of the commissioners.

Mr. BUTLER. I understand the amendment of the Senator from Vermont has been adopted fixing the amount at $300,000.

Mr. SHERMAN. But that is an amendment to an amendment.

Mr. EDMUNDS. The question now is on agreeing to the amendment as amended.

Mr. SHERMAN. The question now is between $300,000 and $350,000.

Mr. EDMUNDS. If we disagree to the amendment it leaves the bill to stand as it came from the House at $350,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended, fixing the appropriation at $300,000 instead of $350,200.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves another amendment to the clause, which will now be reported.

The ACTING SECRETARY. At the end of the proviso it is proposed to add:

And in addition thereto there shall be expended out of the said sum for the improvement of streets and avenues east of First street west, $50,000.

Mr. INGALLS. That is in lieu of the one I offered, to which I consent.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN] to the proviso.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. INGALLS. The total must now be changed.

The PRESIDENT *pro tempore*. The total will be changed to conform to the amendment just adopted.

Mr. ALLISON. It should be $480,000.

The PRESIDENT *pro tempore*. The Secretary will foot it up and insert the correct amount.

Mr. BUTLER. At the end of line 258 I move to add:

For maintenance of the Church Orphanage of the District of Columbia, the sum of $1,500.

The Senator in charge of the bill does not object to this amendment.

Mr. EDMUNDS. Where is the Church Orphanage?

Mr. BUTLER. It is on Twentieth street. It is a charitable institution just as much entitled to the aid of the Government as any other in the District of Columbia.

Mr. EDMUNDS. That may be true, but I should like to have the amendment explained.

Mr. BUTLER. It is recommended by the Committee on the District of Columbia unanimously.

Mr. EDMUNDS. How much was appropriated last year?

Mr. BUTLER. Not a dollar was appropriated. This is the first appropriation.

Mr. EDMUNDS. How many different orphanages are we now supporting?

Mr. SHERMAN. I think the Senator from South Carolina ought to give us a little information about this, where it is located, &c.

Mr. BUTLER. The best explanation I can give is contained in a letter from Captain Fox, who is the chairman of the committee on ways and means of the trustees. If the Senators desire it I will have the letter read.

Mr. SHERMAN. Let it be read.

The Acting Secretary read as follows:

WASHINGTON, D. C., *February* 21, 1883.

DEAR SIR: Senator ALLISON told me this morning that the Committee on Appropriations had struck out the sum that the Committee on the District of Columbia had recommended toward the support of the Orphanage of St. John's Parish.

For seven or eight years this home for little children has been sustained by private charity. Last year the number of inmates had increased beyond the means of its contributors. Upon an appeal to Congress, $6,000 was granted and a charter. With this sum the present building was purchased and repaired, and it is now free from debt, with the exception of about $600 of old taxes. It has fifty-one children of both sexes that have been gathered from the waifs and strays of the city. The immediate management is by a woman whose self-sacrificing life began and perfected this work. She has five women assistants, and all give their whole time to the care and training of the children without wages. There is also a board of women managers and the trustees are men. It is estimated that $60 will take care of a child for one year. From this fact any one can judge whether thrift is practiced, since with fifty-one children the yearly expenses for their care, education, clothing, food, &c., does not exceed $3,060.

The Church Orphanage is on Twentieth street, near F northwest, and any Senator or Representative is cordially invited to go and see whether the work there is faithfully done.

None of those who contribute labor or money wish to shun either. They pray for help because want and sorrow are increasing and the burden of relief is too great for private charity alone.

Very respectfully, your obedient servant,

G. V. FOX.
Chairman of the Committee of the Ways and Means and one of the Trustees.

Hon. M. C. BUTLER,
United States Senator.

Mr. EDMUNDS. I dare say this is a very worthy charity, supported by some one of the numerous churches in this town; but in this connection I should like to have my friend in charge of the bill turn to page 11 and tell us about each one of the various other institutions for which provision is made. I understand the one on lines 242 to 244, but

coming to line 245 is the Women's Christian Association of the District of Columbia. What does it do?

Mr. PLUMB. It takes care of some destitute women. Before I became a member of this body, certainly five or six years ago, Congress appropriated $25,000 to put up a building for that association. That constituted a pretty stable basis for subsequent donations from the Treasury, which have been given with a regularity which is equal to the regularity of the appropriation acts which have been passed. It came to the present committee, or the sub-committee having charge of this bill, by an inheritance which it did not feel disposed to dispute. It has received the sum of $5,000 every year for four or five years as I know.

The other objects named on page 11 are in the same category. I think some of them have been on the bills for less than five years. Those not on former District of Columbia bills have been provided for by appropriations either in the sundry civil bill or in some other way. The National Association for Destitute Colored Women and Children, in lines 247 to 254, is the only one which cares specially and only for the colored people.

Mr. EDMUNDS. Will my friend from Kansas tell me whether the Women's Christian Association has a house where people who are in need and distress or sickness are taken in and provided for?

Mr. PLUMB. It has just such a house. I happen to know some of the lady managers of that association, and I know in a more or less formal way that they are doing just that work and doing it well.

Mr. EDMUNDS. This money then is devoted to the care and support of those who are in need, and not to propagandism?

Mr. PLUMB. It is devoted entirely to those who are supposed to be in need.

Mr. BUTLER. I can say to the Senator that they are doing a most commendable work, for I have inspected the building.

Mr. EDMUNDS. When you speak of the work being commendable you mean the physical care and protection of people who are in distress, as distinguished from circulating tracts, &c.?

Mr. BUTLER. Entirely. I have been there as a member of the Committee on the District of Columbia.

Mr. EDMUNDS. Where is the building?

Mr. BUTLER. They have a building in the northwestern part of the city, at Thirteenth and R, I think.

Mr. EDMUNDS. Where is the location of the National Association for Destitute Colored Women and Children?

Mr. PLUMB. Near Howard University, just on the boundary, at the termination of Ninth street.

Mr. EDMUNDS. Is that also a kind of hospital?

Mr. PLUMB. That is the only one of all of them which I have visited. The Senator from Missouri [Mr. COCKRELL] and myself spent an hour or two investigating the building from turret to cellar.

Mr. EDMUNDS. Is that in the nature of a hospital?

Mr. PLUMB. It is not. It takes in destitute colored women, and colored children who have lost one or both parents, and cares for them until they are 10 or 12 years of age, or until such time as they can be apprenticed to suitable people, who will take care of them until they arrive at their majority. The Industrial Home School performs a like office for white people. That is over in Georgetown.

Mr. EDMUNDS. That I understand. I understand the Saint Ann's Asylum, the Children's Hospital, and so on. I make these inquiries, because I had known something of the beneficent work of the person who inaugurated the Saint John's Guild, in order to call the attention of the Senate to the general question, not that I propose to do anything about it now, but to suggest whether it would not be better for the general good of this District to provide at some time (at some future session of course, always) for having money paid by taxation appropriated under one general law and in one general way, instead of giving out these little driblets to keep up so many different establishments and organizations and managements. If we could only forget our sectarianism and all pull together for one general purpose and under one organization and one management, I believe that the money we spend would go a great deal further than it does now, and it would be much more freely and to larger amounts given. I have only called attention to it now in order to say what I have said in the hope that some time all the forces of these good people may be co-ordinated to this one general object.

Mr. PLUMB. What the Senator from Vermont has said has been often expressed by those who, like him, take an interest in charities in the District. I make that statement for the purpose of what follows it. There is just getting into operation here an organization known as the Associated Charities of the District, which it is hoped will some day perform that office in regard to the co-ordination of the varied charities which the Senator from Vermont has spoken of. I will say to him, however, that the institution which the Senator from Missouri and myself visited, according to my limited knowledge upon this subject, would be very hard to improve upon. I am glad to certify that it is doing an exceedingly good work.

I had occasion to say this morning that if we could get somebody to bring up our Indians, who are our wards, no better and no worse, and certainly no more entitled to our care than the people here, as cheaply as is done here, those persons would be entitled to a great deal of the gratitude which they do not get now, because their work is not for the benefit of those who have that patent of nobility which the educators of the Indian youth are supposed to wear. They are there taking care in a proper way of the colored children on an annual appropriation of about $65 per capita, and I believe are doing as good a work as is being done for the Indians at $200 per capita. That may not be saying for them as much as I should like to say, but at all events I can say that much.

Mr. EDMUNDS. I hope the Senator did not understand me as expressing any doubt as to the zeal or fidelity of the people who are carrying on this work in the institutions he names, nor have I any doubt of their zeal and fidelity, nor of these others, every one of them. The point that I wish to bring to the attention of the Senate is that a vast deal more good, as I believe, could be done if this work could be co-ordinated and the expenses of the houses diminished under some one general associated management. That is the point. I am sure that no State that is well governed would keep up such a variety of different charities, but would endeavor in some way to bring them together for one purpose. Perhaps it can not be done, but certainly every one of these people is doing all that can be done, I dare say.

Mr. PLUMB. I did not understand the Senator from Vermont as criticising anything except what he expressed in language as to the general policy of scattering the resources of the District in that way.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. INGALLS. I offer an amendment from the Committee on the District of Columbia, to come in at the close of section 1.

The ACTING SECRETARY. At the end of line 629 it is proposed to add:

In all cases where special assessments have been revised as provided for by law, or where they have been remitted by act of Congress, the commissioners of the District are hereby directed to issue drawback certificates to the holder of any such assessments for the amount said assessments have been reduced, and the interest accrued thereon: *Provided*, That application is made therefor within sixty days from the passage of this act; which drawback certificate shall be receivable for all arrears of general and special taxes.

Mr. EDMUNDS. I make the point of order that that is legislation.

Mr. INGALLS. It is very appropriate and necessary legislation.

Mr. EDMUNDS. I am not so sure about that.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. PLUMB. I ask unanimous consent to insert in line 513, after the word "station," the words "in all;" so as to read:

And for the erection of a school building at Benning's Station; in all, $30,000.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made in Committee of the Whole?

Mr. EDMUNDS. I make the point of order on the clause on page 14, lines 324 to 332, which I understand was agreed to as in Committee of the Whole, that that is legislation.

The PRESIDENT *pro tempore*. The proviso referred to will be read.

The Acting Secretary read as follows:

Provided, That no more than $22 per annum for each street lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning, under any expenditure provided for in this act; and in case a contract can not be made at that rate, the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material, for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The PRESIDENT *pro tempore*. That embraces legislation, of course.

Mr. PLUMB. I think that will not apply to the first four lines of the amendment. I call the attention of the Senator from Vermont to it.

Mr. EDMUNDS. I think the Senator is right. I am willing those lines should stand. From line 328 to 332 was the point I had in my mind.

The PRESIDENT *pro tempore*. From line 328 to 332, beginning with the words "and in case a contract can not be made at that rate," is all that the Chair understands the point of order to have been made on.

Mr. EDMUNDS. The proviso as to an upward limit of expenditure I do not object to. I think that is right.

The PRESIDENT *pro tempore*. That is not subject to the point of order. The point of order is sustained from line 328 to line 332, inclusive.

Mr. EDMUNDS. To the word "purpose," leaving in the word "provided," at the end of line 332.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole, except that portion of the proviso which has just been ruled out on the point of order?

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

VOLUMES OF GLOBE AND RECORD.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. Before laying the unfinished business before the Senate the Chair will submit some formal business.

Mr. EDMUNDS. Very well.

The PRESIDENT *pro tempore* laid before the Senate the following

concurrent resolutions of the House of Representatives; which were referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to deliver in bound form to the Secretary of the Interior the volumes of the Congressional Globe purchased from Messrs. Rives.

Be it further resolved, That the Secretary of the Interior shall, from the volumes thus delivered to him, supply to the library of each of the Executive Departments, to the State library of each State, to the Territorial library of each Territory, and to the library of each depository of public documents in the several States designated, or to be designated in accordance with provisions of law, such volumes as are required to complete the sets of Congressional Globes in said libraries.

Be it further resolved, That the Secretary of the Interior shall distribute the volumes of the Globe remaining after the distribution hereinbefore directed has been made, to such libraries in the several States as in his discretion he may select to receive them.

Be it further resolved, That the Secretary of the Interior shall report to Congress the name and location of the libraries supplied with documents under the provisions of this resolution, and the number of volumes supplied to each.

Be it further resolved, That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution; but this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 14, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$110,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: On page 16, in line 3 of the bill, after the word "dollars," insert the following: "The same to be immediately available;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "dollars" in line 5 of said amendment; and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
J. C. BURROWS,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report was concurred in.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM as the conferees on the part of the Senate.

LEGISLATIVE, &C., APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, to report it with amendments. I desire to give notice that I shall call up the bill in the morning immediately after the morning business, and I hope the Senate will continue its consideration until it is finished to-morrow.

SUPPRESSION OF BIGAMY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the Utah bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The PRESIDENT *pro tempore*. The Committee on the Judiciary report a substitute for the bill, the seventh section of which the Senator from Massachusetts [Mr. HOAR] has moved to strike out. The Senator from New Hampshire [Mr. BLAIR] moved an amendment which perfects the part to be stricken out, and will be first in order. The amendment of the Senator from New Hampshire will be reported.

The ACTING SECRETARY. It is proposed to insert the word "person" instead of "female" wherever it occurs in section 7; after the word "whatever," in the fourth line of section 7, to insert:

Provided, That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to law.

And to insert the word "such" between the words "by" and "females" in the seventh line of section 7; so as to read:

SEC. 7. That it shall not be lawful for any person to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever: *Provided*, That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to law. And any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by such persons is hereby annulled.

Mr. ROLLINS. My colleague [Mr. BLAIR] is sick and is necessarily absent from the Senate.

Mr. EDMUNDS. That amendment would really, in the interest of the Mormon and polygamist church, carry it back to the old law substantially before we passed the act of last year; that is, that no person shall be deprived of the right to vote on the ground of practicing polygamy until he has been tried and convicted. The Mormons would give a large premium on the passage of a law of that kind.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BLAIR] to section 7 as reported from the Committee on the Judiciary.

Mr. BROWN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. The amendment repeals the existing law, as I understand it.

Mr. EDMUNDS. Yes; it goes back to the Mormon régime, before the law was enacted.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the Senator from New Hampshire [Mr. BLAIR].

The Principal Legislative Clerk proceeded to call the roll.

Mr. BARROW (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. ROLLINS. My colleague [Mr. BLAIR] is necessarily absent on account of sickness. He is paired with the Senator from Georgia [Mr. BARROW]. The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. SLATER. I have a general pair with the Senator from Louisiana [Mr. KELLOGG], and therefore refrain from voting.

Mr. BUTLER. I am assured that the Senator from Pennsylvania [Mr. CAMERON] would vote "nay," and as that is my vote I vote "nay."

The result was announced—yeas 6, nays 37; as follows:

YEAS—6.

Brown,	Coke,	Pendleton,	Williams.
Call,	Morgan,		

NAYS—37.

Allison,	Edmunds,	Jackson,	Rollins,
Anthony,	Frye,	Jonas,	Sawyer,
Bayard,	Garland,	Jones of Florida,	Sherman,
Butler,	Groome,	Jones of Nevada,	Tabor,
Camden,	Hale,	Logan,	Van Wyck,
Cameron of Wis.,	Harris,	McMillan,	Voorhees,
Cockrell,	Harrison,	Maxey,	Windom.
Conger,	Hawley,	Miller of N. Y.,	
Davis of Ill.,	Hill,	Morrill,	
Davis of W. Va.,	Ingalls,	Plumb,	

ABSENT—33.

Aldrich,	George,	McDill,	Saunders,
Barrow,	Gorman,	McPherson,	Sewell,
Beck,	Grover,	Mahone,	Slater,
Blair,	Hampton,	Miller of Cal.,	Vance,
Cameron of Pa.,	Hoar,	Mitchell,	Vest,
Dawes,	Johnston,	Platt,	Walker.
Fair,	Kellogg,	Pugh,	
Farley,	Lamar,	Ransom,	
Ferry,	Lapham,	Saulsbury,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Massachusetts [Mr. HOAR] to strike out section 7 of the substitute reported from the Committee on the Judiciary.

Mr. HOAR. I ask the Secretary to read section 8 of the existing law, which I hold in my hand.

The Acting Secretary read as follows:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Mr. HOAR. It appears, therefore, that the reason given by the Senator from Vermont in favor of the existing section, that the women in that Territory would vote, as he described it, as their lords and masters wished, fails us if that phrase is to be understood as describing Mormon women, because by the present law those who are married according to the Mormon practices are excluded, and all persons who come within the description of polygamists or bigamists. So the present section becomes not a criminal law leveled at certain gross and most dis-

reputable criminal practices, providing for the means of proof and punishment, but the Senator brings forward a bill prohibiting the people of Utah from exercising the prerogative exercised in every other Territory, to wit, that of prescribing qualifications for their voters within innocent and proper limits, and provides that the women now enjoying the privilege of voting there shall not vote, on no other ground except the belief that they will vote in a particular way, in the belief that they will vote under a particular duress or restraint. That might be a proper reason for the interference of Congress, but those who are exposed to that duress are prohibited now, and it proposes to make that general and extend it to all women, of course only including in the effect of the enactment those who are not under Mormon duress on the avowed and undisguised ground that they will not vote in the mode which is desired in this particular by the authors of the bill.

It seems to me that this is a violation of sound constitutional principles, and that it is equally unjustifiable whether we approve of suffrage being extended to women or not.

Mr. LOGAN. Mr. President, I propose to give very briefly my reasons for voting for the substitute reported by the Committee on the Judiciary, with the seventh section in that the Senator from Massachusetts proposes to strike out. I voted for the law that was read at the Clerk's desk, depriving persons who practice polygamy, either men or women, in the Territory of Utah of the right to vote or hold office. I did that as a step in the direction at least of trying to reform if possible or change in some way the influence of the priesthood upon the people of Utah. It does not seem to have had the desired effect.

I believe that polygamy, as practiced in Utah, or as practiced anywhere (but we are dealing with Utah, and as applicable to the people of this country), is, if I may use such an expression, a cancer upon the body-politic. There is but one way to deal with it, and that is to put the knife to the roots of it and cut it out and destroy it. There is no character of legislation within the purview and meaning of the Constitution of the United States that would be calculated to suppress polygamy in that or any other Territory that I would not vote for.

This is not a strike, as has been said, at the right to vote. It is not a question whether female suffrage is right or whether female suffrage is wrong. It is not a question in this bill as to whether the principle of female suffrage might be applied in Massachusetts or in New Hampshire, or in my own State, and whether it is correct or incorrect. It is bringing the question before Congress as to what we may or can do to influence and affect the practice of polygamy.

I do not understand why it is that Democratic Senators are so sensitive on this subject; neither can I understand why it is that persons in favor of female suffrage will come to the Capitol and defend the right of suffrage being given to the Mormon women when it is not given to others. I do not mean that they advocate that Congress should do it, but advocate that we should not undo it, inasmuch as they have that right there. There is no one, either man or woman, in the Territory of Utah or elsewhere who belongs to what is commonly known as the Church of the Latter-Day Saints, or, as we commonly understand it, the Mormon Church, high or low, rich or poor, young or old, who is not directed and who is not made obedient to the dictates and mandates of the head of the church. No person has ever been allowed to hold an elective office in the Territory of Utah where they had the power who did not hold it from the Mormon Church, and no one else can hold office there because of the power of that church. There never has been for centuries the exercise of the power of any church, in this or any other country, that has been so potent where it exists according to its numbers as has been the influence and power of the Mormon theocracy.

Because of the power that is exercised and the influence brought to bear on those people, I shall vote to strike suffrage down in Utah so far as it applies to females; but the Senator from New Hampshire [Mr. BLAIR] and the Senator from Massachusetts [Mr. HOAR] ask why not strike suffrage down altogether and let no one vote in Utah if we desire to apply this principle? There is nothing in that proposition in this connection. We are striking at the power of that church over the people in sustaining crime, at the power of that church as its influence is brought to bear against the laws of this country, against the institutions of this country, against the enforcement of the laws of this country. Inasmuch as the act that we have passed heretofore does not go far enough, I am, as I said, willing to go to any length within the Constitution of the United States for the suppression of this crime and abomination in the eyes and face of civilization.

Senators may quibble as much as they have a mind to do, when they admit the constitutionality of this proposition and oppose it they can not escape the logic of their position, which is to indirectly defend Mormonism. If this objection should fail some other objection would be found. The proposition introduced by the Senator from New Hampshire (who is absent now from his seat) to repeal the law that was passed at the last session of Congress and to make it apply only to those who are convicted is in the direction of supporting Mormonism, with all its enormities, as it exists in Utah.

The proposition that has been voted down and the suggestion of the Senator from Massachusetts are in the direction of protecting these people in their unlawful and irreligious and immoral practices, as they are only sustained by their power with the ballot. I do not mean that this is the intention of the Senator, but this is the effect. Their practices are crimes against the laws of the United States. They are crimes against the moral sense of every civilized people on the face of this globe, and these crimes are perpetrated under the claim of religion. I do not propose by consent or act in any way to assist in covering the worst of crimes by allowing them to be done under the pretense of misnamed religion. I would rather tear off the mask from these lawbreakers, that they might be exposed and punished.

No man can be justified in this country in not supporting propositions that tend to extirpate and cut out by the roots this evil. I supported the bill of last session with great earnestness, and I support this one with the same desire for its success that I did the last. I believe it is a step in addition to others taken in the right direction in grappling with this infamy, this crime, this scandal, this disgrace upon our country. And can it be said that Congress and all the power of the Government is not sufficient to suppress and destroy this infamy? Sir, if I had the power I would make universal destruction of it at one blow.

Mr. CALL. Mr. President, if this bill were an enactment in plain and direct terms that the Constitution of the United States was false; that the system of popular government was a failure and a delusion; that there were no restraints of power contained in it, no protection to individual rights, it would be no more clear and palpable a subversion not only of the principles of the Constitution and of its plain and direct affirmation but also of the personal rights of every man, woman, and child in this country.

But that is not all, sir; it is a plain and flagrant insult to Christianity, to the ministers of the Christian religion, to the spirit of the Christian faith, and to the example of the great founder of the Christian religion. What of argument, what of reason, can there be for the proposition that whatever each coming Congress shall see fit to declare as to what religion is, as to what men shall believe, shall constitute the law of the time and for the people? What is there in the Constitution of the United States in regard to marriage, polygamy, or monogamy to authorize Congress to declare what shall be the domestic relations of the people of the several Territories? I recognize as firmly as any one the principles of our civilization and our social order which establishes monogamy or marriage to one woman and protects it with the force of law and with its prohibitory sanctions.

I desire to surround this relation with all the restraints and protection of just and humane laws, and to encourage its proper observance and the growth of the higher and better character in both men and women which grows out of it, but that is not the question presented by this bill of pains and penalties.

No reason can be given even by the distinguished author of this bill for a proposition that the Congress of the United States has authority exclusive and absolute without limitation in regard to the subject of marriage or in regard to the personal liberty of citizens of the United States in the Territories. Is it simply because the language of the Constitution affirms that the Congress of the United States shall have exclusive power to legislate in the District of Columbia and in the places ceded by the several States? What connection is there between that proposition and the exercise of unlimited authority? Can this kind of power coexist with the prohibition of any power on the part of Congress to interfere with the personal liberty, the personal rights of a citizen except by judicial trial? Is it not plain and apparent that this is a government founded upon the principle of the capacity of a majority of the people in the different political communities that constitute it to control and govern themselves, to make their own laws? Who can deny that this is the foundation and the very essence of the Constitution of the United States, of our State governments, and the principle of all our political institutions—the capacity of a majority of the people not disfranchised by that majority for crime or inability to exercise the suffrage? Who can deny that the very principle and life of our Constitution, our national and our State governments, is the capacity of a majority of the people in the different localities to prescribe laws for themselves on the subject of their domestic relations—laws upon the subject of the free exercise of their opinions? Here is a proposition to deny to the people the right of self-government, plain and unquestionable, and to assert that the majority of the people of a particular Territory or locality shall be governed by a minority. Why? Because the opinions of the majority are said to be contrary to our views of religion and our views of right.

Mr. President, I desire to submit a few observations upon this subject. The Senator from Vermont affirmed the other day that the Utah women are in a condition of servitude. That was the remark of the honorable Senator. Therefore the Senator from Vermont asks—what? That they be deprived of the power to make themselves free. The majority, a large majority of a particular community, the women of that community, it is said, are in a state of servitude, and therefore, in order to make them free, he deprives them of the power to make themselves free; he takes away from them the power to emancipate themselves by the control of the laws of that Territory from that condition of servitude. Sir, what kind of reason is there in a proposition of that kind? The women of Utah are in a state of servitude, and therefore you shall take away from them the right to say whether or not they shall leave that condition of servitude and deprive them of all political power. The majority

of the people of Utah entertain religious opinions condemned by us and our Christian civilization and our social system, and therefore they are excepted from the principle of local self-government and must be deprived of personal liberty, of judicial trial, and of political power and all rights and immunities.

The Senator from Vermont makes a new definition of servitude and freedom, and says the women of Utah are in a condition of voluntary servitude (note the words "voluntary servitude"), and therefore he proposes by law to put them into a condition of—what? Of involuntary freedom from their own will by subjugating them to his and our opinions, and to new and strange and prohibited instrumentalities and agencies of government. Sir, it is obvious that there is no reason in this, that this is a contradiction not only in terms but of reason itself. The Senator from Vermont proposes to make a matter of opinion on the subject of the right or wrong of having one wife or more than one a condition for the exercise of the suffrage. The argument of the Senator from Vermont clearly affirms that if Congress chooses they have the power to require a man to have a dozen wives and to make this a condition of exercising the suffrage, or they may prescribe by law absolute celibacy to both men and women in a Territory and make this a condition of exercising the suffrage.

Why not, Mr. President? Neither the Senator from Vermont nor any other Senator can deny with reason that if Congress has the power in its will and discretion to say that opinions on the subject of having two or three or more wives as a condition of suffrage is practicable and within its power, that it has also of necessity by the same omnipotent discretion the right to say that a man shall not vote unless he has a dozen wives, and the unlimited and unrestrained discretion of Congress is the sole law and guide of its power. There is a method for the exercise of reason and certain processes of thought which reach conclusions.

Mr. President, principles have some relation to facts and we are not left to mere arbitrary assertion for the government of our opinions. The law which the Senator from Vermont proposes to make rests on the proposition that Congress has the right to give the people of the Territories the right to vote or to withhold it—to prescribe conditions and qualifications for the exercise of the right of suffrage in their discretion. If this is true then it results that they may impose any conditions they please. Let us see if it is true.

Can Congress say by law that no man or woman shall have the right to vote unless they are living in a state of polygamy with a dozen wives or husbands? If not, why? The right to impose conditions on the suffrage in the Territories is unlimited and subject only to the discretion of Congress. If there is no constitutional limitation on the power of Congress, then they may do this or anything else they please. But is there any foundation in principle for this idea that Congress may exercise power in the Territories for purposes or by methods not authorized by the Constitution? Can Congress provide that men or women may be deprived of their lives, liberty, or property without a hearing and trial before a judicial tribunal?

Can Congress provide by law that men and women may be convicted on false and suborned testimony, and without a trial by jury, and if not, why?

The reason is because of the very manifest proposition that all the powers granted in the Constitution, wherever exercised and however exercised, must be exercised subject to the limitations and for the purposes prescribed and in the spirit of the purposes of the Constitution. Now, what provision of the Constitution is it that gives Congress the power to require the men and women of a Territory to live in a polygamous condition, if they do not choose to do so? The proposition of the Senator from Vermont and of this bill is that whenever a majority of Congress see fit to do so they may pass a law requiring the people of this country, against their consciences, to live in a state of polygamy in the different Territories. That is the test of the proposition. Who would dare to propose such a law? What provision in the Constitution or what part of its letter or its spirit is it which asserts that the collective will and intelligence of the people of any State or locality, as expressed by a majority not disqualified from ignorance or non-residence or legal incapacity or crime, is incapable of directing or controlling its affairs?

What part of the Constitution of the United States is it that affirms the incapacity of a majority of the people of any locality, whether State or Territory, to direct and control their own affairs? There is no such power and no such principle. The Government of the United States by the Constitution is a government of States, with sole and exclusive power over the domestic relations of their people, and a national government, with power over their foreign affairs and the relations of the States with each other and their foreign and interstate commerce.

Mr. LOGAN. Will the Senator allow me to make a suggestion to him right there?

Mr. CALL. Certainly I will, with a great deal of pleasure.

Mr. LOGAN. I should like merely to make a suggestion in the line of the Senator's argument. He says that if Congress has power to declare that persons shall not vote in Utah because of bigamy, Congress has also the power to declare that those only shall have a right to vote who have ten wives. Suppose Congress disfranchises a man for murder and says he shall not vote because he has committed murder, will the reverse of that be true, and does the Senator hold that Congress could pass a law providing that no man should vote unless he committed ten murders?

Mr. CALL. Let the Senator answer my argument; that is no answer. If the Congress of the United States has the absolute power to say that a man shall not vote unless he commits murder it has the power to say that he shall not vote unless he commits ten murders. If the power is absolute it is not governed by moral or political considerations, nor by right nor wrong. The suggestion of the Senator from Illinois does not deny or qualify the principles which I have stated. This is a matter of political principle under our civil polity, and of argument and reason based thereon, and not of prejudice or opinion, or the moral or religous propriety of monogamy or marriage under our social system.

So I say, Mr. President, it is a manifest proposition that if the Congress of the United States has unrestrained power to prescribe that polygamous relations, or having two or more wives, and opinions upon that subject, shall deprive a man of the right to vote, it has the right to prescribe that he shall have polygamous relations as a condition of political enfranchisement if it chooses.

Mr. LOGAN. If the Senator will allow me——

Mr. CALL. Certainly.

Mr. LOGAN. He made some reference to ignorance. I do not claim any greatness myself.

Mr. CALL. It does not matter what we claim.

Mr. LOGAN. I shall not question the ability of the Senator, but I should like to put this proposition to him——

Mr. CALL. Neither of us are very great; but we are talking now about propositions——

Mr. LOGAN. It is a proposition that I want to talk about. The Senator says we have got the same right to pass a law requiring persons to commit a crime, as we have to pass a law requiring them not to commit a crime. I should like him to show me what principle there is in the science of government, in law, or the principles upon which constitutions are based, or any rule of civil conduct, which will justify him in saying that any legislative department has a right to pass a law requiring people to commit crime. I should like him to show me upon what principle or theory any government or legislative body has that power given to it.

Mr. CALL. The Senator from Illinois is a very distinguished man, very able and forcible on many subjects; but I knew when he spoke that he had not understood and did not perceive the true relations of this question; and now I will endeavor to show him why we all ought to learn sometimes, and even the most ignorant of us can teach the most learned something. The reason why is this: It is because this is not a question of moral, not a question of the Decalogue which says "thou shalt not murder." It is a question of constitutional power. It is a question of whether the Congress of the United States has the right to say you shall have two wives or three wives or only one wife, because the Constitution does not give the power, and because your system of government is that the States shall have the right to say whether a man shall have the right to have one or two or three wives, and shall have the right to say whether he shall or shall not commit murder, as the condition or qualification for exercising the suffrage; but the States and the Federal Government alike are prohibited from attaching the consequences of crime to a man either by punishment or indirectly by depriving him of an immunity or privilege, without a conviction. Therefore it is that the difference between the moral and the political law constitutes the reason. The moral law deals with the right and wrong in human conduct; it prohibits one and commands the other. The political law deals with powers of Government, and makes these powers either absolute or limited, and does not restrain them by the moral law but by limitations of the powers themselves.

Mr. MAXEY. I should like to ask the Senator from Florida a question.

Mr. CALL. I yield, certainly.

Mr. MAXEY. Does the Senator say that the Congress of the United States, which has exclusive jurisdiction over the District of Columbia, has not a right to pass laws against burglary, fornication, bigamy, or any other crime recognized as a crime against public decency?

Mr. CALL. Oh, no.

Mr. MAXEY. If it has that right in the District of Columbia where is the dividing line between the power of Congress over this District and over any Territory that belongs to the United States?

Mr. CALL. This is not a question of the punishment of crime. If this bill proposed to declare that polygamy in the Territory of Utah should be crime, and, upon indictment and trial and conviction, that there should be a punishment attached, I should have nothing to say; but this bill proposes to disfranchise a whole people. Why? Because it says they entertain opinions different from those which the Senator from Vermont and the Senator from Texas entertain upon the subject of polygamy, without trial, without conviction, without hearing, and without evidence?

This bill proposes to disfranchise a whole people and deny them the right of self-government on the ground that they are guilty of criminal practices, and have laws on the subject of their domestic relations which we do not approve.

If Congress were to declare by law that the people of the District of Columbia should be denied self-government because Congress did not approve of their religious opinions and practices and regarded them as immoral and irreligious and detrimental, it would be a case somewhat in point but still distinguished from this by the fact that Congress by the Constitution is made the exclusive legislative power of this District.

Mr. MAXEY. I would ask the Senator if the Congress of the United States has not a perfect right to pass a law prescribing the qualifications of voters in any Territory under the exclusive jurisdiction of the Government of the United States?

Mr. CALL. Provided they do not prescribe such qualifications as are disqualifications, because of opinions or immoral acts of which they have not been convicted, and for temporary government in the Territories—and not in denial of their right of self-government or of the principles of government established by the Constitution.

Mr. MAXEY. The Senator does not comprehend what I ask. If Congress can pass a law declaring that all persons over 21 years of age are qualified voters, have they not that right, to the exclusion of all other persons?

Mr. CALL. They have.

Mr. MAXEY. Suppose the law should declare that?

Mr. CALL. It is perfectly competent for Congress to say that none but persons over 80 years should vote, but that would be impossible in practice. It would not be legitimate for the Congress of the United States to say that boys of 21 years of age who believed that the Catholic Church was right should vote, or that the Protestant Church was right, or who believed that polygamy was right or that polygamy was wrong. Why? Because those are subjects which are committed by our form of government in the religious part to nobody but the domestic relations to the local government; and there is an absence of power in the Constitution of the United States and in the Government of the United States to prescribe what shall be the domestic relations of the people; and therefore as that power is absent you can not supply it for the Territories.

By analogy it belongs to the people, upon the principle that this Government is founded on the capacity of the majority of the people of every locality, as the competent and controlling power, to govern their domestic relations and their property and rights relative to each other. That is the principle of our Government. If it be true that the capacity of a majority of the people in the different localities is the life and principle of our Constitution, then Congress has no right to say that the majority of these people shall be disfranchised because of their opinions of this or that or the other kind. The Senator from Vermont and the Senator from Texas might say to me, "But how of a state of war?" That upsets all theories. The strong hand of power knows no constitutional restraint; but that is not a case in point. The question here is whether because Congress in establishing a Territorial government may say that none but persons of 21 years of age shall vote, therefore they may say that commissioners shall deny to a majority of the people the right to vote—because in their opinion the majority are guilty of criminal practices—and to place the Government in the hands of a minority. Who will deny that the principle of this Government is the capacity of the majority of the people in every locality to determine their own domestic relations toward each other, such as marriage, such as the criminality of this, that, or the other act, or the propriety of this, that, or the other act? Will my friend from Texas show me the part of the Constitution which gives a right to discredit the capacity of a majority of the people to govern themselves in their own affairs?

Mr. MAXEY. I will state to the Senator from Florida that every State prescribes the qualifications of its voters. It has a right to say that a woman may or may not vote; it has a right to say that a man convicted of murder shall not vote; it has a right to say that one who does not pay taxes shall not vote; it has a right to say that certain property qualifications shall exist, and some States do so. I am not speaking of the question of what they ought to do, but of the question of power. To-day there are States in this Union in which those who are 21 years of age, naturalized citizens of the United States, are not permitted to vote, and there are in other States men who because they can not read the Constitution are not permitted to vote. If the Government of the United States sees proper to say as a question of public policy that certain parties shall not vote in a Territory, have we not the power to do it?

Mr. CALL. Undoubtedly so. But that is not the question; that does not reach the case. Beyond a doubt every State can, and by a majority of the people in conformity with its State laws has a right to say who shall vote and who shall not vote, and at what age they shall vote, what qualifications there shall be on the suffrage; but it has not the power to say that men shall not vote if they are Catholics or if they are Protestants or if they entertain this, that, or the other religious belief.

Mr. EDMUNDS. This bill does not contain any such proposition.

Mr. CALL. I beg my friend's pardon; that is all there is in this bill.

Mr. EDMUNDS. Point out the clause.

Mr. CALL. I will endeavor to do so before I get through. That is the reason it is a flagrant attack upon our religion and our Christianity, and the influence of the Christian minister and the efficiency of the Christian Gospel—a flagrant assault. If it be true that the hand of legislation and power is needed to supplement the majesty of argument, of truth, of religion, and to crush out error, then our Christianity is a failure.

Mr. LOGAN. It depends on what we call Christianity; whether we call having ten wives Christianity!

Mr. CALL. The worship of Almighty God, according to the dictates of every man's conscience, is religion. Christianity follows divine example, which refused to accept the aid of legions of angels with the sword, but confronted error with the persuasive arguments of truth and the sublime example of the Saviour upon the cross. That is Christianity and the Christian religion, and our form of government prohibits the exercise of any power by Congress respecting the establishment of religion or prohibiting the free exercise thereof. What does the Senator from Illinois understand to be the meaning of religion?

Mr. LOGAN. Allow me to call the Senator's attention to this: The bill does not propose to inquire into anybody's religion; it proposes to affect persons who are guilty of crime. It is against what is considered a crime. It does not prohibit anybody from enjoying his religion. If he believes that Joe Smith was a prophet he has a right to believe it. It does not prohibit anybody from believing that, but we consider polygamy not religion, and not Christianity, but a crime.

Mr. CALL. Suppose they do not, who is to judge?

Mr. LOGAN. We are to judge; we are the lawmakers, and we are the judges to-day as to whether polygamy is a crime or not when we undertake to legislate.

Mr. CALL. If you will find anything in the Constitution of the United States directly or indirectly that sustains that statement, I will be glad to acknowledge my error.

Mr. LOGAN. I will say to the Senator that if the Catholic religion or any other religion taught murder, polygamy, arson, bribery, perjury, or any of the crimes that are known as felonies, we certainly should have power to legislate against the crime and against that which tended to the crime, without affecting what persons might believe as to a God or a Christ. That does not affect their belief; it only affects their acts; it affects their conduct; it strikes at the effect of their belief, not the belief itself.

Mr. CALL. Now let us see if the Senator from Illinois is right. If he is right I am wrong. What is that provision which was read to-day which says that a man shall not exercise the right of suffrage if he is guilty of—what? Of polygamy. Or that a woman shall be deprived of it, a whole people, because of their supposed polygamous opinions. Is that legislating for the punishment of a crime without trial, without hearing, without conviction, without evidence, upon the opinion of the Senator from Illinois stated here as a member of Congress?

Mr. LOGAN. Has the Senator heard any statute read that went as far as he says?

Mr. CALL. Yes, the statute of last year, and this bill of to-day.

Mr. LOGAN. I think the Senator is very much mistaken. Let him read it.

Mr. CALL. There is no use for me to read it. If this bill does not deprive the men and women of the Territory of Utah of the right to vote because of their polygamous opinions, what is it——

Mr. LOGAN. That is a very different thing.

Mr. CALL. Without conviction, but on the determination of certain commissioners, without any judicial power, then I am wrong.

If the former act and this bill do not declare with the force of law the rightful power of Congress to deprive a majority of three-fourths or four-fifths of a great number of people—numerous enough to be a Territory or State—of political rights because of opinions and practices disapproved by Congress, and place the entire government of that people in a small minority of other opinions and practices, then I am mistaken.

Mr. LOGAN. That is a very different proposition. The Senator said the statute read at the desk deprived them of the right to vote on account of their belief. I say there is no such law. It deprives them of the right to vote because they practice polygamy and bigamy, and they are deprived of it on that account, but not on account of their belief.

Mr. CALL. It deprives them of that without any kind of evidence that they have done it, without any trial, without any hearing, without any conviction, and leaves them, without the constitutional processes which guard and protect them from arbitrary deprival of political or other rights to the opinions of the Senator from Illinois and the commissioners, to have or not to have political rights as they may choose. That is the reason why it does it, for the mere matter of belief; because it is without evidence and conviction, and in some of its provisions makes opinion or belief evidence of the alleged criminal practices; because it makes the political power of the state attack what is termed the Mormon Church, and constructs a government, a political power on the basis of one religious belief, and in opposition to another because the other is injurious and violative of our social and religious ideas.

Mr. LOGAN. I will say to the Senator, so as to settle the question between him and me, that if a Senator lived in the city of Washing-

ton with five wives, openly and notoriously, I would vote to expel him from the Senate without any trial or conviction, on the ground that he was immoral and criminal before the civilized world. I would not want any judgment of a court.

Mr. CALL. I do not propose to join issue with my friend from Illinois in regard to his morality or his sanctity or his better morals than others. I am free to say too that, without undertaking to burn every one who does not agree with me in my opinions, I am opposed to immorality everywhere; but I love the patient, the genuine disciple of Christ who, with the law of love, with intelligence, with calm gentleness, attacks and extirpates error everywhere. I venerate and respect the priesthood and ministry of the Christian Church and good men everywhere; but I do not need to vaunt my morality. I can see the sinner or the Mormon live in this world, if the Almighty permits him, without wanting to put him to death, and I should never vote to put him out of the Senate of the United States because he was guilty of either a fault or a crime, without a calm judicial investigation in this tribunal, by a judgment made with all the forms and processes of law and in the orderly manner of judicial decision, and that is the difference between those who oppose this bill and those who favor it.

Mr. LOGAN. The difference is just this, if the Senator will allow me: I would vote to put him out of the Senate because of the fact that he committed a crime and it was a known fact and had been proven before a committee of the Senate, without any judgment of a court, without any conviction that would imprison him, without any conviction that would fine him; but on the fact being made evident to the Senate of the United States, I would vote to expel him. That is the difference between the Senator and myself. The Senator would want him to go before a court to be convicted, tried by a jury, and sentenced to the penitentiary before he would put him out; I would put him out before that. The difference between the Senator and me is that he would not punish the man or deprive him of his rights from the known commission of a felony, but he would deprive him of his rights after he had gone to the penitentiary. After a man goes to the penitentiary it does not require any law to deprive him of his rights.

Mr. HOAR. Will the Senator from Florida allow me to put a question to the Senator from Illinois?

Mr. CALL. With pleasure.

Mr. HOAR. In the case the Senator from Illinois supposes of a Senator, it would be the judgment of a court. In that case the Senator is a judge for the purpose of rendering the judgment of expulsion from the Senate for good cause. On what ground does he base the exclusion in this bill of the women who are not found to be bigamists or polygamists or to have contracted this criminal tie?

Mr. LOGAN. Does the Senator ask me that question?

Mr. HOAR. Yes, sir.

Mr. LOGAN. I will answer it, or I will try to. In the first place, the Senator from Florida and I were discussing the proposition as to whether these people had been convicted of crime, and I made the statement that I would, without a conviction of crime before a court——

Mr. HOAR. I call the Senator's attention to this——

Mr. LOGAN. Let me go on. The Senator asked me first whether it would not be the judgment of a court of the character that he was speaking of in reference to punishing these people, where we acted to expel a man without conviction before a jury. It would be a different proposition. We expel him upon mere evidence that comes before a committee, or before the Senate, the same as the law of prohibition applicable to persons practicing polygamy in the Territories, where they are deprived of their rights on the same kind of evidence before the commission.

Mr. HOAR. I agree with the Senator.

Mr. LOGAN. That was the proposition between the Senator from Florida and myself. I say that under the power of Congress we have the right to do that, and the fact being demonstrated that men are guilty of crime, it does not require the judgment of a court. Then we agree on that.

Then the Senator from Massachusetts asks me why this proposition to exclude women from voting. In the first place, Congress has the right to do it. The Senator will agree to that, I think. It has the power at least. Having the power to do it and believing it is in the interest of good government, and in that direction in opposition to polygamy and the practice of polygamy, I vote for it for the reason as I said that I would vote for anything that was going in the direction of extirpating or destroying this infamy and slander against the people of this country.

Mr. HOAR. Of course I understand, and perfectly well, the opinions of those persons who think that women ought not to vote anywhere.

Mr. LOGAN. I have not said that.

Mr. HOAR. So I understand; but that is the opinion of probably a majority of this body and of the American people to-day, at any rate of a large portion; but I do not understand that this is put on that ground.

Mr. LOGAN. Not at all.

Mr. HOAR. Nobody proposes in this way and at this time to exercise our constitutional privilege of determining that it is not expedient that any Territory should permit women to vote, because if we did we should extend it to Wyoming and the other Territories. Gentlemen therefore put it on the ground that the voting by women who not only have not been adjudged guilty of any criminal practice, but are not even supposed to entertain opinions which would lead them to exercise their votes in favor of any criminal practice, but by all women alike, is improper. The Senator from Vermont, like the rain of heaven, falls on the just and the unjust alike with his penal statute.

Mr. LOGAN. If the Senator will allow me I will give my reason why I vote for this, although it excludes Gentile women.

Mr. HOAR. I want to know if that is not violating the principle the Senator avowed in his colloquy with the Senator from Florida?

Mr. LOGAN. Not at all. I vote for this although it does apply to Gentile women, because there is no one in the Territory of Utah to-day, in my judgment, that has been opposed to polygamy and works against it but what would give up the right of suffrage to see that power destroyed, and the only way you can destroy it is to destroy the political power they exercise, either the men or the women.

Mr. HOAR. Then it seems to me that the Senator from Illinois does avow the principle which is my objection to the bill, that we have the right, not speaking now of the legal power, but speaking of the only principles on which we are bound to exercise that power, to deprive persons by reason of the opinion which it is supposed will govern their vote of a public right without those persons having committed any act whatever which is a violation of law.

Mr. LOGAN. No, sir; no such thing is announced in this bill or in this section that is proposed to be made into a law. It declares that the women shall not have the right of suffrage in the Territory. I may have one reason for voting for that and the Senator may have another. When you come to destroy a principle you can not destroy it by what you or I might say, but it must be in the act itself. We do not destroy or attack any principle. So far as that is concerned we follow the right that belongs to Congress, and you may exercise it for one reason and I for another. It is purely a question of motive.

Mr. CALL. I must resume the floor.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Florida is entitled to the floor.

Mr. CALL. When I left the discussion I was endeavoring to point out to the Senator from Illinois that the great objection to this bill was that it declared that our form of government was an absolute failure, not only in saying that men should be proscribed politically for opinions respecting matters of religion, however wrong; that they should be deprived of political power, incapacitated from any part in the Government, and that it should be done without trial, without conviction; that the right of being eligible to the exercise of the suffrage should be taken away from them upon the opinion of certain ministerial officers; that they were living in a certain condition; that certain legal consequences which the Constitution requires to be the result of criminal acts should attach to them, and that before trial and before conviction they should be thus disfranchised and deprived of any part in the power of the Government; that a whole community should by this arbitrary power be turned over to the government of a minority.

The Senator from Illinois cited the instance of a Senator who might be expelled; but it is not necessary that I should stop to answer that, for that is a special power under the Constitution and for a special purpose, and in its nature a judicial power and to be exercised by those charged with it in judicial forms and in the manner of judicial procedure and under the checks and limitations of judicial procedure. But let us go on. I say the Government of the United States by the Constitution is a Government of States with sole and exclusive power over the domestic relations of their people. Who denies that? The principle of this Government is sole and exclusive power in the local governments known as States over this question with power in the National Government over foreign affairs and the relations of the States with each other and their foreign and interstate commerce.

Admit that fact to be so; admit that the whole superstructure and power of these great institutions of ours are contained within these definitions, national power for national objects, State or local power for local objects, where, then, in the Constitution of the United States will be found even the semblance of plausibility for an assertion that this National Government because it has exclusive power in the Territories has power to prescribe those relations and exercise that authority over vast tracts of country with hundreds of thousands of people in denial of the wishes of a majority of that people and the laws made by them for the government of their own institutions? Is it because of the technical idea that they have not been declared complete political communities in the sense of the law? Does that affect the spirit and the purpose of the division of power contained in the Constitution? Let us see if we are left to mere arbitrary assertion on this subject. There are modes of reasoning, and even the honorable and eminent Senator from Vermont, whose reputation extends throughout this country, is not emancipated from the laws of reason and the propositions of religion and truth. No man is.

Mr. MAXEY. May I interrupt the Senator for a moment? That is the exact point before the Senate, a motion to strike out the section which says:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

That is all there is of it. Now, I state to the Senator from Florida that I would vote for that section with my views of public policy without the slightest regard to the special surroundings of Utah or any Territorial bill whatever.

Mr. CALL. My friend from Texas has no argument with me, then, on the subject of suffrage, for I am only considering how far it is proper for this Congress to say, not that polygamy is not an outrage, not that it is not a foul blot upon the civilization of any country, not that it is not in antagonism to those domestic relations which constitute in their full felicity and fruition the glory and the power of the state, not that it is not inimical to our religion and Christianity as now developed, but whether or not this Congress, under our limitations of power, has the right to say that the women of Utah or the men of Utah shall not exercise their religion as they may think is right and proper, and that they shall be deprived of all political power in this country because of their entertainment of opinions upon this subject different from our own. That is the question; a proposition which I say is fatal to the preservation of the liberties of this country, and the principles which are the very foundation of them, made so by those eminent New England statesmen who with the fathers of our country of old Virginia and the original thirteen Colonies created our form of government and the Constitution and the principles on which it is based.

I say, then, Mr. President, that no one will deny this principle of local authority, of State authority, of the capacity of the majority of the people within any designated political locality or State according to State boundaries or a Territory when sufficient population has gone there, the abstract principle of the capacity of the majority of the people in any given locality of sufficient extent to control and direct their domestic affairs, and that they alone are capable of regulating them, and that to the National Government power is given for different purposes and different objects. But the argument is that because it is so given, and because it is exclusive, it is therefore absolute, and may be exercised in conflict and denial of what? Of the essential principle that a majority of the people in any locality shall govern there as to objects of government not included in the national powers. That is the proposition, that because it is exclusive it may take away the very life-blood and the essential principle of your form of government, the capacity of the people, a majority of the people, in any locality to control and govern that class of political subjects, those domestic relations which by the Constitution are denied to the National Government to control and govern, not a case of necessity, but a case of full and implied political power.

It results from this proposition that certain subjects are the subjects of national power and State authority; certain others the subjects of local authority; that the classification of powers as to subjects or objects for its exercise is its essential feature, the withholding from the National Government power over the local affairs, the domestic relations, the religious belief of the people, or of power to punish them for crime as to these subjects.

The fact that the political divisions under this form of government were and are States and the National Government and Territories to become States, and that in the latter the temporary power of government must of necessity be in the national power, can not destroy or limit the principles on which this distribution of power has been made. Does it not result that there is no power in the National Government as power to prescribe laws over subjects of control which is not given to them over the domestic relations of a people except in the District of Columbia and the places ceded in the Territories where it is expressly given, and even there it must be exercised *sub modo?* Who will say that even in the District of Columbia this Congress can say that no Catholic shall be allowed to exercise political power? And yet the argument of the Senator from Vermont imperatively demands that this Congress to-day, because the authority is absolute and exclusive in the District of Columbia, may violate the constitutional inhibition in regard to an establishment of religion and the free exercise thereof, and make it a disqualification for political power and franchises here in this District. That is the argument, the proposition affirmed here.

Mr. EDMUNDS. The Senator is totally mistaken, he will pardon me for saying. I would no more vote for anything that would disqualify a Catholic than I would an Episcopalian, which I happen to be myself, or a red-haired man or a black-haired man. The simple proposition is that for the general good order of the United States and of that Territory it is better that for a little while the ladies should get out of the slavery of voting and be left alone. That is all there is to it.

Mr. CALL. I agree entirely with the Senator from Vermont in that proposition, but I beg his pardon when he says that is all. In order to maintain the proposition of this bill that the ladies of Utah, as he terms them, shall get out of the right to vote at the present time, he proposes to attack all the essential principles of government and constitutional right. While he, I have no doubt, would not say that a Catholic or a Protestant should or should not because of his opinion exercise political power in this District, his argument does affirm it, because the connection between conclusion and cause can not be separated by mortal man.

Unquestionably if there is power here to say that a man who believes the Morman Church is right, because of that wrong belief is guilty of such a state of political wrong that he may not exercise political power when you come to judge of some man who entertains the opinion that the Catholic religion is right or the Protestant religion is right, so far as power is concerned you stand upon precisely the same ground.

If you can construct a state and mold and direct its political powers on the basis and for the object of excluding any religious or irreligious belief or practice, the government becomes one for the maintenance of certain forms of opinion or the proscription of others. It becomes one for an "establishment respecting religion" or for prohibiting the "free exercise thereof." Certainly no one will contend that "the Government of the United States is for the maintenance or prohibition of any form of opinion or action respecting religious or irreligious belief, or that the Government may prescribe certain modes of life for each person and impute crime and disability to them without hearing, trial, or conviction."

The government in the Territories must be temporary, and its powers must be exercised subject to the principles and theories of the Constitution, and subject to the theory of the capacity of the people to regulate and control their domestic affairs.

Who will say that this Congress may establish a hereditary government in the Territory of Utah, and why not? Who will say that they may establish in perpetuity an aristocracy in the Territory of Utah, and why not? Where is the constitutional inhibition against putting the exercise of political power in the hands of one, two, three, four, or five persons? It is not to be found in the Constitution. It is to be found in the spirit and principles of the Constitution, which says the capacity of the majority of a people rendered eligible to the exercise of political suffrage by themselves and the principles of the Constitution shall control and determine all their domestic relations, and that the National Government shall operate and exercise power in a totally different sphere and for entirely different objects. That is the power that says that Congress shall not establish an aristocratic government or any form of hierarchal government in a Territory, but that the people alone shall determine this question and all questions of that class.

Mr. LOGAN. Will the Senator now, inasmuch as he and I want to understand each other, yield to me for a moment?

Mr. CALL. Certainly.

Mr. LOGAN. I understand the argument of the Senator to establish in his mind the proposition. I do not concede the proposition at all that these people have the rights which belong to States and not to Territories. But take it for granted, for the argument, they have the right to regulate the domestic relations, as he calls them, does he claim that even if they have that right they have a right under the religious idea or claim to practice polygamy without subjecting themselves to punishment?

Mr. CALL. Do you want to know my individual opinion on that subject?

Mr. LOGAN. No, but I want to know your legal opinion. You are discussing this from a constitutional standpoint.

Mr. CALL. I think that whoever constitute a majority of the State of Illinois, whether they are Mormons or Catholics or Protestants or polygamous people, have got the right to say whether polygamy or monogamy—I mean the political right or political power, not the moral, but the political power and right under our form of government, as contradistinguished from the religious right—to say whether it shall be lawful or unlawful.

Mr. LOGAN. We are not talking about Illinois. I do not want to go into that discussion. I am talking about Utah.

Mr. CALL. Then I say that in Utah, under our Constitution, the National Government has national powers. The people in the different States have the right and in spirit in the Territories to control their own affairs, and the power given to Congress to legislate in the Territories does not authorize them to violate the fundamental principles of the Constitution in other respects.

Mr. LOGAN. That does not answer the question at all. It is mere theory.

Mr. CALL. What do you want to know?

Mr. LOGAN. Do you believe under your theory that if the people of Utah establish polygamy we have no right to punish it as a crime, because they believe under their form of religion that that is a part of their religion or Christianity, that it is no offense, no crime in their ideas, and that therefore they are exempt from punishment because that is their religious belief? Does the Senator say that?

Mr. CALL. I have not said anything of that kind. I say as a matter of fact, as asserted in the different forms of State government, that polygamy is a crime, and almost all improper relations with more than one woman have been asserted by the legislation of this country, by the States that had the authority to do it, to be criminal.

Now, I assert that the Congress of the United States has for temporary and necessary government in the Territories power to say what shall constitute crime, and would be justified in saying that whatever public opinion in the different States had prescribed to be crime should be crime in the Territories; but as to the question of power, there is an absence of power on that subject, except as derived from the necessity for temporary government. The Senator is aware of the long, able, and full debate respecting the power of Congress over the Territories which has exhausted that subject. I will say to him that the right of Congress to make a law that if a man lives in polygamy, upon conviction of

crime, he shall be punished is a totally different thing from the right of Congress to declare by law that he shall be deprived of his right to vote and his political power, because he so lives or so thinks, without conviction and trial. The propositions on which our government is based and on which our system of society rests are a declaration by law of what acts shall constitute crime, hearing, trial and conviction by judicial power: Freedom of speech and thought and action, except when punished on conviction as crime; political power adjusted to the ends of protection of life and property and personal rights; the extirpation of error of opinion by free thought, argument, and discussion by moral power; the restraint of immoral or criminal action by penal law applied by judicial power under the restraints of the Constitution to such acts when committed, and not by a political or religious hierarchy proscribing opinion.

Mr. LOGAN. But the Senator is getting into a constitutional disquisition now. The Senator has repeatedly insisted that the Catholic religion could be destroyed, the Episcopal Church, the Methodist Church, or any other church destroyed by legislation if this principle was enacted into a law. That was the principle that was enunciated—that polygamy while a religious belief was at the same time a crime. The question I want the Senator to answer is whether or not he believes that any religious belief, no matter what it may be, excuses a man for committing that offense which is a violation of law?

Mr. CALL. I answer that the law does not recognize any excuse or reason for disobedience. The question of the Senator is whether there is any obligation higher than the law, and this is a question as old as time and for which many men have suffered martyrdom. In the eye of the law there can be no excuse; in the eye of religion and morality there may be. "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's."

For myself I do not think polygamy is right, law or no law. That would be my opinion. As to the degree of wrong, whether it is as bad as murder or false witness or the *malum in se* of the decalogue, that is the question for the Old Testament and the New Testament to decide. I think that our Christian religion has developed into a much more beautiful system than existed in the days of David and Solomon in respect to marriage; but I do not think they were necessarily great criminals or bad men because in their day under their circumstances they had different relations from ours. The question between the Senator from Illinois and myself is not that; the question is whether a commissioner in Illinois can go to a man or woman and say, "You are a polygamous man" or "You are a polygamous woman;" "you shall have no political power here;" and then he says to him, "I have never been tried, I have never been convicted; there is no evidence of it." You have no right under this Government to attach conditions to the exercise of political power for the purpose or having the effect of excluding from the Government or the body politic or the social system theories of belief or modes of individual life or action. Your theory and your declaration of organic law is equality of all men before the law, good and bad, religious and sacrilegious, Christian and infidel, atheist and theist—manhood suffrage is your boast.

The Senator from Illinois says that in the name of Congress, in the name of the Christian religion, speaking for the people of this country and this Government, we can say, You are a polygamous man or woman, and you shall have no part in the control of this country; your property shall be governed and taken by men I appoint; you shall not vote. That is the question, whether the Senator from Illinois is right under our form of government in saying to those men or women, without trial, without conviction, you shall be deprived of your part and parcel in the government of this country because you believe that polygamy is right and because you have practiced it?

Mr. LOGAN. Then I should like to ask the Senator if his theory is correct what would he think of a law passed by Congress applicable to a Territory which declared that no persons except white men should be voters in that Territory?

Mr. CALL. I will tell him what I think about it. I think that in the days of slavery, for which the Senator and his fathers were quite as much responsible as I, in a Territory where a majority of the people held that kind of property and maintained that kind of institution, it was a very proper thing to do as the people in the States did. I think now, when all men have become free, it would be a very wrong thing to do.

Mr. LOGAN. I am speaking of it as a constitutional question, not a question whether it is right now morally or was wrong then morally, but as to the power of Congress. If they had the power then to declare that no person should vote in a Territory except a white man, that certainly did not include white women. I should like to know where Congress has lost this power to-day to declare that women shall not vote.

Mr. CALL. I have not said that Congress has lost the power to do it. Congress exercises *ex necessitate* the power of government in the Territories. Upon principle, upon argument, it has no right to do it after they become sufficiently numerous under the principle of self-government to direct their own affairs, and whatever power Congress exercises in the Territories must be exercised in conformity to the principles of our Constitution and our forms of civil liberty. Its power is not absolute, but qualified and restrained by the political principles on which our Government is based and by the constitutional limitations on all its grants of power.

In regard to the institution of slavery, that was held to be property; therefore as property under the protection of the Constitution they had a right to demand that such laws should be passed. I have never acquiesced myself in that theory entirely. I have always believed that the right of the people to local self-government should control this question whenever they were sufficiently numerous to exercise powers of government in the Territories. I admit that for great public considerations it might be advisable, and in this case would probably control my judgment to some extent, to create Territorial government in denial even of the right of the people to self-government in that locality; but I would never extend that so far as to say that the constitutional limitations intended for their personal protection, their immunity against punishment without judicial trial and judicial conviction, without a fair and not a suborned and perjured jury, without jurors fairly selected; I could never consent that they should be deprived of political power without those processes applied to them. If you want to do it, let it be done in a constitutional way, by declaring by law that it is a crime, and by indictment, trial, and conviction before an impartial court and jury—not by organizing a political hierarchy for the proscription of these opinions and practices and overcoming the Mormon religious hierarchy by a political hierarchy.

The government in the Territory must be temporary, but its powers must be exercised subject to the theory of the Constitution, subject to the theory of the capacity of the people to regulate and control their domestic affairs.

Again, the Constitution says:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

What is religion in the sense of the Constitution? Long and bloody wars have been maintained to prove that one religion was not a true religion and that another was. The history of mankind is replete with instances of this kind. What is religion? The Catholics and the Protestants have each denied that the beliefs and principles of the other were religion; the Trinitarians and Unitarians contest and have always contested with each other's claim to the title.

Is it or is it not one of the "immunities or privileges" of a citizen under the Constitution to believe what his own mind, judgment, and conscience prescribe to him in regard to obligations and to religious belief, and can Congress "prohibit the free exercise" of this belief, and say what shall be and what shall not be religion to him except when it becomes a crime, except when with the power of government it has prescribed a certain act (as having two wives) to be criminal, and indicted, tried, and convicted of it? Can Congress say what shall be and what shall not be religion or religious belief?

The assault which the Senator from Vermont and his bill makes on the Christian religion, and the disparagement and reflection which the measure makes on the Christian ministers and the agencies and instrumentalities of the church, the great organized body of the disciples and followers of Christ of every form, is quite as serious as that which it makes on the Constitution and popular government. Can any man deny that the Christian religion claims and gives the right of judgment and proclaims its power to influence and control the judgments and opinions and conscience of men by the weight and power of the church, of the pulpit, of argument and reason of the ministry of the Christian church in all its different forms by the agency of good men where its power is moral suasion, and where it does not seek to attack forms of religious belief as such, but to prove their error and convince the judgment and conscience of a better way and a better life?

They do not ask Congress to make any law respecting the establishment of religion or prohibiting the free exercise thereof according to each man's judgment and conscience. They do not ask the Congress of the United States to make this political assault upon the polygamous condition of the people of Utah as a matter of Christian faith and Christian principle. They know that the instrumentalities of the gospel and the Christian religion are ample and abundant for that purpose. They know that if it is to be prescribed as crime it must be treated as crime and not by saying that all the principles of our Government as to capacity of a people for self-government shall be set aside, not by saying that three commissioners shall arbitrarily disfranchise or deny political power to a majority of a large, populous, and industrious community, and say that the minority shall have the power to control it. These are questions separated from its criminal aspects. If it be a crime, prescribe it as such by the proper political power; try it as such; punish it as such; but where is the power in this Government to give three men or women the power to deny self-government to a large majority, three-fourths of an entire people? Where, sir, is the plausible pretense of a reason for it? No, sir, it is arbitrary government; it is monarchical government; it is unconstitutional government. It is the power of a minority to disfranchise and control a majority. Three men, without trial, without process of law, without evidence, are authorized to deprive and to deny to a whole people, a vast majority of a whole people, the entire right of self-government. That is the proposition.

Mr. President, polygamy is impossible in our time and under the economic conditions which belong to our industrial system. It is certainly inconsistent with the activities and the energies and the completeness of character of the active, capable, and energetic women of our day, informed on public affairs, learned in the literature of the age,

accomplished in the industrial arts and pursuits, an equal factor with man in all the sciences, arts, and pursuits of our life.

Give her but a chance, give her power, and she will take care of herself, and contribute much toward taking care of the state. Polygamy will extinguish itself by the development of a more perfect and complete civilization, by the industrial arts and their cultivation and distribution under the attacks of the Christian religion and the Christian minister, under the influences of our civilization and our economic laws, under provisions of law for the education and maintenance of the polygamous women and children who may leave their present condition, under laws that will give them immediate protection through a military force whenever they desire to escape from or to leave their present condition, make it easy for them to leave their condition, and give them support and maintenance, and leave it to education, to moral suasion, to the power of religious teachers, to the great activities of the pulpit and the eminent and philanthropic men that control its wonderful power.

Let the Government be, if you choose, a military one, and while it upholds with a firm hand and instant and immediate protection and support the absolute freedom of the woman and her children, let the pressure and power of law and public policy in all things be directed against polygamy and for its extinguishment and its discouragement, and I have no fear that as the woman becomes enlightened under the powers of the Christian religion and civilization, as the industrial pursuits are opened to her and her children, as the influences of the Christian religion and the fuller life and activity of the monogamous woman are felt and seen, with full power at any and all times to abandon the polygamous life, with protection immediate and certain for herself and her children at all times at her command, with maintenance assured, that she will prefer polygamy I would regard it as a reproach to the Christian religion and the great influences of our civilization to believe that it was not adequate to reclaim these unfortunate women brought from the destitution of Europe and carried into a community of considerable industrial development and success. I would consider it a slander upon the good agencies that have made and are making the civilization of this Government so wonderful to say that we must deny the vital principles of our own political institutions, deny fair trial, deny evidence, deny fair and impartial juries, deny upright and impartial judges, and that we must subject a whole community to a denial of the principle of our Constitution of the capacity of the people for self-government, that we should require that a majority of the people of any Territory for any reason should be denied the right and power to control their own political institutions in order to accomplish an object which under our form of government is the subject exclusively of penal law and of judicial power.

Mr. INGALLS. Mr. President, is the section that is proposed to be stricken out now open to amendment?

The PRESIDING OFFICER (Mr. MORGAN in the chair). The section can be perfected before the motion to strike out is put.

Mr. INGALLS. I move to strike out, in line 2, the word "the" and insert "any," and to strike out the word "Utah," in the same line, and insert "The United States;" so as to read:

That it shall not be lawful for any female to vote at any election hereafter held in any Territory of the United States for any public purpose whatever, &c.

Mr. EDMUNDS. I hope that will not be done, because I do not wish, in charge of this bill, nor do the committee wish to open the general question of female suffrage, but to apply this provision to the necessity of the case in hand, to emancipate these poor females from the slavery in which they now exist about voting.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. INGALLS called for the yeas and nays, and they were ordered.

Mr. BROWN. Mr. President, I am opposed to female suffrage, and if the question were submitted to the voters of Georgia, while I have a right to vote I should vote against it; but I believe in the doctrine of local self-government; and I believe that either State or Territory that desires female suffrage has a right to have it. While, therefore, I would vote against it in my own State, I will not vote to deprive any other State or Territory of the right to have female suffrage or to prevent its exercise in that State or Territory if the laws of the State or Territory justify or establsh it there. Therefore I shall vote against the amendment of the Senator from Kansas, as I would not prohibit it by law in any Territory.

Mr. JONES, of Florida. Mr. President, I do not know that we can reach a vote on this bill to-night, but, after all, the question under this bill is what it was at the last session. Some of the details of it I do not entirely approve of. It raises the great question as to the supreme authority that has the right to control the Territories of the United States. It is not a new question at all; it has been here time and again, and I am on record, so far as this question is concerned, in support of the authority of the Union to control in the exercise of its wisdom the Territories of the United States. I do not say, and I have never said that those inchoate communities that are lying out are in the condition of States and that they have the same rights and privileges that the people of the States possess, notwithstanding I put myself in a position of antagonism to some able legal reasoners on that subject.

I said when I was on my feet last session that there was no Territory in the Union that was controlled in a more arbitrary way than the Territory of Florida under one of the wisest administrations that ever existed in this country, and I had occasion to refer to one of the early acts of Congress making provision for the government of that Territory, not for the purpose of showing the wisdom of it but for the purpose of vindicating the power which upon all hands was admitted to reside in Congress over the Territories. Take for instance the act of Congress approved March 30, 1822, making provision for the government of the Territory of Florida when Mr. Monroe was President, when in the Senate of the United States were found the ablest men who were ever here, Calhoun, and all the great minds we are in the habit of following in matters of this kind.

What did that act say? It says this, as I cited it before, to show the claim of power put forth at that early day by this Government with respect to the Territories:

That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons of the Territory, to be called the legislative council; who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there.

I will read no more. There was not a thoughtful man in this country at that time who denied to Congress the power to do that thing. Congress gave the entire legislative power over that Territory to thirteen discreet citizens, not elected by the people of Florida, for the Territory had been annexed to the United States but a little while before, but to thirteen citizens appointed by the President and confirmed by the Senate, and they exercised full and complete legislative authority over that Territory for years without question; and who ever said that the exercise of that power was an infringement of the right of suffrage on the part of Congress?

I say that all this reasoning with respect to the Territories and to the District of Columbia which undertakes to put the people who are in those Territories and this District in the condition of the people of States is entirely wrong. There must be a supreme legislative power somewhere, and while I might quarrel with my friend from Vermont with respect to some of the details of his bill, and there are provisions in it that I may not assent to, still I assert here that there can not be any question in the mind of any sound constitutional thinker with regard to the power of Congress to legislate for the Territories without limitation or restraint beyond what the Constitution of the United States imposes.

Mr. VEST. Does the Senator from Florida assert that this power exists without limitation or restraint? He asserted that before on the floor of the Senate.

Mr. JONES, of Florida. When I speak of that, of course I speak with reasonable restraint.

Mr. VEST. I ask the Senator now the plain question, Does he believe the restrictions upon the power of Congress in the Federal Constitution do not apply to the Territories? That is the question.

Mr. JONES, of Florida. I say in reply to the Senator from Missouri that the Congress of the United States possesses the same power of legislation over the Territories that the State governments of the Union possess within their limits.

Mr. VEST. I ask the Senator from Florida if the Congress of the United States could pass a bill of attainder or *ex post facto* as to the people of a Territory?

Mr. JONES, of Florida. I say that it could not.

Mr. VEST. Then that is a limitation.

Mr. JONES, of Florida. Oh, well, the Senator understood what I meant when I spoke in general terms as speaking of the Government of the Union as exercising the authority of a general legislative power over the Teritories in contradistinction to that power which every constitutional lawyer recognizes as belonging to the States; but when any man stands on this floor and undertakes to say that the people of a Territory have a right to legislate for themselves with respect to their affairs the same as the people of a State, he is saying that for which there is no warrant or authority under our organic law. I will not say that we could legislate against the principles of the Constitution respecting the establishment of a religion or other rights secured by the Constitution in the Territories, or deprive a man of his property without due process of law. I admit that those limitations upon legislative power prevail there as they do in the District of Columbia, but I say that we possess the same power over the Territories as we do over this District, and these early acts of Congress show it.

Mr. BECK. Allow me to ask can we prohibit female suffrage in Utah and allow it in Wyoming?

Mr. JONES, of Florida. That is a different thing; there are two questions in that. There is a question of power and a question of expediency.

Mr. GARLAND. I wish to make a suggestion to the Senator from Florida, with his permission, before he leaves that branch of the subject. Concurring in everything that he has said, in all its length and breadth and depth, I wish to call his attention to the fact that may have escaped his mind, that in reference to that earliest legislation in regard to the Territory of Florida, the Supreme Court of the United States in the case of the American Insurance Company *et al. vs.* Canter (in 1 Peters) held it to be within the constitutional limit of the exercise of Congressional power.

Mr. JONES, of Florida. I remember that case very well. The Supreme Court held that it was clearly within the power of Congress to

make such rules and regulations respecting the territory of the United States as its wisdom dictated, and it exercised it. Can you imagine a greater exercise of power than to give to thirteen citizens appointed by the President and confirmed by the Senate legislative authority over a whole people? Suppose that was attempted here by the Senator from Vermont with respect to Utah; there would be a great hue and cry against it. A great deal more could be said against the proposition that this bill or any attempted exercise of authority brought forth here than against the provision that was incorporated into the act making provision for the government of the Territory of Florida, and still the Congress of the United States without question gave the full legislative power in that Territory to thirteen men appointed by the President and confirmed by the Senate without regard to the people of that Territory at all. It is true Congress modified that afterward, and permitted the people to elect their representatives to a regular legislative assembly; but in those acts they provided that no law of that Territory should be effectual or operative until it received the sanction of Congress, thus affirming in every possible way the supreme authority of the Government of the Union as a sovereign legislative power over the Territories of the United States.

Now, I say, when it comes to a question of detail and expediency we may differ; but so far as the question of power is concerned, in my judgment there can be no question. I will not say the Constitution of the United States does not operate there to protect the rights of property and of opinion in matters of religion; far from it; I say that it does; but all that I assert here is the authority of the Government of the Union as a general legislative authority extending over every Territory of the Union beyond the States.

Why, sir, we abolished in this District representative government, and to-day beneath the shadow of this Capitol there exists a form of government which does not command my approbation. Who questions the power? Three men appointed by the President and confirmed by the Senate rule the destinies of every inhabitant within this District and make laws for their government. It is unrepublican in my opinion, it is undemocratic, and it is unwise, and if I had an opportunity I would record my vote against it; but no man questions the power of Congress to do it.

Mr. MAXEY. I would call the attention of the Senator from Florida on the question of power to the fact that Congress, after having granted the people of this District suffrage and authority to elect a legislature, as a matter of discretion, subsequently took that away, thus asserting the power beyond all possible question, and nobody has ever disputed it.

Mr. JONES, of Florida. Nobody ever questioned or ever will question the power. I question the expediency, the justice, and the wisdom of it, and if I had my way I would leave the government of Washington city and the District of Columbia to the free inhabitants thereof, and I would not undertake to administer this government through three commissioners appointed by the representatives of the States and the President here. But no man questions the power to do this thing. It is unrepublican, it is undemocratic; in my opinion it is unwise, unjust to these people; but still the Constitution gives the power.

So with regard to the Territories I have not any question in my mind to-day but that we have power to designate five men to rule out and to prescribe any code of laws which in their judgment they might deem proper for the good government of that Territory. If the commissioners here violate rights of property, rights of conscience, they can be made amenable under our judicial system and their action can be controlled by the supreme judicial power of the Union. So in the Territories; but I say so far as the power is concerned nobody questions it. With respect to the expediency of it that may be another thing. I want it understood that so far as I am concerned I have no doubt in my mind about the authority of this Government to do everything that it may deem wise and proper to be done in the Territories for the good government of them, as a general legislature, independent of all these claims of the people for local rights, of which we have heard so much. Every argument that may be made here in behalf of the privileges of suffrage and the rights of the people is one of expediency and can not be directed against our power to control the Territories of the Union.

I say there are some provisions in this bill which I might be disposed to question the wisdom of, which, with due deference to the Senator from Vermont, are open to question, because he asks us to alter the common law on a very important question of evidence. When he seeks to array the husband against the wife and the wife against the husband, I might hesitate for a little while before voting for that provision of his bill, but with regard to the power to do it I have not any question at all.

I can not see why in the case of polygamy we ought to deviate from the common law any more than in the case of murder or other hideous offenses that pervade society, and it would require a very strong argument to convince my mind that we should break up the marital relations of husband and wife in the case of polygamy without doing it in respect to other offenses.

Mr. GARLAND. I wish to make a suggestion to the Senator from Florida, with his permission, because we are all trying to get at the real gist of this matter, and I should like to see him make up his mind upon the proposition contained in the second section of the bill, because I think I shall be able to show him before we get through with this transaction that this is the only thing left to be done if the power is conceded, and the Supreme Court has said so in so many words. I will take occasion to argue this matter hereafter.

Mr. JONES, of Florida. I confess that I have not arrived at any settled conclusion about it, but I want to say this much before I take my seat, that I can not be led to believe that polygamy in any form can be converted into a system of religion any more than a combination of men to commit crimes against the common consent of society, the world over, could claim to be religion. By the settled opinion of mankind there are some things known as *malum in se*, which require, according to the old Latin phrase, no legislative prohibition or denunciation to fix their character. And why is this? It is because the common consent of the world has stamped them, the Christian world all over denounces this crime just as it does piracy, murder, and other forms of crime which are known to be in antagonism with established social order. There are other acts so indifferent in their nature that the human mind can not fix their quality without a legislative declaration; but there is not a Christian nation on earth to-day that does not brand the character of this offense and prescribe it to be in antagonism with social order.

It is not necessary, therefore, to resort to any law on the subject. There is not a State in the Union to-day that tolerates it, or wherein it would not be a crime if committed. Now, then, where resides the great legislative power to repress it in the Territories, if it exists to-day? Precisely what would be done here in the District of Columbia, or in Vermont, or in Florida, or in any other State, if any set of people undertook to set themselves up there in opposition to the established Christian sense of the word? There must be a power somewhere to repress it. I say that that power resides so far as the Territories are concerned in the Congress of the United States; and however much I might be disposed to differ with my friend from Vermont in regard to the details of the bill having for its purpose this end, I will never quarrel with him so far as the power itself is concerned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The Principal Legislative Clerk proceeded to call the roll.

Mr. GORMAN (when Mr. BECK'S name was called). I announce the pair of the Senator from Kentucky [Mr. BECK] with the Senator from Maine [Mr. HALE].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If I were not paired, I should vote "nay."

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were here, I should vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. JACKSON (when Mr. HARRIS'S name was called). My colleague [Mr. HARRIS] is paired with the Senator from Massachusetts [Mr. HOAR].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM]. If he were here, I should vote "yea."

Mr. ROLLINS (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. SLATER (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. KELLOGG]. Were he here, I should vote "yea."

Mr. ROLLINS (when Mr. VAN WYCK'S name was called). The Senator from Nebraska [Mr. VAN WYCK] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. WILLIAMS (when his name was called). I am paired with the Senator from Nebraska [Mr. SAUNDERS]. I announce this for the evening. If he were here, I should vote "yea." [A pause.] I am told that the Senator from North Carolina [Mr. VANCE] is paired with the Senator from Nebraska [Mr. SAUNDERS]. If the colleague of the Senator from Nebraska can tell me——

The PRESIDING OFFICER. Does the Senator from Kentucky vote?

Mr. WILLIAMS. Yes, sir; under the circumstances I vote "yea."

The roll-call was concluded.

Mr. CONGER. My colleague [Mr. FERRY] is paired with the Senator from Mississippi [Mr. LAMAR]. My colleague is sick and unable to be here. I make that announcement for the future.

The result was announced—yeas 11, nays 20; as follows:

YEAS—11.

Barrow,	Garland,	Maxey,	Vest,
Bayard,	Jonas,	Pendleton,	Williams.
Cockrell,	Jones of Florida,	Pugh,	

NAYS—20.

Allison,	Blair,	Call,	Edmunds,
Anthony,	Brown,	Conger,	Harrison,

Jackson,	McDill,	Miller of Cal.,	Tabor,
Jones of Nev.,	McMillan,	Rollins,	Voorhees,
Logan,	Mahone,	Sawyer,	Windom.

ABSENT—45.

Aldrich,	Ferry,	Ingalls,	Ransom,
Beck,	Frye,	Johnston,	Saulsbury,
Butler,	George,	Kellogg,	Saunders,
Camden,	Gorman,	Lamar,	Sewell,
Cameron of Pa.,	Groome,	Lapham,	Sherman,
Cameron of Wis.,	Grover,	McPherson,	Slater,
Coke,	Hale,	Miller of N. Y.,	Vance,
Davis of Ill.,	Hampton,	Mitchell,	Van Wyck,
Davis of W. Va.,	Harris,	Morgan,	Walker.
Dawes,	Hawley,	Morrill,	
Fair,	Hill,	Platt,	
Farley,	Hoar,	Plumb,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. PENDLETON. I move that the Senate adjourn.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn. The Senator from Vermont calls for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. ROLLINS (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. ROLLINS (when Mr. PLATT'S name was called). The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Maryland [Mr. GORMAN].

The roll-call was concluded.

Mr. COKE (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Massachusetts [Mr. DAWES]. I voted inadvertently.

Mr. BROWN (after having voted in the affirmative). I am paired with the Senator from Illinois [Mr. DAVIS] unless it is necessary for me to vote to make a quorum. I withdraw my vote if there is a quorum.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BROWN. Then let my vote stand.

The result was announced—yeas 13, nays 16; as follows:

YEAS—13.

Barrow,	Cockrell,	Maxey,	Voorhees.
Bayard,	Hampton,	Pendleton,	
Brown,	Jonas,	Pugh,	
Call,	Jones of Florida,	Vest,	

NAYS—16.

Allison,	Edmunds,	McMillan,	Rollins,
Anthony,	Garland,	Mahone,	Sawyer,
Blair,	Harrison,	Miller of Cal.,	Tabor,
Conger,	Logan,	Mitchell,	Windom.

ABSENT—47.

Aldrich,	Ferry,	Jackson,	Plumb,
Beck,	Frye,	Johnston,	Ransom,
Butler,	George,	Jones of Nevada,	Saulsbury,
Camden,	Gorman,	Kellogg,	Saunders,
Cameron of Pa.,	Groome,	Lamar,	Sewell,
Cameron of Wis.,	Grover,	Lapham,	Sherman,
Coke,	Hale,	McDill,	Slater,
Davis of Ill.,	Harris,	McPherson,	Vance,
Davis of W. Va.,	Hawley,	Miller of N. Y.,	Van Wyck,
Dawes,	Hill,	Morgan,	Walker,
Fair,	Hoar,	Morrill,	Williams.
Farley,	Ingalls,	Platt,	

The PRESIDING OFFICER. The Senate refuses to adjourn. The Secretary will call the roll of Senators.

The Acting Secretary called the roll, and the following Senators responded to their names:

Allison,	Coke,	Jones of Florida,	Morgan,
Anthony,	Conger,	Jones of Nevada,	Pendleton,
Barrow,	Edmunds,	Logan,	Pugh,
Bayard,	Garland,	McDill,	Rollins,
Blair,	Gorman,	McMillan,	Slater,
Brown,	Hampton,	Mahone,	Tabor,
Call,	Harrison,	Maxey,	Vest,
Cameron of Wis.,	Jackson,	Miller of Cal.,	Voorhees,
Cockrell,	Jonas,	Mitchell,	Windom.

Mr. GARLAND. I wish to state that my colleague [Mr. WALKER] is confined to his bed by sickness, and has been for the last few days.

Mr. MILLER, of California. I wish to say that my colleague [Mr. FARLEY] is detained from the Senate by very severe illness; he is not able to be here. That is his excuse.

The PRESIDING OFFICER. Thirty-six Senators are present.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the immediate attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS].

Mr. BAYARD. Will the Senator allow me to say, while I am aware that by the rules of the Senate no debate is in order, I think I ought to be allowed to make this contribution of fact: There are seven Senators on the Democratic side answering to their names who tell me that they are paired and the persons with whom they are paired have gone away. I mention that to the Senator to show that even if they remain here they can not vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. SAWYER. Is it too late for me to answer to the roll-call?

The PRESIDING OFFICER. Yes, sir.

Mr. SLATER. I move that the Senate adjourn.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. Pending the motion of the Senator from Vermont, the Senator from Oregon moves that the Senate do now adjourn, on which the Senator from Vermont calls for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES], or I would vote "yea."

Mr. GORMAN (when his name was called). I was paired with the Senator from Connecticut [Mr. PLATT], but I have transferred it to the Senator from West Virginia [Mr. DAVIS] who is absent, and I vote "yea."

Mr. JACKSON (when Mr. HARRIS'S name was called). My colleague [Mr. HARRIS] is paired with the Senator from Massachusetts [Mr. HOAR].

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE], and I make that announcement for the rest of the evening.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. TABOR (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

The roll-call having been concluded, the result was announced—yeas 11, nays 16; as follows:

YEAS—11.

Barrow,	Call,	Jonas,	Pugh,
Bayard,	Gorman,	Maxey,	Vest.
Brown,	Hampton,	Pendleton,	

NAYS—16.

Allison,	Edmunds,	McMillan,	Rollins,
Anthony,	Garland,	Mahone,	Sawyer,
Blair,	Harrison,	Miller of Cal.,	Voorhees,
Conger,	Logan,	Mitchell,	Windom.

ABSENT—49.

Aldrich,	Ferry,	Jones of Florida,	Saulsbury,
Beck,	Frye,	Jones of Nevada,	Saunders,
Butler,	George,	Kellogg,	Sewell,
Camden,	Groome,	Lamar,	Sherman,
Cameron of Pa.,	Grover,	Lapham,	Slater,
Cameron of Wis.,	Hale,	McDill,	Tabor,
Cockrell,	Harris,	McPherson,	Vance,
Coke,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Hill,	Morgan,	Walker,
Davis of W. Va.,	Hoar,	Morrill,	Williams.
Dawes,	Ingalls,	Platt,	
Fair,	Jackson,	Plumb,	
Farley,	Johnston,	Ransom,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Vermont [Mr. EDMUNDS], on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. TABOR. I announce that I am paired for the evening with the Senator from Kentucky [Mr. WILLIAMS].

Mr. MILLER, of California. I am paired with my colleague [Mr. FARLEY].

The result was announced—yeas 19, nays 11; as follows:

YEAS—19.

Allison,	Garland,	McDill,	Rollins,
Anthony,	Harrison,	McMillan,	Sawyer,
Blair,	Ingalls,	Mahone,	Voorhees,
Conger,	Jones of Nevada,	Mitchell,	Windom.
Edmunds,	Logan,	Morgan,	

NAYS—11.

Barrow,	Call,	Jones of Florida,	Pugh,
Bayard,	Gorman,	Maxey,	Vest.
Brown,	Hampton,	Pendleton,	

ABSENT—46.

Aldrich,	Farley,	Johnston,	Saulsbury,
Beck,	Ferry,	Jonas,	Saunders,
Butler,	Frye,	Kellogg,	Sewell,
Camden,	George,	Lamar,	Sherman,
Cameron of Pa.,	Groome,	Lapham,	Slater,
Cameron of Wis.,	Grover,	McPherson,	Tabor,
Cockrell,	Hale,	Miller of Cal.,	Vance,
Coke,	Harris,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Hawley,	Morrill,	Walker,
Davis of W. Va.,	Hill,	Platt,	Williams.
Dawes,	Hoar,	Plumb,	
Fair,	Jackson,	Ransom,	

So the motion was agreed to.

The PRESIDING OFFICER (at 6 o'clock and 45 minutes p. m.). The Sergeant-at-Arms will execute the order of the Senate.

Mr. VEST. Unless some Senator objects, I should like to submit an amendment to an appropriation bill.

Mr. EDMUNDS. I object.

Mr. VEST. I supposed the Senator from Vermont would object.

Mr. BLAIR (at 6 o'clock and 47 minutes p. m.). Can I be permitted to offer an amendment to the pending bill?

Mr. EDMUNDS. Not now.

The PRESIDING OFFICER. No business is in order.

Mr. EDMUNDS. There is no quorum.

Mr. BLAIR. I should like to have this business proceed.

Mr. VEST. I object to anything now.

Mr. BLAIR. This bill needs a great deal to be done to it, and I should be glad to have something done.

The PRESIDING OFFICER. No business is in order. The Sergeant-at-Arms is proceeding to execute the order of the Senate.

After the lapse of one hour,

The PRESIDING OFFICER. The Senate will come to order. The Chair will lay before the Senate the report of the Sergeant-at-Arms, which the Secretary will read.

The Acting Secretary read as follows:

To the President of the Senate:

In the execution of the order of the Senate to request the attendance of absent Senators, the Secretary reported the following as absent:

Aldrich,	Ferry,	Johnston,	Saulsbury,
Beck,	Frye,	Kellogg,	Saunders,
Butler,	George,	Lamar,	Sewell,
Camden,	Groome,	Lapham,	Sherman,
Cameron of Pa.,	Grover,	McPherson,	Vance,
Davis of Ill.,	Hale,	Miller of N. Y.,	Van Wyck,
Davis of W. Va.,	Harris,	Morrill,	Walker,
Dawes,	Hawley,	Platt,	Williams.
Fair,	Hill,	Plumb,	
Farley,	Hoar,	Ransom,	

Of these, Senators Cameron of Pennsylvania, Fair, Ferry, Lamar, McPherson, and Sewell are absent from the city.

Sick and unable to attend: Senators Farley, George, Lapham, Saunders, and Walker.

A number of Senators are reported to be at a dinner party, where the host refuses admission to the officers sent to notify them.

Mr. EDMUNDS and others. Who is he?

Mr. LOGAN. Let the Sergeant-at-Arms report.

Mr. EDMUNDS. Do not let us have any shying about this business.

The Secretary continued the reading as follows:

A number of Senators are reported to be at a dinner party at Secretary Chandler's, where the host refuses admission to the officers sent to notify them.

Senators Groome, Kellogg, and Saulsbury could not be found.

Officers are in search of the remainder.

Very respectfully,

R. J. BRIGHT, *Sergeant-at-Arms.*

Mr. EDMUNDS. I move that the roll be again called to see whether a quorum is now present.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SLATER. I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE], who is absent on account of sickness.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. ALLISON. May I ask if a quorum has voted?

The PRESIDING OFFICER. A quorum has not voted.

Mr. ALLISON. I am authorized to vote to make a quorum.

Mr. COCKRELL. Especially as the Senator with whom the gentleman is paired is present.

Mr. ALLISON. I beg pardon; I did not see my friend here before. I vote "nay."

Mr. COCKRELL. I vote "nay" too.

The result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Barrow,	Gorman,	Slater,	Voorhees.
Brown,	Jonas,	Vest,	
Call,	Pugh,		

NAYS—17.

Allison,	Edmunds,	McMillan,	Sawyer,
Anthony,	Garland,	Maxey,	Windom.
Blair,	Harrison,	Miller of Cal.,	
Cockrell,	Ingalls,	Mitchell,	
Conger,	Logan,	Rollins,	

ABSENT—50.

Aldrich,	Cameron of Wis.,	Farley,	Hale,
Bayard,	Coke,	Ferry,	Hampton,
Beck,	Davis of Ill.,	Frye,	Harris,
Butler,	Davis of W. Va.,	George,	Hawley,
Camden,	Dawes,	Groome,	Hill,
Cameron of Pa.,	Fair,	Grover,	Hoar,
Jackson,	McDill,	Platt,	Tabor,
Johnston,	McPherson,	Plumb,	Vance,
Jones of Florida,	Mahone,	Ransom,	Van Wyck,
Jones of Nevada,	Miller of N. Y.,	Saulsbury,	Walker,
Kellogg,	Morgan,	Saunders,	Williams.
Lamar,	Morrill,	Sewell,	
Lapham,	Pendleton,	Sherman,	

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. EDMUNDS. Call the roll as I have moved.

The Acting Secretary called the roll, and the following Senators responded to their names:

Allison,	Coke,	Jones of Florida,	Pugh,
Anthony,	Conger,	Logan,	Rollins,
Barrow,	Edmunds,	McDill,	Sawyer,
Blair,	Garland,	McMillan,	Slater,
Brown,	Gorman,	Maxey,	Tabor,
Call,	Harrison,	Miller of Cal.,	Vest,
Cameron of Wis.,	Ingalls,	Mitchell,	Voorhees,
Cockrell,	Jonas,	Morgan,	Windom.

The PRESIDING OFFICER. Thirty-two Senators are present; no quorum.

Mr. EDMUNDS. I offer this order:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate without its leave, namely:

I will give the names in a moment.

Mr. COKE (at 8 o'clock and 10 minutes p. m.) If it is in order I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. ANTHONY (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Ohio [Mr. PENDLETON]. I voted inadvertently.

The result was announced—yeas 7, nays 16; as follows:

YEAS—7.

Brown,	Gorman,	Slater,	Voorhees.
Call,	Jonas,	Vest,	

NAYS—16.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cockrell,	Harrison,	Maxey,	Windom.

ABSENT—53.

Aldrich,	Ferry,	Jones of Nevada,	Pugh,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Beck,	Groome,	Lapham,	Saunders,
Butler,	Grover,	McDill,	Sewell,
Camden,	Hale,	McPherson,	Sherman,
Cameron of Pa.,	Hampton,	Mahone,	Tabor,
Cameron of Wis.,	Harris,	Miller of Cal.,	Vance,
Coke,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Hill,	Morgan,	Walker,
Davis of W. Va.,	Hoar,	Morrill,	Williams.
Dawes,	Ingalls,	Pendleton,	
Fair,	Jackson,	Platt,	
Farley,	Johnston,	Plumb,	

So the Senate refused to adjourn.

Mr. JONAS. I ask for a call of the Senate.

Mr. EDMUNDS. That is not in order now. We have just had a call, and it has disclosed no quorum. The process now is to get them in. The pending question is on the resolution that I was offering.

Mr. JONAS. I make the point that nothing is in order but a call of the Senate, the vote having disclosed no quorum.

The PRESIDING OFFICER. A quorum is not necessary on a question of adjournment. Therefore no legislative action has been taken.

Mr. EDMUNDS. I had offered this order before the motion was put.

Mr. JONAS. Mr. President——

Mr. EDMUNDS. I believe I have the floor just now.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JONAS. I appeal from the decision, and on that I call for the yeas and nays.

Mr. EDMUNDS. The Senator can appeal.

The PRESIDING OFFICER. The Chair rules that a call of the Senate is not now in order, from which ruling the Senator from Louisiana appeals.

Mr. JONES, of Florida. We can not hear the Chair.

The PRESIDING OFFICER. The Chair rules that the demand for a call of the Senate is not now in order. From that ruling the Senator from Louisiana takes an appeal to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONAS. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call having been concluded, the result was announced—yeas 16, nays 5; as follows:

YEAS—16.

Allison,	Conger,	Logan,	Rollins,
Anthony,	Edmunds,	McDill,	Sawyer,
Barrow,	Garland,	McMillan,	Vest,
Blair,	Harrison,	Mitchell,	Windom.

NAYS—5.

Brown,	Jonas,	Maxey,	Voorhees.
Call,			

ABSENT—55.

Aldrich,	Ferry,	Johnston,	Plumb,
Bayard,	Frye,	Jones of Florida,	Pugh,
Beck,	George,	Jones of Nevada,	Ransom,
Butler,	Gorman,	Kellogg,	Saulsbury,
Camden,	Groome,	Lamar,	Saunders,
Cameron of Pa.,	Grover,	Lapham,	Sewell,
Cameron of Wis.,	Hale,	McPherson,	Sherman,
Cockrell,	Hampton,	Mahone,	Slater,
Coke,	Harris,	Miller of Cal.,	Tabor,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Vance,
Davis of W. Va.,	Hill,	Morgan,	Van Wyck,
Dawes,	Hoar,	Morrill,	Walker,
Fair,	Ingalls,	Pendleton,	Williams.
Farley,	Jackson,	Platt,	

The PRESIDING OFFICER. The decision of the Chair is sustained.

Mr. EDMUNDS. Now I ask a vote on the order which I have submitted and desire to have read.

The Acting Secretary read as follows:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate and without its leave, namely: Senators Aldrich, Bayard, Beck, Butler, Camden, Davis of Illinois, Davis of West Virginia, Dawes, Frye, Groome, Grover, Hale, Hampton, Harris, Hawley, Hill, Hoar, Jackson, Johnston, Jones of Nevada, Kellogg, McPherson, Mahone, Miller of New York, Morrill, Pendleton, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, and Williams.

Mr. VEST (at 8 o'clock and 20 minutes p. m.). I move that the Senate do now adjourn, and I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 7, nays 19; as follows:

YEAS—7.

Brown,	Gorman,	Slater,	Voorhees.
Call,	Jonas,	Vest,	

NAYS—19.

Allison,	Conger,	Jones of Florida,	Maxey,
Anthony,	Edmunds,	Jones of Nevada,	Rollins,
Barrow,	Garland,	Logan,	Sawyer,
Blair,	Harrison,	McDill,	Windom.
Cockrell,	Ingalls,	McMillan,	

ABSENT—50.

Aldrich,	Ferry,	Kellogg,	Pugh,
Bayard,	Frye,	Lamar,	Ransom,
Beck,	George,	Lapham,	Saulsbury,
Butler,	Groome,	McPherson,	Saunders,
Camden,	Grover,	Mahone,	Sewell,
Cameron of Pa.,	Hale,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hampton,	Miller of N. Y.,	Tabor,
Coke,	Harris,	Mitchell,	Vance,
Davis of Ill.,	Hawley,	Morgan,	Van Wyck,
Davis of W. Va.,	Hill,	Morrill,	Walker,
Dawes,	Hoar,	Pendleton,	Williams.
Fair,	Jackson,	Platt,	
Farley,	Johnston,	Plumb,	

So the Senate refused to adjourn.

Mr. EDMUNDS. I modify the order that I offered by leaving out the name of Mr. JONES of Nevada, who is here present I see.

The PRESIDING OFFICER. The resolution as modified is before the Senate.

Mr. JONAS. I rise to a point of order. I call attention to the fact that no quorum is present, and I ask the Presiding Officer under the second standing rule of the Senate to direct the Secretary to call the roll of the Senate.

Mr. EDMUNDS. That point of order has just been decided adversely to the Senator.

The PRESIDING OFFICER. That point of order has been decided by the Senate.

Mr. JONAS. I ask to have the rule read.

Mr. EDMUNDS. That is debate.

The PRESIDING OFFICER. The Secretary will read the rule for the information of the Senate.

The Acting Secretary read as follows:

2. If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Mr. EDMUNDS. That has already been done.

Mr. VOORHEES. Mr. President——

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. VOORHEES. I have a right to make an inquiry of the Chair.

The PRESIDING OFFICER. Yes, sir.

Mr. VOORHEES. I will ask the Senator from Vermont also, if I have the right; and if I have not I ask the Chair whether that rule extends any further than its own language. Its language is that the roll shall be called, and there is the termination of that order. Now, there is something else proposed here, and that is an order to arrest Senators and bring them here. That is not within that rule, and debate is not prohibited by the terms of that rule on the matter that is now before the Senate.

The PRESIDING OFFICER. The Chair does not understand that that question is presented by the Senator from Louisiana.

Mr. JONAS. I raised the point of order.

The PRESIDING OFFICER. Will the Senator from Louisiana state his point of order?

Mr. JONAS. My point of order is that, in my opinion, there is no quorum present; the vote just taken discloses the presence of no quorum; and I ask the Chair to direct the Secretary to call the roll of the Senate in accordance with Rule 2 of the standing rules of the Senate.

The PRESIDING OFFICER. A vote was taken by the Senate more than an hour since which disclosed the absence of a quorum. Thereupon the roll was called in obedience to the rules of the Senate, and a quorum of Senators was found not to be present. Thereupon the Senate proceeded to execute Rule 3, requiring the attendance of Senators, and directed the Sergeant-at-Arms to request their presence. The Sergeant-at-Arms has now made his report. No business is in order under the third rule, except a motion to adjourn, pending the execution by the Senate of its order that Senators shall be invited to attend. Now the Senator from Vermont presents a further order requiring their presence, compelling their presence, and the Chair rules that that is in further execution of the order of the Senate, under Rule 3, and that nothing else is in order except a motion to adjourn. A motion to adjourn has just been passed upon. The next business in order is the resolution of the Senator from Vermont.

Mr. VOORHEES. Does the Chair hold that that is not debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. SLATER. I move that the resolution lie on the table.

Mr. JONAS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana appeals from the decision of the Chair.

Mr. JONAS. On that I call for the yeas and nays.

Mr. VOORHEES. Mr. President, I appeal from the decision of the Chair. Is it debatable?

Mr. EDMUNDS. It is not.

The PRESIDING OFFICER. The rule seems to be express and peremptory that there shall be no debate pending the execution of this order.

Mr. VOORHEES. I know this very question was elaborately debated less than two years ago. I participated in the debate myself and so did many Senators on the floor. It is within the recollection of the whole Senate. It was elaborately debated on that side as well as on this.

Mr. ALLISON. It must have been by unanimous consent.

Mr. VOORHEES. I never heard of an appeal from a decision of the Chair that was not debatable.

The PRESIDING OFFICER. The Chair will read the rule on which his decision is founded:

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

The Senator from Louisiana [Mr. JONAS] appeals from the decision of the Chair ruling that debate is not in order upon the resolution of the Senator from Vermont [Mr. EDMUNDS]. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONAS. I call for the yeas and nays.

Mr. VOORHEES. Does the Chair decide that the appeal is not debatable also?

The PRESIDING OFFICER. The Chair so decides.

Mr. VEST. I appeal from that decision.

Mr. EDMUNDS. You can not try more than one appeal at once.

Mr. VOORHEES. If I can get a chance I should like to introduce some speeches of the Senator from Vermont about a couple of years ago on this very question.

The PRESIDING OFFICER. Is the call for the yeas and nays sustained?

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. ANTHONY (after having voted in the affirmative). I again voted inadvertently. I withdraw my vote; I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. BECK. I am paired on all questions connected with this bill with the Senator from Maine [Mr. HALE]. So I can not vote.

The result was announced—yeas 19, nays 7; as follows:

YEAS—19.

Allison,	Conger,	Jones of Nevada,	Pugh,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sherman.
Cockrell,	Jones of Florida,	Mitchell,	

NAYS—7.

Brown,	Gorman,	Maxey,	Voorhees.
Call,	Jonas,	Vest,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Ransom,
Anthony,	Frye,	Kellogg,	Saulsbury,
Bayard,	George,	Lamar,	Saunders,
Beck,	Groome,	Lapham,	Sewell,
Butler,	Grover,	McDill,	Slater,
Camden,	Hale,	McPherson,	Tabor,
Cameron of Pa.,	Hampton,	Mahone,	Vance,
Coke,	Harris,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Hawley,	Morgan,	Walker,
Davis of W. Va.,	Hill,	Morrill,	Williams,
Dawes,	Hoar,	Pendleton,	Windom.
Fair,	Ingalls,	Platt,	
Farley,	Jackson,	Plumb,	

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. VEST. Is there not an appeal pending? The Chair ruled that debate was not in order.

The PRESIDING OFFICER. The Chair has so ruled, and the Senate has sustained the ruling of the Chair.

Mr. VEST. I appealed on another question than that just voted on. The Senator from Indiana [Mr. VOORHEES] proposed to discuss that appeal, and the Chair ruled that it was not debatable. From that decision I appealed. The appeal of the Senator from Louisiana has been disposed of, but the other appeal is now pending.

The PRESIDING OFFICER. The Chair was not aware that the Senator from Indiana [Mr. VOORHEES] had made a point of order.

Mr. VEST. He made it, and I appealed from the decision that debate was not in order. The appeal is entitled to be disposed of.

The PRESIDING OFFICER. The Senator from Missouri states his point of order to be that the resolution of the Senator from Vermont is debatable, if the Chair understands him.

Mr. VEST. No, but I appeal from the decision of the Chair that the appeal made by the Senator from Louisiana [Mr. JONAS] was not debatable.

The PRESIDING OFFICER. The Chair put the question on that appeal and the Senate sustained the Chair. The subject has passed beyond the reach of the Senate, and debate of course is not in order. It is not before the Senate.

Mr. VEST. If the Chair will permit me, the Senator from Louisiana appealed from the decision of the Chair, the Senator from Indiana proposed to discuss that appeal, and the Chair ruled that it was not debatable. I appealed from that decision of the Chair, and called for the yeas and nays on that appeal of mine.

The PRESIDING OFFICER. The Chair was not advised that the Senator from Missouri had appealed from the decision of the Chair that the Senator from Indiana could not be allowed to debate. That question can not now be got back to, because the Senate has already decided that the appeal taken by the Senator from Louisiana was not well taken and the decision of the Chair has been sustained.

Mr. VEST. I appealed at the time.

Mr. EDMUNDS. While one appeal is pending there can not be another appeal.

Mr. CALL (at 8 o'clock and 36 minutes p. m.). Pending the appeal, I move that the Senate do now adjourn.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. GARLAND. The Senator from Alabama [Mr. MORGAN] is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 10, nays 16; as follows:

YEAS 10.

Beck,	Gorman,	Sherman,	Voorhees.
Brown,	Jonas,	Slater,	
Call,	Pugh,	Vest,	

NAYS 16.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Logan,	Rollins,
Blair,	Garland,	McMillan,	Sawyer,
Cockrell,	Harrison,	Maxey,	Windom.

ABSENT 50.

Aldrich,	Butler,	Cameron of Wis.,	Davis of W. Va.,
Anthony,	Camden,	Coke,	Dawes,
Bayard,	Cameron of Pa.,	Davis of Ill.,	Fair,
Farley,	Hill,	McPherson,	Saulsbury,
Ferry,	Hoar,	Mahone,	Saunders,
Frye,	Ingalls,	Miller of Cal.,	Sewell,
George,	Jackson,	Miller of N. Y.,	Tabor,
Groome,	Johnston,	Morgan,	Vance,
Grover,	Jones of Nevada,	Morrill,	Van Wyck,
Hale,	Kellogg,	Pendleton,	Walker,
Hampton,	Lamar,	Platt,	Williams.
Harris,	Lapham,	Plumb,	
Hawley,	McDill,	Ransom,	

So the Senate refused to adjourn.

Mr. MAXEY. I rise to make a parliamentary inquiry. An order was issued by the Senate directing the Sergeant-at-Arms to request the attendance of absent members. That order is in process of execution. The Sergeant-at-Arms has made no return. We do not know whether or not they will comply with the request. Pending that, and before any return by the Sergeant-at-Arms, that is superseded by the motion of the Senator from Vermont instructing the Sergeant-at-Arms forthwith to bring in absent Senators. I make the point that that is in violation of Rule 3, which first requires that a request to the absent Senators to attend shall be made, and in case of necessity that direction shall be given to bring them in. That necessity can not possibly be known until first a disobedience of the request is made known.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Chair thinks the point of order made by the Senator from Texas [Mr. MAXEY] is not well taken. The Sergeant-at-Arms reported to the Senate, and after the report was made the Senator from Vermont offered the resolution which is now before the Senate.

Mr. MAXEY. If the Sergeant-at-Arms has made a report I have not heard it, and I think he has not made any.

Mr. VOORHEES. The report says the order is in process of execution. The Senator from Texas is right.

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. The Senator from Indiana, the Chair understands, is raising a point of order.

Mr. VOORHEES. The report states that the order is yet in process of execution by the officers of the Senate.

Mr. MAXEY. That is the exact wording.

Mr. VOORHEES. If there is any question about that, let that portion of the report be read again.

Mr. MAXEY. There is no return. There is simply a statement that the order is in process of execution.

Mr. JONES, of Florida. I understand the Sergeant-at-Arms has made a return to the order of the Senate requesting the presence of absent Senators. I ask that his return be read.

Mr. CONGER. I make the point that that is in the nature of argument and not in order now.

The PRESIDING OFFICER. The Chair thinks a Senator has a right to call for the reading of the report.

Mr. EDMUNDS. Then he can call all night.

Mr. JONES, of Florida. We have a right to know why they are absent.

The PRESIDING OFFICER. The report will be read.

The Acting Secretary read as follows:

To the President of the Senate:

In the execution of the order of the Senate to request the attendance of absent Senators, the Secretary reported the following as absent:

Messrs. Aldrich, Beck, Butler, Camden, Cameron of Pennsylvania, Davis of Illinois, Davis of West Virginia, Dawes, Fair, Farley, Ferry, Frye, George, Groome, Grover, Hale, Hawley, Hill, Hoar, Johnston, Kellogg, Lamar, Lapham, McPherson, Miller of New York, Morrill, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, Walker, and Williams.

Mr. MAXEY. He does not say that he requested those members to be present.

Mr. BECK. I rise to a parliamentary inquiry. I desire to know what the order of the Senate was, whether it was an arrest or a request.

The PRESIDING OFFICER. The Senator from Kentucky is not in order. The Secretary will proceed.

The Acting Secretary continued the reading, as follows:

Of these, Senators Cameron of Pennsylvania, Fair, Ferry, Lamar, McPherson and Sewell, are absent from the city.

Sick and unable to attend, Senators Farley, George, Lapham, Saunders, and Walker.

A number of Senators are reported to be at a dinner at Secretary Chandler's, where the host refused admission to the officers sent to notify them.

Senators Groome, Kellogg, and Saulsbury could not be found.

Officers are in search of the remainder.

Very respectfully,

R. J. BRIGHT, *Sergeant-at-Arms.*

The PRESIDING OFFICER. That return has been made by the Sergeant-at-Arms. Taking the matter into consideration, the Chair thinks the resolution is in order, and must be determined without debate. The question is on the adoption of the resolution offered by the Senator from Vermont.

Mr. MAXEY. I make the point that that is not in order, because——

Mr. BECK. I rose to a parliamentary inquiry—I thought it was a parliamentary inquiry—whether I had the right to have this order of the Senate read under which we were sent for.

The PRESIDING OFFICER. Not at this moment.

Mr. BECK. If the Chair says it is not in order, very well. Is it in order now to have it read?

The PRESIDING OFFICER. It is not.

Mr. BECK. I merely desired to know whether I was ordered to be arrested or requested to come here.

The PRESIDING OFFICER. That is not in order now. The question is on the adoption of the resolution.

Mr. MAXEY. I make the point of order——

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. MAXEY. I make the point of order that the order of the Senate requesting the attendance of absent members has not been complied with; that there is no official report that it has been executed, and until the return of the Sergeant-at-Arms showing its execution or the reasons why it has not been executed, a motion to compel absent Senators to attend is not in order. I make that point.

The PRESIDING OFFICER. The Chair decides that the point of order is not well taken for the reason——

Mr. MAXEY. I appeal from the decision of the Chair.

The PRESIDING OFFICER. For the reason it could only be made at the time of offering the resolution by the Senator from Vermont. The Chair understands that an appeal is taken.

Mr. VOORHEES. Yes, sir.

Mr. JONES, of Florida. Is it debatable?

The PRESIDING OFFICER. It is not.

Mr. SHERMAN. I rise to ask the Chair a question of fact. I heard my name read as among the list of absentees. I have responded here twice since I returned to the Senate Chamber.

Mr. COCKRELL. I think the Senator was absent at the time of the roll-calls referred to.

The PRESIDING OFFICER. The Senator from Missouri is not in order.

Mr. JONES, of Florida. The Senator from Texas was permitted to make debate.

The PRESIDING OFFICER. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONAS and others called for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SLATER. Mr. President——

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SLATER. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SLATER. I move that the resolution lie on the table.

The PRESIDING OFFICER. The question is on the appeal from the decision of the Chair.

Mr. SLATER. I beg pardon.

The Principal Legislative Clerk proceed to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded,

The result was announced—yeas 21, nays 6; as follows:

YEAS—21.

Allison,	Conger,	McDill,	Sherman,
Barrow,	Edmunds,	McMillan,	Slater,
Beck,	Garland,	Mitchell,	Windom.
Blair,	Harrison,	Pugh,	
Cameron of Wis.,	Jones of Florida,	Rollins,	
Cockrell,	Logan,	Sawyer,	

NAYS—6.

Brown,	Jonas,	Vest,	Voorhees.
Call,	Maxey,		

ABSENT—49.

Aldrich,	Frye,	Johnston,	Plumb,
Anthony,	George,	Jones of Nevada,	Ransom,
Bayard,	Gorman,	Kellogg,	Saulsbury,
Butler,	Groome,	Lamar,	Saunders,
Camden,	Grover,	Lapham,	Sewell,
Cameron of Pa.,	Hale,	McPherson,	Tabor,
Coke,	Hampton,	Mahone,	Vance,
Davis of Ill.,	Harris,	Miller of Cal.,	Van Wyck,
Davis of W. Va.,	Hawley,	Miller of N. Y.,	Walker,
Dawes,	Hill,	Morgan,	Williams.
Fair,	Hoar,	Morrill,	
Farley,	Ingalls,	Pendleton,	
Ferry,	Jackson,	Platt,	

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question now is——

Mr. JONAS (at 8 o'clock and 55 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate do now adjourn.

Mr. COKE. I move to amend that motion by adding "until 11 o'clock to-morrow morning."

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana [Mr. JONAS], that the Senate do now adjourn. It is not amendable.

Mr. COKE. I move an amendment to the motion.

The PRESIDING OFFICER. The motion to adjourn is not amendable.

Mr. COKE. I move a substitute, if it is in order, that we adjourn till 11 o'clock to-morrow

The PRESIDING OFFICER. A motion to adjourn is not amendable.

Mr. JONAS. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. ANTHONY (when Mr. PENDLETON'S name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Beck,	Gorman,	Sherman,	Vest,
Brown,	Pugh,	Slater,	Voorhees.
Call,			

NAYS—17.

Allison,	Edmunds,	Logan,	Sawyer,
Barrow,	Garland,	McDill,	Windom.
Blair,	Harrison,	McMillan,	
Cockrell,	Jones of Florida,	Maxey,	
Conger,	Jones of Nevada,	Rollins,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jonas,	Plumb,
Bayard,	George,	Kellogg,	Ransom,
Butler,	Groome,	Lamar,	Saulsbury,
Camden,	Grover,	Lapham,	Saunders,
Cameron of Pa.,	Hale,	McPherson,	Sewell,
Cameron of Wis.,	Hampton,	Mahone,	Tabor,
Coke,	Harris,	Miller of Cal.,	Vance,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of W. Va.,	Hill,	Mitchell,	Walker,
Dawes,	Hoar,	Morgan,	Williams.
Fair,	Ingalls,	Morrill,	
Farley,	Jackson,	Pendleton,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the resolution offered by the Senator from Vermont [Mr. EDMUNDS].

Mr. SLATER. I move that the resolution lie on the table, and I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 9, nays 17; as follows:

YEAS—9.

Beck,	Jonas,	Pugh,	Vest,
Brown,	Jones of Florida,	Sherman,	Voorhees.
Call,			

NAYS—17.

Allison,	Edmunds,	Logan,	Sawyer,
Barrow,	Garland,	McDill,	Windom.
Blair,	Gorman,	McMillan,	
Cockrell,	Harrison,	Mitchell,	
Conger,	Jones of Nevada,	Rollins,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Butler,	Groome,	Lapham,	Saunders,
Camden,	Grover,	McPherson,	Sewell,
Cameron of Pa.,	Hale,	Mahone,	Slater,
Cameron of Wis.,	Hampton,	Maxey,	Tabor,
Coke,	Harris,	Miller of Cal.,	Vance,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of W. Va.,	Hill,	Morgan,	Walker,
Dawes,	Hoar,	Morrill,	Williams.
Fair,	Ingalls,	Pendleton,	
Farley,	Jackson,	Platt,	

The PRESIDING OFFICER. The Senate refuses to lay the resolution on the table.

Mr. COKE (at 9 o'clock and 2 minutes p. m.). I move that the Senate do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. COKE (when his name was called). I am paired on this question with the Senator from Massachusetts [Mr. DAWES].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 10, nays 17; as follows:

YEAS—10.

Beck,	Gorman,	Sherman,	Voorhees.
Brown,	Jonas,	Slater,	
Call,	Pugh,	Vest,	

NAYS—17.

Allison,	Edmunds,	Logan,	Rollins,
Barrow,	Garland,	McDill,	Windom
Blair,	Harrison,	McMillan,	
Cockrell,	Jones of Florida,	Maxey,	
Conger,	Jones of Nevada,	Mitchell,	

ABSENT—49.

Aldrich,	Ferry,	Johnston,	Ransom,
Anthony,	Frye,	Kellogg,	Saulsbury,
Bayard,	George,	Lamar,	Saunders,
Butler,	Groome,	Lapham,	Sawyer,
Camden,	Grover,	McPherson,	Sewell,
Cameron of Pa.,	Hale,	Mahone,	Tabor,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Vance,
Coke,	Harris,	Miller of N. Y.,	Van Wyck,
Davis of Illinois,	Hawley,	Morgan,	Walker,
Davis of West Va.,	Hill,	Morrill,	Williams.
Dawes,	Hoar,	Pendleton,	
Fair,	Ingalls,	Platt,	
Farley,	Jackson,	Plumb,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on agreeing to the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. JONAS. I move to dispense with further proceedings under the call.

The PRESIDING OFFICER. The Chair has decided that that motion is not in order at this time.

Mr. JONAS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana takes an appeal from the decision of the Chair.

Mr. JONAS. On that appeal I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The Secretary will call the roll on sustaining the decision of the Chair.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. BECK. I desire to announce that I am paired with the Senator from Maine [Mr. HALE], and I shall not vote except to adjourn, when I can.

The result was announced—yeas 19, nays 6; as follows:

YEAS—19.

Barrow,	Conger,	Logan,	Rollins,
Blair,	Edmunds,	McDill,	Sawyer,
Brown,	Garland,	McMillan,	Sherman,
Cameron of Wis.,	Harrison,	Maxey,	Windom.
Cockrell,	Jones of Nevada,	Mitchell,	

NAYS—6.

Call,	Jones of Florida,	Vest,	Voorhees.
Jonas,	Pugh,		

ABSENT—51.

Aldrich,	Farley,	Ingalls,	Platt,
Allison,	Ferry,	Jackson,	Plumb,
Anthony,	Frye,	Johnston,	Ransom,
Bayard,	George,	Kellogg,	Saulsbury,
Beck,	Gorman,	Lamar,	Saunders,
Butler,	Groome,	Lapham,	Sewell,
Camden,	Grover,	McPherson,	Slater,
Cameron of Pa.,	Hale,	Mahone,	Tabor,
Coke,	Hampton,	Miller of Cal.,	Vance,
Davis of Illinois,	Harris,	Miller of N. Y.,	Van Wyck,
Davis of West Va.,	Hawley,	Morgan,	Walker,
Dawes,	Hill,	Morrill,	Williams.
Fair,	Hoar,	Pendleton,	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

Mr. JONAS (at 9 o'clock and 11 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana [Mr. JONAS], that the Senate adjourn.

Mr. JONAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 11, nays 16; as follows:

YEAS—11.

Beck,	Gorman,	Pugh,	Vest,
Brown,	Jonas,	Sherman,	Voorhees.
Call,	Maxey,	Slater,	

NAYS—16.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Jones of Nevada,	Rollins,
Blair,	Garland,	Logan,	Sawyer,
Cockrell,	Harrison,	McMillan,	Windom.

ABSENT—49.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Butler,	Groome,	Lapham,	Saunders,
Camden,	Grover,	McDill,	Sewell,
Cameron of Pa.,	Hale,	McPherson,	Tabor,
Cameron of Wis.,	Hampton,	Mahone,	Vance,
Coke,	Harris,	Miller of Cal.,	Van Wyck,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Walker,
Davis of W. Va.,	Hill,	Morgan,	Williams.
Dawes,	Hoar,	Morrill,	
Fair,	Ingalls,	Pendleton,	
Farley,	Jackson,	Platt,	

So the Senate refused to adjourn.

Mr. JONES, of Florida. In order to give a reasonable time for the execution of the order of the Senate to bring in absent Senators, I move that we take a recess for half an hour.

Mr. EDMUNDS. That is contrary to the Constitution.

Mr. JONES, of Florida. To what provision?

The PRESIDING OFFICER. The Chair thinks the motion is not in order at this time. The question recurs on agreeing to the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. SLATER. I move that the resolution be indefinitely postponed.

Mr. EDMUNDS. I make the point of order that no motion either to amend the resolution or to postpone it or lay it on the table is in order. It is the simple question whether this order shall be made to get a quorum here to do business. There is no question for debate under the rules.

The PRESIDING OFFICER. The Chair thinks that the point of order is not well taken; that a motion to lay the resolution on the table or to postpone it indefinitely is equivalent to a vote against the resolution and a final disposition of it. The question is on the motion of the Senator from Oregon [Mr. SLATER], that the resolution be indefinitely postponed.

Mr. SLATER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONAS. Is the motion debatable?

The PRESIDING OFFICER. It is not. The Secretary will call the roll on agreeing to the motion of the Senator from Oregon [Mr. SLATER].

The Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. SLATER (when his name was called). I am paired on all questions with the Senator from Louisiana [Mr. KELLOGG].

The roll-call was concluded.

Mr. JONES, of Florida. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. MORGAN in the chair). That motion is not in order. The yeas and nays are being taken.

The result was announced—yeas 7, nays 15; as follows:

YEAS—7.

Brown,	Jonas,	Maxey,	Voorhees.
Call,	Jones of Florida,	Vest,	

NAYS—15.

Allison,	Edmunds,	McDill,	Sawyer,
Barrow,	Garland,	McMillan,	Sherman,
Cockrell,	Harrison,	Mitchell,	Windom.
Conger,	Logan,	Rollins,	

ABSENT—54.

Aldrich,	Farley,	Jackson,	Plumb,
Anthony,	Ferry,	Johnston,	Pugh,
Bayard,	Frye,	Jones of Nevada,	Ransom,
Beck,	George,	Kellogg,	Saulsbury,
Blair,	Gorman,	Lamar,	Saunders,
Butler,	Groome,	Lapham,	Sewell,
Camden,	Grover,	McPherson,	Slater,
Cameron of Pa.,	Hale,	Mahone,	Tabor,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Vance,
Coke,	Harris,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Hawley,	Morgan,	Walker,
Davis of W. Va.,	Hill,	Morrill,	Williams.
Dawes,	Hoar,	Pendleton,	
Fair,	Ingalls,	Platt,	

So the motion for indefinite postponement was not agreed to.

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. JONAS (at 9 o'clock and 20 minutes p. m.). I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. CAMERON, of Wisconsin. That motion is not in order.

The PRESIDING OFFICER. The Chair is of the opinion that no motion can be received except a motion simply to adjourn. The motion of the Senator from Louisiana is not in order.

Mr. JONES, of Florida. The Chair entertained a motion to suspend the execution——

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. JONES, of Florida. A motion to suspend the execution of the resolution being executed——

The PRESIDING OFFICER. Debate is not in order.

Mr. JONAS. I am compelled to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate adjourn until to-morrow at 12 o'clock. The Chair decides that that motion is not in order. Thereupon the Senator from Louisiana appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Massachusetts [Mr. DAWES].

The result was announced—yeas 17, nays 8; as follows:

YEAS—17.

Allison,	Edmunds,	McDill,	Sherman,
Barrow,	Garland,	McMillan,	Windom.
Blair,	Harrison,	Mitchell,	
Cameron of Wis.,	Jones of Nevada,	Rollins,	
Conger,	Logan,	Sawyer,	

NAYS—8.

Beck,	Cockrell,	Jones of Florida,	Vest,
Call,	Jonas,	Maxey,	Voorhees.

ABSENT—51.

Aldrich,	Ferry,	Jackson,	Plumb,
Anthony,	Frye,	Johnston,	Pugh,
Bayard,	George,	Kellogg,	Ransom,
Brown,	Gorman,	Lamar,	Saulsbury,
Butler,	Groome,	Lapham,	Saunders,
Camden,	Grover,	McPherson,	Sewell,
Cameron of Pa.,	Hale,	Mahone,	Slater,
Coke,	Hampton,	Miller of Cal.,	Tabor,
Davis of Illinois,	Harris,	Miller of N. Y.,	Vance,
Davis of W. Va.,	Hawley,	Morgan,	Van Wyck,
Dawes,	Hill,	Morrill,	Walker,
Fair,	Hoar,	Pendleton,	Williams.
Farley,	Ingalls,	Platt,	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

Mr. VEST (at 9 o'clock and 26 minutes p. m). I move that the Senate do now adjourn.

The PRESIDING OFFICER. The last business transacted, the Chair is informed, was a motion to adjourn, which was negatived.

Mr. JONAS. The last business transacted was a vote on an appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair ruled that that motion was out of order. There was therefore nothing done, and a motion for an adjournment is not now in order, because no business has intervened since the last motion to adjourn.

Mr. VEST. I appeal from the decision of the Chair.

Mr. EDMUNDS. That is a repetition of the same appeal on the same question.

The PRESIDING OFFICER. The Chair so rules, but the Chair will submit the appeal nevertheless to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 16, nays 10; as follows:

YEAS—16.

Allison,	Conger,	Jones of Nevada,	Rollins,
Blair,	Edmunds,	Logan,	Sawyer,
Brown,	Garland,	McDill,	Sherman,
Cameron of Wis.,	Harrison,	McMillan,	Windom.

NAYS—10.

Barrow,	Gorman,	Maxey,	Voorhees.
Call,	Jonas,	Pugh,	
Cockrell,	Jones of Florida,	Vest,	

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Beck,	Groome,	Lapham,	Saunders,
Butler,	Grover,	McPherson,	Sewell,
Camden,	Hale,	Mahone,	Slater,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Tabor,
Coke,	Harris,	Miller of N. Y.,	Vance,
Davis of Ill.,	Hawley,	Mitchell,	Van Wyck,
Davis of W. Va.,	Hill,	Morgan,	Walker,
Dawes,	Hoar,	Morrill,	Williams.
Fair,	Ingalls,	Pendleton,	
Farley,	Jackson,	Platt,	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

Mr. GORMAN (at 9 o'clock and 32 minutes p. m.) I move that the Senate adjourn until half past 10 o'clock to-morrow.

Mr. EDMUNDS. That has been already decided not to be in order.

The PRESIDING OFFICER. The Chair decides that the motion is not in order. The Chair begs leave to state that when a quorum is not present it is impossible for the Senate to change the rule establishing the hour of meeting, which is 10 o'clock to-morrow. So nothing is in order on that subject but a motion to adjourn.

Mr. GORMAN. Then I appeal from the decision of the Chair, and ask for the yeas and nays on the appeal.

The PRESIDING OFFICER. The Senator from Maryland [Mr. GORMAN] appeals from the decision of the Chair, the Chair ruling that a motion to adjourn to half past 10 o'clock to-morrow is not in order. The yeas and nays are demanded upon this question. Is the call seconded?

The yeas and nays were ordered, and the Acting Secretary proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 17, nays 7; as follows:

YEAS—17.

Allison,	Cameron of Wis.,	Logan,	Sherman,
Barrow,	Conger,	McDill,	Slater.
Beck,	Edmunds,	McMillan,	
Blair,	Garland,	Rollins,	
Brown,	Harrison,	Sawyer,	

NAYS—7.

Call,	Jonas,	Maxey,	Voorhees.
Gorman,	Jones of Florida,	Vest,	

ABSENT—52.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jones of Nevada,	Plumb,
Bayard,	George,	Kellogg,	Pugh,
Butler,	Groome,	Lamar,	Ransom,
Camden,	Grover,	Lapham,	Saulsbury,
Cameron of Pa.,	Hale,	McPherson,	Saunders,
Cockrell,	Hampton,	Mahone,	Sewell,
Coke,	Harris,	Miller of Cal.,	Tabor,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Vance,
Davis of W. Va.,	Hill,	Mitchell,	Van Wyck,
Dawes,	Hoar,	Morgan,	Walker,
Fair,	Ingalls,	Morrill,	Williams,
Farley,	Jackson,	Pendleton,	Windom.

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. VEST (at 9 o'clock and 38 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. VEST], that the Senate adjourn.

Mr. VOORHEES. Is that motion in order? Let me call attention to the fact that there are no more Senators answering to their names now than when the proceedings were commenced under the call.

The PRESIDING OFFICER. Those who are in favor of the motion of the Senator from Missouri [Mr. VEST] to adjourn, will say "aye;" contrary, "no." [Putting the question.] The noes appear to have it.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 10, nays 16; as follows:

YEAS—10.

Beck,	Gorman,	Sherman,	Voorhees.
Brown,	Maxey,	Slater,	
Call,	Pugh,	Vest,	

NAYS—16.

Allison,	Conger,	Jones of Florida,	McMillan,
Barrow,	Edmunds,	Jones of Nevada,	Rollins,
Blair,	Garland,	Logan,	Sawyer,
Cockrell,	Harrison,	McDill,	Windom.

ABSENT—50.

Aldrich,	Ferry,	Johnston,	Platt,
Anthony,	Frye,	Jonas,	Plumb,
Bayard,	George,	Kellogg,	Ransom,
Butler,	Groome,	Lamar,	Saulsbury,
Camden,	Grover,	Lapham,	Saunders,
Cameron of Pa.,	Hale,	McPherson,	Sewell,
Cameron of Wis.,	Hampton,	Mahone,	Tabor,
Coke,	Harris,	Miller of Cal.,	Vance,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of W. Va.,	Hill,	Mitchell,	Walker,
Dawes,	Hoar,	Morgan,	Williams.
Fair,	Ingalls,	Morrill,	
Farley,	Jackson,	Pendleton,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. JONAS. I move to lay the resolution on the table.

Mr. EDMUNDS. That motion is not in order.

The PRESIDING OFFICER. The Chair rules that the motion is not in order. The Senate has passed upon it.

Mr. JONAS. I appeal from the decision of the Chair.

Mr. EDMUNDS. I submit that an appeal can not be taken. The Senate has decided that very question.

Mr. JONAS. The Senate has not decided the appeal.

The PRESIDING OFFICER. The Chair is of the opinion that the action taken on the previous motion to lay the resolution on the table is conclusive, and the subject can not now, except upon a motion to reconsider, be dealt with.

Mr. JONAS. I ask the Chair whether I am not entitled to take an appeal from the ruling of the Chair, not being satisfied with it?

Mr. LOGAN. How long would it take the Senator to get satisfied? [Laughter.]

The PRESIDING OFFICER. The Chair is not aware that the question of the right of a Senator to take an appeal, where the record stands confronted with the action which he proposes to take, has ever been decided.

Mr. LOGAN. It is about time that it should be.

The PRESIDING OFFICER. The Chair will therefore submit that question to the Senate.

Mr. JONAS. Is it a debatable question?

Mr. EDMUNDS. No; it does not arise out of a question that is open to debate.

The PRESIDING OFFICER. No debate is in order upon any proposition. The question now submitted to the Senate is whether the Senator from Louisiana [Mr. JONAS] has a right to appeal from the decision of the Chair.

Mr. EDMUNDS. The decision made?

The PRESIDING OFFICER. The decision just made.

Mr. JONAS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Those who are of the opinion that the Senator from Louisiana has the right of appeal will make it known by saying "yea," those opposed will say "nay," as your names are called. The Secretary will call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call having been concluded, the result was announced—yeas 9, nays 16; as follows:

YEAS—9.

Beck,	Cockrell,	Jonas,	Maxey,
Brown,	Gorman,	Jones of Florida,	Voorhees.
Call,			

NAYS—16.

Allison,	Conger,	Jones of Nevada,	Rollins,
Barrow,	Edmunds,	Logan,	Sawyer,
Blair,	Garland,	McDill,	Sherman,
Cameron of Wis.,	Harrison,	McMillan,	Windom.

ABSENT—51.

Aldrich,	Frye,	Kellogg,	Pugh,
Anthony,	George,	Lamar,	Ransom,
Bayard,	Groome,	Lapham,	Saulsbury,
Butler,	Grover,	McPherson,	Saunders,
Camden,	Hale,	Mahone,	Sewell,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Slater,
Coke,	Harris,	Miller of N. Y.,	Tabor,
Davis of Illinois,	Hawley,	Mitchell,	Vance,
Davis of W. Va.,	Hill,	Morgan,	Van Wyck,
Dawes,	Hoar,	Morrill,	Vest,
Fair,	Ingalls,	Pendleton,	Walker,
Farley,	Jackson,	Platt,	Williams.
Ferry,	Johnston,	Plumb,	

The PRESIDING OFFICER. The Senate decides that the Senator from Louisiana [Mr. JONAS] has not the right of appeal from the decision of the Chair in this case.

Mr. MAXEY (at 9 o'clock and 50 minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS. No business has intervened.

The PRESIDING OFFICER. The Chair is of opinion that having submitted the question of order to the Senate for its decision, business has intervened. The question is on the motion of the Senator from Texas [Mr. MAXEY] that the Senate adjourn.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were not ordered:

Mr. CALL. I withdraw the call.

Mr. MAXEY. I make the demand for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

The roll-call having been concluded, the result was announced—yeas 10, nays 15; as follows:

YEAS—10.

Beck,	Gorman,	Pugh,	Voorhees.
Brown,	Jonas,	Sherman,	
Call,	Maxey,	Slater,	

NAYS—15.

Allison,	Conger,	Jones of Florida,	Mitchell,
Barrow,	Edmunds,	Jones of Nevada,	Rollins,
Blair,	Garland,	Logan,	Sawyer.
Cockrell,	Harrison,	McMillan,	

ABSENT—51.

Aldrich,	Ferry,	Johnston,	Plumb,
Anthony,	Frye,	Kellogg,	Ransom,
Bayard,	George,	Lamar,	Saulsbury,
Butler,	Groome,	Lapham,	Saunders,
Camden,	Grover,	McDill,	Sewell,
Cameron of Pa.,	Hale,	McPherson,	Tabor,
Cameron of Wis.,	Hampton,	Mahone,	Vance,
Coke,	Harris,	Miller of Cal.,	Van Wyck,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Vest,
Davis of W. Va.,	Hill,	Morgan,	Walker,
Dawes,	Hoar,	Morrill,	Williams,
Fair,	Ingalls,	Pendleton,	Windom.
Farley,	Jackson,	Platt,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on agreeing to the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. GORMAN. I ask that the resolution may be read.

The PRESIDING OFFICER. The Secretary will read the resolution of the Senator from Vermont.

The Acting Secretary read as follows:

Ordered, That the Sergeant-at-Arms bring into the Senate forthwith the following-named Senators now absent from this sitting of the Senate without its leave, namely, Senators Aldrich, Bayard, Beck, Butler, Camden, Davis, of Illinois, Davis of West Virginia, Dawes, Frye, Groome, Grover, Hale, Hampton, Harris, Hawley, Hill, Hoar, Jackson, Johnston, Kellogg, McPherson, Mahone, Miller of New York, Morrill, Pendleton, Platt, Plumb, Ransom, Saulsbury, Sewell, Sherman, Vance, Van Wyck, and Williams.

Mr. SHERMAN. I desire to say——

Mr. GORMAN. As the Senator from Kentucky [Mr. BECK] is present now, I move to amend the resolution by striking out his name.

Mr. EDMUNDS. No amendment is in order. I make the point of order against the Senator from Maryland. If Senators do not like the resolution, they can vote it down.

Mr. BECK. Does the resolution order the arrest of those who are here?

Mr. EDMUNDS. I make the point of order that debate is not in order.

Mr. BECK. I propose to inquire whether the resolution now offered proposes to arrest those of us who are here.

The PRESIDING OFFICER. The Secretary will read the resolution for the information of the Senator from Kentucky.

The resolution was again read.

Mr. BECK. That is not true upon its face. I am in the Senate.

Mr. EDMUNDS. Debate is not in order.

Mr. BECK. But the truth ought to be told. If the Senator from Vermont thinks it is in order to have the record state what is not true, I have the right to tell the truth.

Mr. VOORHEES. I rise to a parliamentary inquiry. I ask whether it is in order for the Senate to put upon its record a self-evident falsehood? Senators are named in the resolution as absent when as a fact they are here present and answering to their names.

The PRESIDING OFFICER. The Chair does not feel called upon to decide a question of that description, no point of order having been raised.

Mr. EDMUNDS. I will modify the resolution by striking out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

Mr. SLATER. The yeas and nays have been ordered upon the resolution, and it can not be modified without unanimous consent. I object.

Mr. BECK. I went home, having been paired, and my family being sick, and I came back as soon as I was notified. So did the Senator from Ohio.

Mr. SHERMAN. I understand that the resolution is not amendable.

Mr. EDMUNDS. No; but I have modified it.

Mr. BROWN. If it is not amendable what right has the Senator from Vermont to modify it without the consent of the Senate?

Mr. EDMUNDS. Because we are not acting—I can not make the argument, as debate is not in order.

The PRESIDING OFFICER. The Chair holds that this resolution, as all other resolutions before the Senate, is amendable, but that it must be done without debate.

Mr. BARROW. Then I move to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK].

Mr. COKE. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. I understood that the resolution was modified before the motion of the Senator from Georgia [Mr. BARROW] was submitted.

The PRESIDING OFFICER. It was a question whether the resolution being in the possession of the Senate, the Senator from Vermont had the right to modify it without leave.

Mr. GORMAN. I submit that immediately after the resolution was read I moved to amend it by striking out the name of the Senator from Kentucky [Mr. BECK].

The PRESIDING OFFICER. The Chair so understood, before the proposition to modify had been made. The Secretary will call the roll on agreeing to the amendment of the Senator from Georgia [Mr. BARROW].

Mr. JONAS. What is the amendment?

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Kentucky [Mr. BECK] and the Senator from Ohio [Mr. SHERMAN].

Mr. JONAS. I ask for a division of the question.

The PRESIDING OFFICER. The Senator is entitled to a division of the question. The Chair is not in possession of the precise form of the amendment, whether the name of the Senator from Kentucky or of the Senator from Ohio occurs first.

Mr. BARROW. The name of the Senator from Ohio was stated first.

The PRESIDING OFFICER. The question would be therefore taken, first, on striking out the name of the Senator from Ohio.

Mr. EDMUNDS. That is a mistake of fact. The names are in alphabetical order.

Mr. GROOME. Mr. President, I should like to ask what question is before the Senate.

The PRESIDING OFFICER. The question before the Senate is upon the motion of the Senator from Georgia [Mr. BARROW] to strike out the names of the Senator from Ohio [Mr. SHERMAN] and the Senator from Kentucky [Mr. BECK] by way of amendment to the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. CONGER. Does that mean to strike them from the rolls of the Senate?

The PRESIDING OFFICER. It is to strike them from the order which is proposed by the Senator from Vermont.

Mr. GROOME. I should like to ask what the order is, having been out for a short period. [Laughter.]

Mr. MAXEY. I submit that the Senator from Maryland is not present.

The PRESIDING OFFICER. The Chair will not entertain any question of order until the Senate is in order.

Mr. GROOME. Exactly what I am endeavoring to ascertain is what the business is before the Senate.

Mr. EDMUNDS. It being perfectly obvious under the rulings of the Chair and the votes on the other side that it is impossible even to send for absent Senators, I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senator will not make that motion until we get those Senators from that residence where the host refused admission to the messengers of the Senate.

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 23, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. BUCK, Mr. TOWNSHEND of Illinois, and others addressed the Chair.

Mr. UPSON. I call for the regular order.

FRANCIS A. BAIRD.

Mr. URNER. I am directed by the Committee on Accounts to report back the resolution which I send to the desk, and to move its reference to the Committee on Appropriations.

The resolution was read, as follows:

Resolved, That the Clerk of the House be, and is hereby, directed to pay to Francis A. Baird, out of the contingent fund of the House, a sum equal to the difference between the compensation received by him as a laborer and that of electrician from the 24th day of February, 1882, to the 24th day of February, 1883.

The resolution, with the accompanying report, was referred to the Committee on Appropriations.

AMENDMENT OF RULES.

Mr. ROBESON. I call up for consideration at this time the resolution reported by me yesterday from the Committee on Rules.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That during the remainder of this session of Congress it shall be in order, immediately after the approval of the Journal, to proceed in the House as in Committee of the Whole to the consideration, for the period of one hour, of bills and resolutions which shall have been previously reported by standing committees of the House, and such reports printed, and Senate bills and resolutions on the Speaker's table, which, or substantially similar measures, shall have received favorable action of appropriate House committees, in the following manner, to wit:

The Speaker shall call the standing committees in their order, whereupon, by direction of committees so called, not more than one measure may be called up for final consideration; if not more than four members object such consideration shall proceed, provided that debate on each bill or resolution shall be limited to ten minutes, exclusive of five minutes which may be occupied in reading reports of committees, the latter upon request of a member to be allowed prior to submitting the call for objections; this hour not to interfere with revenue or appropriation bills.

Mr. ROBESON. Mr. Speaker, I will say that this proposed rule is the same as the rule known as the "Pound rule," which prevailed for a short time before the close of the last session of Congress, there being a change in only one particular, that by the "Pound rule" of last session objection by four members prevented the consideration of a measure, while this requires objection by five. I will state the substance of this proposed rule. It is that the standing committees shall be called in their order; that one measure recommended by a committee may be called up for immediate action; that five minutes may be consumed in the reading of the report or in explanation in lieu of it; and if after the report is read or the explanation in lieu of it is had five members object to the consideration of the bill, it is not considered. That is the whole of it.

Mr. HAMMOND, of Georgia. The expression "or explanation in lieu thereof" is not in this proposed rule. It might be an advantage to insert it.

Mr. ROBESON. If that language is not in, I accept the gentleman's suggestion and put it in.

Mr. BEACH. I wish to inquire of the gentleman from New Jersey whether the call of committees under this resolution will embrace select committees appointed under special resolutions of the House, or simply the standing committees. If it does not, I desire to have the resolution amended in that respect.

Mr. ROBESON. The words of the resolution are "standing committees."

Mr. BEACH. Will the gentleman accept the amendment I suggest?

Mr. ROBESON. I am not authorized by the committee to accept an amendment on so material a point. In reporting this proposed rule I am merely the organ of the committee.

Mr. RANDALL. As one member of the committee, I have no objection to that modification.

The SPEAKER. If the word "standing" be struck out, the Chair would interpret the rule to include select as well as standing committees.

Mr. ROBESON. Very well; if there is no objection I will omit the word "standing."

Mr. ATKINS. I desire to inquire whether under this rule one hour is to be assigned to a committee, or whether a committee is to have just one call?

Mr. ROBESON. One hour each day is assigned to the execution of this order, and during that hour as many committees will be called as can get through with their business.

Mr. ATKINS. Calling each committee once?

Mr. ROBESON. Yes, sir.

The SPEAKER. The debate upon each bill is limited to ten minutes.

Mr. URNER. I wish to inquire of the gentleman from New Jersey whether when a committee is called a member of the committee can, by its direction, call from the Calendar any bill, whether reported by that committee or not.

Mr. ROBESON. My recollection is that last session it was ruled that a bill called up by the direction of the committee must be one of which the committee had charge.

Mr. ANDERSON. Mr. Speaker——

Mr. ROBESON. I will yield to the gentleman. How much time does he wish?

Mr. ANDERSON. Only a few minutes.

Mr. ROBESON. I yield to my friend from Kansas for five minutes.

Mr. ANDERSON. Mr. Speaker, I wish to make two suggestions in regard to this resolution. First, during all of next week, being the last six days of the session, motions to suspend the rules will be in order at any time. This resolution will have no effect except when the House can not suspend the rules. But it will enable certain measures, if brought before the House without objection from five members, to be passed by a majority vote instead of a two-thirds vote. This will not expedite business to any very great extent. And but few committees will be reached, not more than four in any one hour if each committee presents something.

But the strongest objection in my mind is that this proposed rule sets apart an hour each day when the House must go on with this business. We may need that hour for many other things. It can be applied to other purposes under the present rules of the House, and I am frank to say that back of all my opposition to this is a gentle suspicion on my part that some bills may be forced through the House that in my judgment ought not to be passed, and at a time when the four or five gentlemen who would otherwise object may not happen to be present.

Mr. RANDALL. It is their duty to be here.

Mr. ANDERSON. That is all very true; but they are sometimes necessarily absent, and the rules of the House for the present transaction of business are ample in my judgment for the remainder of this session. There are certain bills that I should certainly object to seeing go through under any such modification of the rules, or in any other way. I do not want to see the Pacific railroad bills, the whisky bills, and a good many other bills put through. We have all of next week in which motions to suspend the rules can be made, and there is no necessity now for taking this step. If this had been proposed for adoption two or three or four weeks ago there might have been some reason for it; but there certainly can be none now at this late date in the session.

Mr. ROBESON. For the information of the gentleman from Kansas, let me say this rule expressly provides that in its operation it is not to interfere with revenue or appropriation bills; so that there is no difficulty about the right of way for such measures. The rule is amply guarded in this, that the objection of any five members will stop the consideration of any bill that may be brought up for consideration under its operation.

I move the previous question upon the adoption of the report of the committee.

Mr. RANDALL. Let me say in addition to what has been said by the gentleman from New Jersey, that we must leave something to the discretion of the Chair; and I want to remark further that a bill which is not objected to by five members of this House is likely to be right, and one that will commend itself to the judgment of the House.

The SPEAKER. The Chair will inquire of the gentleman from New Jersey whether it is understood that the word "standing" is to be stricken out?

Mr. ROBESON. I have accepted that amendment, and have also agreed to insert after the words "reading reports of committees," the words "or explanation in lieu thereof."

Mr. REAGAN. How will it read then?

Mr. ROBESON. The effect of the change will be that all committees of the House will be called in their order, both select and standing committees.

The SPEAKER. That change will make the rule applicable to all of the committees.

Mr. BURROWS, of Michigan. I desire to ask whether the rule provides that the bill shall be read before objections are called for?

The SPEAKER. That has always been held to be the right of the House.

Mr. BURROWS, of Michigan. So that we will have some knowledge of the bill itself before being called upon to make objection to its consideration.

The SPEAKER. And besides that, this rule goes further and allows a member to have the report read for a length of time not exceeding five minutes before objections are asked for.

Mr. ROBESON. Or five minutes for explanation in lieu of the reading of the report.

I demand the previous question.

Mr. ANDERSON. I demand a division on the previous question.

The House divided; and there were—ayes 72, noes 11.

So (no further count being demanded) the previous question was ordered; and under the operation of which the resolution reported by the Committee on Rules as modified was agreed to.

Mr. ROBESON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF CONGRESSIONAL GLOBE AND RECORD.

Mr. VAN HORN. I wish to call up now for present consideration the concurrent resolutions which were laid over on the day before yesterday at the request of gentlemen who wished to examine it. I understand that after having looked into it there is no objection to its immediate adoption.

The SPEAKER. The concurrent resolutions reported from the Committee on Printing will be again read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to deliver, in bound form, to the Secretary of the Interior the volumes of the Congressional Globe purchased from Messrs. Rives.

SEC. 2. That the Secretary of the Interior shall, from the volumes thus delivered to him, supply to the library of each of the Executive Departments, to the State library of each State, to the Territorial library of each Territory, and to the library of each depository of public documents in the several States designated or to be designated in accordance with provisions of law such volumes as are required to complete the sets of Congressional Globes in said libraries.

SEC. 3. That the Secretary of the Interior shall distribute the volumes of the Globe remaining after the distribution hereinafter directed has been made to such libraries in the several States as in his discretion he may select to receive them.

SEC. 4. That the Secretary of the Interior shall report to Congress the name and location of the libraries supplied with documents under the provisions of this resolution and the number of volumes supplied to each.

SEC. 5. That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution.

Mr. VAN HORN. I desire to make a correction in the resolutions by substituting "be it further resolved" in place of the present arrangement of sections "two," "three," &c. Being a concurrent resolution it should not have been divided into sections. That was an error in making it up.

The SPEAKER. Without objection the modification suggested by the gentleman from Missouri will be made.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I wish to inquire of the gentleman from Missouri whether that last clause of the resolution does not involve the reprinting of more copies of these documents after the numbers on hand shall have been exhausted?

Mr. VAN HORN. That was not the intention of the committee. It is not designed to reprint them, but only to distribute the numbers of copies already on hand.

Mr. HOLMAN. I fear it will be reprinted or taken as authority for ordering a reprint unless there is a limitation put upon it. I ask that the last clause be again read.

The last clause of the resolution was again reported.

Mr. HOLMAN. The words, "but this shall not authorize the reprinting of any back numbers of the Globe or RECORD," should be inserted there.

Mr. VAN HORN. The object of this is simply to keep up the files——

Mr. REAGAN. But if you do not put in some such restriction as the gentleman from Indiana has suggested they will reprint these documents when they are exhausted.

Mr. VAN HORN. I have no objection to the modification suggested by the gentleman from Indiana.

Mr. HOLMAN. Then I move to insert at the end of the last clause of the resolution the words:

But this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

The amendment was agreed to.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman from Missouri what is to be done with the copies that are not used or not distributed among the State libraries?

Mr. VAN HORN. The Public Printer can sell them and turn the proceeds into the Treasury.

Mr. TOWNSHEND, of Illinois. No provision is made for their distribution?

Mr. VAN HORN. No, sir.

The SPEAKER. The question is on agreeing to the concurrent resolution as amended.

The resolution was agreed to.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes, and to move that they be non-concurred in.

Mr. HOLMAN. Before that vote is taken I hope the gentleman from Ohio will explain briefly the nature of these amendments of the Senate.

Mr. BUTTERWORTH. Certainly I will, if that be desired.

The SPEAKER. The House will come to order.

Mr. BUTTERWORTH. I will run over each amendment, unless the gentleman desires to call attention to some particular item.

Mr. HOLMAN. No, sir; we have not had time to examine them.

Mr. BUTTERWORTH. The first item is one increasing the appro-

priation for the office of the General of the Army from $1,500 to $2,000. That the committee non-concurred in.

The next reduces the appropriation for the recruiting service from $25,000 to $10,000. The committee fully investigated that originally. If recruiting is to go on at all to fill the ranks of the Army that amendment of the Senate is unwise and approaches, if it be not disrespectful to say so, the absurd.

The next is a new item appropriating $105,000 for the payment of the civil employés of the Army at the several departmental headquarters. We also non-concurred in that. I will say to my friend from Indiana that enlisted men are now employed. The proposition is to send them to the ranks and employ civilians. That we have non-concurred in.

The Senate strike out the item which the House inserted to reduce the number of aids. We non-concurred in that amendment.

The next amendment is in reference to an item inserted by the House which provided for the deposit by the soldier of a sum not exceeding $10, I believe it was, and that he should draw interest at 4 per cent. so long as he left it in the hands of the Paymaster-General. This, as my friend will remember, tended to prevent desertions and was very valuable to the Government as well as to the soldier in keeping his heart where his treasure was. We non-concurred in that.

The other four or five amendments simply increase amounts. They also strike out the provision of our bill which reduces the number of contract surgeons, and while they do not restore them to the original number they nevertheless greatly increase them. We non-concurred in that.

They strike out the provision in the bill which requires disbursing officers to give bond in such sum as the Secretary of War shall prescribe. They did that because they had previously struck out the provision of the House reducing the number of paymasters. We also non-concurred in that.

I will say the Senate also struck out the doing away with the paymasters' corps. We non-concurred in that. The Senate also struck out the clause in regard to compensation to certain Pacific railroads for transportation of the mails. We non-concurred in that.

All the other items are inconsiderable, some increasing where we think there ought not to be any increase, and others decreasing where our investigation satisfied us there ought not to be any decrease.

Mr. HOLMAN. I should be glad to have a vote on the second and the thirty-fourth amendments.

Mr. BUTTERWORTH. Now, to go more into detail as to the second amendment, and so far as the recruiting service is concerned, it is a simple matter of mathematical calculation or computation. If it is the purpose of the House and Senate to stop recruiting under the law, then it can be done by withholding the amount necessary to pay the expense of the recruiting service.

Mr. HOLMAN. The Senate only reduces it $15,000.

Mr. BUTTERWORTH. It reduced it more than one-half and we had previously reduced it to the minimum. The number of soldiers to be recruited can be exactly ascertained or nearly so. The expense is well known and beyond question, the amount required is $21,000 and something more. The Senate reduces that to $10,000. Whether it was for the purpose of reducing the Army or not I do not know, but it seems not to be the proper way to do it. If we wish to reduce the Army we had better do it at once by providing that the Army hereafter shall consist of ten, fifteen, or twenty thousand men, or as you will. But to take down the house by taking away the prop which sustains it is not, in my judgment, the proper way to accomplish a result. Hence we non-concurred. No one will argue, unless the purpose is to reduce the strength of the Army, that this amendment ought to be concurred in. If that is the purpose it ought to be accomplished in a plain, direct way, and not by a species of indirection.

The amendments of the Senate were non-concurred in.

Mr. BUTTERWORTH moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTTERWORTH. I now move, Mr. Speaker, the appointment of a committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The motion was agreed to.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. BUTTERWORTH, Mr. BURROWS of Michigan, and Mr. ELLIS.

FORTIFICATIONS.

Mr. FORNEY. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 7191) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1884, and for other purposes, with amendments by the Senate, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

Mr. FORNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair appoints as members of the committee of conference on the part of the House Mr. FORNEY of Alabama, Mr. KETCHAM of New York, and Mr. RYAN of Kansas.

TREATMENT OF JEWS IN RUSSIA.

Mr. WILLIAMS, of Wisconsin. I am directed by the Committee on Foreign Affairs to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all the correspondence in relation to the treatment of Jews in Russia which has taken place since the last communication on that subject to this House between the Government of the United States and that of Russia.

The resolution was adopted.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I desire to submit a resolution for reference.

The SPEAKER. The regular order is called for, which is the call of committees for reports.

Mr. HISCOCK. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. HISCOCK. I now move to dispense with private business for to-day.

The SPEAKER. Does the gentleman from New York propose to include in his motion the dispensing with the special order for this evening for pension claims?

Mr. HISCOCK. That will depend entirely, so far as I am concerned, on whether we conclude this bill before that time.

Mr. BROWNE. Let me make this suggestion: There are perhaps two or three undisposed-of pension cases on the Private Calendar. I will be willing that if we meet this evening we shall first take up those cases (they will certainly not consume more than thirty minutes' time), and then the balance of the evening can be devoted to the current business.

The SPEAKER. The gentleman from New York can except the special order.

Mr. HISCOCK. I do.

The SPEAKER. The gentleman from New York moves to dispense with private business for this day with the exception indicated.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. HISCOCK. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, and give notice it is for the purpose of the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. KASSON in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884 and for other purposes. The Clerk will report the pending amendment offered by the gentleman from Wisconsin [Mr. CASWELL].

The Clerk read as follows:

After line 1394 insert the following:

"That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to enter upon the execution of said treaty: *Provided*, That the title to lands for railroad purposes heretofore surveyed and paid for under agreement with said Indians, approved by the Secretary of the Interior, is confirmed in said companies."

The CHAIRMAN. The Chair is under the impression that the gentleman from North Carolina [Mr. VANCE] offered an amendment to the amendment.

Mr. RANDALL. The gentleman from North Carolina is not in his seat. I suggest that this be passed over for the present.

The CHAIRMAN. The Clerk informs the Chair that the proposed amendment of the gentleman from North Carolina is to the next paragraph. The only amendment pending is that of the gentleman from Wisconsin [Mr. CASWELL].

Mr. ATKINS. I ask the gentleman from Wisconsin, who has offered this amendment, if he does not think it would be better to increase the amount? If we are to make any appropriation at all, we should appropriate at least half the amount necessary to carry out this agreement.

Mr. CASWELL. I could not hear the gentleman from Tennessee.

Mr. ATKINS. I simply said to the gentleman I thought it would be the practical way to appropriate at least half the amount that is necessary to carry out this agreement. Or does the gentleman propose to appropriate only $100,000 a year for four or five or six years?

Mr. CASWELL. I will say in reply to the gentleman from Ten-

nessee it will take more than $100,000 to carry out this agreement. It will take probably $500,000. But the Secretary could not well purchase and deliver more than $100,000 worth next year.

Mr. ATKINS. Does the gentleman think that only about $100,000 worth could be delivered every year?

Mr. CASWELL. Perhaps in another year $200,000 worth might be delivered, or the whole of it.

Mr. ATKINS. Why can not $200,000 worth or $300,000 worth be delivered in the coming year as well as in the subsequent year?

Mr. HISCOCK. They have to get the Indians located first.

Mr. CASWELL. It will take some time. This matter is still in its infancy, and the Indians must be colonized and settled.

Mr. ATKINS. Perhaps it may be well enough to make no appropriation this year and wait till next year to make it.

Mr. CASWELL. That would hardly be keeping good faith.

Mr. ATKINS. I think if we are to make the appropriation it would be better in all fairness to appropriate half the amount this year and half the amount next, so that the matter may be wound up.

Mr. HISCOCK. Do I understand the point of order to the amendment of the gentleman from Wisconsin has been disposed of?

The CHAIRMAN. The Chair has no note of any point of order.

Mr. HISCOCK. The gentleman from Indiana [Mr. HOLMAN] reserved a point of order on this amendment.

The CHAIRMAN. The Chair understands that a point of order was made upon the amendment offered by the gentleman from North Carolina [Mr. VANCE], but not on this amendment. The Chair will examine the RECORD and ascertain.

Mr. HOLMAN. This subject is not beyond debate, I believe.

The CHAIRMAN. Not beyond debate.

Mr. HOLMAN. I wish to be heard on it.

Mr. HISCOCK. I would like to have the question which I asked disposed of.

The CHAIRMAN. The Chair is having the RECORD examined in order to see the exact position of the amendment. In the mean time the Chair will hear the gentleman from Indiana [Mr. HOLMAN] as he did the gentleman from Tennessee [Mr. ATKINS].

Mr. HOLMAN. By the terms of the treaty with the Sioux Indians we are entitled to the possession at once of the lands ceded to us by those Indians, and we are to pay them for the cession of this land 25,000 head of cows and 1,000 head of bulls as a preliminary payment on our part.

I desire now to call the attention of my friend from Wisconsin [Mr. CASWELL] to the fact that yesterday we passed a bill organizing two land districts within the limits of the territory so ceded to us by this treaty.

Mr. CARLISLE. I hope that order will be preserved, so that we can hear what the gentleman is saying.

The CHAIRMAN. Gentlemen will please cease conversation, so that order may be restored in the committee. The Chair will state that he finds by reference to the RECORD that the gentleman from Indiana [Mr. HOLMAN] did make a point of order on this amendment, which point of order is not yet disposed of. The Chair will hear the gentleman on the point of order.

Mr. HOLMAN. I would be glad to conclude what I have to say on this question.

The CHAIRMAN. The gentleman will proceed if there is no objection.

Mr. HOLMAN. As I was saying, we passed a bill yesterday morning organizing two land districts within the limits of the land so ceded to the Sioux under this treaty. It is manifest from the treaty that it was intended that two things should be concurrent; the cession of the land and our taking possession of it on the one hand, and the payment of this preliminary installment, which indeed constitutes the great bulk of the payment to be made, 25,000 head of cows and 1,000 head of bulls.

Now, I submit that when my friend from Wisconsin [Mr. CASWELL] proposes to appropriate only a hundred thousand dollars for this purpose he does not act in that good faith which I think his own judgment would dictate toward the weaker party to this treaty. We take from them property of great value, take possession of it at once, and agree to pay them at once. There is no remote period indicated in the treaty when the payment shall be made. On the contrary the two acts are to be concurrent acts.

We have passed legislation to take possession of the land which we received from these Indians. I therefore submit that it is not fair and just to appropriate only $100,000, when, by the terms of the treaty, we should make the full preliminary payment immediately upon taking possession of the land.

Now, I submit that it will cost the Government to furnish these 25,000 head of cows and 1,000 head of bulls, or, if it were our policy to give the money to the Indians to buy the stock and allow them to expend it, it would cost them at least $500,000; that is a moderate estimate. Now, certainly, if the whole amount is not to be appropriated at once the larger portion of it should be.

How can we with any propriety and justice say to these fragments of that once powerful tribe of Indians that we will take possession of the land under this treaty, organize our land districts to dispose of it to our people, take possession of it instantly, and yet pay them for a year or a year and a half to come only one-fifth of the amount required for the preliminary payment, when by the terms of the treaty the two things were meant to be concurrent? That is not just.

There might be some argument in favor of a proposition to pay them less than the full amount, from the fact that these Indians are not yet fully settled on their reservation; and it would perhaps be reasonable, fair, and just to make an appropriation of, say, one-half of the amount; and I think that no less sum than that ought to be named.

I suggest, therefore, that if it shall be held that this proposition is in order, at least one-half of the amount, say, $250,000, shall be now appropriated. Gentlemen must understand that in carrying out this treaty to its fullest extent, first giving these Indians 25,000 head of cows and 1,000 head of bulls, and a yoke of oxen and a cow to each one of the families, independent of educational and other facilities which we are to furnish gratuitously, the whole sum involved in the payment for this land will be somewhere in the neighborhood of $900,000.

Mr. HISCOCK. A single suggestion.

Mr. HOLMAN. I would like now to say a word on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HOLMAN. On the point of order I desire to say a word. The act of the last session of Congress authorized a treaty with the Sioux Indians for the acquisition of a portion of their lands. The terms of that act are not very definite; it provided nothing more than simply the negotiation of a treaty with the Indians for the modification of treaties heretofore made with them. The terms of the act were exceedingly indefinite. Yet I presume that gentlemen in this House and in the other branch at the other end of the Capitol understood exactly what it meant.

Here is a proposition to appropriate money to carry that treaty into effect and to ratify it; and also a proposition to save the rights of a railroad corporation which prior to this cession of land by these Indians had obtained a right of way through these lands.

That last proposition is clearly not within the scope of the rules of the House; it is clearly and palpably independent legislation, for it has nothing whatever to do with the original treaty.

My own opinion is that we must sooner or later acquire these lands, and I believe the amount proposed to be paid is not extravagant. I think the policy of giving patents to the Indians and thus leading them on gradually to the higher branches of agriculture is a good one. I do not see, therefore, any good reason why this treaty should not be ratified, and I scarcely know why it should not be ratified upon an appropriation bill, as some of our most valuable legislation has been adopted upon such bills. But I believe I shall have to insist in any event on the point of order with reference to the proviso. I have not been able to find the act of Congress by which the cession made by the Indians has been ratified; but that is an independent matter which has no relation to the ratification of the treaty. I will not press the point of order except as to the proviso. As to the main proposition I should be very glad to withdraw the point with the understanding, however, that a reasonable portion of this appropriation shall be made. If we were dealing with any powerful government under such a treaty we would be expected to take possession on the one hand and to pay the money on the other, these being concurrent acts. But inasmuch as this Government occupies toward the Indian tribes a rather anomalous relation, I would acquiesce in an appropriation of one-half the amount. I do not think this Congress should consent to the appropriation of a smaller sum, because this amount at least can be expended to advantage.

The CHAIRMAN. The Chair will remark that he has no trouble about the first clause of the amendment, but would like to hear the gentleman from Wisconsin [Mr. CASWELL] explain under what provision of the rule the proposed proviso is in order.

Mr. CASWELL. Mr. Chairman, this is an important point and one which ought to be carefully considered.

The CHAIRMAN. The Chair requests the gentleman to direct his attention to the proviso.

Mr. CASWELL. Going back to the sundry civil appropriation bill of last August, I find the authority for making this agreement——

The CHAIRMAN. The Chair desires to hear no argument on that point.

Mr. CASWELL. I so understand, but there is coupled with that authority a clause which necessarily involves the interests that the railroad companies have in this land. There are three parties interested: the Government of the United States, the Sioux Indians, and two or three railroad companies, which in 1880 made contracts for the right of way across the reservation, with the concurrence and approval of the Secretary of the Interior, and pursuant to that agreement and the selection of the rights of way, these companies had paid into the Treasury $17,110. If they had waited until the ratification of this treaty and until these lands had all become part of the public domain, under the act of 1875 the railroad companies would have had the right to build their road through this tract of country without paying anything. But this being an Indian reservation the companies were obliged to contract with the Indians, under the approval of the Secretary of the Interior,

and made such contracts for obtaining the right of way and such parcels of land as they desired for the erection of shops, depots, &c. In some cases one-half the amount was paid down, and another half, amounting to over $9,000, is still due the Indian fund, provided this treaty be ratified and the rights of the companies under the contracts preserved.

At the last session, on motion of the gentleman from Indiana, a clause was added to the sundry civil appropriation bill providing that all lands ceded to the Government of the United States under this treaty should be subject to homestead entry only. The railroad companies feel, in view of this provision, that unless their rights are preserved at the same time this treaty is confirmed, they will not be able to take possession of and use these parcels of land which they have selected for railroad purposes (not exceeding altogether two sections); that these lands will be subject to homestead entry and the companies will not be permitted to take possession of them and use them.

The CHAIRMAN. The Chair has not before him the agreement or treaty which is proposed to be ratified. Is there anything in that treaty touching the subject of the proviso?

Mr. CASWELL. There is nothing in the treaty touching the railroad companies at all; but it is felt to be proper and just that if the Government should ratify this treaty and accept the cession of lands which the Indians, *cum onere*, attempt to make to the United States the rights of the companies should be preserved in the acceptance of the grant.

The agreements of the Indians are on file in the office of the Secretary of the Interior. The companies have paid their money and have receipts for it, as certified by the Secretary of the Interior. All that is sought now is that in consenting to a ratification of this treaty we preserve to these railroad companies the rights vested in them by virtue of the contracts they have made with the Indians and for which they have paid very dearly.

The CHAIRMAN. The Chair will state that the difficulty to his mind is in the fact that this seems to be independent legislation which tends to establish a title which the Chair has no evidence is now in existence. If the provision read, "without prejudice to any title to lands for railroad purposes heretofore certified and paid for under agreement with said Indians, approved by the Secretary of the Interior," there would be no new legislation; and the Chair under such circumstances would feel bound to rule the provision in order. But he is not satisfied that there is any existing law which would justify him in ruling in order a proviso which actually confirms a title.

Mr. CASWELL. Let me say to the Chair that I think such a provision as he suggests would be ample, were it not for the positive enactment of last August which forbids the taking up of any of these lands except for homestead purposes.

The CHAIRMAN. But that remark of the gentleman assumes that the Chair is right in calling this new legislation.

Mr. CASWELL. It seems not. I think it is an addendum to the confirmation of the treaty in accordance with the appropriation made last session of Congress. If it is proper to confirm the treaty in furtherance of the appropriation made last year it is equally proper to preserve any vested rights which the United States Government may deem necessary.

The CHAIRMAN. If it were limited to that the Chair would rule it to be in order, for that would leave it where it stands. But if the effect is to change the legislation of last session the Chair would be obliged to rule it out of order. The first part of the amendment is undoubtedly in continuation of a public work now in progress.

Mr. HISCOCK. I think something might be done in reference to this clause; that is, the insertion of a provision that this should not take more land than these railroad companies are entitled to under the general statute. That is to say, the homestead clause of last year is repealed, and these railroad companies are allowed to take this land as provided by the general statute for railroads running across the public domain. I think a provision of that kind might be put on the bill and be satisfactory to everybody.

The CHAIRMAN. The gentleman can so modify his amendment. The first clause is in order, as it is the continuation of a work now in progress. The other part, however, is not in order, and as a part is out of order the whole amendment is subject to the point of order and must be ruled out.

Mr. HISCOCK. I suggest there be added a provision which will obviate the point of order, in my judgment, and that is these railroad companies shall not receive more land than they are now entitled to receive across the public domain.

The CHAIRMAN. The Chair will hear from the gentleman from Wisconsin [Mr. CASWELL].

Mr. HOLMAN. I desire to submit a proposition which I think will be satisfactory, providing for the right of way and depots, not to exceed in extent the rights granted to railroad companies through the public lands as established by the general law.

Mr. CASWELL. If my friend from Indiana [Mr. HOLMAN] will include bridges and shops I will be satisfied.

The CHAIRMAN. That might be added if the point of order is withdrawn.

Mr. CASWELL. I suggest this be temporarily passed until an amendment can be prepared satisfactory to both sides.

The CHAIRMAN. The Chair hears no objection.

Mr. VANCE. I believe my amendment now comes up.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Carolina [Mr. VANCE].

The Clerk read as follows:

Add at the end of line 1400:

"That the Commissioner of Indian Affairs shall cause to be sold all the lands now belonging to the North Carolina Eastern Band of Cherokees outside of the boundary known as the 'Qualla Boundary,' situate in the State of North Carolina. And that the proceeds of such sale shall constitute a fund in the hands of said Commissioner of Indian Affairs to be devoted to the use of said Eastern Band for educational and such other purposes as their situation, necessities, and expenditures may require."

Mr. HISCOCK. I make the point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York on his point of order.

Mr. HISCOCK. My point of order is that this is new legislation and does not come within the rule in the three ways provided for the introduction of new legislation on appropriation bills.

Mr. VANCE. I wish to call the attention of the Chair to the fact that in 1868 it was provided by law that the affairs of the Eastern Band of Cherokees should be transferred to the Department of the Interior and the Secretary was charged with the supervision of the affairs of those Indians as of other Indians. In the line of that authority the Commissioner of Indian Affairs was directed to sell this land in the interest of those North Carolina Cherokees. My amendment I do not think changes the spirit of the law. It merely directs the Commissioner of Indian Affairs what to do. By strict construction the Commissioner would now have that authority, but he prefers Congress should direct whether these lands should or should not be sold. I could give good reasons, Mr. Chairman, why the lands should be sold, but I will let the Chair decide the point of order if the gentleman from New York [Mr. HISCOCK] insists upon it.

Mr. HISCOCK. Yes, I must insist on the point of order.

Mr. VANCE. I do not see why the gentleman from New York should insist on the point of order.

The CHAIRMAN. This is no appropriation?

Mr. VANCE. No, sir.

The CHAIRMAN. And is not reported by any committee having jurisdiction?

Mr. VANCE. It was really agreed to by the Committee on Indian Affairs. It has the unanimous sanction of that committee.

The CHAIRMAN. However, as the amendment is not reported by that committee it therefore comes under the clause respecting reduction of expenditures in one of two ways, the only one of which would be the reduction of the amount covered by this bill.

Mr. VANCE. If the gentleman from New York will allow me to make a brief statement, occupying only a moment, before he insists upon the point of order, I think it likely that he will withdraw it.

The CHAIRMAN. The Chair will submit the request of the gentleman from North Carolina. Is there objection that he be permitted to make a brief statement in reference to the proposed amendment?

Mr. HISCOCK. It is clearly subject to the point of order.

Mr. VANCE. I only ask to be permitted to make a statement before the gentleman insists upon it.

Mr. HISCOCK. I can not waive the point of order; but I have no objection to hearing the gentleman's statement.

Mr. VANCE. Mr. Chairman, I will state that these lands to which reference is made in this amendment are mountain lands belonging to the Cherokee Indians in the State of North Carolina. The Cherokees in that part of the State have a boundary of land of about 73,000 acres, called the Qualla boundary, and the people are settled within it. The lands sought to be sold under this amendment were received by authority of law, in behalf of the North Carolina Cherokees, by the Secretary of the Interior, in payment of a debt or judgment. The Indian fund is all in the hands of the Secretary of the Interior. This band is now in debt. There are certain judgments pressing the band. The Commissioner of Indian Affairs, the Secretary of the Interior, and the Committee on Indian Affairs of this House have agreed that it was necessary and essential to sell the lands. The only parties interested are the Cherokee Indians themselves. They desire to sell the lands with a view to paying their debts, to discharge the taxes on the lands, and that the remainder shall be turned in for educational purposes. It is therefore very essential for the benefit of the tribe that the lands should be put on the market in order that the taxes may be paid and these judgment liens of which I speak satisfied, and that the residue of the fund may be applied for the education of their children. They ask, therefore, that the lands may be sold; and, as I stated, the authorities agree to their request and recommend the adoption of such a provision as this.

Now, why the point of order should be raised against the amendment, when it does not take a dollar of money out of the Treasury and does not affect anybody but the Indians themselves, and when the amendment is strictly in accordance with the wishes and the best interests of the Indians, I am unable to understand. If, however, the gentleman from New York insists upon the point of order I presume the Chair will adhere to his ruling.

The CHAIRMAN. The Chair thinks the amendment is undoubtedly subject to the point of order.

Mr. VANCE. I know the Chair has so ruled, but I am in hope that the gentleman from New York will not insist upon making the point of order against it in view of the statement I have made.

Mr. HISCOCK. It is, perhaps, due to myself that I should make some little reply to what has been said by the gentleman from North Carolina. The Committee on Appropriations have been extremely liberal in allowing amendments to this bill wherever they have come from a committee or have been recommended by a committee and presented in time to enable the Committee on Appropriations also to consider the question and arrive at a proper conclusion as to whether the proposed legislation should be acceded to or not. This is the first I have heard of this matter. The Committee on Appropriations have not heard of it; and I have no authority to accept an amendment which is entirely out of order without the consent of the committee. I must therefore insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ATKINS. Before that let me suggest to the gentleman from New York that as this is a matter relating to the Indians entirely, with regard to the sale of their own property, and since it has been recommended on the part of the Secretary of the Interior, the Commissioner of Indian Affairs, and the Indian Committee of this House, I think he may safely waive the point of order and permit the committee to vote upon the proposed amendment. It does not involve a dollar of expense.

Mr. HISCOCK. Mr. Chairman, I can only say for myself, in response to the gentleman from Tennessee, that I have always been accustomed to consider the Indians as the wards of the nation. I believe them to be; and the fact that they ask to have a certain proposition enacted into a law is no reason why it should be adopted. It is for the Government, that occupies the position of guardian to them, to consider whether such legislation is for their benefit or not, without reference to the request of the Indians.

Mr. VANCE. That is exactly what we ask in this case. We ask the Government, as the guardian of this band of Indians, to do what seems to be for their best interests. They ask to have this land sold, and we know that it is necessary for reasons which I have stated to comply with that demand.

The CHAIRMAN. This debate is entirely out of order. The Clerk will read.

The Clerk read as follows:

Howard University:
For maintenance of the Howard University: To be used in payment of part of the salaries of the officers, professors, and teachers, and other regular employés of the university, a portion of which will be paid from donations and other sources, $15,000.

Mr. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1490 insert:
"For meeting and liquidating the indebtedness already incurred for necessary repairs commenced under a former appropriation, $4,250."

Mr. HISCOCK. I do not know that the point of order will lie against the amendment, but I will reserve it until I hear an explanation from the gentleman who offers it.

Mr. WAIT. Mr. Chairman, at a former session of Congress an appropriation was made for carrying out certain repairs at the Howard University. When scientific men examined those parts of the building which required the repairs they found that there was necessity for much greater repairing than they at first supposed. On examination of the boilers they found it to be necessary to remove the old ones and supply new ones, which required an entire change, and also the employment of new furnishings for the boiler-room. On examination the sanitary condition of the building also required many modifications to be made for the health of the students in that institution, which added to the expense. There was no alternative. They had to go forward with these repairs and incur indebtedness beyond the appropriation, for the amount appropriated by Congress did not cover the expenditures that were absolutely required by the amount I have named in the amendment which I have offered.

There are now nearly four hundred young men in that institution who are being qualified as instructors. And every consideration with regard to the carrying on of this institution successfully and educating these men, and with regard to the proper conditions for their health, and also for their table accommodations, &c., imperatively demanded that these improvements should be made. Absolute necessity compelled the making of these several improvements. And there is now this small deficit of a little over $4,000, for which Congress should not hesitate to provide. I think as it is a mere continuance of an improvement which had been ordered before, and it is shown the appropriation was not sufficient, the gentleman's point of order should not lie.

The CHAIRMAN. Does the gentleman from Connecticut inform the Chair that this object has been already appropriated for by Congress?

Mr. WAIT. Yes, sir; at a prior time.

Mr. HISCOCK. The sum carried by the amendment would be germane to a deficiency bill, doubtless. The amendment provides for a deficiency; and if it is in order at any point it should be really to a deficiency bill.

The CHAIRMAN. The gentleman from Connecticut can reserve the amendment for a deficiency bill.

Mr. WAIT. I think that the amendment can be appended to this section of the bill now under consideration, and the gentleman from New York I trust will not object to the amendment being now offered.

Mr. HISCOCK. Oh, yes; I do. I say, and I may as well say it now as at any time, that so far as these institutions in the city of Washington are concerned, having once appropriated for them I will under no circumstances consent to vote a dollar of deficiency to one of them. I am in favor of the strictest possible rule that when Congress has said you may spend so much money, when that money is expended their power is exhausted. When I know how many there are of them and the disposition to crowd in demands of this character, with the experience I have had for the last four or five years, I believe there is no other safe policy for the Government either with reference to itself or with reference to them.

Mr. WAIT. When this amount was appropriated to meet these repairs an examination had taken place which was not a perfect examination, and the embarrassments which were subsequently discovered on a more thorough examination were not at that time found, and the parties making the examination were not at first aware of them. When the intelligent mechanics commenced making the repairs they found the boilers were in such a condition that they could not be operated with safety, and that with a view to the safety of the building and the safety of its occupants those boilers had to be removed and new ones put in their place. The lives of the occupants of the building would have been put in peril had the old boilers been continued. The introduction of new boilers necessitated the changing of the furnaces connected with them. Then, as to the sanitary condition of the premises and to effect proper drainage, there had to be an entirely new arrangement of the pipes and sewers connected with the building. The necessity for this could not be discovered till the mechanics commenced removing the old material and fixtures and supplying the new. When they did that they found they had to go further than the first examination led them to suppose they would have to go.

Now, I say when we have an institution at the capital of the nation which is training men to go down into the Southern States and educate the colored population I think the House should do everything in its power for the thorough training of the teachers who are to educate the colored people in the South. When a patriotic and large-hearted gentleman in my own district is willing to generously bestow a million dollars to educate the colored people of the South I must say that Congress should not for one moment hesitate to give the pitiful sum of $4,000 to put the building in proper repair in which the teachers are instructed who are to be sent down South to educate the masses by means of the magnificent gift given by a citizen of my State.

Those of us who were instrumental in bestowing the rights of citizenship upon these people should certainly be desirous to give them the advantages of education and so enable them to fully appreciate and enjoy and to properly exercise these rights; and our friends who are Representatives from States of which the masses of our colored citizens are residents ought also to fully realize the great advantage which will result to their States from the education and elevation of this class of citizens.

The CHAIRMAN. The Chair unquestionably regards the object of the proposed appropriation as the continuation of a work in progress where there is no limitation, and regards the amendment as being in order. The question is on the amendment.

Mr. ATKINS. Let it be again reported.

The Clerk read as follows:

After line 1490 insert the following:
"For meeting and liquidating an indebtedness already incurred for necessary repairs commenced under a former appropriation, $4,250."

The CHAIRMAN. The Chair will remark this is an appropriation of last year. It is not so specifically named in the amendment.

The question being taken, there were—ayes 16, noes 48.

So (further count not being called for) the amendment was not agreed to.

The Clerk read lines 1512 to 1514, as follows:

For the Reform School, District of Columbia: For one new barn, of stone basement and frame superstructure, $7,500.

Mr. SHALLENBERGER. I offer the amendment which I send to the desk, and to which I think there will be no objection made by the Committee on Appropriations.

The Clerk read as follows:

In line 1514, after the word "superstructure," insert the words "and one outbuilding for farm purposes, with cellars for root crops."

The amendment was agreed to.

Mr. GARRISON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1514 insert the following:
"To enable the Secretary of the Interior to carry out the official recommendation of the fire commissioners of the District of Columbia and the chief engineer of the fire department advising the erection of fire-escapes on the Providence Hospital, the Children's Hospital, the Freedman's Hospital, the building of the Little Sisters of the Poor, the Washington and Georgetown almshouses, the St. Ann's Orphan Asylum, the Reform School, and the public schools of the District of Columbia, $50,000, or so much thereof as may be necessary."

Mr. HISCOCK. I make the point of order that that is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Virginia [Mr. GARRISON] on the point of order.

Mr. GARRISON. I hope the chairman of the Committee on Appropriations will not insist on the point of order. This measure has been recommended by the fire department of the District, by the engineer of the District, by the medical officer of the District, and by a committee appointed by this House at the last session. This has for years been a necessity in the public-school buildings of this city.

Mr. HISCOCK. The matter has been fully considered in connection with the District of Columbia appropriation bill. The Committee on Appropriations declined to insert the item in that bill, and I therefore feel I am instructed to make the point of order.

Mr. GARRISON. Well, sir, the point I suppose is well taken if insisted on.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $15,000: *Provided*, That the Secretary of the Interior, in his discretion, may grant leases for terms not exceeding ten years of small parcels of ground within said park, but no more ground shall be so leased than is necessary for the hotels and storehouses necessary to the accommodation of visitors, and necessary outhouses, bath and ice houses, and for gardening or grazing land in connection with said hotels; but no exclusive privileges or monopoly of any kind shall be granted to any person or company or corporation for any purpose within said park; nor shall any lease or contract be made which in any degree or manner interferes with or prevents the free and unrestricted access of the public to all portions of the park.

Mr. McCOOK. I move to strike out the proviso of the paragraph just read and to insert that which I send to the Clerk's desk.

Mr. COBB. I desire to make a point of order on the paragraph.

The CHAIRMAN. The Clerk will read that which is proposed to be inserted in place of the proviso.

The Clerk read as follows:

And the Secretary of the Interior is hereby prohibited from leasing any portion of the Yellowstone National Park to any person, company, or corporation for any purpose whatever; and all leases, agreements, exclusive privileges, or monopolies granted or entered into are hereby declared to be of no force and effect. And the Secretary of War is hereby authorized and directed to make necessary details of troops to prevent trespassers or intruders entering the park with the object of destroying the game therein or for any other purpose prohibited by law.

Mr. McCOOK. I hope the gentleman who has charge of the bill will accept that amendment.

Mr. HISCOCK. I will say for myself individually that I am in favor of the most stringent legislation in the direction of preserving this park. The provision which this bill carries is the Senate bill upon this subject.

Mr. McCOOK. Only a very small portion of it.

Mr. HISCOCK. Well, it is a portion of the Senate bill. We put it upon this bill as being in the direction of preserving this park. I am in favor of any legislation looking in that direction, and I have that great confidence in the judgment of my colleague [Mr. McCOOK] that I certainly would have no objection to his amendment going into this bill. The result of that would doubtless be that the matter would be considered by the Senate and more stringent legislation than that contained in this bill would be adopted if considered desirable.

Mr. ATKINS. I think the amendment offered by the gentleman from New York [Mr. McCOOK] is a very proper one, and it does not make any difference if the provision in this bill is a bill which has passed the Senate.

Mr. HISCOCK. I am not objecting to the amendment.

Mr. ATKINS. I think the House ought to adopt the amendment of the gentleman from New York in preference to the provision now in the bill.

Mr. HISCOCK. So far as I am concerned I will make no objection.

Mr. VALENTINE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Nebraska [Mr. VALENTINE] rise to oppose the amendment?

Mr. McCOOK. I have not concluded yet.

Mr. VALENTINE. I thought the gentleman had yielded the floor.

The CHAIRMAN. The gentleman from New York [Mr. McCOOK] has one minute of his time remaining.

Mr. ROBESON. I will yield my time to the gentleman from New York.

Mr. McCOOK. I wish to say that while the provision reported from the Committee on Appropriations is an improvement upon the present law, I think the amendment I have offered is an improvement upon that provision. Under the law as it now stands a lease or agreement was made with certain parties which included about 4,000 acres of land in the heart of the reservation. In the language of a report made by Senator VEST, "It is evident from this contract and proposed lease that a monopoly or exclusive privilege to erect hotels and run stages, &c., is created for the term of ten years, the parties having this monopoly to pay a nominal rent not exceeding $2 per acre." [Here the hammer fell.] I beg the pardon of the Chair; the gentleman from New Jersey [Mr. ROBESON] yielded his time to me. Under the circumstances it seems to me we ought to prohibit the Secretary of the Interior or any one else from leasing any portion of this park for any purpose whatever until the very admirable bill prepared by Senator VEST, of Missouri, can be acted upon by Congress.

This amendment which I have offered will protect the park, keep out intruders and trespassers who last year went there and killed four or five thousand elk for their skins only, and who if allowed to continue the destruction of game will finally drive it out of the park. We should protect this park in some way until Congress can pass a bill of a general character, and that can only be done by prohibiting all leases, and giving power to the Secretary of War to employ force if necessary to expel trespassers.

I would also call the attention of the committee to a letter written by General Sheridan, who has lately returned from there, in which he refers to the destruction of game and the injury to the natural features of the park, and claims that it is necessary that some action should be taken by Congress to give the military authorities power to expel trespassers and intruders. The men engaged in this indiscriminate slaughter of game as a rule care but little for the civil authorities, but they have a profound respect for the power of the General Government as represented by the officers and men of the Army. In addition I would call attention to the letters of John Schuyler Crosby, governor of Montana, and Inspector-General D. B. Sacket, in which decided grounds are taken in favor of enlarging the area of the park and taking positive steps to protect it. They, with other interesting matters in connection with this whole subject, can be found in Senate Report No. 911, Forty-seventh Congress, second session, prepared by Senator VEST, of Missouri.

Mr. COBB. I rise more for the purpose of asking the gentleman from New York [Mr. McCOOK] a question in regard to his amendment. As I understand it, the amendment provides that no lease shall be granted to any one. Am I right?

Mr. McCOOK. It prohibits absolutely the granting of any lease to any person, company, or corporation.

Mr. COBB. I think that amendment should be adopted. This is very valuable public property, on account of its scenery and the character of the game which is there, and it should be preserved for the benefit of future generations. We should take steps at once to preserve it intact.

As I understand the present provision in the bill, it gives authority to the Secretary of the Interior to lease certain small portions of the park for the purpose of erecting hotels and out-houses, and for making gardens and for pasturage. I object to that; I think it is entirely wrong. It gives the Secretary of the Interior too great a discretionary power.

I understand that there are only four or five of the more important points of natural beauty and scenery in the park. If the Secretary of the Interior shall be given the discretion to lease those points, he will be able to lease to individuals the very portions of the park which are most interesting to the public and which should be preserved for the public use, and will deprive the public of the privilege of entering at pleasure upon those portions of the park, as they should have the right to do.

Again this bill does not guard the timber and the game as it should. I submit that no one ought to be allowed by the Secretary of the Interior any exclusive privileges in regard to the occupancy of this park. Properly managed it may be made a blessing to the country. It is a place of great resort and will be still more so. I undertake to say that if power is granted to the Secretary of the Interior in reference to the management of this park, that power, whatever it may be, will be extended to the utmost limit, for the reason that private parties and great corporations are seeking to gobble up this property; and the Secretary of the Interior will be pressed by the parties who are urging him to-day and have been for years past to go to the utmost limit of his power.

I think the amendment of the gentleman from New York is right. We should not lease any portion of this park to any individual, but keep it at all times open for the enjoyment of the public. It is not necessary, as has been said, that great hotels should be erected there for the accommodation of the public. People can go there and camp out; they delight in doing so; it is the very thing that visitors would enjoy, in preference to being quartered at expensive hotels, to be charged heavily for the privilege of enjoying this great national park.

Mr. McCOOK. As I did not consume all my time, I would like to have read a few words on this subject from the report of Lieutenant-General Sheridan to the Adjutant-General of the Army.

The Clerk read as follows:

On arriving at the railroad I regretted exceedingly to learn that the National Park had been rented to private parties. The place is worthy of being a national park, the geyser phenomena and the Yellowstone Cañon having no parallel in any nation. The improvements in the park should be national, the control of it in the hands of an officer of the Government, and small appropriations be made and expended each year for the improvement of roads and trails. It has been now placed in the hands of private parties for money-making purposes, from which claims and conditions will arise that may be hard for the Government and the courts to shake off. The game in the park is being killed off rapidly, especially in the winter. I have been credibly informed that since its discovery as many as 4,000 elk were killed by skin-hunters in one winter, and that even last winter, in and around the edges of the park, there were as many as 2,000 of these grand animals killed, to say nothing of the mountain sheep, antelope, deer, and other game slaughtered in great numbers.

Mr. ROBINSON, of Massachusetts. Mr. Chairman, I move to amend the amendment by striking out the last word. I hope that the proposition offered by the gentleman from New York will be adopted in lieu of the language in the bill, because it seems to me altogether more comprehensive and efficient. It is perhaps well known to members of the House that certain parties during the last year have attempted to obtain a monopoly in that park, which should be reserved as a pleasure ground for the people. Certain persons have formed a corporation in the State of New Jersey, with a capital of $2,000,000, and have obtained some sort of an agreement under which they claim rights in that park. I think we should avail ourselves of the earliest opportunity to declare any such agreement null and void and to remove such parties from the park. If the question is understood I believe this House will act unanimously in the direction of this proposed amendment. The corporation to which I have referred claims to have secured at a merely nominal rental the most valuable and attractive portion of the park. For instance, the great geyser spring, which every one would wish to visit, they claim a monopoly of, and may undertake to fix any charge they please to be paid by visitors.

Mr. PAGE. Does the gentleman say that any contract has been made with any company by the Secretary of the Interior?

Mr. ROBINSON, of Massachusetts. No contract has been made; but if the gentleman will examine the report——

Mr. VALENTINE. The lease has not yet been executed; but a contract was entered into last summer.

Mr. ROBINSON, of Massachusetts. Something called a contract has been made, which this Congress may now, I think, with full authority declare not binding. We should give an unequivocal expression of our opinion as to this matter, so as to end it, and I think the Secretary of the Interior is in entire harmony with action of this kind. If gentlemen will refer to Senate Report No. 911 of the present session—a report from the Committee on Territories—they will find full information in regard to this matter. The report is very lengthy, giving all particulars. I hope that action in the line of this proposed amendment will be had.

Mr. REAGAN. Mr. Chairman, I hope the House will adopt the amendment of the gentleman from New York. Statements already made here show that while the Government has reserved that park—whether wisely or unwisely the future must determine—private parties and corporations are attempting to monopolize and control it for their private gain. The amendment of the gentleman from New York will, so far as we have power, put an end to such proceedings, for the present at least.

It seems to me when we come to deal with regulations affecting that great park, if it is to be preserved as a national park, such regulations should be embraced in a separate law which can be carefully discussed. The action which the Government shall take with reference to this park can not be properly settled in a clause of an appropriation bill. It is these legislative clauses in appropriation bills which have often led the Government into trouble and great loss. By undertaking to deal in this way with great subjects we have sometimes—perhaps without the knowledge or intent of those who favored such clauses—brought about the worst possible results.

Unless the amendment be adopted, the provision of the bill is equivalent to an appropriation of $15,000 for facilitating in the accumulation of private gain certain persons to whom leases of choice places in the reservation shall be made. This it seems to me ought to be avoided. While I have nothing to say now as to the amount proposed to be appropriated——

Mr. ATKINS. I think the gentleman misinterprets the object of the appropriation.

Mr. REAGAN. I understand that it is for taking care of the park.

Mr. ATKINS. Yes, sir. There is a superintendent of the park; and he is required to do certain work—to cut out bridle-paths and make other improvements.

Mr. REAGAN. I understand what my friend says; yet it does not induce me to qualify what I have said. Whenever you lease out these places for hotels, for gardens, or for grazing lands and put men there with private interests to subserve, the money will be spent in forwarding such interests. I trust the amendment of the gentleman from New York will be adopted.

Mr. FLOWER. There will not be many gardens, as there is frost there every night.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate announced the passage without amendment of the bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes.

It further announced the adoption of the conference reports on the disagreeing votes of the two Houses on bills of the following titles:

A bill (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner;

A bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway; and

A bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1884, and for other purposes.

It further announced the passage of the following bill; in which concurrence was requested:

A bill (S. 2445) to amend section 2603 of the Revised Statutes of the United States, fixing the boundary of the collection district of Sandusky.

SUNDRY CIVIL BILL.

The CHAIRMAN. *Pro forma* amendments, by unanimous consent, are withdrawn, and the question recurs on the amendment of the gentleman from New York [Mr. MCCOOK].

Mr. PAGE. I move to strike out the last word, and before submitting any remarks on the subject I desire that the amendment of the gentleman from New York may be again read.

Mr. MCCOOK'S amendment was again read.

Mr. PAGE. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York, and my reason for so doing is simply this: The provision offered by the Committee on Appropriations fully protects this Yellowstone Park in the interest of the public. I think there should be some accommodation provided for the traveling public. This is a great national park and hundreds of people visit it every year, and in my judgment some provision should be made by which parties may be able to build hotels and provide other accommodations for the public.

Nor, Mr. Chairman, do I see anything in the amendment of the Committee on Appropriations looking to giving franchises in this Yellowstone Park to anybody. It simply provides—

That the Secretary of the Interior, in his discretion, may grant leases, for terms not exceeding ten years, of small parcels of ground within said park; but no more ground shall be so leased than is necessary for the hotels and storehouses necessary to the accommodation of visitors, and necessary outhouses, bath and ice houses, and for gardening or grazing land in connection with said hotels; but no exclusive privileges or monopoly of any kind shall be granted to any person or company or corporation for any purpose within said park, nor shall any lease or contract be made which in any degree or manner interferes with or prevents the free and unrestricted access of the public to all portions of the park.

The amendment offered by the gentleman from New York, it strikes me, is a peculiar one in its character. It prevents the Secretary of the Interior from allowing any person or persons going into the Yellowstone Park for the purpose of erecting any hotel with a view to the accommodation of the traveling public. If I may be permitted to say so, it is a sort of dog-in-the-manger policy. The Government erects no buildings for the accommodation of the public, and this amendment would prevent the Secretary of the Interior from making any arrangement with other parties by which such accommodation could be provided. I therefore believe the amendment ought not to be agreed to. And when I say this, Mr. Chairman, I am not speaking in the interest of any persons who have made application for leases of portions of this Yellowstone Park for the purpose of erecting hotels. I am speaking, on the contrary, in the interest of the traveling public who desire to go there, and who perhaps do not wish to camp out, but prefer hotel accommodations. With the restrictions thrown around the amendment of the committee, it seems to me the Secretary of the Interior should be allowed to lease small portions of this land for the erection of hotels and other buildings as may be necessary for the accommodation of travelers.

I can not see why this House should adopt the amendment offered by the gentleman from New York, prohibiting absolutely, until some future Congress may come in, any provision for suitable hotel accommodations by refusing to lease any portion of this land to any person for that purpose. The paragraph in the bill absolutely prohibits the granting of any exclusive franchise, which is proper, and I do hope the paragraph as reported will be retained and the amendment of the gentleman from New York voted down.

Mr. KING. I move to strike out the last word.

The CHAIRMAN. That amendment is pending and the gentleman can be heard in opposition.

Mr. KING. I rise, sir, to support the amendment proposed by the gentleman from New York. This reservation was set apart by the Government as we understand for the whole people of this country, to establish a great national park. Evidence has come in authentic form that private parties are already absorbing this domain and destroying evidently the purposes for which the park was established. It seems to me that before undertaking the further leasing of any portion of this park, it should be placed under some Government head or proper control which by a careful investigation of all the facts could determine what should be done in the premises, and would be able to make adequate recommendations to Congress for the inauguration of such measures as may be advisable for its protection and care. If this system of private leases is continued it had better be put under the hammer at once, for it will be absorbed by monopolists and men having no interest in the purposes for which the park was established.

Mr. HISCOCK. It is proper that I should be heard for a moment in this connection. There seems to be an idea that the provision as it is contained in the pending proposition is a provision put into the bill in

the interest of people who want to control this natural scenery, and to derive a revenue from what belongs to the public and should be free to all. Now, I wish this committee to understand that we have modified the existing law to a certain extent and, as we believe, in the interest of the preservation of the park. That law was construed to permit the leasing of this property not in parcels but only to one concern. But we have amended the law in that respect so as to compel it to be leased, if at all, in parcels, and thus prevent the very thing of which complaint is made here, that is to say, to prevent a monopoly of the property. We have changed the existing law in the direction of prohibiting anything of that kind.

Mr. ROBINSON, of Massachusetts. Will the gentleman from New York allow me also to suggest that as the law at present exists it allows the very mischief complained of to be perpetrated.

Mr. HISCOCK. Yes, sir, undoubtedly; as the gentleman from Massachusetts has aptly said, the law as it now exists allows this mischief to be done; and it is with the view of correcting this mischief that the committee has thought proper to bring in this provision. Now, they believe that this will have that effect.

Mr. COBB. But I think the gentleman is mistaken; it will not effect that object.

Mr. HISCOCK. Yes, it does; if the gentleman will examine the purport of the amendment in connection with the existing law he will see that it does. It does this, Mr. Chairman: if the purpose is to allow any part of this property to be leased for the erection of hotels for the use of travelers, this provision is so drawn that an honest execution of it, while accomplishing that object, will absolutely preserve the property and prevent impositions and monopolies.

Mr. COBB. I think not.

Mr. ROBINSON, of Massachusetts. This will lock the door a little while at least, until the time comes when we want to open it.

Mr. PAGE. Why do you want to lock it a little while? This is a national park; why not have it open to the public?

Mr. ROBINSON, of Massachusetts. The gentleman certainly does not understand me. I do not want to lock the park; but I want to so frame our legislation as to protect the people of the United States in their rights to it against trespassers and against monopoly.

Mr. PAGE. Then why not do that without preventing visitors from going there?

Mr. ROBINSON, of Massachusetts. We do not prevent them.

Mr. McCOOK. It is not locked up against the people.

Mr. PAGE. You do not want visitors who go there to be compelled to carry their blankets.

Mr. McCOOK. Every person who goes there now goes that way.

Mr. PAGE. They do not want to go there in that way. You ought to give them an opportunity to avoid that necessity.

Mr. COBB. Let me call the attention of the gentleman from New York to this provision "for grazing purposes" which the committee seeks to incorporate in this bill. That will cover in each one of these leases some three hundred acres of ground or more.

Mr. HISCOCK. The gentleman from Indiana calls my attention to the words "grazing purposes" in connection with it——

Mr. PAGE. Well, strike that out.

Mr. HISCOCK. The idea was that we would leave a little plot of land for the proprietor of the hotel to afford grazing land for a few cows. But I have no objection to striking it out.

Now, the difference between this bill and the proposition of my colleague is this: That his is a proposition to turn it over to the War Department, and we propose it shall remain under the Interior Department, with the right to make the leases in this way. For myself I am entirely indifferent to what action the committee takes upon the subject; all I desire is that our legislation shall be such as to prevent as far as possible all of the abuses which are contemplated, and which have been nearly perfected under the general statute.

Mr. BLOUNT. Mr. Chairman, I have no doubt of the purpose of the gentleman from New York in charge of this bill, and that his object is to protect this property from improper leases. It is, I think, very nearly the same thing as the present law.

Mr. HISCOCK. Very nearly the same.

Mr. BLOUNT. The language of the present law is—

That the Secretary of the Interior may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, &c.

Now, it would seem that that would guard against all trouble of this property getting into the possession of one single person or company.

And yet the leases have been so made that—I quote from the report made by Mr. VEST to the Senate—

The virtual and real effect of the contract and lease is to put the entire park, containing 3,300 square miles, under the control of the lessees for a term of ten years at a nominal yearly rent of a few thousand dollars.

Under the terms of their lease they are not bound to build but one hotel. Therefore by the operation of this law, which seems to guard so carefully against it, the company has got control of 4,000 acres and the exclusive control of all the property about these buildings.

I submit therefore the gentleman from New York is in the right line when he proposes to declare these leases void, and that the park shall be put temporarily under the control of the War Department. I do not understand the gentleman from New York to have any purpose of placing this permanently under the control of the War Department. But at this time this monopoly ought to be ousted, these depredations ought to be stopped; and the only way to accomplish that is to put it in the hands of the War Department, which has control of the troops and can thereby protect it. I trust the gentleman from New York [Mr. HISCOCK] will assent to that proposition.

Mr. HISCOCK. I make no objection. I am indifferent in the matter.

The question being taken on Mr. McCOOK's amendment, it was agreed to.

The Clerk read lines 1533 to 1537, as follows:

Botanic Garden: For procuring manure, tools, fuel, purchasing trees and shrubs, and for labor and materials in connection with repairs and improvements to Botanic Garden, under the direction of the Joint Library Committee, $10,000.

Mr. COX, of North Carolina. I move to strike out the paragraph which has just been read.

I wish to call the attention of the committee to the appropriation which is made in the legislative appropriation bill for this precise object. The legislative appropriation bill appropriates for the support of this garden—for the same object—the sum of $11,700, which makes altogether $21,700. Now, I can not understand, Mr. Chairman, why it is that these appropriations should be made in different bills; why it is that the Committee of the Whole are not allowed the opportunity of having all appropriations for the same object brought in such juxtaposition that they can understand what the amount is that is to be appropriated for any one particular object. I would be obliged to the chairman of the Committee on Appropriations if he will explain why it is an appropriation for this object is made in this bill and why it is a part of the appropriation for the same object is made in a different bill.

We know, sir, that so far as this House is concerned legislation is virtually transferred to our committees; and we know how difficult it is, when a recommendation is made by a committee, to defeat the appropriation it recommends; for the committee, with that pride of opinion which is natural, fight for their recommendations with all the tenacity and ability which usually distinguishes the members of our Appropriations Committees.

I insist, therefore, that when appropriations are made for a specific object all those appropriations should be put together, so that the House can understand what it is doing.

In addition to that I see, Mr. Chairman, there is an appropriation in this same bill of $2,500 for a "house for the storage and protection of palms and other tropical and sub-tropical plants." We see this Botanic Garden, which has been in existence not a half a century, this one garden alone, has cost this Government more than half a million of dollars. The space that is occupied by the garden does not exceed, I think, seven acres, most of which is devoted to lawns and trees. And yet, sir, we see that every year by some means this appropriation is increased; and it is placed in the hands of a man who, I may say, is under no supervision whatever. These appropriations are under the direction of the Library Committee. What is the Library Committee? Why, sir, it goes out of existence and expires in a few days; and we have no supervision of the expenditures of this large amount of money for this bouquet garden at the foot of the hill, except it is the will of one man who has it under control.

I know the difficulty that we encounter in attempting to control the legislation in regard to this subject. We know the force and the power of flowers. The author of Lothair is content when he brings his hero and heroine together to allow the heroine to present the hero with a rose; and there the curtain drops, and all is left to imagination. And so it is with regard to these bouquets which are presented to members of the House. Some gentlemen insist, "Why, the President has a garden, and Congress should have one." I can not see it. Sir, Æsop tells us the frog, on one occasion, thought he should be allowed to drink as much water as the ox—the sequel is well known. We have but one President, and there may be an exception in his favor. We have no necessity, so far as this body is concerned, for any such expenditures.

Now, sir, in regard to bouquets and their distribution. A member of this House told me yesterday he was opposed to lessening the expenditures, because he had received a bouquet the night before from Mr. Smith; that he was a very clever man. I asked him what disposition he had made of it, supposing as a matter of course he had presented it to his wife. But no; he said he had given it to the daughter of his landlady because she was sick. [Laughter.] I do not know that it would contribute to the peace of members' families if it were known where all these bouquets go. [Laughter.]

But these esthetic bouquets have one enduring feature: these little flowers that "scent the morn" and regale the senses are mounted on tooth-picks, and when they wither and fade away their improvised stems may be converted to practical purposes. [Laughter.]

But seriously, Mr. Chairman, it was stated the other night and not denied that the appropriations for purposes of this character have amounted annually to about $100,000.

The gentleman from New York [Mr. VAN VOORHIS] said that a spirit of economy should not be exercised in regard to flowers; that when we exercised economy we became too gross and too material. I must confess that I do not belong to that esthetic school which discovers great beauties in the sunflower, with its repulsive odor and glaring petals, because it is fashionable. There are, however, gentlemen who do, and they sometimes come to grief, as the history of their great exemplar will show. Rather let us faithfully represent the interests of those who sent us here, whether we pursue this wayward goddess of fashion or otherwise. Whatever may be the infatuation of some members for flowers, no one can ignore their influence. The sweet poet, Felicia Hemans, sings, "Bring flowers, fresh flowers, to the festive board;" but we should bring them with due consideration for economy, when demanded by the public needs, and at our own expense when required for private festivities.

Now, as this gentleman has no supervision over him, I think that the appropriation which has heretofore been made of $11,700 is an ample sum to be placed in his hands by this Congress.

Mr. HISCOCK. If there is anything in the world which the Committee on Appropriations is not guilty of it is that which the gentleman from North Carolina [Mr. COX] has charged against us, that we have a pride of opinion about any matter or that we have a desire to secure the adoption of provisions which we have placed in appropriation bills. We certainly can not be charged with being guilty of that.

Let me explain in regard to this matter to the gentleman from North Carolina, and I think he will see that we have cured in this bill just the evil which he has been complaining of. The legislative appropriation bill is a bill which carries the salaries of the officers, clerks, and employés of the Government here in Washington; it is intended that it shall carry nothing else. That is done with a view of having spread before Congress a full statement of the salaries which are paid to the officers and employés of the Government.

Appropriations for the support of institutions and gardens and things of that kind are not carried on that bill; that is, it has not been the intention to carry them on the bill.

Heretofore the legislative appropriation bill has carried an item precisely like the one here in this bill; it did so last year; and the sundry civil appropriation bill also carried a similar item; that is an item making an appropriation for the purpose of procuring manure, tools, &c. We have combined the two items in this bill, and dropped out of the legislative bill all except the provision carrying the salaries.

Mr. COX, of North Carolina. I think the gentleman is mistaken about that.

Mr. HISCOCK. We have combined the two items in this bill, and reduced the aggregate from $12,000 to $10,000. Instead of increasing the appropriation we have decreased it; and instead of carrying it upon different bills we have put it all in this bill.

Mr. COX, of North Carolina. I see an appropriation in the legislative bill for this Botanic Garden, and I find a similar appropriation in this bill.

Mr. HISCOCK. What is the appropriation in the legislative appropriation bill?

Mr. COX, of North Carolina. It is $11,700.

Mr. HISCOCK. For what?

Mr. COX, of North Carolina. For precisely the same objects embraced in this bill.

Mr. HISCOCK. I beg your pardon.

Mr. COX, of North Carolina. I will read it. This is in the legislative appropriation bill: "For Botanic Garden: For superintendent, $1,800."

Mr. HISCOCK. Ah! exactly.

Mr. COX, of North Carolina. But wait; that is only one item.

For assistants and laborers, under the direction of the Library Committee, $11,700.

Mr. HISCOCK. Certainly; it carries the salaries for those persons.

Mr. BLACKBURN. I want to call attention to a fact that shows my friend from North Carolina [Mr. COX] is very much mistaken, and I am sure that he will see that he is mistaken as soon as his attention is called to it.

The legislative appropriation bill is passed so far as the House is concerned, and it carried an appropriation of between eleven and twelve thousand dollars for the maintenance of this garden. This bill now under consideration proposes an appropriation of $10,000, but not one dollar of it for any common purpose of the two bills.

The legislative appropriation bill carries the appropriation for the salaries of the officers and employés. If the motion of the gentleman from North Carolina [Mr. COX] should prevail, to strike this clause out of the bill, you will have all the expense of the machinery of the garden provided for but not a dollar with which to run it or maintain it.

I am sure the gentleman from North Carolina can have and does have better ideas as to the character of favors received from this garden than I have. I do not know anything about the distribution of flowers from the Botanic Garden to the members of the House. I am certain I speak within the mark when I say that for years I have never had one sent to me from that garden.

But in my judgment it would be as clearly suicidal and unwise to strike this appropriation out of this bill, and thereby turn that western front of the Capitol out to commons, as it would be to plant a crop of potatoes on the ground that lies on the east front of the Capitol. I do not care whether the superintendent of that garden ever furnished a flower to anybody or not. It does not matter whether he ever furnished a plant or a shrub to any one. You can not dispense with it for the purpose of the ornamentation of your Capitol. Now, if you allow this motion to strike out to prevail, you will simply turn that west front out into commons.

I am surprised at the gentleman from North Carolina. Of all the men in this House I should sooner have suspected any other of opening a merciless war on flowers and florists, when he of all others should appreciate them the most, because to-day he has scarcely passed from under that floral marriage bell which I hope and believe marks the happiest epoch of his life. [Laughter.]

Mr. COX, of North Carolina. The time for men to reform is directly after they have married. No occasion is better suited to commence all proper reforms. [Renewed laughter.]

Mr. BLACKBURN. I sincerely trust that this amendment will not prevail; for in all seriousness I call the attention of the committee to the fact that it will leave in existence all the expensive machinery of this institution as provided by law, without a dollar with which to buy materials for its maintenance.

Mr. ROBESON. Mr. Chairman, the practical question before us is just this: we have a botanic garden; we have hundreds and thousands of dollars' worth of trees, shrubs, and plants; we have a place where the trees are selected; we have machinery through which they are purchased for the adornment of this city and its parks. We have already made appropriations for the salaries of officers. This appropriation is for procuring manure, tools, and fuel, for purchasing trees and shrubs for that botanic garden; and what else? And for labor and materials in connection with repairs and improvements. This has nothing to do with salaries. We must either maintain the valuable property which we have, or we must make an appropriation to take care of it. For myself, I would be perfectly willing to consolidate all the Government gardens about the city if they were placed under some practical head; but I do not want the adornment of this city, in the way of selection of its trees, to go under a bureau which is too large and too magnificent to take care of so small a matter, so that it would be left to some ignorant subordinate.

Mr. BLACKBURN. I withdraw my *pro forma* amendment.

The question being taken on the motion of Mr. COX, of North Carolina, to strike out the paragraph, it was not agreed to.

The Clerk read as follows:

For continuation of the work of construction of the new pension building in Judiciary Square, $150,000; for heating apparatus for the building, $40,000.

Mr. SMALLS. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That the Secretary of the Navy be, and he is hereby, authorized to purchase a site for a coaling dock and naval storehouse at Port Royal, South Carolina, located by the board of naval officers in pursuance of the provisions of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1883; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. SMALLS. Mr. Chairman, at the last session of Congress the sum of $20,000 was appropriated for establishing a naval storehouse and coaling dock at Port Royal. A board of naval officers, appointed for the purpose of selecting a location, has made the selection and submitted its report. But it is found that under a provision of the Revised Statutes the Department can not purchase the land out of the appropriation which has been made. This amendment if adopted will simply enable the Secretary of the Navy to purchase the site selected by this naval board. I believe the chairman of the Committee on Appropriations will not object to this amendment.

The amendment was adopted.

The Clerk read as follows:

TENTH CENSUS.

For the work of taking the Tenth Census and closing the bureau, including the salary of the Superintendent and of all clerks and other employés, $100,000.

Mr. PRESCOTT. I move the amendment which I send to the desk.

The Clerk read as follows:

Line 1345, after the word "employés," insert:
"And additional compensation to the supervisors of census, as provided for by H. R. 6097, referred to the Committee on Appropriations May 3, 1882."

Mr. HISCOCK. I reserve a point of order on that amendment until the gentleman offering it has made his explanation.

Mr. PRESCOTT. On the 3d day of last May a bill was reported in this House by the Committee on Census providing for the payment of $500 additional to each of the supervisors of the Tenth Census, one hundred and fifty in number, so the appropriation would amount to $75,000. The reading of the paragraph now under consideration—"for work of taking the Tenth Census"—convinces me that the Committee on Appropriations, to which the bill I have mentioned was referred, intended by the appropriation of $100,000 to cover the amount recommended to be appropriated in that bill. But to make the pro-

vision clear, in order that there may be no doubt about the matter, I think it would be well to adopt this amendment, which will make this additional compensation payable, as undoubtedly the Committee on Appropriations intended.

The CHAIRMAN. The Chair calls the attention of the gentleman from New York [Mr. PRESCOTT] to the fact that this amendment in its terms refers by number to a bill of the House. Does the gentleman wish the provision, if adopted, to remain in that form?

Mr. PRESCOTT. I will strike out that language if the Chair thinks it objectionable.

The CHAIRMAN. That is a matter for the gentleman to determine.

Mr. HISCOCK. I now insist upon my point of order. I can assure the gentleman that the Committee on Appropriations in inserting this item for $100,000 had not the least intention in the world of allowing any additional compensation to the supervisors of the census.

The CHAIRMAN. The Chair would like to understand whether any law has been passed providing for this additional compensation.

Mr. PRESCOTT. Oh, no; I do not assert that. I only assert that a bill making this provision was reported to the House and referred to the Committee on Appropriations.

The CHAIRMAN. Then this does not rest upon existing law?

Mr. PRESCOTT. It does not rest upon existing law. If the reference in the amendment to the bill referred to the Committee on Appropriations is objectionable I ask that that language be stricken out.

The CHAIRMAN. That would make no difference as to the question of order. If there is no existing law for this expenditure the amendment would not be in order.

Mr. HISCOCK. My point of order is that the amendment proposes an increase of compensation, and is a change of existing law.

The CHAIRMAN. The amendment is of course subject to a point of order if there is no existing law on the subject.

Mr. CALKINS. It is always competent for the House to give direction as to the expenditure of any particular money which may be appropriated.

The CHAIRMAN. Not for an object not authorized by law.

Mr. CALKINS. But the amendment offered by the gentleman is in furtherance of the same object as the appropriation of $100,000 proposed in the bill.

The CHAIRMAN. But sustained by existing law.

Mr. CALKINS. So is the compensation of supervisors in so far as they are a part of the census establishment.

Mr. PRESCOTT. The bill we are considering says it is for work in taking the Tenth Census, and that was taken either by these supervisors for which this provision is made or by the enumerators, the least paid of the organized system for taking that census. If it is intended to cover the enumerators, then the amount of $100,000 would not be enough, as there were 32,000 enumerators. It would make the amount too small to be divided among them, and therefore it was presumed to cover the amount desired to be appropriated in addition to these supervisors. My amendment simply directs the way in which this amount is to be paid. It does not increase the amount, and it does not change the expenditure except in the same way with this paragraph, which provides "for the work of taking the Tenth Census and closing the bureau, including the salary of the Superintendent and of all clerks and other employés, $100,000." Now, these supervisors certainly were employés of that Department in connection with the taking of the Tenth Census.

The CHAIRMAN. Is the Chair mistaken in supposing these supervisors referred to have completed their work?

Mr. HISCOCK. Yes; they have already completed their work.

The CHAIRMAN. Hence there is no authority for going back and adding compensation to those who have ceased to be officers of the United States.

Mr. PRESCOTT. If the amendment is ruled out of order I should like to offer another proposition.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PRESCOTT. I offer the following proposition.

The Clerk read as follows:

Strike out all after the word "employés," line 1545, and add:

"And to the supervisors of census such additional compensation as the Superintendent of Census shall deem just, upon the basis of labor performed by each, not in any case to exceed the sum of $500 additional compensation to any supervisor—$150,000."

Mr. HISCOCK. I make the same point of order against that amendment.

Mr. PRESCOTT. I ask the gentleman to withhold his point of order until I can make a remark.

Mr. HISCOCK. I do not wish to be understood as withdrawing my point of order.

The CHAIRMAN. The Chair recognizes it as pending.

Mr. PRESCOTT. The gentleman from New York [Mr. HISCOCK] claims in connection with the other amendment the amount proposed by the Committee on Appropriations is intended to complete the work as provided by the Census Bureau, and for that reason he has a right to object to it, as the addition of the amendment would to such extent lessen that appropriation. But this amendment I now propose provides for the amount intended to be covered by the bill reported by the Census Committee on May 3, 1882, making an increase of $75,000. For that reason it may be subject to the point of order if the gentleman insists on it, but I trust that he will not do so in the face of the fact that this bill has been before the Committee on Appropriations ever since the 3d of May last, and the appropriation bill reported since then made no provision for carrying out its appropriations in compliance with the report of the Census Committee. That bill has never been acted on by the Committee on Appropriations, nor has any appropriation been provided in accordance with it. Certainly the Committee on Appropriations should treat the action of the Census Committee with sufficient respect to report back that bill in some form or other, so that there might be action of the House upon it. I ask therefore that the gentleman shall now withdraw his amendment and let the matter be considered in the House.

Mr. HISCOCK. I insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out of order.

Mr. CASWELL. I ask to return to my amendment.

Mr. RANDALL. Does the gentleman mean the amendment about the Sioux treaty?

Mr. CASWELL. I do.

Mr. RANDALL. I hope that will not be done for a few minutes.

Mr. CASWELL. Very well; then I will wait.

Mr. PRESCOTT, by unanimous consent, obtained leave to print some remarks in the RECORD on the census question generally. [See Appendix.]

The Clerk read as follows:

For fish transportation: For the construction of a car for the distribution of carp and other useful food-fishes to distant portions of the United States, $5,500.

Mr. HOLMAN. I move to strike out the last word. The paragraph is subject to a point of order, but I do not make it. I wish to say a word, however, on the proposition. The district I represent, Mr. Chairman, is remote from this capital and the ponds where these carp and other food-fishes are propagated. From my own experience in my section of the country those who wish to experiment in regard to raising these fish are willing to incur the expense of their transportation from Washington to their ponds in Indiana. Indeed, I have not heard a single instance of complaint. On the contrary, the farmers of the Ohio Valley are perfectly willing and anxious to incur any necessary expense in procuring these food-fishes.

The amount of the cost to each individual is inconsiderable, and the benefits conferred are almost exclusively personal benefits. They are for the benefit of each individual who tries the experiment, and it is a matter of interest and taste also on the part of those who have the necessary facilities for cultivating fish in their own private ponds. But that is an expense that the Government ought not to be called upon to pay. I do not see any reason why it should be done, and I object to it. I am opposed to assessing the whole people of this country to contribute to a feature which may rather be called one of private policy—a policy like this which can not inure generally to the common good. I will venture to say that one-half at least of all the fish distributed for the various fish-ponds throughout the country under the charge of Professor Baird, who has been so successful in this work of cultivating fish, are shipped abroad at the expense of persons who desire to try the experiment of raising fish so as to imitate the taste of the famous Isaak Walton.

I see no reason why this expense should be met by Congress in individual cases. Of course I do not wish to be understood as commenting on the policy of distributing these fish where the distribution is manifestly for the public good, as in cases where car-loads of these fish are taken and distributed in ponds belonging to cities or where they are distributed in streams which have been deprived of their food-fishes, by any means. But I do think that in all other cases where this is a merely experimental work on the part of individuals, or merely a matter of taste, that they should themselves be required to bear the expense; and I would like to know on what principle my friend from New York can justify this appropriation. It is not a public matter, on the contrary the distribution of these fish is a matter of private taste, and confers private benefits in, as I have said, the great majority of cases. Here and there, I admit, fish are put into the streams as a matter of public concern; but that is an unimportant feature in comparison to the distribution among private citizens. I repeat, sir, I see no good reason, therefore, why a tax should be laid upon the whole people for benefits which are necessarily personal. I believe myself that the policy of fish-culture and the interest taken by the Government in it is a national concern, broad in its purposes and scope, and should so be considered by Congress. But in the distribution of fish here and there to individual ponds for experimental purposes it can not claim the title of a national measure.

Mr. BROWNE. Will my colleague draw the distinction between raising fish for private use and distributing them to private individuals for their use?

Mr. HOLMAN. The distinction is very clear. They are prepared, as I understand, at the Government fish ponds for distribution to ponds and streams with a view to national objects, not simply to furnish individual ponds but to supply the streams, and to that extent it gives

the work a national character. But what I am objecting to is that the expense of the transportation of these fish to private ponds, and manifestly for private purposes, should be met by the Government. For myself I have been always willing to incur every reasonable expense in increasing in any possible manner the food-supply of all kinds of the people of the United States, and in that respect as long as this fish-culture is a national object I am heartily in favor of its encouragement. But when it falls below that and becomes individual in its scopes and purposes then I think the Government should not be required to pay the expense.

[Here the hammer fell.]

Mr. HISCOCK. The gentleman from Indiana asks me upon what principle I justify this item on this bill. I say to him that I do not justify it under the Constitution of the United States [laughter], and in fact I do not know any governmental principle which has been adopted by the Congress of the United States, unless it is in reference to the distribution of fish, that does justify it. But I recognize this fact, that the people of this country are bound to have these fish, carp and all other kinds of fish, and the Representatives here upon the floor are bound to give them the facilities for getting them. I therefore recognize it as the law of necessity on the part of the Committee on Appropriations to report this item in this bill, and I have yielded to that law of necessity, and hence it is here, and I hope will be adopted.

Mr. McLEAN, of Missouri. Mr. Chairman, this is one of the most important measures in this entire bill. The distribution of these fish by the Government gives more food to the people of this country than any other governmental work that has ever been undertaken. It can not be confined to individuals. It is a national work. The Government supplies ponds, creeks, and streams with the fish, and it has become a great necessity to the people. In our western country all the great streams have been depleted and the Government is now supplying them with fish that will grow and mature in them. No individual could hope to do it. It must be done by the Government if done at all, and I repeat that I look upon this as one of the best provisions in the bill.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

The Clerk reak as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,377,650; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely.

Mr. SPRINGER. I desire to offer an amendment to this clause.

The Clerk read as follows:

Add after the word dollars, in line 1685:

"*Provided*, That the contracts for lithographing, mapping, and engraving shall be let to the lowest responsible bidder, under the direction and supervision of the Joint Committee on Printing, in the same manner that contracts are let for paper used at the Public Printing Office; and said joint committee shall determine what lithographing, mapping, and engraving should be done at the expense of the Government.

Mr. HISCOCK. I make the point of order against the amendment that it changes existing law and is not such a change as is authorized by Rule XXI.

Mr. SPRINGER. Does the gentleman from New York [Mr. HISCOCK] desire to speak further on the point of order?

Mr. HISCOCK. I will make the point of order now and will hear what the gentleman from Illinois has to say upon it.

Mr. SPRINGER. I desire to speak to the point of order. I think the amendment is not subject to the point of order, from this fact, that it will retrench and does retrench expenditure. The lithographing and engraving and mapping ordered by Congress to be done at the Public Printing Office amounted, according to the report of the Public Printer for the last fiscal year, to the sum of $274,000. I desire members should look at this part of the report of the Public Printer, beginning on page 50 and ending on page 56, and they will see the enormous amount of this work that is done at the expense of this Government. The sums charged up to each item here are enough to startle the House in regard to this expenditure. Under the law as it is each one of the Departments can order and does order all this engraving, printing, and mapping that any head of a bureau may think necessary to be done by the Government. There is no limit to the amount of such order. Two hundred and seventy-five thousand dollars were expended for the purpose of procuring these plates and mapping and lithographing during the last fiscal year.

The object of this amendment is to put the letting of these contracts under the supervision of the Joint Committee on Printing. That committee is charged with the responsibility of determining what mapping and engraving shall be done at the public expense, instead of anybody who desires anything of this kind to be done ordering it and having it done at the Government expense.

Here are some of the items: Agricultural report for 1880, $96,000, in one item. For special report of the Agricultural Department, No. 34, which I understand to be the report on the diseases of animals, $13,600. For additional engravings for the report of the Commissioner of Agriculture, 1880, $6,974. And all through this report are items of every kind which one can imagine of work sent to the engravers charged up to the Government.

My object in this amendment is to prevent this loose and extravagant expenditure, and require a committee of Congress—a committee created by law—to supervise all this and determine what amount of this work shall be done. It will, in my judgment, save to the people two-thirds of this expenditure and not interfere with one single object to be desired by any gentleman who wants to promote the public service.

I do not think the amendment is subject to the point of order; but if it is I hope the gentleman from New York [Mr. HISCOCK] in the interest of economy will withdraw it and let the amendment be admitted.

Mr. HISCOCK. I will not withdraw the point of order.

The CHAIRMAN. The Chair, while examining the amendment, directs the Clerk to conclude the reading of the paragraph.

The Clerk read lines 1689 to 1715, as follows:

For printing and binding for Congress, including the proceedings and debates, $1,279,650; for the State Department, $15,000; for the Treasury Department, $250,000; for the War Department, $170,000 (of which sum $12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, $50,000; for the Interior Department, $380,000 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $10,000; for the Post-Office Department, $150,000; for the Agricultural Department, $20,000; for the Supreme Court of the United States, $25,000; for the supreme court of the District of Columbia, $1,000; for the Court of Claims, $8,000; and for the Library of Congress, $19,000. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended.

Mr. CANNON rose.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. CANNON] if he wishes to oppose the point of order.

Mr. CANNON. I believe the point of order is well taken.

The CHAIRMAN. The Chair regards the point of order as well taken, inasmuch as in reference to this work the amendment requires the introduction of a system of letting contracts to the lowest responsible bidder, which is a change of existing law.

Mr. SPRINGER. That is already done under the direction of the Public Printer.

The CHAIRMAN. The amendment directs the letting of contracts to the lowest responsible bidder under a new authority.

Mr. SPRINGER. The law now provides for letting the work out by contract under the direction of the Public Printer. My amendment provides that it shall be under the direction and supervision of the Committee on Printing.

The CHAIRMAN. That changes the law.

Mr. SPRINGER. The amendment also requires the committee to determine what items of work of this class shall be performed at the public expense.

The CHAIRMAN. Which is also new legislation.

Mr. SPRINGER. But that reduces expenditures, because the amendment authorizes the cutting down of the expenditures almost to an unlimited extent.

The CHAIRMAN. *Non constat* it might also authorize the increase of the expenditure.

Mr. SPRINGER. There can not be an increase of the expenditure.

The CHAIRMAN. Why not, when this is made subject to the discretion of the joint committee?

Mr. SPRINGER. There would not be any more of this work than is now provided for by law. But by the amendment the joint committee are authorized to reject any of the matters that may be lithographed, &c., as the rule now is.

The CHAIRMAN. The amendment, however, fixes no limit. It provides that the committee shall determine what lithographing, mapping, and engraving shall be done at the expense of the Government.

Mr. SPRINGER. Would the amendment be in order if I should move at the same time to strike out part of the appropriation? I am satisfied we can safely reduce this appropriation $77,650 if this amendment is adopted. I will therefore move to strike out the words "and seventy-seven thousand six hundred and fifty dollars," and insert what has been read, so that it will read "$2,300,000" instead of "$2,377,650."

The CHAIRMAN. The Chair remarks that that part of the amendment as an independent amendment is perfectly in order; but as he has frequently decided, the introduction of an amendment of that sort does not bring an amendment changing existing law in order. It must be apparent the proposed change of the law itself does not retrench expenditures. The Chair does not find this is plainly a retrenchment of expenditures.

Mr. SPRINGER. Would it not be if I reduced the amount covered by the bill?

The CHAIRMAN. That, as a separate amendment, would be in order; but it does not help the infirmity of this amendment, which changes existing law without itself diminishing expenditures.

Mr. SPRINGER. By cutting off this amount of expenditures, which

would be the effect of my amendment, we reduce the amount in the bill.

The CHAIRMAN. That requires the Chair to rule the inevitable result of this amendment is to decrease expenditures; and the Chair can not rule that.

Mr. SPRINGER. But if we make a less appropriation and provide a different system for its expenditure then there can not be so much expended.

The CHAIRMAN. The Chair again remarks that coupling with an amendment changing existing law a clause reducing the amount in the bill does not bring the amendment itself within the rule. It must be plain on the face of the amendment which changes existing law that it reduces expenditures in one of the three modes provided by the rule, unless it is reported by a committee; and then it must be plain the absolute result is a retrenchment of expenditures. The Chair must sustain the point of order on the ground that the amendment changes existing law and does not come within the provisions of the three clauses of the rule.

The Clerk resumed the reading of the bill, and read the following:

For fees of clerks, $160,000: *Provided*, That where the same person holds the office of clerk in both the circuit and district courts of any district he shall be allowed by the Attorney-General to retain for his personal compensation of the fees received by him, after the payment of office expenses, the prescribed maximum of one office only, to wit, the sum of $3,500 per annum; and this proviso shall apply in its full extent to the clerks of courts mentioned in section 840 of the Revised Statutes: *And provided further*, That the clerk of the supreme court of the District of Columbia shall make to the Attorney-General his semi-annual report of fees and emoluments in the same manner and under the same regulations as clerks of the other courts of the United States, under and in accordance with section 833 of the Revised Statutes, the maximum of whose compensation, after the payment of office expenses and other allowances granted by the Attorney-General, shall not exceed the maximum of $3,500, and the balance of said fees and emoluments of his office shall be paid into the Treasury according to the provisions of section 844 of the Revised Statutes: *And provided also*, That the clerk of the Supreme Court of the United States shall make his semi-annual report of fees and emoluments of his office to the Attorney-General in the same form and manner as clerks of other courts, to whom the Attorney-General is authorized to allow, as the maximum of his office, after the payment of necessary expenses to be approved by him, a sum not exceeding $6,000 per annum; and the balance of said fees and emoluments shall be paid into the Treasury according to the provisions of said section 844; and all laws or parts of laws inconsistent with these provisions are hereby repealed.

Mr. WILLITTS. In behalf of the Committee on Expenditures in the Department of Justice, I move to strike out the last proviso of the paragraph just read and insert in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation, over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding —— thousand dollars a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States: *And provided further*, That so much of section 3 of the act of February 28, 1799, as relates to the payment of said clerk for his attendance in court is hereby repealed: *And provided further*, That the Supreme Court is hereby authorized and empowered to prepare the table of fees to be charged by the clerk thereof, and until the same is thus prepared the fees therein charged for recording or copying any paper or record shall not exceed 14 cents per folio.

Mr. WILLITS. The clerk of the Supreme Court, according to his own statement, received in 1880 $36,120.17 and paid out $16,170.79, leaving him net the sum of $19,949.38. For the year 1881 his total receipts were $44,845.80; total expenditures, $15,368.69; balance net fees, $29,477.11.

He is the only clerk of the United States courts without a salary limited by law, and the large amount received by him warrants some legislation. The clerks of the district and circuit courts, with some exceptions provided by statute, receive $3,500 per year; when both offices are united in one person he receives the salaries of both, under the peculiar phraseology of section 839 of the Revised Statutes, as construed by Justice Story in 2 Story, page 389. The clerk of the supreme court of the District of Columbia receives $6,000.

The fees of the clerk of the Supreme Court of the United States have not been essentially changed since the organization of the court, when the business was light, and they now aggregate the large sum above stated from the growth of business before it. By the act of May 8, 1792, re-enacted February 28, 1799, the compensation was fixed "for his attendance in court $10 per day, and for his other services double the fees of the clerk of the supreme court of the State in which the Supreme Court of the United States shall be holden." This is the only law now warranting any fee at all. It is not to be found in the Revised Statutes, and only in volume 1, Statutes at Large, on pages 277 and 625, respectively. At first the court was held in the State of Pennsylvania, and the fees of the supreme court of that State controlled all of the fees of the United States Supreme Court but the per diem pay. Subsequently, when removed to the District of Columbia, it was construed to be within the State of Maryland, and the fees of that State formed the basis of the fee bill.

Some question has been raised of the authority to tax general fees at all since the court has been held in the District of Columbia, but the taxation under the Maryland law has had the acquiescence if not the approval of the court itself, and since the enacting of the Revised Statutes the Supreme Court has informally held that the omission of the clerk's fees in the Revised Statutes did not bring them within the terms of their general repealing clause. It would seem wise, however, to put the right to collect so large a sum of money annually upon some more certain basis.

The Maryland statute which governs the present fee bill is not now the same as when the present fee bill was fixed. Then it was so many pounds of tobacco at so much a pound for each item of the fee bill. The United States Supreme Court bill doubles that, or nearly so; in some instances less; as follows:

Table of fees of clerks of the court of appeals of Maryland and Supreme Court of the United States.

	Court of appeals.		Supreme Court.
	Pounds of tobacco.	*Cents.*	
Recording, &c., per folio	8	16	$0 28
Entering judgment	47	94	1 64½
Taxing bill of costs	8	16	28
Copy of same, per folio	8	16	28
Writ of diminution	22	44	77
Writ of possession or other execution	20	40	70
Entering and motion, &c	8	16	28
Issue and rule	24	48	84
Affixing seal, &c	131	262	4 58½
Entry of appearance	6	12	21
Rule of trial	8	16	28
Continuance	4	8	14
For search	14	28	49

Under the present statute of Maryland the fees are very much less. For instance, the fee for recording or copying any paper is 10 cents a folio instead of 16. Moreover, there are many items not included in the Maryland fee bill; as a sample, the item of $4 for filing briefs seems to have no corresponding item in the Maryland bill.

These instances are given to show the apparent laxity which is found in the present system of taxing costs in the supreme judicial tribunal of the land. Under it, by a practice that has existed for fifty years, many incongruities have grown up, and some of a most grave and important character. One, perhaps the most important, is in the printing of the records. Until recently the clerk was required to furnish copies of the record for the printers, for which he charged 28 cents a folio, the regular charge for a manuscript copy. But under a practice that has existed, as the Chief-Justice recently said, for more than fifty years, the clerk has taken the original record to the printers to be set up, instead of making the copy required, and for which he has charged the full price.

When it is observed that the printed record in some cases is almost if not quite the size of the volume of the Revised Statutes, it will be seen that the fees at 28 cents a folio would be enormous and excessive, even if the work had been actually done, but as it was only constructively performed, the grievance is one that deserves abatement. The court recently, attention having been called to it, sought to rectify the wrong by changing the rule, requiring the clerk to charge only half price in such cases. The authority to do even this tardy act of justice is not apparent, but doubtless it was in the exercise of the right of the court to control the acts of its subordinate officers.

A sample case under this lax construction of the rule, is that of H. Blennerhasset *et al.*, appellants, *vs.* Hoyt Sherman, assignee, October term, 1881. The charge made by the clerk for manuscript copy of the record for the printer, though no copy was made, was over $2,000. The total costs in this case were $6,148.

Of the total charges entered on the fee-books in cases decided during the October term, 1880, the amount charged for manuscript copies of the original records for the printer was over $20,000. The amount paid clerks for making such manuscript copies as were made was a little less than $3,000, leaving the clerk constructive fees about $18,000.

The charges and fees for the October term of 1880 were substantially as follows:

For fees in the cases	$32,466 86
For admissions to the bar	2,270 00
For salary, $10 per day, 105 days	1,050 00
For recording opinions of the court, October term, 1879	1,610 00
	37,396 86

There were other items and perquisites in small amounts, and some of the above amount has not been paid, but his gross receipts were for that term, as stated by the clerk, the sum of $36,120.17.

The incidental expenses of his office for the October term, 1881, as stated before, were $15,368.69, made up as follows:

Charles B. Beall, deputy clerk	$3,000 00
H. C. McKenney, assistant clerk	1,800 00
James D. Maher, assistant clerk	1,500 00
Assistant clerk (vacancy)	1,020 00
Assistant clerk (vacancy)	1,020 00
One messenger	420 00
Printing opinions of the court	2,200 00
For copyists, postage, buckets, brooms, ice, &c	4,408 69
	15,368 69

Of the last item the clerk has not furnished a bill of particulars. He says it is largely made up in copying, for which he paid at the rate of 10 cents per folio.

The same fees are taxed against the United States as against other litigants for like services, and are paid by the Treasurer of the United States from the appropriations annually made to pay clerks of courts on an account rendered by the clerk and certified by the Chief-Justice.

The amount paid them by the United States for several years past will appear by the following letter:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 3, 1883.

SIR: In answer to your inquiry this morning I have to state that the fees earned from the United States by the clerks of the Supreme Court of the United States during the terms specified below have been allowed on the adjustment of their accounts at the Treasury, and the sums named have been paid:

October term, 1877–'78	$5,833 22
October term, 1878–'79	7,488 12
October term, 1879–'80	5,839 59
October term, 1880–'81	4,875 45
October term, 1881–'82	5,516 46

Very respectfully,

WM. LAWRENCE, *Comptroller.*

Hon. EDWIN WILLITS,
House of Representatives.

It will be seen that these several amounts have been paid out of the Treasury on the certificate of the Chief-Justice. There would seem to be no specific authority to do this. Under section 4 of the act of May 8, 1792—

The legal fees of the clerk, attorney, and marshal in criminal prosecutions shall be included in the fees of the marshal; and the same having been examined and certified by the court or one of the judges of it * * * shall be passed in the usual manner and the amounts thereof paid out of the Treasury of the United States to the marshal, &c.

The clerk states that this is the only statute governing the proceedings by which he obtains his fees, not only in criminal but civil cases in which the United States is a party; also his per diem of $10 per day for his attendance upon court. He states that the practice of the payment to him direct (instead of to the marshal), and covering not only the fees in criminal cases but all his other fees, is based upon an unpublished opinion of Attorney-General Cushing, a copy of which is on file in his office, in which Mr. Cushing in substance argues that from analogy in the cases of the circuit and district courts, and from the fact that the Supreme Court is a co-ordinate branch of the Government, it ought to control the expenses attending the same. It is submitted, however, that there ought to be more specific authority in the premises if the practice is continued.

Another alleged evil brought to the notice of the Committee on Expenditures in the Department of Justice deserves some comment and explanation. It will be noticed that among the incidental expenses reported by the clerk was the item of $2,200 for the printing of the opinions of the court. The popular apprehension has been that the clerk has made a large sum of money for certified copies of the opinions of the court. He claims that this is an error. He contracts with a printer at the rate of $2.25 per page, to be printed at his own expense. To reimburse him for this expenditure he charges the parties to a cause for a copy of the opinion at the rate allowed for a manuscript copy, 28 cents per folio. For copies ordered by other parties the charge is $1 per printed page, but no copy to exceed $5, exclusive of $2 for his certificate, with the seal of the court. He claims that his profits are small. His contract is for a full page $2.25, though the opinion may not exceed ten lines, while in such case his fee would not exceed a dollar at 28 cents a folio. Then in a large proportion of the cases he is never called upon for more than one copy, for which he receives far less than he has to pay the printer. He cites an instance in the recent case of the Arlington (Lee) property. For the printing of the opinion he paid some $60, and probably the only copy that will be ordered is the one he furnished the plaintiff, for which he was paid much less.

The practice of printing the opinions of the court as now conducted is of comparatively recent origin. The contract for printing seemed excessive at the first glance, but when it was learned what it included the price would not appear so. The writing of the opinion is first assigned to one of the justices, who furnishes to the clerk his manuscript, to be set up by the printer, who is bound to secrecy; the proofs are furnished to the justice, who corrects and revises, sometimes reconstructing whole paragraphs and even pages, which corrections and revisions are set up and recorrected till it is satisfactory to the justice. Then printed copies are furnished all the justices for consultation—all before the opinion is concurred in by the court. These corrections and revisions are charged as new matter by the printer, and amount annually to from $300 to $500.

There is no question that the practice is a good one and that it or something similar should be continued in the future, for which some provision should be made under the supervision of the court. The secrecy required in carrying it out would render it advisable that the court retain the control of the printing rather than to permit it to be done at the office of the Public Printer, and that this item still be allowed as a part of the incidental expenses of the court, with some reasonable charge in the fee bill in part at least to reimburse the expense.

All the foregoing considerations have led the Committee on Expenditures in the Department of Justice to think it advisable that the clerk be put on a fixed salary; that the per diem of $10 be repealed; that the court have specific authority to make a fee bill, and that in the mean time we reduce the expense of copying any paper or record at least one-half, so that there be some relief to litigants in the matter of one of the most expensive items charged to them; therefore it submits the amendment presented.

For the purpose of showing how the practice of the constructive charge for copies of the records grew up arose, and what considerations led the court to act, in the recent change of the rule in that regard, it is proper that the opinion of the Chief-Justice accompany this presentation of the subject. The opinion is as follows:

Supreme Court of the United States.—October term, 1882.

In the matter of amendments to rules 1 and 10.

Mr. Chief-Justice WAITE: Our attention has been called to the practice which prevails in the clerk's office of sending original records to the printer to be printed and of taxing in the bills of costs a fee for one manuscript copy of the record when no such copy is in fact made.

On investigation we find that the statute regulating the fees of the clerk was passed in 1799, and that under this statute a table of fees was prepared, many years ago, by or under the direction of the court, which has been followed by the clerk in the taxation of costs ever since. No provision was made, by rule or otherwise, for printing the records until January term, 1831. Before that time the practice was, as we are informed, for the court to use the original record, and the clerk made two manuscript copies for the use of the parties. For these copies he charged the parties according to the established table of fees.

At January term, 1831, the Attorney-General, in behalf of the United States, applied to the court for leave to take the original records in certain cases from the clerk's office to be printed, at the same time remarking that he had been informed that in such cases it had been the habit of the clerk to charge half fees. Chief-Justice Marshall, speaking for the court, stated "that the clerk of this court had certain rights and fees of office (of which a fee for a copy of the record was one), which this court was not disposed to violate; and that the party could not withdraw the records without paying for the copies, but that any arrangement which the clerk saw proper to make would be satisfactory to the court." The original records in these cases were afterward taken to the printer and printed, and the clerk charged and was paid full fees for one manuscript copy.

At the same term the first rule for printing the records was adopted, which provided for the taxation of the fees for one manuscript copy of the record in the bill of costs. When this rule was promulgated the court consisted of Chief-Justice Marshall and Associate Justices Johnson, Story, Thompson, McLean, and Baldwin. Mr. Justice Baldwin dissented on this provision of the rule, for the reason, among others, that it allowed the clerk a fee for a copy whether one was made or not.

Under the rule thus adopted the printing of records began, and from the first the original records were sent to the printer and a fee for one manuscript copy was charged in the costs, when in fact no copies were made. There is abundant evidence that at the outset this practice was directly or indirectly approved by the court. In 1839 the House of Representatives instructed the Judiciary Committee to "inquire what costs are charged against the United States for printed copies of records of suits pending in the Supreme Court which have been printed at the expense of the United States, * * * and whether any legislation is necessary in relation to costs of suits in said court." The committee reported, submitting a statement of the clerk on the subject, and were discharged. From this statement of the clerk and from other evidence on file, we are satisfied the committee or some of its members visited the office during the progress of their inquiries and possessed themselves fully of the mode of doing the business and of the compensation therefor.

In 1859 the rules were revised by Chief-Justice Taney under the direction of the court, and the provision for printing the records was put into the form in which it now appears in paragraphs 2, 3, 4, and 5, of Rule 10. We are advised that prior to the death of Chief-Justice Taney no manuscript copies of the records were ever made, and that the fee for one copy was always charged in the costs. Since the death of Chief-Justice Taney copies have in some cases been made. The present clerk has followed the practice of his predecessors.

We are entirely satisfied that the practice as it now exists is in all material respects what it has been for more than fifty years, and that at the beginning it received the approval of the court. No one now on the bench ever heard of any complaint, or of any application for a retaxation of costs, on account of what was done until late in the last term, when a motion for retaxation was made in the case of James *vs.* Campbell.

There is an apparent conflict between the rules and the practice under them which ought not to exist. It is also evident that what was fifty years ago no more than a reasonable compensation for the important services of the clerk is now, under the operation of the rules as then construed and the practice then inaugurated, larger than it ought to be. To prevent misunderstandings in the future, and to reduce the expenses of litigants without doing injustice to the clerk, it is ordered—

I. That the second clause of Rule 1 be amended so that it will read as follows:

The clerk shall not permit any original record or paper to be taken from the court-room, or from the office, without an order from the court; but records on appeals and writs of error, exclusive of original papers sent up therewith, may be taken to a printer to be printed, under the requirements of Rule 10.

II. That paragraphs 3, 4, 5, and 6 of Rule 10 be rescinded, and the following adopted in lieu thereof:

"3. The Clerk shall take to the printer the original record in the office, except in cases prohibited by the rules. When the original can not be taken he shall furnish the printer with a manuscript copy. He shall supervise the printing and see that the printed copy is properly indexed. He shall take care of and distribute the printed copies to the judges, the reporter, and the parties from time to time as required.

"4. In cases where a manuscript copy of the record is not furnished the printer the fee of the clerk for his service under the last preceding paragraph shall be one-half the rates now allowed by law for making a manuscript copy, and that shall be charged to the party bringing the cause into court, unless the court shall otherwise direct. When a manuscript copy is required to be made full fees for a copy may be charged, but nothing in addition for the other services required.

"5. In all cases the clerk shall deliver a copy of the printed record to each party without extra charge. In cases of dismissal, reversal, or affirmance, with costs, the fee allowed in the last paragraph shall be taxed against the party against whom the costs are given. In cases of dismissal for want of jurisdiction such fees shall be taxed against the party bringing the cause into court, unless the court shall otherwise direct."

True copy.
Test:

Clerk Sup. Court U. S.

Mr. WILLITS. The clerk of the Supreme Court ought to receive more than the clerks of the circuit and district courts, and the com-

mittee authorizing me to report this amendment were in favor of a salary of $5,000 a year. We have reported the amount in blank, leaving it to be fixed by the House. The Committee on Appropriations, I perceive, has fixed the amount at $6,000.

Mr. NEAL. I suggest to the gentleman to put in $5,000.

Mr. WILLITS. Very well; I will fill the blank by inserting the word "five" before the word "thousand."

Mr. NEAL. That is what our committee agreed to.

Mr. HEPBURN. I would like to make an inquiry of the gentleman. I understand that the expenses of this office during the last year are stated to have been $15,000. I would like to know how this extraordinary expense was made up.

Mr. WILLITS. Eight thousand three hundred and forty dollars was for assistants, deputies, &c.; $420 for a messenger; $2,200 for printing the opinions of the court, leaving about $4,000 for incidental expenses, of which the clerk has rendered no bill of particulars, but which are made up of postage, brooms, ice, and various other things, besides the amount actually paid for copying, which the clerk claims was some thousands of dollars.

The question being taken on the amendment of Mr. WILLITS, it was agreed to.

Mr. HISCOCK. I think the salary of this officer ought to be fixed at $6,000. I move to strike out $5,000 and insert $6,000.

The CHAIRMAN. Does the gentleman desire to discuss the proposition?

Mr. HISCOCK. No, sir; but I really think this ought to be done.

Mr. NEAL. I desire to say one word upon this amendment. During the last session of the present Congress the members of the Committee on Expenditures in the Department of Justice were so much engaged by their duties on other committees that it was impossible for them to give any attention to the duties of this committee which has heretofore been regarded as an ornamental rather than a useful committee. At the commencement of this session, however, we went to work and determined to make it as useful as the time would allow. We have done so; and the result is this amendment presented by the gentleman from Michigan [Mr. WILLITS] with reference to the salary of the clerk of the Supreme Court.

This office of clerk of the Supreme Court is practically a life office. There is no great pecuniary expenditure connected with it. Under this provision the clerk will have ample funds supplied him for securing all necessary clerks and assistants. A salary of $5,000 is larger than the salaries of the judges of the supreme court of the District of Columbia, larger than the salaries of the judges of the Court of Claims, larger than the salaries of judges of the United States district courts in almost every part of the country.

This is an office without much responsibility. It does not require a high order of talent, and if we allow this clerk a salary exceeding that of the judges of most of the district courts of the United States and as large as that received by members of Congress, it seems to me we ought not to be asked to do more.

Mr. CANNON. Mr. Chairman, I wish to say a word in answer to the gentleman from Ohio [Mr. NEAL]. My understanding is that in times past under the method of compensation which has prevailed this clerk has received from $12,000 to $30,000 a year.

Mr. NEAL. Yes, sir.

Mr. CANNON. He is the clerk of the highest court known to the law of this country. The clerk of the Supreme Court of the United States does occupy a very important position. His relations with the court are, to say the least, semi-confidential, requiring strict integrity. By reason of his position here in Washington as clerk of this court he is obliged to incur greater or less expense. He must live in a manner corresponding with the position—must incur that measure of expense which is meet and orderly for an official of this kind. When we cut the pay of this officer from an amount ranging from $12,000 to $30,000 down to $6,000—which I want to do and which I submit is proper—it strikes me we make a sufficient reduction. While I am in harmony with the gentleman from Ohio that it ought to be reduced, I think that amount is about enough.

Mr. MCMILLIN. What duties devolve on this officer making it necessary to pay him $1,000 more than is paid to a member of this House or the Senate or to more than five-sixths of the governors of the different States?

Mr. CANNON. This officer, the clerk of the Supreme Court of the United States as he is, and performing his duty as he does, has responsibilities resting upon him which in my opinion entitle him to receive a salary of $6,000 a year. I do not believe he ought to receive, as he has been receiving, a salary from $12,000 to $30,000 a year.

Mr. MCMILLIN. Should not the fact that he has been receiving from $12,000 to $30,000 in the past be taken into consideration in fixing the salary he is hereafter to receive?

Mr. CANNON. I think not, because there may be a change, as there has been a change of the clerk, the old clerk having died. I do not take that into consideration. I wish to pay him a proper salary, and in my opinion $6,000 is an appropriate sum in consideration of the great responsibilities imposed on this officer.

Mr. HISCOCK's amendment was rejected.

The Clerk read as follows:

To pay the expenses of circuit judges in going to and returning from their courts, and while in attendance at courts at places where they do not reside, $15,000; but not exceeding $10 a day shall be paid to a judge for traveling expenses and for attendance.

Mr. HOLMAN. I make the point of order there is no law authorizing that appropriation of money. The law creating the office of circuit judge fixes the salary at $6,000 a year, and no law has been passed since then providing for the payment of the expenses of circuit judges going to and returning from their courts.

Mr. HISCOCK. The provision in the bill is subject to the point of order, I concede, but on the other hand I believe it is eminently just and proper these circuit judges should have this provision for the payment of these expenses. There are certain circuit judges who are compelled to travel to that extent—I was about to say as to exhaust almost their entire salaries. This provision, therefore, is eminently just and proper, and I hope the gentleman from Indiana will withdraw his point of order.

Mr. HOLMAN. I do not think salaries ought to be increased in this way.

Mr. HISCOCK. It is not intended to increase the salaries of these circuit judges at all, but merely to provide for the payment of the expenses of these circuit judges in going to and returning from their courts.

Mr. HOLMAN. I think it is an objectionable method of increasing salaries. Our circuit judges, I believe, can not complain of their salaries, any of them. I think they receive ample compensation. I would be glad to withdraw my objection at the request of the gentleman from New York, but I can not do it. I believe these salaries are now as large as they should be. Even now they create discontent and dissatisfaction in our State courts on account of the magnitude of the salary in comparison with what is paid to the judges of the State courts.

The CHAIRMAN. The Chair sustains the point of order, and the paragraph is ruled out.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay the legal representatives of Hon. J. T. Updegraff, deceased, late member of the Forty-seventh Congress and member-elect to the Forty-eighth Congress, $6,000.

Mr. BROWNE. I move to strike out the last line, and I do so for the purpose of calling the attention of the committee for a few moments to this matter. There is provided by this bill payment to the representatives of deceased members of Congress in four instances.

Mr. HOLMAN. The Chair understands that the point of order is reserved.

The CHAIRMAN. The gentleman's point of order was sustained and the paragraph was ruled out.

Mr. BROWNE. I will raise the point of order to know what rule if any is to be established in these cases.

In the first place there is allowed to the legal representatives of Hon. J. T. Updegraff $6,000. Not simply the balance of his salary for the unexpired term of the Forty-seventh Congress, but a sum in gross, $6,000. When we pass to the next, to pay to the widow of Mr. Shackelford, deceased, the committee simply allows so much as covers the unexpired term of his service as a member of this Congress. That is also true in the case of Hon. William M. Lowe. When we pass to the next case, that of Hon. J. Q. Smith, they simply allow the salary due up to the time of his death. First, we allow so much for the unexpired term; in another instance for the period of service up to the time of death; and in another case, not only for the unexpired term but for the term for which the member was elected and which has not yet commenced, we allow at least one year's salary of that new term.

It would be ungracious as a matter of course to raise a question on the impropriety of appropriations of this character. My own conviction is the Congress of the United States should in no case appropriate beyond the salary due at the time of death. When we have paid the funeral expenses and all that it seems to me justice or charity could not demand more.

My purpose is, Mr. Chairman, to know why it is there is this difference. My principal purpose was to inquire further in reference to the case of Mr. Orth. Godlove S. Orth died on the 15th of December, if I remember correctly, some three months before the expiration of his term, and this bill makes no appropriation in that case whatever. It makes no provision for what may be due him, and I do not know whether anything was due him at the time of his death, and it makes no appropriation for his unexpired term. Now, why are these discriminations made in this bill?

Mr. HOLMAN. Mr. Chairman, I had supposed that I rose in time when my colleague had addressed the Chair to inquire whether the point of order had been made upon this paragraph, wishing if it had not been to reserve it. The Chair replied to me that the point of order had been already disposed of, referring to a previous point of order. But I hope, inasmuch as I addressed the Chair with that intention, that the point of order will be considered as pending now.

Mr. HISCOCK. We all understand, Mr. Chairman, that a practice has grown up in this House of giving to the family or representatives of a deceased member, that is, a member-elect, one that has not been

sworn in but dies before Congress convenes, or if he dies after Congress assembles, who has not been able to attend and not sworn in, I say that the practice has grown up of giving to the heirs or representatives or somebody interested in the deceased the sum of $6,000. I believe it is a custom absolutely pernicious, and I indorse every word that has been said by the gentleman from Indiana upon the subject. If I could believe that we could cure the evil for the future I would not care what was done with this provision. But I think in the last session of Congress we made provision for the heirs or representatives of two members. We gave them the same sum which is allowed here, I remember that some time ago. I think in the Forty-fifth or Forty-sixth Congress, a provision of this kind was made in favor of an eminent gentleman from the State of Texas. It is ungracious to object to a provision of this kind; and the Committee on Appropriations have reported it here because such has been the usage. And it seems to me that such having been the practice we should not in this instance at all events depart from it. If a provision could be put here into this bill for the future, serving notice on the future as it were, that this compensation will not be allowed hereafter, that, I think, would be wise. But I do not think that at this point we ought to make a discrimination. If some legislation could be ingrafted here or elsewhere that would be a declaration of what would be the policy of the Congress in future in reference to this matter I believe it would be entirely wise and proper. But in the absence of anything of that kind, and also because of the difficulty of any legislation that would bind a future Congress, I hope there will be no change made at present.

Now, in reference to the pay of Godlove S. Orth: The reason that provision is not made for that in this bill is because when the bill was reported I had not procured from the Sergeant-at-Arms the amount of pay then due to him. Where a member has been sworn in he is only entitled, by the practice prevailing, to the balance of his pay; and I now offer as an amendment, to come in after the close of line 1858, what I send to the desk.

The Clerk read as follows:

To pay Mary A. Orth, the widow of the late Hon. Godlove S. Orth, the amount of salary due him as a member of the Forty-seventh Congress, $1,072.03.

Mr. HUMPHREY. Mr. Chairman, I desire to be heard for a moment in regard to this matter. It seems to me, in reply to what has been said by the gentleman from New York, chairman of the Committee on Appropriations, that we can not say to any future Congress that they shall not do this or that upon this particular subject. We can not do it for the reason that every case must be and should be governed by its own circumstances. And if we put in an amendment of the character he suggests it would be simply a notice to every member who comes here to Congress in the future that if he dies his family must not expect any gratuity from the Government, nor look for anything that has heretofore been granted in the shape of extra compensation at the hands of Congress. There are cases where this has been done without objection in the past. I recollect that in the Forty-sixth Congress we gave to the widow of a member of Congress from Texas, a distinguished member from that State, who died in the early part of the session, the amount of his salary for the whole period of his term in Congress. I have no doubt under these circumstances that it was gracious in Congress to do so, and not only gracious but right and proper. The same thing was done also with reference to the family of a gentlemen from Iowa, who died under similar circumstances. It seems to me therefore, Mr. Chairman, that we should leave that matter just as it is, and not undertake to say what the next Congress or a future Congress shall do. No matter what legislation we may enact upon the subject there will be circumstances which must govern in every case and determine what is right and proper. I hope the gentleman from New York will not propose any such change as he has suggested.

Mr. BROWNE. If this custom is so eminently proper that Congress should continue to do this thing, it seems to me to be a little singular that it did not begin somewhat earlier in the history of this Government than the Forty-fifth Congress, for I believe that the first precedent in that direction was set in that Congress.

Now, I do not pretend to be so ungracious as to move to strike out a single one of these provisions of this bill; but I do desire to give notice to every one that if I should live to be in the next Congress and this question is then raised I shall move to give only such amount of pay as may be due at the time of the death of the member.

Mr. HOLMAN. I wish, Mr. Chairman, to make a statement in reference to the point of order.

I was watching the progress of this bill as it was read by the Clerk, and have a memorandum made in reference to this particular paragraph. My colleague [Mr. BROWNE] was on the floor and had already addressed the Chair before I rose to inquire whether the point of order was reserved. The Chair then replied that the point of order had been already disposed of, the Chair evidently supposing that I had referred to a point made to the preceding paragraph instead of this one.

I can only say, sir, I rose at the earliest moment that I was conscious this paragraph was pending, and I was giving attention to the reading of the bill. And yet when I made that inquiry my colleague was on the floor.

The CHAIRMAN. The Chair holds it his duty to recognize the gentleman from Indiana on the point of order if he says he rose before the debate began, although the other gentleman may have been on the floor.

Mr. HOLMAN. My colleague had addressed the Chair before I made the inquiry. I rose instantly when he addressed the Chair to inquire if the point of order had been reserved. I was noticing the reading of the bill.

The CHAIRMAN. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to ask what had become of the point of order, and therefore supposed he referred to a prior paragraph.

Mr. HOLMAN. No, sir; I had reference to this paragraph, and inquired whether the point of order had been reserved or not.

The CHAIRMAN. It is for the gentleman himself to say whether he rose in time before the debate commenced. If he says so the Chair is bound to accept his statement.

Mr. HOLMAN. I think I did. I rose to inquire if some other gentleman had made the point of order.

Under these circumstances, Mr. Chairman, I wish to submit the question of order, and I do it for the reason that if the point of order is made to this proposition and sustained by the Chair it will furnish the best guarantee which is possible that this will be the final disposition of this kind of legislation. I doubt the propriety of Congress appropriating money for services which have never been rendered; appropriating money to the widow of a person who has not rendered the public service for which the appropriation is proposed to be made.

I made the same point of order in the last Congress when the very first proposition of this kind came up, when I myself was present in the Committee of the Whole; but for reasons that it is not necessary to recount now, on account of the complicated condition of some questions which came before the House, and which appealed very strongly to a sense of the impropriety of pressing the point of order on one of these propositions, when another had been passed over unintentionally, that point of order was withdrawn. It was withdrawn for reasons which will be well remembered. I think it is very desirable that we should come to an understanding that the rule of the House which requires appropriations to be made in conformity to law is not to be waived by members of the House or the Committee of the Whole.

Mr. BUTTERWORTH and Mr. REAGAN rose.

The CHAIRMAN. The Chair begs gentlemen to wait one moment. The gentleman from Indiana [Mr. HOLMAN] does not quite distinctly state whether he rose for the purpose of making the point of order before the debate had begun.

Mr. HOLMAN. I rose for the purpose of making the point of order if my colleague had not made it; and the reason I did not make it was the statement of the Chair to which I have called attention.

The CHAIRMAN. The Chair upon that statement of the gentleman from Indiana will entertain the point of order.

The Chair desires further to say as to the action in the last session of Congress, when the present occupant was also in the Chair, he declined to take a responsibility which equally belonged to every member on the floor of the House, and if the point of order is insisted on in this case he will submit it to the determination of the Committee of the Whole.

Mr. BROWNE. I withdraw the *pro forma* amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Ohio [Mr. BUTTERWORTH] and then the gentleman from Texas [Mr. REAGAN.]

Mr. BUTTERWORTH. I wish to say to my friend from Indiana [Mr. HOLMAN] that clearly the question was being debated when he rose and addressed the Chair. That he would have made the point of order if he had risen in time to do it, I have no doubt. But if I am not mistaken, and if my eye-sight is not in fault, the gentleman from Indiana [Mr. BROWNE] had addressed himself to the discussion of this question when my friend arose, probably for the purpose of making the point of order.

Mr. HOLMAN. That is true; I have so stated.

Mr. BUTTERWORTH. And that being true, it disposes of the question of order. In other words, the point can not be made after the discussion of the question has been begun. There is no doubt about that, and the gentleman from Indiana concedes that that is the case; and that being so, it must dispose of the point of order; or rather the point of order has not been made, or if made not made in time to warrant the Chair in entertaining it.

Now, I want to say one word touching the proposed appropriations. The committee follow in the wake of numerous precedents. An appropriation like to this was made, as has already been said, in the case of a gentleman from Texas, worthily and properly made. I believe another was made in the case of a gentleman from North Carolina, and in one or two other cases, and I heartily approve of the action of the House in those cases.

I trust this House will not awaken suddenly to a sense of the necessity for pinching economy and draw the line just here. It occurs to me it is quite enough to do at this time what my friend from Indiana [Mr. BROWNE] suggests; that is, to give notice—and he will be a member of the next House—that hereafter every proposition of this kind will be antagonized. That is a fair notice. But to draw the line here and now is to discriminate against cases which are in the line of pre-

cedent and thoroughly worthy, and which have been favorably considered by the committee and reported to the House.

Mr. DUNN. Is that intended to discourage members from dying?

Mr. BUTTERWORTH. It may or may not have that effect; but if they die they will die with notice that their estates will not be generously dealt with by their fellow-members of Congress. I submit to the House, if they vote on the point of order, although I am satisfied, as I have stated, that the point of order is not really pending, this is not the time and occasion, and these are not the cases—the case of my late colleague from Ohio and others—in which this House should draw the line and have our economy "prick the sides of our intent" in this work of unjust discrimination.

One word more. It has been said there is a difference in these cases. A line is drawn between members elected to the next Congress and those who are not.

Mr. BROWNE. Not exactly; in the case of Mr. Smith we allow so much of the salary as had been earned up to the time of his death.

Mr. BUTTERWORTH. I do not know that there is any difference in the cases submitted; there was no intention to make any distinction between the cases.

Mr. BLOUNT. How about the case of Mr. Herron, of Louisiana?

Mr. BUTTERWORTH. If there was any omission I am willing to correct it. It was not the fault of the committee, for whenever their attention was called to the matter they were ready to do in the one case just as they would do in another.

Mr. KING. I have in my hand a proposition in relation to Mr. Herron, of Louisiana.

Mr. BROWNE. That relates to the next Congress.

The CHAIRMAN. In regard to the point of order, the Chair will state that he understood the gentleman from Indiana [Mr. HOLMAN] to rise after the gentleman from Indiana in front of the Chair [Mr. BROWNE] had commenced to speak. But the gentleman from Indiana [Mr. HOLMAN], who knows better than the Chair, says that he rose before the debate had commenced to make the point of order.

Mr. HOLMAN. My recollection of an event occurring so recently is that my colleague [Mr. BROWNE] had addressed the Chair.

The CHAIRMAN. Had he done more than merely address the Chair; had he spoken in debate?

Mr. HOLMAN. My impression is somewhat fixed from the fact that I had the bill before me, following the reading of the Clerk, and had intended to make the point of order on this and some other provisions of the bill.

Mr. HUMPHREY. One moment.

The CHAIRMAN. The gentleman will allow the gentleman from Indiana [Mr. HOLMAN] to complete his statement.

Mr. HUMPHREY. But I desire to state one thing in that connection.

Mr. HOLMAN. Let me finish my statement.

Mr. HUMPHREY. I want to say that when the amendment was proposed by the gentleman from New York [Mr. HISCOCK] I spoke on the amendment, and General BROWNE, of Indiana, followed me, and the point was not raised until General BROWNE had spoken.

Mr. HOLMAN. If the gentleman from Wisconsin [Mr. HUMPHREY] preceded General BROWNE——

Mr. HUMPHREY. I did.

Mr. HOLMAN. I think the gentleman must be mistaken in that.

Mr. HUMPHREY. The gentleman from New York [Mr. HISCOCK] offered the amendment. I was recognized by the Chair and spoke on that amendment. Then General BROWNE followed me, and no point of order was raised until General BROWNE spoke.

Mr. MCMILLIN. The gentleman from Indiana [Mr. BROWNE] spoke twice. The gentleman from Wisconsin [Mr. HUMPHREY] did precede him at one time, but not on the other occasion.

The CHAIRMAN. The gentleman from Indiana in front of the Chair [Mr. BROWNE] was the first gentleman who rose.

Mr. HOLMAN. And when my colleague [Mr. BROWNE] rose and addressed the Chair I at once rose and inquired whether he reserved the point of order on the proposition, and the Chair answered in the manner stated, and I took my seat. I rose at the usual time, in the usual manner, and with the usual promptness, to make the point of order if my colleague had not made it.

The CHAIRMAN. On that statement the Chair will regard the point of order as having been made in time. The Chair will now hear the gentleman from Texas [Mr. REAGAN] on the point of order.

Mr. REAGAN. On the point of order I desire to say that the law as it now stands provides for the compensation and mileage of members of Congress; that is subsisting law. Whoever is elected to Congress is entitled to the compensation and mileage provided by existing law.

That being so, it seems to me that a point of order can not be taken against this proposition, unless it be that it proposes to make provision for payment of a term of service not expired. It seems to me, however, that the fact that the law provides for the compensation and mileage of members is sufficient to give us jurisdiction of the subject, so as to entitle Congress legitimately and rightly on an appropriation bill like this to make provision for payment to the estates of persons who we may believe were entitled to compensation.

That is all I have to say on the point of order, and it seems to me it is sufficient.

Mr. BROWNE. Will the gentleman permit me to ask him a question on the point of order?

Mr. REAGAN. Certainly.

Mr. BROWNE. Do I understand the gentleman to say that Congress may appropriate for the payment of one who has never been a member of Congress, simply one who has been elected but who died before his official term began?

Mr. REAGAN. I can not answer the question in direct terms. He who is elected by the voice of the people, who is entitled to the certificate of election, and who received it, or only failed to receive it on account of his death, is a member of Congress under the Constitution and the laws. It does not become necessary that he shall take the oath of office in order to become a member. He is a member by force of his election, and draws his pay before he takes the oath of office, draws it up to the time when he takes the oath of office, as every member here has done.

Mr. BROWNE. Does the gentleman insist in the case of Hon. J. T. Updegraff, for instance, that he was ever a member of the Forty-eighth Congress, a Congress which has not yet begun and can not commence until after the 4th of March next?

Mr. REAGAN. I think the gentleman understands me to say just this: If Dr. Updegraff was elected a member of the Forty-eighth Congoess he comes under the provision of law providing for his compensation and mileage. When the time shall begin for the commencement of his service that mileage and compensation would accrue to him; and Congress may now, it seems to me, without waiting until the next session—because I take it there could be no doubt about it then—Congress may now provide for the pay which had he lived would have been awarded to him at the commencement of the session of Congress.

The CHAIRMAN. After the statement of the gentleman from Indiana [Mr. HOLMAN] the Chair thinks he is bound to entertain the point of order. As already intimated, the Chair thinks it his duty to submit that point of order to the committee and will not take upon himself to decide a matter which may concern each member of the House and can be decided by the members.

Mr. BLOUNT. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. BLOUNT. I propose to come about as near to it as any gentleman here has done.

The CHAIRMAN. The Chair has been rather dilatory in having the point of order stated, but it is now before the committee.

Mr. BLOUNT. From the current of the debate here I suppose that the practice of the House in the past will have very much to do with the conclusion of certain gentlemen as to whether or not it is proper to put such a provision as this on an appropriation bill.

The gentleman from New York [Mr. HISCOCK] is incorrect when he says that it has been always the usage to provide for the payment of salaries which would have become due to members of Congress had they been sworn in, had they not died—to provide for the payment of their legal representatives in case of their death. In that the gentleman is mistaken.

The first case that ever occurred of that kind was the case of Mr. Schleicher, of Texas. I think that since then there has only been one other case of the kind; if I mistake not it was the case of Mr. Clark, from Iowa. In the last Congress an effort was made to do the same thing for Mr. Farr, of New Hampshire; but the same feeling which is now shown here, that it was wrong to do such a thing, manifested itself then. There was a concession in the case of Mr. Farr, and we did not vote the full amount of his salary for the Congress to which he had been elected. We could not refuse to pay something after the precedent we had made in other cases; but Congress refused to pay the salary for the full term.

Notwithstanding that action of the last House we find several propositions here to pay the families of gentlemen who were elected to Congress and who by reason of death were not sworn in. We find several such cases in this bill, and we are notified that a number of others are to come. My friend from Louisiana [Mr. KING] very properly says that he proposes to submit a proposition to pay the family of Mr. Herron, of Louisiana, just as is done in a number of other cases contained in the bill, and rightly so if this is to be the policy of Congress from now on.

I trust, Mr. Chairman, we shall insert in this bill a provision that hereafter it shall not be lawful to make payments to the legal representatives of deceased members of Congress under such circumstances. I know it may be said that such a provision will not bind succeeding Congresses. The same thing was said with reference to the provision limiting the compensation to be allowed the parties in contested-election cases. These allowances had grown to such an enormous sum that Congress found it necessary to put into an appropriation bill a provision that no contestant should thereafter be paid for his expenses a greater amount than $2,000. The result has been that from the time of its enactment that provision has been respected by succeeding Congresses.

It has been argued here by the gentleman from Texas [Mr. REAGAN] that an allowance of this kind to the family of a member-elect is perfectly legal. He says that under the circumstances the person is under

the Constitution a member of the next Congress; and that this allowance may legitimately be made on an appropriation bill. If the gentleman is correct, then a general provision of law in this connection will relieve us of difficulty hereafter. We may follow in the present case the precedents urged upon us; but a provision of that kind placed upon the statute-book will in future restrain any Committee on Appropriations from reporting such a provision. I think we ought now to adopt such a proposition, without waiting until the next Congress. The very same difficulties will occur again and again forever if we wait until appeals in particular cases are made to us. I desire to have read an amendment which I would like to propose in this connection.

Mr. REAGAN. I do not object to my friend's discussing the question, but of course no amendment is yet in order, as the question of order is still pending.

Mr. BLOUNT. I do not expect the amendment to be acted on now; I know it is not now in order; but I ask that it may be read for information.

The CHAIRMAN. If there be no objection, the proposed amendment will be read as a part of the gentleman's remarks.

The Clerk read as follows:

Provided, That hereafter when any member-elect of Congress may die before qualification as a member of the Congress to which he was elected, his heirs, widow, or legal representatives shall not be entitled to or allowed the salary or any part of the salary to which he would have been entitled if he had continued in life.

Mr. TOWNSHEND, of Illinois. Is not that the present law?

Mr. ATKINS. Mr. Chairman, I do not agree with the gentleman from Texas [Mr. REAGAN] as to the law of this case. I think that a member of Congress, under the law, is not entitled to draw his salary until after the beginning of the term for which he is elected. The law provides that he shall draw his salary monthly; he is not extitled to it until the expiration of the month. Under the law he draws his salary month by month during the whole term.

Mr. TURNER, of Kentucky. That is the practice, too.

Mr. ATKINS. It is not only the law, but as suggested to me it is the practice. Now, as the member if alive would not be entitled to the salary, how are his legal representatives entitled to it when he is dead? How can they be entitled after his death to that which he would not be entitled to receive if living? It seems to me this ought to settle the question.

I am familiar with the manner in which legislation of this kind has been ingrafted upon the statute-books. I confess it is a delicate subject to talk about; and I do not wish to utter any words in opposition to this appropriation; but that is not the question. The gentleman from Indiana has made a point of order, and I think he has made it correctly. I do not believe there is any law for this appropriation.

I know well how the precedent which has been referred to—the case of Mr. Schleicher—originated. Mr. Schleicher died just at the close of the term. It was understood that he was without means. He was a man of great personal popularity in the House. He had a very large family, to whom the universal sympathy of members was accorded. Thus, when the proposition was made to allow to his family the entire salary for the term for which he had been chosen, the House adopted it. After the provision had gone to the Senate, the sum was in the conference committee cut down to $6,000 upon the suggestion of Senator ALLISON, a member of that committee. That precedent led immediately to a similar allowance to the family of Mr. Rush Clark, who died during the Forty-fifth Congress, having been re-elected to the Forty-sixth. As a matter of course, he having been a member on the other side, the same amount—$6,000—which had been accorded to the family of Mr. Schleicher, a Representative on this side, was allowed to the family of Mr. Clark. Then Mr. Farr, of New Hampshire, died and these precedents were urged in favor of a similar allowance to his family. Then Mr. Fernando Wood died before the term for which he had been chosen in the Forty-seventh Congress began, and $6,000 were voted to the family of Mr. Wood.

A MEMBER. And Mr. O'Connor.

Mr. ATKINS. Oh, no; the family of Mr. O'Connor drew only $4,637.13—it is not stated for what.

Mr. HAMMOND, of Georgia. They did not get anything on account of his salary for the Forty-seventh Congress. The amount which the gentleman has stated was for the Forty-sixth Congress.

Mr. ATKINS. I believe the fact was as the gentleman from Georgia suggests, that Mr. O'Connor's family received only the salary for the unexpired term.

Now, this allowance has been made in the case of two Democratic members and two Republican members, $6,000 having been allowed in each case. So far as I am concerned, I am willing to vote this amount to the family of Mr. Updegraff. But if you agree to his you must make a similar allowance in the case of Mr. Herron, who has died since being elected a Representative from Louisiana in the Forty-eighth Congress. So far as the whole appropriation is concerned there is not a particle of law for any of it. It is simply, of course, the sympathy of the House. That is all there is of it.

Mr. HUMPHREY. That is where we get all of our law; from the Committee on Appropriations. There is nothing else which gets through the House.

Mr. REAGAN. I should like to say a word to the committee on the point of order.

The CHAIRMAN. The Chair thinks proper indulgence on the point of order has been granted.

Mr. HOLMAN. I have not been heard on the point of order.

The CHAIRMAN. The gentleman will be recognized.

Mr. HOLMAN. If the proposition is correct, then the legal representatives of J. T. Updegraff are entitled to pay for the entire term of the Forty-eighth Congress. That is clear beyond question. It is clear the gentleman from Texas [Mr. REAGAN] would not attempt to go that far. I submit Congress has no right to make appropriation of money except for service to the United States. That implied constitutional limit must be recognized by every gentleman. While there is no specific limit in that instrument it inevitably follows when you come to the question of service to the Government and compensation for it you can not appropriate money out of the public Treasury except for some benefit to be derived by the Government, but here there is no compensation for it. And here there is no pretense of any. It is proposed to pay the legal representatives of Dr. Updegraff for services which he can never render and for a Congress of which he can never be a member.

Permit me to say an additional word. This is a matter of personal concern to each member of the House. It is one of those cases which go home to our hearts and sympathies. It concerns each one of us as a member of Congress. Now, can we afford as a matter of personal sympathy, can we afford under the oath we have taken, for that is the only basis of our action, to gratify that honorable and humane action by taking money out of the public Treasury? Can we afford to do it? I do not think we can.

Mr. REAGAN. I ask the House to hear me for a moment only in relation to the proposition made by the gentleman from Indiana that we can not pay out of the Treasury for services not rendered. As a complete answer to his statement let me say that every member of this Congress and every one who has been a member of Congress since the present law has been in existence has been paid for services he has not rendered from the beginning of the term for which he was elected up to the day on which he took his seat and was sworn in.

Mr. HOLMAN. Does not the member in contemplation of law represent his constituents during the term for which he was elected?

Mr. REAGAN. Certainly, in contemplation of law he is a member of Congress from the day he was elected, and it is presumed he is all the time engaged in preparing himself for the discharge of his duties. He goes through the labor and expense of his election and holds himself ready to respond to any call. I have only said this, Mr. Chairman, to show that the statement of the gentleman from Indiana [Mr. HOLMAN] could not be acceptedin its whole extent.

The CHAIRMAN. The Chair will state the case to the committee arising on the paragraph to pay the legal representatives of Dr. Updegraff. It is admitted a part of this is in lieu of the compensation he would be entitled to if he had entered on the term of the Forty-eighth Congress. Provision is made by law for a member-elect before he is sworn into office to draw his pay from the beginning of the term for which he is elected. The Chair would have no difficulty so far as he entered upon that term.

The Chair desires simply to say, as a member of the House and as the occupant of the chair too, as he does not desire to shirk responsibility in submitting the question to the committee, that he does distinctly believe there is no warrant of law upon which this can be paid so far as the uncommenced term of the deceased member is concerned. But there is a question upon which there has been precedents, and as it is immediately within the province of the House the Chair submits it to the committee. Those who believe the paragraph is in order will vote "ay," and those who do not believe it is in order will vote "no."

The committee divided; and there were—ayes 60, noes 37.

Mr. HOLMAN. I think there should be a division.

Mr. ATHERTON. I make the point of no quorum.

The CHAIRMAN appointed Mr. HOLMAN and Mr. BUTTERWORTH as tellers.

The committee again divided; and the tellers reported—ayes 100, noes 48.

So the paragraph was decided to be in order.

Mr. BLOUNT. Let the Clerk now read my amendment as modified.

The Clerk read as follows:

Provided, That hereafter if any member-elect of Congress may die before the beginning of the term for which he is elected his heirs, widow, or legal representatives shall not be entitled or allowed any salary or part of salary to which he would have been entitled if he had continued in life.

Mr. RANDALL. I make the point of order against that proposition. I want each individual case that comes before Congress to be governed by the circumstances surrounding it; and let each Congress for itself determine what shall be done.

Mr. BLOUNT. If the matter is to be discussed upon its merits I am quite willing to meet the gentleman from Pennsylvania upon that point. What I want to stop is to break up, if it be possible, this practice which we all know has begun to take a permanent hold in this House, and which we can not justify, of paying out compensation in such cases as this where no service has been rendered.

Mr. RANDALL. Let me say, Mr. Chairman, that I have never in any instance given a vote for such an appropriation of money as is contemplated in these paragraphs of the pending bill that I did not feel I was given an entirely proper vote, and if the opportunity was given to me to-day I would not take back any vote I have ever given in that particular. [Applause.]

Mr. BLOUNT. I do not remember how I may have voted in the past; but I do know, sir, that there are propositions not authorized by law which come in on appropriation bills, and will continue to come, making such payments, unless it is promptly checked. And it seems to me no gentleman can fairly consider that we can properly make such provision for the families of the deceased members as we have been doing.

The CHAIRMAN. The Chair thinks this is new legislation.

Mr. HISCOCK. Let me suggest to the gentleman from Pennsylvania that as this is a question which involves one of the perquisites of members, perhaps it had better go to the House for a vote.

Mr. BLOUNT. Just as we did previously.

Mr. RANDALL. I have no objection to taking a vote in the House on the proposition just passed.

Mr. RYAN. This proposition is so clearly out of order that it is hardly necessary to go through the formality of a vote upon it. The committee has already decided it.

Mr. WILSON. Let every Congress control its own action in this respect.

Several members addressed the Chair.

The CHAIRMAN. The Chair begs that gentlemen will preserve order. No business can be transacted while gentlemen are occupying the floor in this manner. The Chair will ask the gentleman from Pennsylvania if he insists upon the point of order?

Mr. RANDALL. I have stated that I had no objection to a vote in the House upon the proposition just passed.

Mr. HISCOCK. I think we ought to have a vote on this, as it involves to some extent our compensation, or is what might be called one of the perquisites of members.

The CHAIRMAN. The Chair will decide that this being new legislation, and not coming within the rule——

Mr. BLOUNT. I understand the gentleman from Pennsylvania to withdraw the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Pennsylvania if he insists upon the point of order?

Mr. RANDALL. I have not withdrawn it. I said that I had no objection to a vote in the House on the last case; I referred to the Updegraff clause of the bill, and if I did not so express it I should have said so. But I did not withdraw the point of order.

The CHAIRMAN. That remains in the bill. This is a proposition that looks to new legislation.

Mr. RANDALL. It is practically the existing law now.

Mr. BLOUNT. Then why do you object to it?

The CHAIRMAN. The Chair decides that it is out of order.

Mr. ROBERTSON. I desire to offer an amendment——

The CHAIRMAN. The Chair wishes to inquire first of the gentleman in charge of the bill if he did not offer an amendment, which is pending, in reference to the unpaid portion of the salary of Mr. Orth?

Mr. HISCOCK. I will not offer it to this bill; it belongs properly to the deficiency bill.

The CHAIRMAN. The Chair will then recognize the gentleman from Louisiana.

Mr. ROBERTSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

To pay the legal representatives of Hon. Andrew S. Herron, elected to the Forty-eighth Congress from the sixth district of Louisiana, the sum of $5,000.

Mr. ATHERTON. I make the point of order upon that. I understand he had not entered upon his duties.

Mr. WILSON. Was he a member-elect?

Mr. ROBERTSON. Yes; and died in three weeks after the election.

Mr. ATHERTON. I insist that under the ruling of the Chair, as he had not entered upon the duties of his office, that this amendment is out of order.

The CHAIRMAN. The Chair must follow the decision already made in committee; and the point of order being again made, will submit this also to the committee.

Mr. ROBERTSON. I thought it had been already decided that it was admissible by a vote of the committee.

Mr. WILSON. That has been settled by the House, Mr. Chairman.

The CHAIRMAN. The Chair will ask the gentleman from Louisiana if this relates to a gentleman who was not a member of the present Congress, but simply elected to the Forty-eighth Congress?

Mr. ROBERTSON. He was elected a member of the Forty-eighth Congress.

The CHAIRMAN. But not of the Forty-seventh?

Mr. ROBERTSON. No, sir.

The CHAIRMAN. In the previous clause on which the committee divided the member for whose representatives provision was made had been elected to both Congresses and died while in office. The Chair therefore submits to the Committee of the Whole that this is a new form of the question.

Mr. ROBERTSON. It is not the same sum. I put it here at $5,000, which would be his salary for one year.

Mr. STEELE. Let the Forty-eighth Congress take care of that.

Mr. FLOWER. Mr. Chairman, if I read sections 40 and 41 of the Revised Statutes aright, I think a man must die in order to get his $5,000 salary legally.

The CHAIRMAN. The Chair must insist upon gentlemen confining themselves closely to the point of order at this late date in the session.

Mr. FLOWER. I shall do so. I desire to call attention to these two sections, which are as follows:

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

You must die, therefore, to get the salary legally, because it will be seen that unless you are present here or assign as a reason for absence the sickness of yourself or family the disbursing officers are directed by law to deduct your salary for the time you are absent. But who ever heard of their doing it? I am opposed to this kind of appropriations. The money we are called upon to vote away by this amendment is not ours, but a trust fund belonging to our constituents, some of whom are poorer and needier than those to be benefited by this proposition. I can not vote for it.

The CHAIRMAN. The Chair will submit to the committee the point made by the gentleman from New York along with the point of order.

Mr. ATHERTON. I understood the Chair to state to the House that the only reason the other question was submitted to the House was because the member having died in office the case raised a question that might go to the House; but if it was a case where he had not entered upon the duties of his office at all it was clear that kind of a case was obnoxious to the rule. Now, if that were so, should not the Chair decide the question and let the House take the responsibility of determining the question upon an appeal from the decision of the Chair, that it is in order to make this appropriation in the case of a man who was simply elected to an office and who, by reason of death, had been cut off from the privilege of rendering any duty for which he could be paid? Why is it that the Chair should submit a question of that kind to the House? Is it not so clear that no lawyer ought to risk his reputation by voting on such a point of order?

Mr. KING and Mr. REAGAN rose.

The CHAIRMAN. The Chair will state the question, and deems no further debate on the point of order necessary.

Mr. REAGAN. I desire to reply to the argument made by the gentleman from Ohio.

The CHAIRMAN. The committee will come to order. It is impossible for the Chair to hear any individual when so many are talking. The gentleman from Texas will be heard on the point of order.

Mr. REAGAN. I desire to say only a word on the point of order in answer to the argument submitted by the gentleman from Ohio [Mr. ATHERTON], which I understand sustains in a general way the statement made by the Chair to the House.

I understand Mr. Herron was not a member of the Forty-seventh Congress while Dr. Updegraff was a member of the Forty-seventh Congress. Now, to ascertain how much virtue and merit there is in that distinction I call the attention of the gentleman from Ohio to the fact that though Dr. Updegraff was a member of the Forty-seventh Congress this item must have included a portion of the money that would have been due to him for the Forty-eighth Congress. For at the time of his death three-fourths of his two years of service in the Forty-seventh Congress had expired and no $6,000 could have been due him. While he is described here as a member of the Forty-seventh Congress he in fact is paid as a member of the Forty-eighth. That is all that is proposed in the case of Mr Herron. If the allowance was right in the one case it can not be wrong in the other.

The CHAIRMAN. The Chair now desires to submit to the committee the question——

Mr. CANNON. I want to say a word on the point of order, and will only detain the House a moment.

Mr. KING. Mr. Chairman, I was on my feet before the gentleman from Illinois. I have again and again asked the Chair to hear me on the point of order.

Mr. CANNON. I only want to say a word.

The CHAIRMAN. The gentleman from Louisiana [Mr. KING], it is true, claimed the floor when the gentleman from Texas [Mr. REAGAN] was endeavoring to get a hearing. The Chair will recognize the gentleman from Louisiana when the gentleman from Illinois shall have concluded.

Mr. HISCOCK. I think it fair on so important a question to alternate in the matter of recognition between the sides.

Mr. ATHERTON. Do I understand that side to be in favor of the Herron claim?

Mr. CANNON. I do not know that death pays much respect to sides, so far as that is concerned.

I did not vote on the point of order a few moments ago; and I do not know any reason why the committee should have held the clause to be in order except that some years ago, when Mr. Schleicher, of Texas, died, a man in poor circumstances and a member of Congress when he died, and also a member-elect of the incoming Congress, the precedent was set under the impulse of personal sympathy of giving his representatives $6,000 or $7,000. Perhaps that precedent has been followed. But I do not know of any case where a Congress has gone forward and made this allowance for a member of a succeeding Congress.

Gentlemen say there is no reason why they should not do so. Well, after all has been said there is no reason in law why either should have been done. And it occurs to me that it is perhaps better to stop and let the incoming Congress take the responsibility of appropriating to the representatives of its own deceased members.

Mr. ATKINS. In the very case the gentleman cites Congress did that very thing—in the case of the representatives of Mr. Schleicher.

Mr. RYAN. He was a member of the preceding Congress.

Mr. CANNON. In other words, gentlemen say, because impelled by sympathy, we should go on and establish a dozen other bad precedents.

The CHAIRMAN. The gentleman from Louisiana [Mr. KING] is recognized on the point of order.

Mr. KING. I wish to address my remarks to the point of order. The Chair ruled a moment ago the proposition was to combine the payment of the unpaid balance of salary of the deceased member from Ohio for the Forty-seventh Congress with the payment of salary for a year to come. This side of the House, so far as I am aware, certainly understood that to be the situation; and on that understanding I governed my action, believing that if the proposition was voted upon, and if the point of order was determined in favor of the proposition, it would cover both cases.

Now, the Chair undertakes to divide and separate the questions, and say this is a new proposition entirely, instead of treating it as one proposition, when one-half of it has been settled by the House. I say it is not fair so to do. This proposition should be considered as having been combined with the other, and as having been settled by the last vote of the Committee of the Whole.

The CHAIRMAN. The Chair will state the question to the committee.

Mr. ROBERTSON. Before the question is taken I submit it has been already decided by the House; because it is clear that although Dr. Updegraff was a member of the Forty-seventh Congress this distinctly provides for the payment of his salary as a member-elect to the Forty-eighth Congress.

It is true that while both propositions were submitted, it was distinctly enunciated by the Chair, I think, that although there could be no question whatever raised as to the payment of the unexpired balance due Dr. Updegraff as a member of the Forty-seventh Congress, the whole question was submitted to the Committee of the Whole, including the proposition that he should be paid as a member of the Forty-eighth Congress.

The CHAIRMAN. There need be no confusion at all on the two points. The gentleman confuses what the Chair said in his capacity as a member of the House, which was that he did not desire to avoid any responsibility upon whatever should be ruled in order by the Committee of the Whole. The Chair, of course, could take no notice whatever of the amount of the old salary of Mr. Updegraff which had not been drawn and the amount which was included for the new term. There was a gross sum given to a man who was a member of this Congress, with a recital of the fact that he was a member-elect of the next Congress. The Committee of the Whole decided that such a proposition was in order.

The reason why the Chair does not accept that decision of the committee as applying to this case is that the proposition is one relating wholly to the compensation of a gentleman who was elected to the next Congress and who was not a member of this Congress at all. The Chair will ask the Clerk to again read the amendment.

The Clerk read as follows:

To pay the legal representatives of Hon. Andrew Herron, member-elect of the Forty-eighth Congress from the sixth district of Louisiana, the sum of $5,000.

The CHAIRMAN. The Chair therefore takes the same course in this case as he took in the other, and will submit the question to the committee under the right reserved to the Chair in such cases. The question is, Will the committee receive the proposed amendment as in order on this bill?

The question was taken; and upon a division there were—ayes 36, noes 39.

Mr. KING. I call for tellers.

Mr. REAGAN. No quorum has voted.

Tellers were ordered; and Mr. BROWNE and Mr. ROBERTSON were appointed.

The committee again divided; and the tellers reported that there were—ayes 62, noes 61.

So (no further count being called for) the amendment was received.

The question was then taken upon the amendment; and it was adopted.

Mr. HISCOCK. I move as an amendment, to come in after line 1858, that which I send to the Clerk's desk.

The Clerk read as follows:

To pay Mary A. Orth, the widow of the late Hon. Godlove S. Orth, the amount of salary due him as a member of the Forty-seventh Congress, $1,072.03.

Mr. MILLER. I desire to inquire of the Chair if we are still amending the paragraph ending with line 1858?

The CHAIRMAN. The next paragraph has not yet been reached.

The amendment offered by Mr. HISCOCK was agreed to.

Mr. MILLER. I now move to strike out the paragraph as amended.

Mr. HISCOCK. I make a point of order against that motion. These propositions which have been voted into the bill are all separate paragraphs.

The CHAIRMAN. The motion is to strike out what has been inserted and also the original paragraph in the bill.

Mr. HISCOCK. They are entirely distinct propositions.

Mr. REAGAN. They are distinct and separate paragraphs.

The CHAIRMAN. The Chair entertains the motion as in order.

Mr. REAGAN. The rule is to consider this bill by paragraphs, and these are all independent paragraphs.

The CHAIRMAN. But the amendments which have been adopted are amendments to the pending paragraph of the bill.

Mr. MILLER. I have no objection to paying the balance of the salary due any member from the time of his death until the close of the Forty-seventh Congress. But I am opposed to the principle of having the Forty-seventh Congress pay the salary of any one for any portion of the Congress to commence on the 4th day of March, 1883.

This House does not know who will be the members of the Forty-eighth Congress. This House does not know whether Jonathan T. Updegraff or Andrew Herron of Louisiana were elected members of that Congress or not. We might upon the same principle appropriate $5,000 to any person.

I want to know who can tell me that the seat of Mr. Herron, of Louisiana, may not be contested by some person in the next Congress, in the same manner as Mr. MACKEY, from South Carolina, contested the seat of Mr. O'Connor.

Mr. KING. There is no contest in this case.

Mr. MILLER. And if it should be decided that he was not elected to the Forty-eighth Congress why should we pay him any salary?

It is a matter that this House does not know anything about. The very moment we commence to make appropriations to pay persons elected to future Congresses we set a precedent that ought not to be established. And if this House does it it will have to do it by the votes of a majority of a quorum.

Mr. WILSON. In reply to the gentleman from Pennsylvania——

Many MEMBERS on both sides of the Hall. Vote! Vote!

The CHAIRMAN. The committee has heard one gentleman in favor of the proposed motion to strike out, and the Chair will recognize the gentleman from West Virginia [Mr. WILSON] to speak in opposition to it.

Mr. WILSON. In reply to the position taken by the gentleman from Pennsylvania [Mr. MILLER] that this Congress has no power over this subject—and the legal question is all I desire to say anything about—I have heard to-day for the first time that this Congress can not provide for the salaries of members of the succeeding Congress.

This Congress possesses the legal authority and power to say when the salaries of members of the next Congress shall be paid, and how much they shall be paid. It is an honorable practice, a humane practice, begun years ago, to appropriate a portion if not the whole of the salary of a deceased member for the benefit of his family; and I hope that the humanity and propriety of members of this House will never lead them to depart from that practice.

The question was taken upon the motion of Mr. MILLER to strike out the paragraph and all amendments thereto; and upon a division there were—ayes 48, noes 71.

Mr. MILLER. No quorum has voted.

Tellers were ordered; and Mr. MILLER and Mr. WILSON were appointed.

The committee again divided; and the tellers reported—ayes 68, noes 85.

So the motion of Mr. MILLER was not agreed to.

The Committee of the Whole rose informally.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. 1052) in relation to the Japanese indemnity fund.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

To pay the widow of the late Hon. James Q. Smith his salary as a member of the Forty-seventh Congress, to the date of his death, with mileage and stationery, $6,425.18, less any sum that may have been paid on account.

Mr. McLANE, of Maryland. I move to amend by inserting after the paragraph last read the provision which I send to the desk.

The Clerk read as follows:

To convert the rooms adjoining the old Hall of Representatives, excepting the rooms occupied as the document and stationery rooms, together with the rooms and passages connected with them in the gallery story, including the gallery itself and the space over the entablature of the colonnade at the south end of the hall, to the use of the library of the House of Representatives, and make the same to connect with the Library of Congress through the document-room, $10,000.

Mr. McLANE, of Maryland. Mr. Chairman, by expending of $10,000 the House library, the little room upstairs back of the clock, can be carried to the entablature and through the gallery of the old Hall into the adjoining room, thus providing space for nearly 150,000 volumes, all that we can ever want for the House library. We now have for the accommodation of the House library, as members will recollect, only the little room opening from the east side of this Hall and the small room opening upon the same floor as the gallery. The books belonging to the House library are for the most part packed away in boxes down in dark rooms. With this proposed expenditure we can, as I have said, afford space for 150,000 volumes; and we can have adjoining the stationery and document rooms at least two very nice library-rooms. There is already a communicating door between the document-room and the Congressional Library. Thus we shall have the House library in communication, through the document-room, with the Congressional Library. I believe that the amendment has the concurrence of the Committee on Appropriations.

The amendment was agreed to.

Mr. HOUSE. I move to amend by inserting after the amendment last adopted the provision which I send to the desk.

The Clerk read as follows:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available.

Mr. HISCOCK. I make a point of order against this amendment.

Mr. WILSON. I desire to ask the chairman of the Committee on Appropriations whether a similar amendment has not been offered at the close of almost every Congress?

Mr. HISCOCK. I do not know.

Mr. WILSON. I will ask the gentleman from Tennessee [Mr. ATKINS] that question. I believe an appropriation of this kind is an honorable custom which ought to be followed by us.

The CHAIRMAN. The Chair will state that a proposition of this kind was presented at the last session, when the present occupant of the Chair was presiding; and he then stated that in a matter affecting so directly the officers and usages of the House, he would not take upon himself the responsibility of deciding the question of order, but would submit it to the committee.

Mr. HISCOCK. I would like to inquire of those who may remember the facts whether this is the usual provision.

Mr. VALENTINE. It is.

Mr. KENNA. It has been adopted on many occasions, I know.

Mr. HISCOCK. I will say this, let the provision be omitted from this bill, and if it is in accordance with custom I will see that it is placed upon the deficiency bill.

Mr. HOUSE. It is the usual provision.

Mr. WILSON. Let it go on this bill.

Mr. McMILLIN. The custom, I believe, has been to give one month's extra pay to session employés, although last year this additional compensation was extended also to annual employés.

Mr. HISCOCK. Whatever is customary we will provide for on the deficiency bill.

Mr. KENNA. I will state to the gentleman from New York that this is the bill upon which similar provision has been heretofore made.

Mr. WILSON. This is a very proper place for the proposition, and I hope it will be adopted.

Mr. HOUSE. I wish to understand whether the gentleman from New York stated that he would report a provision of this kind upon the deficiency bill.

Mr. HISCOCK. I say that we will report upon the deficiency bill the usual provision, whatever it is. If this is the usual provision, we will report this.

Mr. KENNA. A provision exactly similar to this was adopted upon this bill at the last session.

Mr. HISCOCK. If it is customary, we will report it upon the deficiency bill.

Mr. HOUSE. Why not let it go on this bill?

Mr. HISCOCK. Because I desire to look into the matter.

Mr. HOUSE. I must insist on my amendment.

Mr. BLACKBURN. I wish to say, Mr. Chairman, that at the last session of Congress, on my motion, a proviso similar to this was put on the sundry civil appropriation bill.

Mr. TOWNSHEND, of Illinois. Precisely like this.

Mr. BLACKBURN. Yes, precisely the same. The difference between this and the customary resolution or amendment is that this carries the annual employés of the House as well as those borne on the session rolls. This is precisely the amendment I moved to the sundry civil bill at the last session of Congress. If you will take what the Chairman suggested a moment ago as the customary amendment then you will not get what this resolution embraces, for this takes those borne on the session rolls and on the annual rolls. That precedent was established by the amendment I offered to the sundry civil bill at the last session of Congress. Here is where we put it, and here in my judgment is where it ought to be inserted.

Mr. HISCOCK. I will consent to its going on the deficiency bill.

Mr. TOWNSHEND, of Illinois. It does not belong to the deficiency bill.

Mr. HISCOCK. I should like to have the amendment again read.

The amendment was again read.

Mr. ATKINS. I desire to call the attention of my colleague from Tennessee to the suggestion that he include in his amendment the session employés of the Senate.

Mr. VALENTINE. Let each body take care of its own employés.

Mr. BLACKBURN. I wish simply to read the provision from the sundry civil bill of last session as it became law.

The CHAIRMAN. Gentlemen must confine themselves to the discussion of the point of order.

Mr. BLACKBURN. I simply ask to read the provision of the sundry civil bill for the current fiscal year:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and sessions rolls on the 15th day of June, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

That, I believe, has been copied *verbatim* by the amendment of the gentleman from Tennessee.

Mr. HOUSE. Precisely. It was also adopted in the Forty-sixth Congress.

Mr. CANNON. I am for the amendment; but it is not germane to this bill. Its place is in the deficiency bill. This provides for the service of next year. The deficiency bill is yet to be reported, and this properly belongs in that bill. I consider, therefore, the point of order to be well taken.

The CHAIRMAN. The Chair perhaps may in view of the precedents decline to sustain the point of order. On the main question of the point of order, however, the Chair again submits it to the committee for its decision. The question is, Shall the provision be considered as in order?

Mr. HOLMAN. I desire to say a word on the point of order.

Mr. TOWNSHEND, of Illinois. Let me remind my friend from Indiana of the fact that this same provision was put into the sundry civil apppropriation bill in the Forty-sixth Congress at the instance of the present Speaker of the House of Representatives. There is, therefore, more than one precedent for it.

Mr. HOLMAN. So far as the history of this proposed legislation is concerned, I wish to say the practice of paying a month's additional compensation is of recent origin. There is no law for it, and my recollection is it does not go beyond the Forty-fifth Congress. Furthermore, it has been confined heretofore, according to my memory, to the first session of a Congress upon the ground the session employés are employed for quite a long period and have a large amount of business to do, and therefore such a provision for the long session is not unreasonable. That is the argument heretofore used for granting such extra month's pay during the long session of Congress. When the annual employés of Congress are only employed for a period of three months, it is now proposed by this amendment, as I understand it, to give them an additional month's pay, for this applies to the annual employés as well as to the session employés.

Mr. McMILLIN. It applies to both.

Mr. HOLMAN. Yes; I understand that it applies to both. It applies, then, to the best paid employés of the Government as all know, and to those who are employed for only a period of three months at this short session. That is the proposition to give them an extra month's pay. Point to any instance where this has been done as to the regular employés of this House for a short session. It has been done during the long session on account of the large amount of work done. It is now proposed to adopt a new rule and apply it to the short session. So far as my memory extends, Mr. Chairman, this is without precedent.

So, Mr. Chairman, there can be no pretense that there is either law or precedent for this, if I am correct. I certainly have not been able to find any, and I do not think any has been cited by the gentleman from Tennessee.

The CHAIRMAN. Does the gentleman from Indiana say that there is no precedent for the payment of this extra compensation at the close of a short session of Congress?

Mr. HOLMAN. My recollection is that it has been confined entirely to the Forty-fifth Congress and since, and even then to the long session instead of the short session.

The CHAIRMAN. The Chair remembers that there used to be an extra percentage allowed. If there has been no precedent the Chair

will take the responsibility of ruling upon the question; but declines to rule where the House has set a precedent, and prefers to submit the matter to the judgment of the committee.

Mr. HOUSE. Mr. Chairman, in the short session of the Forty-sixth Congress, if I am not entirely mistaken, a resolution in all respects similar to this was passed, and included also both classes of employés. I think that will be found to be the case on examination.

The CHAIRMAN. The Chair will submit the question to the committee: Shall the motion of the gentleman from Tennessee be held to be in order?

The question was taken.

Mr. HOLMAN. I demand a division.

The committee divided; and there were—ayes 71, noes 48.

Mr. HOLMAN. No quorum has voted.

Mr. HISCOCK. I hope the gentleman from Indiana will not make that point now; let us get through with the bill.

Mr. HOLMAN. With the understanding that we can have a yea-and-nay vote on this in the House I will not insist upon it.

Mr. HISCOCK. You would be entitled to a vote in the House, this being an amendment to the bill, if you have a sufficient number to call the yeas and nays.

The CHAIRMAN. Does the gentleman from Indiana insist upon the point of order?

Mr. HOLMAN. I withdraw it.

The CHAIRMAN. The point of order being withdrawn, the motion is ruled by the committee to be in order and the Chair will submit the question to the House.

The question is now upon agreeing to the amendment of the gentleman from Tennessee, which has been read.

The amendment was agreed to.

Mr. KLOTZ. I now wish to offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "annual" add the word "semi-annual."

Mr. HISCOCK. I make the point of order upon that. That is certainly a change of existing law.

Mr. KLOTZ. Let it be read in connection with the amendment just agreed to.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Insert after the word "annual" the word "semi-annual;" so that it will read if amended:

"Borne on the annual, semi-annual, and session rolls."

Mr. BROWNE. I would like to hear the gentleman from New York make the distinction between the point of order upon this and the point of order upon the preceding proposition.

The CHAIRMAN. The Chair will take the responsibility of ruling upon the point of order if there be no precedent. If there is the Chair desires to have it stated.

Mr. HISCOCK. There is no precedent so far as I know.

The CHAIRMAN. There being none the Chair rules it out of order.

Mr. CANNON. I offer the amendment which I send to the desk, to be inserted at the proper place in the bill.

The Clerk read as follows:

For additional expenses of the folding-room to January 1, 1884, namely:

"For rent of building, $300; feed for horse, $120; salary of driver, $300; salary of night-watchman, $450; repairs, $50; in all, $1,420."

The amendment was agreed to.

Mr. BISBEE. I offer an amendment.

The Clerk read as follows:

To pay Hon. JOHN R. LYNCH $2,800, the balance of his expenses incurred as contestant for a seat in the Forty-seventh Congress.

Mr. HISCOCK. I must make the point of order against that amendment.

The CHAIRMAN. Does the gentleman from Florida desire to be heard upon the point of order?

Mr. BISBEE. For a moment.

Mr. Chairman, the amount named in that amendment is the excess of the expenditures incurred by Mr. LYNCH over the amount allowed him in conducting his contest for a seat to a successful termination in this Congress. Now, sir, this committee have instructed the Chair that a proposition to give, if you please, by way of gratuity, a sum to the widow or legal representatives of members-elect to the next Congress is in order. There was no law for it, but the committee have instructed the Chair that such a proposition was in order. We have an act of Congress authorizing election contests. We have an act of Congress fixing the amount that shall be paid to officers taking testimony, fixing the sum that shall be paid to witnesses and for their mileage and per diem. Mr. LYNCH has incurred these expenses legitimately in prosecuting his case to obtain a seat in this House.

Mr. WILSON. What evidence have you?

Mr. BISBEE. I am aware that there was smuggled into the sundry civil bill of the Forty-fifth Congress a limitation upon the expenses of contestees to $2,000, and I am aware that strictly under that law this amendment would be subject to a point of order. But I submit this amendment hoping the committee will agree to it, for the reason that this committee has already determined that it is in order to pay a given sum of money to the widow or to the heirs of a gentleman that never was a member of Congress at all; and I submit that a gentleman who has prosecuted his case to success and obtained his seat and has expended all that he is worth to do it, is as much entitled to the sympathy of this committee as the widow or the heirs of a deceased member elected to a future Congress. I suggest, sir, that the point of order at least should be submitted to the committee.

The CHAIRMAN. The Chair sees nothing in the way of a precedent here to require him to submit the question of order to the committee. It does not involve the same matter as the point of order in the former cases. The Chair understands the gentleman to concede that the amendment is subject to the point of order. The Chair rules it out of order.

The Clerk read the last paragraph of the bill, lines 1875 to 1882, as follows:

To pay Frederick W. Steigelman, being the difference between his salary at $1,000, and that of a messenger at $1,200 per annum, from July 1, 1882, to June 30, 1883, $200, the same to be immediately available; but this appropriation shall not be construed as an increase of said salary.

Mr. WISE, of Virginia. I send up an amendment which I ask the Clerk to read.

Mr. HOLMAN. I reserve the point of order on the paragraph.

Mr. BROWNE. I want to make a point of order on this before any amendment is offered or discussion begins.

The CHAIRMAN. The Chair is trying to recognize the gentleman from Virginia [Mr. WISE] to offer an amendment. The gentleman from Indiana on the right [Mr. HOLMAN] rose to make a point of order on the last clause of the bill. Did the Chair understand the gentleman from Indian correctly?

Mr. HOLMAN. I do not press the point of order.

The CHAIRMAN. Then the Chair recognizes the gentleman from Virginia [Mr. WISE], whose amendment will now be read.

The Clerk read as follows:

After line 1882, insert the following:

"And to pay E. D. Fitch, being the difference between his salary as a folder at $720 and that of a clerk in the folding-room at $1,200 per annum, from May 4, 1882, to March 4, 1883, $400, the same to be immediately available."

Mr. BROWNE. I make the point of order on that amendment that it changes existing law, increases salary, and is not in the direction of economy.

Mr. WISE, of Virginia. Does the gentleman make the point of order on the amendment or on the clause?

Mr. BROWNE. On both.

Mr. WISE, of Virginia. I hope the gentleman from Indiana will withdraw the point of order.

Mr. BROWNE. I might withdraw it but for the fact that there are about one hundred and fifty similar amendments to be pressed if that is admitted.

Mr. COX, of New York. I want to know if that amendment is connected with the last clause of the bill?

The CHAIRMAN. The amendment is to make payment to another person. The Chair does not understand that the amendment rests on existing law, and sustains the point of order.

Mr. KLOTZ. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1882 add the following:

"And the members of the Capitol Police, each one month's extra pay."

Mr. HISCOCK. I make the point of order on that amendment.

Mr. KLOTZ. This House has agreed to give a month's extra pay to the sessional employés and the annual employés. If there is any equity in giving a month's extra pay to either of those classes, and if such an appropriation is in order simply because there is one precedent for it away back, then this also is in order. This class of employés are as certainly deserving as the other class. While the others serve three months, get a month's extra pay and then go home for six months at a time, these gentlemen work day and night on Sundays and week days. Now, if the point of order can be made against those men or if equity is against them it certainly must be against the others also. I have no objection to the appropriation made for the others, but I say it is right and just when you do give money away you should give it to these deserving men as well as to the other class of employés. There is no more deserving class than these men who stand up Sundays and week days, night and day, watching the Capitol in storm, rain, and sunshine. If the extra compensation is right in the one case it is right in the other also.

The CHAIRMAN. The argument of the gentleman from Pennsylvania is on the merits. The Chair is bound to sustain the point of order in the absence of precedent.

Mr. KLOTZ. I suggest that the Chair submit the point of order to the Committee of the Whole, so as to give both an equal chance.

The CHAIRMAN. The Chair would do that if there were precedents in this case as well as in the other.

Mr. KLOTZ. I hope the Chair will submit it to the House. It is the House which makes the law. The Chair submitted the point of order in the other case of the members' pay, and if the House could make a law in that case it should do so now, for the poor as well as the rich.

The CHAIRMAN. The Chair does not differ with the gentleman from Pennsylvania as to the relative merits of his proposition.

Mr. KLOTZ. To test the sense of the Committee of the Whole I appeal from the decision of the Chair.

The CHAIRMAN. The Chair decides the amendment is not in order, from which decision the gentleman from Pennsylvania [Mr. KLOTZ] appeals. The Chair submits the question: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, the decision of the Chair was sustained.

Mr. HISCOCK. I ask consent to recur to a previous part of the bill, that I may move an amendment, to come in after line 1036, on page 43.

There was no objection.

The Clerk read the proposed amendment, as follows:

After line 1036 insert:

"For building the sea-wall on the west side and southeastern portion of Governor's Island, New York Harbor, $15,000, the same to be immediately available."

Mr. KLOTZ. Point of order! No precedent. [Laughter.]

Mr. HOLMAN. Reserving the point of order, I ask the gentleman from New York to state the facts.

Mr. HISCOCK. The facts are these: In the last appropriation act we provided a certain sum of money for this work. My associates on the committee will remember the earnest appeal made for it by General Hancock who took the trouble to come to Washington to see us.

Mr. ATKINS. Will this sum complete it?

Mr. HISCOCK. It will.

The CHAIRMAN. This is the continuation of a work in progress.

The amendment was agreed to.

Mr. HISCOCK. I also ask to recur to a previous part of the bill and to offer an amendment to come in after line 315 on page 14.

The Clerk read the proposed amendment, as follows:

That it shall be the duty of the Light-House Board to apply the money herein appropriated other than for surveys as far as can be without detriment to the interests of the Goverment by contract. Where work can not be done or materials purchased by contract without injury to the public interest it may be prosecuted by hired labor and materials purchased in open market.

Mr. HOLMAN. I wish to reserve the question of order until I hear the first part of the proposition read again.

The first portion of the amendment was again read.

Mr. HISCOCK. I will say that this is the same provision that was in the bill for the current year. It was put in as new legislation with a view, as far as possible, to enable materials for this work to be purchased in open market. Since this bill has been prepared and reported to the House, I have received a letter from the Secretary of the Treasury asking that a similar provision be put in this bill.

The amendment was agreed to.

Mr. HISCOCK. I am going now to ask a favor of the committee. The motion which I propose to submit will be subject to a point of order, but I trust no point of order will be made. I ask unanimous consent to move an amendment to this bill to give $900 to James C. Courts, the assistant clerk of the Committee on Appropriations.

Mr. KLOTZ. I make a point of order on that amendment.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. CASWELL. I now ask to return to page 58 of the bill for the purpose of offering an amendment which I send to the Clerk's desk in lieu of the amendment which I submitted some time since.

The Clerk read as follows:

That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of $200,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to enable the Secretary of the Interior to enter upon the execution of said treaty: *Provided*, That the rights of way, depot grounds, including such grounds for bridges, shops, and buildings, as the railroad companies have already selected and paid for, under agreement with said Indians, by and with the consent of the Secretary of the Interior, not exceeding in extent the rights granted to railway companies by the general laws touching the same, are reserved to said companies, and the lands actually necessary for the site of the bridges and approaches thereto on the Missouri River, which have been selected, surveyed, and paid for under such contracts, are reserved according to those contracts; and the money, amounting to $17,110, so paid to the Secretary of the Interior for the benefit of said Indians for the said rights of way and grounds as above expressed, shall remain the money of said Indians.

Mr. HOLMAN. I wish for a moment at any rate to reserve the point of order on that amendment until I can have read at the Clerk's desk, with the permission of the Chair, an addition which I desire to have made to the amendment.

The Clerk read as follows:

But nothing in the foregoing provision shall impair the provisions in the act of the last session of this Congress above referred to authorizing the treaty and agreement with the said Indians for the cession of land to the United States, under which said land has been ceded to the United States, touching the disposition of the said land by the United States to actual settlers only, under the provision of the homestead laws, except only as to said rights of way and the land named as incident thereto above enumerated.

Mr. CASWELL. I have no objection to that amendment.

The CHAIRMAN. If there be no objection, the amendment to the amendment will be regarded as adopted.

There was no objection.

Mr. ATKINS. I move to amend by striking out "$200,000" and inserting "$250,000." I do that for the reason that the amount named in the amendment is not sufficient to pay one-half of what will be required under the legislation of Congress.

My own judgment is that the law providing for the payment of these Indians ought to carry the entire sum. It will require over $500,000 to carry out the agreement with these Indians.

Mr. LE FEVRE. It will take $600,000.

Mr. ATKINS. It will take $520,000 to pay for the 26,000 head of cattle, and then it will require $300,000 in addition to that, making over $800,000 in all.

Mr. RYAN. Not under this treaty.

Mr. ATKINS. Not under this treaty?

Mr. RYAN. Under a former treaty.

Mr. ATKINS. My colleague on the Committee on Appropriations [Mr. RYAN] informs me that it is under a former treaty. It makes no difference whether it is under this treaty or under a former treaty; this money must be paid to the Indians. Why then piece it out by separate appropriations of $100,000 or $200,000? I say that if you are going to make an appropriation for this purpose you ought in all fairness to make such an appropriation as will be worth something. You ought to finish it up, and not piecemeal it out for three or four or five years, if that is the policy.

Mr. HISCOCK. The great point in reference to this item, so far as the Government is concerned, is the ratification of this treaty. If gentlemen will look at the law they will discover that the ratification of the treaty by Congress is a condition precedent to everything else. Congress must approve the treaty.

Now, we are in this case doing the unusual thing of not only approving the treaty but of appropriating a portion of the money necessary to carry it out. On consultation with the Secretary of the Interior on this subject he said that what he wanted was an approval of the treaty, and that he could get along with an appropriation of $100,000. It was after this conference and at his suggestion that the sum of $100,000 was put in the bill.

I have no sort of doubt but what, so far as the interest of the Indians themselves is concerned, it is better that the appropriation should be kept down. It never has been the policy of the Government in treating with Indian tribes to pay them the consideration for their lands under treaties with them as you would pay whites. They are the wards of the nation, and this money is to be held and expended for their benefit.

I believe that nothing which we could do would be more unwise than to provide for the payment of this whole sum over to them immediately. We want to pay it to them as fast as they are settled and become, as it were, homesteaders on their reservation; and this sum of $200,000 will be ample for that purpose.

The question was taken upon the amendment of Mr. ATKINS to the amendment offered by Mr. CASWELL, and it was not agreed to upon a division—ayes 50, noes 85.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Wisconsin [Mr. CASWELL].

Mr. RANDALL. I move *pro forma* to amend the amendment by striking out the last word. I wish to say that while the point of order as to the propriety of confirming an Indian treaty upon an appropriation bill has been waived, yet there are matters in connection with this subject of which the House should be made aware. The first we heard of this question in the House was on yesterday. This morning I received a communication from a gentleman residing in the city of Philadelphia in whom I have full and absolute confidence. I desire that the Clerk may read his communication, so that the House may be fully apprised of some of the difficulties presented in connection with this proposition.

The Clerk read as follows:

It is, I suppose, inevitable that the report of the commission appointed to treat with the Sioux in the matter, and the agreements entered into by them with certain chiefs, be adopted in the main. I am told that the whites in the vicinity are most urgent and anxious for the reduction of the Sioux reserve. Railroad communication with Deadwood must be secured sooner or later. I believe, however, that this report should be adopted only with certain modifications.

First. By it the situation of the Santee Sioux is imperiled.

The object of the Sioux commission is to divide the present great Sioux reserve, which is now occupied by all the Sioux tribes as tenants in common, into reservations to be held separately by the several tribes. To effect this each tribe has at the solicitation of the commission relinquished its claim to an undivided part of the present reserve and obtains in consideration of this a reservation set apart for it as a tribe. Each tribe has done this, with one exception, the Santees. They, while relinquishing their right to an undivided part of the great reserve, have had no portion set apart for their use. This is, I presume, due to the fact that they at present occupy, as they have done for some years past, land set apart for them by executive order in the northeast corner of Nebraska. We know from personal observation as well as from the testimony of others that the Santees are the most industrious and civilized of all the Sioux. They are extensively and successfully farming the land they now occupy. They have considerable property in houses, barns, &c., and were for years of most material service to the whites by standing between them and the wilder Indians on the north.

As you know, under act 6 of the treaty of 1868, these Santee Indians can take claims, obtain patents for land so taken, and they become on the acquisition of such patents citizens of the United States. The first patent under this treaty has recently been granted by the General Land Office under a decision of the Secretary of the Interior, and other Indians are ready to avail themselves of their opportunity to get title in this way. But this process is necessarily an exceedingly slow one. Some Indians have not yet taken claims; others have not occupied them a sufficient time or made the prescribed improvements; others, again, can not yet afford even the small expense of obtaining a patent.

Meanwhile they only occupy their Nebraska land on the uncertain sufferance of a Presidential order, and by relinquishing at the instance of this commission

their certain rights in the Sioux reserve are in danger of being absolutely homeless. Their danger is increased from the fact that, as I am told, the neighboring whites are anxious for the land and are convinced of the uncertainty of the Indian tenure. It seems, therefore, of the highest importance that the executive order setting apart this Nebraska land should be confirmed by Congress. I would therefore suggest that a clause giving to the Santee Sioux absolutely the land held by them in Nebraska under executive order be incorporated in the proposed bill or that a separate bill be prepared to that effect.

Second. Proper provision should be made for reimbursing individual Indians for loss of property sustained by removal. The report of the commission seems to contemplate only a general payment for land. The comparatively civilized Indian gets no damages for loss of property, receiving like the unsettled Indian the regular compensation for the cession of uncultivated land.

Third. I also call your attention to the fact that act 12 of the treaty of 1868 provides that "no treaty for the cession of any part or portion of the reservation therein described shall be of any validity against said Indians unless signed by at least three-fourths of all the adult male Indians occupying or interested in the same." The report of the commission shows that this consent has not been obtained. It is of course a matter of opinion whether, if it is desirable or inevitable the proposed division of the reservation be effected, any notice should be taken of this violation of the original treaty.

Fourth. Act 12 of the treaty of 1868 provides that "no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him, as provided in act 6 of this treaty." Sufficient provision for the fulfillment of this clause does not seem to have been made in the agreement reported by the commission.

Fifth. The agreement also seems to contemplate a loss by all the bands treated with of the privileges and compensation coming to them under the treaty on its non-fulfillment by one band. This is manifestly unjust and impolitic. The bill should be so worded as to negative such a construction.

HENRY S. PANCOAST.

During the reading of the foregoing letter, when Mr. RANDALL'S time had expired,

Mr. FLOWER obtained the floor and said: I yield my time to the gentleman from Pennsylvania [Mr. RANDALL], that the reading of this paper may be finished.

The reading was then resumed and concluded.

Mr. VALENTINE. For the purpose of curing a difficulty to which the correspondent of the gentleman from Pennsylvania [Mr. RANDALL] has referred I offer the amendment which I send to the desk to come in as a further proviso to the amendment of the gentleman from Wisconsin [Mr. CASWELL].

The Clerk read as follows:

That all selections of land in severalty heretofore made by the Santee Sioux on their reservation in the State of Nebraska be, and the same are hereby, confirmed; and the Secretary of the Interior shall allot in severalty to said Santee Indians not yet having made selections a quantity of land from said reservation in accordance with the provisions of the treaty of April 29, 1868, to be selected by such Indians as are by the provisions of said treaty entitled thereto; and the provisions of sections 6 and 7 of an act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, approved August 7, 1882, are hereby extended to said Santee Sioux Indians.

Mr. RANDALL. The gentleman from Nebraska [Mr. VALENTINE] understands this subject so much better than I do that I am quite content to accept his suggestion in connection therewith.

Mr. VALENTINE. If the Committee of the Whole desires an explanation of this amendment, I shall be very glad to give it.

Mr. RANDALL. I do not.

Mr. CASWELL. I trust that we may have order, and that the gentleman from Nebraska will explain this proposition.

Mr. VALENTINE. Mr. Chairman, the Santee Sioux are a small band of Indians who are a party to this treaty. They are more civilized than any other of the bands who are parties to it, and have been placed by executive order on a small reservation in the northern part of Nebraska. They have no rights there under any law or treaty. They are farmers, living upon the land in severalty, and there is no desire on the part of citizens of Nebraska to oust them. This provision, if adopted, will give them in severalty the lands where they now reside—their farms and their homes.

The amendment of Mr. VALENTINE was agreed to.

Mr. STEELE. I submit as an additional proviso the amendment which I send to the desk.

The Clerk read as follows:

Provided, That the sum of $39,102.16, or so much thereof as may be found by the Secretary of the Interior to be due them, is hereby appropriated to reimburse the Miami Indians of Indiana for money improperly paid out of money equitably due to said Indians.

Mr. HISCOCK. I make a point of order upon this amendment that it is not germane and is new legislation.

The CHAIRMAN. The Chair regards the proposition as not germane to the pending amendment.

Mr. STEELE. Upon the point of order I wish to say that this amendment proposes merely to carry out a treaty stipulation. The treaty with these Indians was made in 1849. In 1859 some sixty-nine Indians not belonging to that tribe were taken on the rolls and money was paid to them. In 1867 the Secretary of the Interior discovered that there had been a mistake in this respect. Under the treaty stipulation only Indians named in the treaty were entitled to participate in the fund; but Indians not named in the treaty had been taken on the rolls, and the fact of their not belonging there was not discovered until 1867. Then the Secretary of the Interior dropped these Indians from the rolls, but did not reimburse the tribe for the money thus improperly paid out.

This amendment, Mr. Chairman, provides only to pay them just the amount that the Secretary of the Interior finds to be due them by reason of that wrongful payment out of their funds, that payment having been made under a false application of the law. The amendment itself is to correct that error when the amount shall be ascertained and to enable the Department to carry out the provisions of the treaty with them; or, in other words, to pay them what is due to them properly under the terms of the treaty and to pay the Indians named in that treaty.

The CHAIRMAN. The Chair regards this as more in the nature of a claim under the treaty than for the execution of it. If it arises under the regulations or terms of a treaty, a provision making an appropriation to carry out that stipulation with the Indians, the Chair thinks, would properly come in on the Indian appropriation bill.

Mr. STEELE. But the Secretary of the Interior decides that he can not right the wrong which has been committed upon these Indians in the payment of this fund unless he has legislation to warrant it. And only such amount will be paid as is actually found due on investigation.

Mr. RYAN. I suggest to the gentleman from Indiana that he offer his amendment as an independent proposition. It is not germane to the pending amendment.

The CHAIRMAN. The Chair is clearly of that opinion.

Mr. STEELE. Then I will withdraw it for the present.

Mr. HOLMAN. Now, Mr. Chairman, upon the pending proposition——

The CHAIRMAN. Debate is exhausted upon the pending amendment. The question is on agreeing to the amendment as amended.

Mr. HOLMAN. I move to strike out the last word for the purpose of being heard very briefly. This measure upon which the committee is now called to vote is one of great importance, and may be not only important to the immediate locality affected, but to the country at large; and I am exceedingly anxious that the committee shall understand the effect of these provisions, as they concern the rights here confirmed to these railroad companies, before voting upon it.

It is very unfortunate that we should have been called upon to legislate upon a matter of so much importance as this in the hurried manner in which we are compelled to legislate under the five-minute rule upon an appropriation bill. It is very unfortunate. There should have been more time for careful consideration and deliberation. We are not fully informed as to the nature of the contracts entered into between the Sioux Indians, or the Secretary of the Interior on their behalf, and the railway corporations. The provision is as nearly in conformity to the terms of the agreement as the gentleman having charge of that particular branch of the subject has been able to indicate. And believing myself that this right of way to the railway companies was ultimately inevitable and that the treaty under all of the circumstances is as fair as could probably be drawn in the interest of the Government and of the Indians themselves, I see no reason why the proposition should not be adopted. Yet I think it extremely improbable that every gentleman here has been able to understand the provisions of that amendment from hearing it read at the desk, or its effect; and therefore I ask for order while the entire proposition is again read as it now stands amended, so that every member of the committee may see for himself exactly what it refers to.

The amendment as amended was again read.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HISCOCK. I now offer an amendment which I send to the desk.

The Clerk read as follows:

To pay James C. Courts, assistant clerk of the Committee on Appropriations, for additional compensation, $200.

The amendment was agreed to.

The CHAIRMAN. The Clerk has now concluded the reading of the bill.

Mr. STEELE. Is it now in order to offer the amendment which I offered some time ago, but withdrew at the suggestion of the gentleman from Kansas?

The CHAIRMAN. The Chair will now entertain the amendment, which the Clerk will report.

The Clerk read as follows:

At the beginning of line 1395, on page 58 of the bill, insert:

"*Provided*, That the sum of $39,102.16, or so much thereof as may be found by the Secretary of the Interior to be due them, is hereby appropriated to reimburse the Miami Indians, of Indiana, for money improperly paid out of money equitably due to said Indians."

Mr. HISCOCK. I make the point of order upon that.

Mr. BAYNE. Withhold the point order and let us have an explanation of the amendment.

Mr. STEELE. I have already made an explanation, but will say again——

Mr. HISCOCK. It has been once explained already. I hope the gentleman from Pennsylvania will not insist upon having another explanation.

Mr. STEELE. I am perfectly willing to come to a vote on this amendment if the committee understands what it is.

The CHAIRMAN. The point of order is made against it by the gentleman from New York. The Chair will hear the gentleman briefly on the point of order.

Mr. HISCOCK. The matter has been pending in this House in the nature of a claim, and a bill of similar character was considered in the Forty-sixth Congress. It has been existing in that way for years, and I supposed that Mr. Baker, a former member from Indiana, had settled the whole matter up. I am compelled to make the point of order on it.

Mr. STEELE. I beg to state in reply to what has been said by the gentleman from New York that a final payment was to be made to these Indians in 1880, but in making that settlement they did not take into account the money which had been improperly paid out of the fund which was due to them in that year. This money was paid improperly out of the funds belonging to the Indians. The object of this amendment is simply to reimburse the Indians for that money which, as I have said, was improperly paid out, and only in the event that the Secretary of the Interior upon examination of the case finds that it is properly due them under the treaty stipulation.

The CHAIRMAN. The difficulty with the Chair of course is in the uncertainity as to the condition of this matter. If it is a direct obligation resulting from a treaty, and undisputed, it is in continuance of a public work, and the amendment is in order. But if it is a disputed claim against the Government the Chair would not be justified in recognizing it upon this bill.

Mr. STEELE. I state in reply to that that they required receipts in full to be signed by those Indians; and they took advantage of the ignorance of the Indians and got them to sign.

Mr. HISCOCK. The amendment is the same as a bill now pending before the House.

The CHAIRMAN. If that be the fact that is enough to sustain the point of order.

Mr. STEELE. I would like to see the bill. I have here a letter from the Secretary of the Interior showing what is due to those Indians.

The CHAIRMAN. The Chair, with the consent of the gentleman from New York [Mr. HISCOCK], will submit the question to a vote or will rule on the point of order.

Mr. HISCOCK. I ask for a decision of the Chair.

The CHAIRMAN. The Chair finds nothing in the amendment itself which makes it in order if the facts are disputed.

Mr. STEELE. I have here the letter of the Secretary of the Interior——

Mr. HISCOCK. That shows there is a dispute about it.

The CHAIRMAN. The Chair does not think the amendment is in order and sustains the point of order.

Some time subsequently, when the committee had risen and the Speaker had resumed the chair,

Mr. STEELE said: I ask leave to have printed in the RECORD a letter from the Secretary of the Interior corroborating my statement, except so far as regards the amount covering attorneys' fees and that paid to agents. That is covered by a separate letter, which I do not care to print.

There being no objection, the letter was ordered to be printed in the RECORD. It is as follows:

INTERIOR DEPARTMENT, OFFICE OF INDIAN AFFAIRS,
Washington, February 21, 1883.

SIR: In reply to the request contained in your indorsement of 1st instant, referring to me a communication from Mr. Samuel McClure, of Marion, Indiana, dated 27th ultimo, that you be informed if the books in this office bear out the statements of Mr. McClure, and also as to what amount was returned to the Treasury Department by Special Agent Cowgill of the funds lately placed in his hands to be paid to the Miami Indians, I have to say that the records in this office show that in compliance with the act of June 12, 1858, sixty-eight persons were added to the roll of Miamies of Indiana and allowed to participate in the annuity payment for that year, and they also appear to have been paid back annuity for the years 1846 to 1857, inclusive, which back annuity amounted to $34,000.16.

These sixty-eight (if none died) and their increase probably shared in all subsequent annuity payments to the Miamies up to and including that for the year 1867. But prior to the payment for 1868, in accordance with a decision of the Attorney-General, one hundred and nineteen persons were dropped from the roll. These one hundred and nineteen, in all probability, comprised all of the original sixty-eight then alive and their increase, and no doubt also some additions through marriages, births, &c.

The records in this office of such payments made ten or fifteen years ago are so imperfect that I am unable at present to trace forward on the rolls the original sixty-eight, or to trace backward the one hundred and nineteen finally dropped, so as to inform you of the exact amount drawn by each of these so-called "bogus Indians," or to say with certainty that the total amount as stated by Mr. McClure is correct. That information can probably be obtained from the Treasury Department.

If it is your wish to call the attention of Congress to this matter, with the view of having those whose funds you believe have been misapplied reimbursed, I would suggest that a reasonable sum might be appropriated for that purpose, with a provision attached that before payment is made it will be the duty of a properly qualified agent to ascertain the exact amount of the Miami funds which may have been improperly disbursed by the Government, and to submit a report of the same for the approval of the Department.

The amount returned by Special Agent Cowgill of the Miami funds lately placed in his hands for disbursement was $695.78, due to Wah-zaw-pe-aw, alias James Lewis Goodboo, whom Agent Cowgill says he could not find.

Mr. McClure's letter and an accompanying paper are herewith returned.

Very respectfully,

H. PRICE, *Commissioner.*

Hon. GEORGE W. STEELE,
House of Representatives.

Mr. HISCOCK. I now move that the committee rise and report the bill with the amendments.

Mr. MAGINNIS. One moment. The other day I sent up an amendment to the desk accompanied by certain correspondence. The chairman of the Committee on Appropriations tells me he has not had time to examine it. I therefore do not desire to press it in connection with this bill, and withdraw the amendment.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and had directed him to report the same with sundry amendments.

The SPEAKER. The question is first on concurring in the amendments recommended by the committee.

Mr. HISCOCK. I demand the previous question on the bill and amendments.

Mr. MILLER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. Is it in order for me now to demand a separate vote on one amendment?

The SPEAKER. The gentleman's right to demand a separate vote will not be precluded by the ordering of the previous question.

The previous question was ordered.

Mr. HISCOCK moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on concurring in the amendments. The gentleman from Pennsylvania [Mr. MILLER] states that he desires a separate vote on an amendment, which he will indicate.

Mr. MILLER. I ask for a separate vote on an amendment paying one year's salary to the representatives of a person purporting to have been elected from one of the Louisiana districts, Mr. Andrew Herron.

Mr. RANDALL. Does not the whole amendment come in as an entirety?

The SPEAKER. The amendment on which the gentleman from Pennsylvania desires a vote is a separate amendment.

Mr. MILLER. It was adopted as a separate amendment and is not connected with any other paragraph.

Mr. HOUSE. Will that vote include the payment to the representatives of Dr. Updegraff of his salary in the Forty-eighth Congress?

The SPEAKER. That is a separate matter.

Mr. HOUSE. If it does not I demand the yeas and nays upon that.

The SPEAKER. The Chair desires to inquire whether the gentleman from Tennessee refers to an amendment to the bill on which he desires a separate vote, or whether he does not refer to a paragraph of the original bill? If it be a portion of the original bill, then a separate vote can not be asked upon it.

Mr. HOUSE. I understand that the chairman of the Committee of the Whole ruled that this proposition to pay the representatives of Herron was an amendment to the Updegraff paragraph.

The SPEAKER. That is a separate amendment, but the Updegraff clause is a part of the original bill.

Mr. HOLMAN. I ask for a separate vote on the amendment adopted by the Committee of the Whole increasing the cost of the survey of the public lands; also on the amendment adopted to the bill paying an additional compensation of one month's pay to the employés of the House.

The SPEAKER. On those three different amendments separate votes will be taken. If there is no objection the Chair will first submit to the House the question of agreeing to all the amendments reported by the Committee of the Whole except the three indicated—one by the gentleman from Pennsylvania [Mr. MILLER], and two by the gentleman from Indiana [Mr. HOLMAN]. The question is on agreeing to these amendments.

Mr. BUTTERWORTH. I desire to make a parliamentary inquiry. Do I understand that where a proposition is a part of the original bill a separate vote can be had upon it?

The SPEAKER. A separate vote can not be had upon that.

Mr. BUTTERWORTH. I understand that is the object of my friend from Pennsylvania [Mr. MILLER].

The SPEAKER. No, sir; the gentleman from Pennsylvania demands a separate vote on an amendment to the bill.

The amendments of the Committee of the Whole, with the exceptions indicated, were concurred in.

Mr. HISCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is asked.

Mr. HISCOCK. Before that is done I ask unanimous consent that the order that the House shall take a recess at half past 5 until half past 7 be rescinded for to-day.

Mr. RANDALL. You want to finish this bill to-night?

Mr. HISCOCK. We want to finish it to-night without a recess, and have no evening session.

Mr. RANDALL. That is right.

Mr. THOMPSON, of Kentucky. I object.

Mr. RANDALL. I suggest that the gentleman from New York should ask unanimous consent to extend the period for taking a recess.

Mr. HISCOCK. All I want to do is to have this bill passed without having an evening session.

Mr. WHITE. What will be the order of business for this evening?

The SPEAKER. The Chair is unable to state. The order of business is the bill now under consideration until it is disposed of.

Mr. HISCOCK. I will ask the gentleman from Kentucky [Mr. THOMPSON] if he insists on his objection to my request.

Mr. THOMPSON, of Kentucky. I do.

The SPEAKER. The Clerk will report the first amendment upon which a separate vote is demanded.

The Clerk read as follows:

After the words "section lines," in line 1349 of the bill, insert the following: "Or where for any cause not provided for by law, in Oregon and Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum not exceeding $12 per linear mile for standard lines, $10 for township lines, and $6 for section lines."

The question was taken upon the amendment; and it was agreed to upon a division—ayes 83, noes 67.

The next amendment on which a separate vote was asked was to insert the following paragraph:

To pay the legal representatives of Hon. Andrew S. Herron, a member-elect to the Forty-eighth Congress from the sixth district of Louisiana, the sum of $5,000.

Mr. HISCOCK. Before the question is put on that amendment I desire to ask if it is in order to move that the House now adjourn.

The SPEAKER. That motion will be in order.

Mr. HISCOCK. Then I make the motion.

The question was taken on the motion to adjourn; and upon a division there were—ayes 105, noes 25.

Before the result of this vote was announced,

Mr. THOMPSON, of Kentucky, called for tellers.

The question was taken upon ordering tellers; and there were 20 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

Mr. HISCOCK. I ask the gentleman from Kentucky [Mr. THOMPSON] if he will now withdraw his objection to vacating the order for an evening session, and let us finish this bill?

Mr. THOMPSON, of Kentucky. I am willing to have this bill finished this afternoon if we can have a session this evening.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the announcement of the vote on the motion that the House now adjourn. Before announcing the result of that vote the Chair will submit an Executive communication and personal requests of members.

FRENCH CABLE COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives of the United States of America:

With reference to my message of the 12th ultimo on the same subject, I transmit herewith a further report of the Secretary of State, furnishing additional papers received since the date of his former report, in response to a resolution of the House of Representatives of July 5, 1882, calling for any information in the possession of the Department of State in reference to any changes or modifications of the stipulations which the French Cable Company made with this Government.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, February* 23, 1882.

POSTAL REGULATIONS.

Mr. LACEY, by unanimous consent, from the Committee on the Post-Office and Post-Roads reported, as a substitute for House bill No. 7612, a bill (H. R. 7635) to amend section 3829 of the Revised Statutes; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

CHINESE IMMIGRATION.

Mr. CASSIDY. I ask unanimous consent to present at this time a memorial of the Legislature of the State of Nevada with reference to the attempted nullification of the Chinese restriction act, and that it be referred——

Several Members objected, and called for the regular order.

The SPEAKER. Objection being made, the memorial will be referred through the petition-box.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CABELL, for one week, on account of sickness.

LEAVE TO PRINT.

Mr. ROBERTSON asked and obtained leave to print in the RECORD some remarks prepared by him on the bill (H. R. 7563) for the more effectually suppressing and preventing of lotteries by prohibiting the transmission through the mails of publications containing lottery advertisements. [See Appendix.]

And then the result of the vote on the motion of Mr. HISCOCK was announced; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CASSIDY: Memorial of the Legislature of Nevada, with reference to the nullification of the Chinese restriction act—to the Committee on Education and Labor.

By Mr. G. R. DAVIS: The resolutions adopted by the Chicago Board of Trade, recommending passage of the joint resolution providing for repeal of article 11 of the amendments to the Constitution and for legal enforcement of State contracts—to the Committee on the Judiciary.

By Mr. DUNNELL: Memorial of the Legislature of Minnesota, asking for adjustment of land grants to the State—to the Committee on the Public Lands.

By Mr. GEDDES: The petition of Hon. R. McKilley and 138 others, citizens of Wyandot County, Ohio, for allowance of pension to L. A. Gromley—to the Committee on Invalid Pensions.

Also, the petition of Sion S. Bass Post, No. 40, Grand Army of the Republic, Department of Indiana, asking that a pension be granted to the widow of Major George W. Stough—to the same committee.

By Mr. H. S. HARRIS: The resolutions of the New York Chamber of Commerce; the petition of John Potter, and others, ship-owners of Bath, Maine, and of James W. Elwell & Co. and others, ship-owners and shipping merchants of New York, protesting against section 13 of the bill pending relating to American merchant marine—severally to the Committee on Commerce.

By Mr. MOORE: The petition of freedmen of the Chickasaw Nation, asking that they shall be entitled to all the rights, privileges, and immunities of native citizens—to the Committee on Indian Affairs.

By Mr. RANNEY: The petition of Francis Morandi & Son and others, protesting against the extension of Fisk & Billings's patents—to the Committee on Patents.

By Mr. VANCE: The petition of W. G. Bowman and 31 others, citizens of North Carolina, asking that Wiley G. Woody be restored to the pension-roll—to the Committee on Invalid Pensions.

The following memorials and petitions relating to tariff legislation were presented and referred to the Committee on Ways and Means:

By Mr. CANDLER: Of C. F. Hovey & Co. and others, merchants of Boston, Massachusetts.

By Mr. S. S. COX: Of Tiffany & Co. and others, of New York.

By Mr. ERRETT: Of resolutions adopted at a meeting of citizens of Homestead, Pennsylvania.

By Mr. URNER: Of L. Richardson and 31 others, of David Holsinger and 46 others, of McMillin Brothers and 67 others, of Joseph Womsley and 25 others, of John Chambers and 16 others, of John Beinlaw and 7 others, of Charles Murray and 51 others, of R. D. Rees and 8 others, and of C. H. Wiltig and 20 others, citizens of Alleghany and Garrett Counties, Maryland.

By Mr. WILLITS: Of the lumbermen of Oceana County, Michigan.

SENATE.

SATURDAY, *February* 24, 1883.

The Senate met at 10 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

JAMES G. FAIR, a Senator from the State of Nevada, appeared in his seat to-day.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, and after having read for some time,

Mr. GARLAND. As there is a good deal of Journal to be read, unless some one desires it, I ask that the further reading be dispensed with.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, Mr. President; I want to hear the Journal read through.

The Principal Legislative Clerk resumed and concluded the reading of the Journal of yesterday's proceedings.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. HILL. I ask permission of the Senate that the Committee on Post-Offices and Post-Roads may have leave to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Colorado [Mr. HILL]? The Chair hears none, and leave is granted.

PETITIONS AND MEMORIALS.

Mr. VOORHEES. I present a preamble and resolution adopted a few days ago by the Amalgamated Association of the Iron and Steel Workers of the United States assembled in public meeting in the city of Terre Haute, Indiana. I ask that it be read. It is not long.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. I object, if it is to go into the Journal, the record.

Mr. VOORHEES. I am not asking that it go into the Journal. The Senator from Vermont is usually accurate in his statements. I should like to know what he means by objecting to its going into the Journal?

Mr. EDMUNDS. I made a mistake. I should have said the RECORD.

Mr. VOORHEES. I want the resolution to go into the RECORD. It emanates from a very respectable and large national association of laboring people. They are mechanics and workers in iron and steel. The time this morning has been taken up half an hour in reading the trash of last night, and I understand it was owing to the request, the imperative desire of the Senator from Vermont. I want about a minute and a half for the iron and steel workers of the country to be heard here if I can have that privilege. If not, I want to have the fact known.

The PRESIDENT *pro tempore*. The resolution will be printed in the RECORD if there be no objection.

Mr. EDMUNDS. I object to its being printed in the RECORD, and for the reason that has been stated so many times, that it encumbers the RECORD so much as to make the book almost entirely useless, and it is very expensive. If the Senator wishes to have it printed as a separate document I have not the slightest objection.

Mr. VOORHEES. I have no desire to have it go into the Journal so that it goes into the RECORD.

The PRESIDENT *pro tempore*. The resolution can be printed as a separate document, but objection is made to its being printed in the RECORD.

Mr. VOORHEES. I observe that a great deal of stuff does go into the RECORD that is not as valuable as this paper is.

The PRESIDENT *pro tempore*. The resolution will be printed and lie on the table. The rule requires that a brief statement of the contents shall be made.

Mr. VOORHEES. I ask to have the resolution returned to me. It is briefer than any statement that can be made:

Whereas it is indispensable to the business and commercial prosperity of the people of the United States that their domestic labor and industry should be properly protected in every department—

Mr. EDMUNDS. I feel bound to rise to a question of order. The rule requires a Senator to state briefly the general contents of a paper that he presents.

Mr. VOORHEES. I will do so, Mr. President. There is a large association of people who seem to have incurred the hostility, the unreasonable hostility, of the Senator from Vermont. They are known as the Amalgamated Association of the Iron and Steel Workers of the United States. How they have fallen into disfavor with the Senator from Vermont to such an extent as to receive an objection to a few words on their part being inserted into the RECORD, I am at a loss to determine.

The body of laboring people, among some of the most meritorious in the United States, engaged in one of the largest and best industries, at a national meeting a week or ten days ago, at the beautiful city in which I live, after much discussion, in which there were some of the best minds of Indiana engaged, formulated a brief preamble and resolution occupying two pages and a half of very open writing that would take about a minute and a half in the reading. They have done me the honor to send that here to me, and have asked me in a note to have their views laid before the Senate of the United States, stating at the same time that they had forwarded a similar paper to the immediate Representative of that district, so that they might be heard in both branches of Congress. Their object in doing that is to make known that they believe that in levying import duties for the purpose of revenue view should be had to the protection of the great industries of the United States. Inasmuch, however, as I am informed that there are no iron interests in Vermont, I do not expect their appeal to be heeded in that quarter, but I do expect it to be heeded in almost if not every other quarter in the United States. I believe now I have made known briefly the purpose of this paper, which would have occupied about one-fifth of the time if it had been read, and would have stated its own purpose better than I have been able to do.

The PRESIDENT *pro tempore*. Where a point of order is made the rule requires a brief statement of it; that is all.

Mr. VOORHEES. I return the paper to the desk, and inasmuch as it relates to a subject that has already been acted upon, I move that it lie on the table.

The motion was agreed to.

Mr. COCKRELL presented a petition of Corder Grange, No. 2074, of Lafayette County, Missouri; a petition of Clear Creek Grange, No. 278, Patrons of Husbandry, of Benton County, Missouri; and a petition of the Lawrence County Grange, of Missouri, praying for the creation of the office of secretary of agriculture; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7546) donating condemned cannon and cannon-balls for monumental purposes, to submit an adverse report thereon, and to recommend that the bill be indefinitely postponed. The reasons are stated in the report.

Mr. HOAR. I should like to ask the Senator—I do not want to consume time—to state in a word what the result of the committee's investigation was?

Mr. COCKRELL. The Committee on Military Affairs has heretofore submitted two or three reports upon this same question of condemned cannon, showing that all the condemned cast-iron cannon which are accessible and available for such purposes have already been appropriated and disposed of, and that the only remaining condemned cast-iron cannon are in forts away from lines of transportation, and are heavy guns and unsuitable for such purposes.

Mr. HOAR. I did not mean to object at all to the conclusions announced by the honorable Senator; I have no doubt they are entirely correct; but I thought it would be interesting to a great many associations in the country to know the committee's conclusion, and they would hear it stated in this way more than in the printed report.

Mr. COCKRELL. There has been one printed report made before, setting forth the facts. I move that the report now submitted be printed and agreed to, and that the bill be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL. The same committee, to whom was referred the bill (H. R. 7323) to supply condemned cast-iron cannon and cannon-balls for monumental purposes, have instructed me to report the same adversely for the same reasons as in the other case.

The bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, reported adversely the following bills and joint resolution:

A bill (H. R. 5302) to donate condemned cast-iron cannon to the citizens of Waterville, Maine;

A bill (H. R. 5321) to authorize the Secretary of War to donate condemned cannon for monumental purposes;

A bill (H. R. 5609) donating condemned cannon to the town of Stoneham, in Massachusetts;

A bill (H. R. 5616) to donate four condemned cannon to Charles W. Sawyer Post, No. 17, of the Grand Army of the Republic, of Dover, New Hampshire;

A bill (H. R. 5961) to authorize the Secretary of War to turn over to the Soldiers and Sailors' Monumental Association of Delaware, Ohio, four condemned cannon and four cannon-balls;

A bill (H. R. 5963) authorizing the Secretary of War to donate three condemned cannon to Blake Post of the Grand Army of the Republic, at Medina, Ohio, to be used for monumental purposes;

A bill (H. R. 6320) to authorize the Secretary of War to turn over to the Ladies' Monument Association of Mount Vernon, Ohio, four condemned cannon and four cannon-balls;

A bill (H. R. 6334) donating condemned cannon to Gregg Post, No. 95, of the Grand Army of the Republic, at Bellefonte, Pennsylvania;

A bill (H. R. 6358) donating condemned cannon for monumental purposes;

A bill (H. R. 6359) donating condemned cannon for monumental purposes;

A bill (H. R. 6368) to authorize the Secretary of War to donate condemned cast-iron cannon;

A bill (H. R. 6371) donating condemned cannon for monumental purposes;

A bill (H. R. 6386) granting condemned cannon for monumental purposes;

A bill (H. R. 6408) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio;

A bill (H. R. 6431) donating condemned cannon to William Logan Rodman Post, No. 1, of the Grand Army of the Republic, for their place of burial;

A bill (H. R. 6432) donating condemned cannon to the post of the Grand Army of the Republic at Fall River, Massachusetts, for their place of burial;

A bill (H. R. 6433) donating condemned cannon to Charles Sumner Post, No. 101, of the Grand Army of the Republic, at Groveland, Massachusetts;

A bill (H. R. 6434) donating condemned cannon and cannon-balls;

A bill (H. R. 6453) to authorize the Secretary of War to give four condemned cast-iron cannon to the Dick Lambert Post of the Grand Army of the Republic, for monumental purposes;

A bill (H. R. 6506) authorizing the Secretary of War to deliver to the town of Cornwall, Orange County, New York, four condemned cannon and four cannon-balls, for decoration of the soldiers' monument;

A bill (H. R. 6558) donating condemned cannon and cannon-balls to Alexander Post of the Grand Army of the Republic, at Piqua, Ohio, for ornamental and monumental purposes, and Farragut Post, Portsmouth, Virginia, for memorial purposes;

A bill (H. R. 6590) granting condemned cannon and cannon-balls for monumental purposes;

A bill (H. R. 6779) donating condemned cannon and other munitions of war to G. H. Barnes Post, No. 175, Grand Army of the Republic, Department of Pennsylvania;

A bill (H. R. 6815) to authorize the Secretary of War to furnish condemned cannon for the soldiers' monument at Utica, New York;

A bill (H. R. 6817) to donate four condemned cannon to Henry Wil-

son Post, No. 68, Grand Army of the Republic, of Slaterville New York, for monumental purposes in the cemetery at that place;

A bill (H. R. 6818) donating condemned cannon for monumental purposes;

A bill (H. R. 6821) donating condemned cannon to the Monumental Association of Allegheny County, Pennsylvania; and

Joint resolution (H. Res. 228) to denote condemned cast-iron cannon to Goodrich Post, No. 22, of the Grand Army of the Republic, at Danville, Pennsylvania.

Mr. COCKRELL. Those bills are reported adversely for the reasons stated in the former report. I move that they be indefinitely postponed.

The motion was agreed to.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia, reported it with amendments.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1998) for the relief of James Hooper, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

AMENDMENTS TO APPROPRIATION BILL.

Mr. BUTLER, Mr. CALL, Mr. HAWLEY, Mr. VEST, and Mr. HARRIS submitted amendments intended to be proposed by them respectively to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there are no "concurrent or other resolutions" the morning hour is closed.

Mr. VEST. I desire to call up for consideration the resolution I submitted some time since in regard to the Yellowstone National Park.

Mr. ALLISON. I trust the Senator from Missouri will not call up his resolution this morning. We want to dispose of the legislative appropriation bill to-day.

Mr. VEST. I cannot hear the Senator.

Mr. ALLISON. I desire to call up the legislative appropriation bill. We wish to finish it to-day, and I think we had better begin it at once.

Mr. VAN WYCK. Will the Senator from Iowa allow me to move that the Senate proceed to the consideration of executive business for a few minutes?

Mr. ALLISON. As soon as we get the appropriation bill before the Senate, I will yield for that purpose.

The PRESIDENT *pro tempore*. Does the Senator from Missouri withdraw his request to have the resolution considered to-day?

Mr. VEST. I will state to the chairman of the Committee on Appropriations that of course I would not obstruct the legislation in regard to the appropriation bills, and if there can be any sort of agreement that the resolution shall be taken up as soon as we get through with the appropriation bill, I shall have no objection.

Mr. ALLISON. I will say to the Senator that of course I will not interpose an objection to that being done. It is very important that the appropriation bills shall be passed at an early day in order to get them into conference.

Mr. VEST. I understand that.

Mr. VOORHEES. I understand that provision has been made in a bill which has already passed the House for the Yellowstone Park question. It is a matter that will give rise to a good deal of discussion. I am ready for it any time the Senator from Missouri is.

Mr. HOAR. I suggest to the Senator from Missouri to let his resolution give way to the appropriation bill, and reserve the right to call it up as though the morning hour applied again after that bill is disposed of, if there shall be any such time to-day.

Mr. VEST. I wish to say one word to the Senator from Indiana. If I believed that the action of the House of Representatives, to which he has just alluded, would not be disturbed by the Senate, I should not care anything about it; but the action of the Committee on Appropriations of this body shows that under the rule they have adopted such legislation will be reported against by the committee here, and I have every reason to believe that unless this resolution passes the park will be absolutely destroyed. That is the end of it. The Senate may do what it pleases with it.

Mr. VOORHEES. I wish to say to the Senator from Missouri that I have conferred with the Department on this subject. I have conferred with the Secretary of the Interior who has charge of it, and there is a different view entertained by him on the subject from that presented by the Senator from Missouri. I should have to be very thoroughly convinced of the necessity of such a measure before I would vote for so sweeping a reflection as this is upon the administration of that Department, especially after I have been informed as I have been on the subject.

Mr. VEST. My information is exactly opposite in regard to the views of the Secretary of the Interior.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I now ask that the legislative, executive, and judicial appropriation bill be taken up.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves to postpone the Calendar until to-morrow with a view to take up the appropriation bill he has named. Is there objection? The Chair hears none, and the Calendar is postponed. He now moves to take up the legislative, executive, and judicial appropriation bill. Is there objection? The Chair hears none, and it will be announced.

The ACTING SECRETARY. A bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. For the sake of convenience and with a view to finishing the bill to-day, I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as we go along.

The PRESIDENT *pro tempore*. That will be the order if there be no objection. There is none.

Mr. ALLISON. I now yield to the Senator from Nebraska [Mr. VAN WYCK] for the purpose of a brief executive session.

EXECUTIVE SESSION.

Mr. VAN WYCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. VANCE. I gave notice yesterday that I would ask leave to call up this morning the bill for the relief of cadets at the Naval Academy, which I was instructed to report from the Naval Committee.

The PRESIDENT *pro tempore*. The action of the Senate, after the morning hour was closed, was to postpone everything to take up the legislative appropriation bill, which is now before the Senate.

Mr. VANCE. The Senator from Iowa [Mr. ALLISON] will oblige me, I trust. I do not want to debate the bill, but ask action on it. If there is any debate, I will let it go.

Mr. ALLISON. It is very important that this appropriation bill should pass to-day; it will take some time, but after this bill is out of the way I have no doubt the Senator will have an easy pathway for his bill.

Mr. VANCE. If the bill does not reach the House to-day, in order to be on the table of the House on Monday, it will stand no chance at all.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The appropriation bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The Principal Legislative Clerk proceeded to read the bill. The first amendment reported from the Committee on Appropriations was under the head of "Senate," in line 15, to reduce the appropriation for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, from $297,857.10 to $276,031.60.

The amendment was agreed to.

The next amendment was, in line 63, after the words "Foreign Relations," to strike out "and;" and in line 64, after the words "Public Lands," to insert "clerk to the Committee to Audit and Control the Contingent Expenses of the Senate;" so as to make the clause read:

> For clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, clerk to the Committee on Military Affairs, clerk to the Committee on Post-Offices and Post-Roads, clerk to the Committee on the District of Columbia, clerk to the Committee on Naval Affairs, clerk to the Joint Committee on the Library, clerk to the Committee on the Census, clerk to the Committee on Foreign Relations, clerk to the Committee on Public Lands, clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, at $2,220 each.

Mr. ALLISON. The word "and" should be inserted after "public lands" in line 64.

The PRESIDENT *pro tempore*. The amendment will be so modified.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 119, before the word "clerks," to strike out "twenty-two" and

insert "twenty-one," and in line 126, after the word "session," to strike out "28,116" and insert "26,838;" so as to make the clause read:

For twenty-one clerks to committees, at $6 per day during the session, $26,838.

The amendment was agreed to.

The next amendment was, in line 123, before the word "pages," to strike out "seventeen" and insert "fourteen;" after the word "Chamber," in the same line, to strike out "including three riding pages;" in line 125, after the word "and," to strike out "one riding page" and insert "four riding pages;" and in line 126, after the word "rate," to strike out "$9,967.50" and insert "$11,105;" so as to make the clause read:

For fourteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, and four riding pages annually, at the same rate, $11,105.

The amendment was agreed to.

The next amendment was, in line 130, before the word "folders," to strike out "five" and insert "six;" in line 131, after the word "employed," to strike out "5,475" and insert "6,570;" and in line 133, after the word "all," to strike out "6,690" and insert "7,785;" so as to make the clause read:

For one foreman in folding-room, $1,200; six folders, at $3 per day while actually employed, $6,570; in all, $7,785.

The amendment was agreed to.

The next amendment was to strike out lines 135, 136, and 137, in the following words:

For reporting the debates and proceedings of the Senate, $25,000, payable in equal monthly installments.

The amendment was agreed to.

The next amendment was, in line 139, after the word "including," to strike out "5" and insert "6;" and in line 143, after "Sergeant-at-Arms," to strike out "14" and insert "15;" so as to make the clause read:

For stationery and newspapers, including $6,000 for stationery for committees and officers of the Senate, and $150 for postage-stamps for the Secretary of the Senate, and $150 for postage-stamps for the Sergeant-at-Arms, $15,800.

The amendment was agreed to.

The next amendment was, after line 160, to insert:

For reporting the debates and proceedings of the Senate, $25,000, payable in equal monthly installments.

The amendment was agreed to.

The next amendment was, under the head of "public printing," in line 356, after "printer," to strike out "3,600" and insert "4,500;" so as to read:

For compensation of the Public Printer, $4,500.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. As far as the bill has been read it relates exclusively to the House of Representatives and the Senate, I believe. This is the first item in which appropriations are made outside of the House and Senate. While I do not intend especially to oppose the pending amendment, I think it a suitable place for me to state the amount appropriated by this bill, as I notice the chairman did not, as is usually done, make a statement to the Senate as to whether or not it was larger than last year's bill or whether there were changes from last year's bill. If the Senator wishes now to make any statement, I do not desire to do it; but if not I will state myself a few of the leading changes in this bill from that of last year.

Mr. ALLISON. If the Senator from West Virginia prefers to make the statement, I have no objection. I have a statement before me, but I have not sought to consume time. I am entirely willing he should make any statement he chooses.

Mr. DAVIS, of West Virginia. I am obliged to the Senator for saying he has no objection to my making a statement. From his usual courtesy toward me, and his good humor generally, I did not suppose he would object to a short statement from me.

Mr. ALLISON. If the Senator desires, I can make the statement now. I have had it prepared.

Mr. DAVIS, of West Virginia. I think it would be very well for the Senator to do that, because he has the statement more full than I have, and I know that he wants the Senate to understand the condition of the bill.

Mr. ALLISON. As I understand, the Senator from West Virginia desires to know what is contained in this bill as compared with what was appropriated last year——

Mr. DAVIS, of West Virginia. I will say to my colleague on the committee that it is not for my information, but for that of the Senate. I think I know pretty well what is in the bill.

Mr. ALLISON. This bill as reported by the Senate Committee on Appropriations appropriates for the civil service covered by it $20,598,879.55. The act of last year appropriated $20,349,185.54, so that there is a slight increase in this bill over the act of last year for similar purposes. The estimates, however, for this year from the Departments were $21,430,960.08, so the bill now is nearly a million less than the amount estimated by the Departments for this service.

That is about the only statement that I think it is necessary to make at this time. I will say that there are a few increases in the compensation of officers of the Government, and the committee believe that these additions to the compensation of the officers named are necessary and therefore they have proposed them.

Mr. BECK. I believe the largest increase was in the Land Office. I think perhaps the chairman had better state that.

Mr. ALLISON. I will say that the principal increase in this bill as proposed by the Committee on Appropriations has been in the Interior Department, and for the purpose of bringing up the arrears of business in that Department, chiefly the Land Office; and when that part of the bill is reached I shall be glad to make some further explanation in reference to the increase of the clerical force there. Of the total increase in this bill as reported to the Senate, amounting in all to about $200,000, $86,000 is in the Interior Department.

There are some small items of increase in some of the other Departments, but I believe there are no considerable increases with the exceptions I have stated on the bill as passed by the House and in the items contained in the act of last year.

Mr. DAVIS, of West Virginia. It has been stated by the chairman of the committee that this bill exceeds in the gross amount that of last year about a quarter of a million dollars, or a little less, perhaps. It is not my intention to make objection to any particular feature of the bill; I believe the Committee on Appropriations considered it as thoroughly as possible and only made such advances as in their judgment they believed to be right. My intention is to call attention especially to this bill to show how rapidly it is increasing from year to year. Last year we added, I believe, 1,300 clerks on the bill over any previous year. This year we have added in the neighborhood of 100 again. We supposed last year that the increased number of clerks we then provided for would soon work up the business so that we could soon reduce the expenditures; but we are actually increasing them, for as the chairman has stated, this bill exceeds that of last year as reported to the Senate about a quarter of a million dollars, and I believe it provides for about 100 additional employés over last year, though, as the chairman has stated, the increase is principally in the Land Office.

Now, to show how this bill is growing as well as others, I have here a statement made by the chairman of the House Committee on Appropriations last year. He said:

This bill in 1880 was $16,852,000—

I will only read round numbers—

in 1881, $17,515,000; in 1882, $18,561,000; in 1883, $20,210,000.

The present bill exceeds that of 1883, this being for 1884, as I have said, about a quarter of a million dollars, showing that there has been a steady increase from 1880 to 1883 of two or three million dollars regularly each year until this year, when the increase is less than it has been heretofore.

The entire appropriations of this year, judging from the bills already passed by the Senate, will be perhaps not a great deal, but somewhat, larger than last year. Judging from what I have before me as to the amount of the bills which have already passed, and what I know of those now pending in the other branch of Congress, I think that the appropriations this year will exceed those of last year except for pensions. The pension appropriation bill was $100,000,000 last year, and this year it is $86,000,000. Of course that is a reduction; we all know why that comes; but for the regular ordinary expenses of the Government we are gradually increasing each year.

It will be recollected that the chairman of the Committee on Appropriations, my friend from Iowa, last year made a very interesting statement to the Senate and gave a number of figures to show that the large expenditure of last year over the previous year was temporary and for temporary purposes, and that it would not probably be necessary to continue the large expenditure of last year; but we find when the present year's bills come that they are equally as large as those of last year. This perhaps is all right; the country is growing, the people expect more business to be done, but I want to call the attention of the Senate to the fact that we are not decreasing, as it was supposed last year we would do, but increasing.

There are in this bill—this is the first one reached—perhaps a half dozen or more increases in salaries.

Mr. BECK. We made a very large increase in the Pension Office last year.

Mr. DAVIS, of West Virginia. Yes, that is true, but the present year we appropriate the same amount for the Pension Office employés. There is no diminution there whatever, and none expected for another year, until 1885, perhaps. The large increase of 1,300 employés made last year, according to my recollection, was principally for the Pension Office. Probably 800 of them were for that office.

Mr. ALLISON. The Senator from West Virginia of course knows very well that the large increase in the clerical force last year was for pension business in the Pension Office and in the offices of the Adjutant-General and Surgeon-General. With perhaps a very few exceptions, the entire increase of the clerical force last year was for the purpose of facilitating the settlement and adjustment of pension claims.

Mr. DAVIS, of West Virginia. Yes; I recollect that very well, but not to such an extent as the chairman of the committee states. I think probably there were four or five hundred additional clerks outside of the Pension Office.

Mr. ALLISON. I beg to correct my friend, because I know he does not want to do injustice to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. Certainly not.

Mr. ALLISON. There was a very small increase. A number of clerks were carried into specific appropriations that had hitherto been paid out of general appropriations.

Mr. DAVIS, of West Virginia. I had forgotten that.

Mr. ALLISON. That accounts for an apparent increase last year, when there was not a real increase, but a mere transfer to specific appropriations of clerical force that had formerly been paid out of general appropriations for general purposes.

Mr. DAVIS, of West Virginia. The chairman is right about that. I had forgotten for the moment why the large increase of thirteen hundred clerks took place, but I recollect now that a large portion of them had been paid out of miscellaneous funds of one kind or another, and last year for the first time we added them to the legislative bill; but the point is that the present legislative bill is still an increase over last year of nearly one hundred, I believe. The House reduced the number of employés on this bill from last year forty-one; the Senate Committee on Appropriations increase it, as appeared to be necessary—I do not criticise that—one hundred and thirty-two, making a net increase of ninety-one as I have it. What I want to call attention to is the gradual increase of this bill that is going on, and let us see if there is not some way to stop it.

Mr. ALLISON. The Senator says the House decreased the number of employés forty-one. That decrease occurred in this way: Twenty-six of the employés of the Patent Office were dropped—twenty-five, as it is said, by mistake. I do not know how that may have been. It may have been intentional on the part of the House. And twenty clerks in the office of the Register of the Treasury were dropped. So of the forty-one clerks referred to by the Senator from West Virginia twenty-five were dropped from the Patent Office and twenty from the office of the Register of the Treasury, which we restored by our amendments.

Mr. DAVIS, of West Virginia. My recollection is the same as that of the chairman. Still that does not change the general fact that we are gradually increasing all the appropriation bills, and especially this one; and my object was to call general attention to that fact, and not to any specific point.

Now, we are on an amendment which increases a salary $900. It is said that the Public Printing Office is a very important bureau, and that the Printer's salary has not been equal to what it should be for the responsibilities of his place; yet this is $900 increase, and we all know from experience that if you once increase a salary it does not go back; it goes forward all the time or remains as increased. The result, I fear, will be that next year a large number of persons who are at the head of bureaus who are now getting $3,600 will each say, "I am as much entitled to $4,500 as the Public Printer; I have heretofore been equal to him; my duties are fully equal to his, and I ought to have the same salary." I shall make no motion, but I submit to the Senate that this increase, I fear, will lead to further increases of very considerable amount.

It will be seen further on in the bill that there are half a dozen, probably in all, increases of salary. There is one decrease which I thought ought not to have been made, as it was the only one in the bill when there were a number of officers who had been added to; and I thought it was doing injustice to the person who is affected by it from the fact that the law creating the commission of which he is the head gave him $6,000 and it has remained so until this time. My principal objection to it was that it appeared to be singling him from all others in the bill and reducing his salary when some others had an increase of salary. However, that is a matter for the Senate to act upon when we reach it.

I make this general statement and shall delay the Senate very little in the consideration of the bill.

Mr. ALLISON. I think, after what the Senator from West Virginia has stated, that I ought to call the attention of the Senate to the fact that we are not increasing from year to year the expenses that properly come within the purview of this bill. I have here a table running over a series of years. For instance, in 1876 we appropriated $18,902,000 for this same service; in 1877, it was reduced to $15,407,000; in 1878, $15,450,000; in 1879, $15,271,000; in 1880, $16,286,000; in 1881, $16,274,000; and in 1882, $17,678,000.

Last year for the first time we drew in some six or seven hundred clerks that had prior to that time been paid out of other appropriations, and appropriated for them in this bill. We also, last year, as the Senator from West Virginia states, appropriated some $1,700,000 for clerical force to bring up the pension cases, and last year also, as this year, there are some large appropriations in this bill, as for instance the Utah Commission, which is a new item requiring some fifty or sixty thousand dollars. Now, in this bill for the first time we appropriate some $25,000 or more for what is known as the Civil-Service Commission. In the nature of things these bills are not the same from year to year; but I submit to my friend that there has been no substantial increase in the appropriation for clerical service in the Departments anywhere, either in this bill or in the bill of last year, if we except the Pension Office.

Mr. ANTHONY. I wish to say to the Senator from West Virginia that the particular increase now under consideration was recommended by the Committee on Printing; indeed a larger increase was recommended by the Committee on Printing, and a much larger one than they did recommend would have been recommended if we had thought it would have been of any use to lay it before the Committee on Appropriations.

The salary of this officer, who is the most underpaid officer that I am familiar with in the Government, was formerly $4,500. It was reduced on an appropriation bill to $3,600; and this is merely restoring it to what it was before. He has charge of 1,600 persons over whom he has the power of official life and death, and he disburses between two and three million dollars per annum. I do not see why so accomplished and efficient a man as we have at the head of this department should remain here when he can get double the compensation in private establishments.

Mr. BECK. I voted for this increase, and desire to ask the Senator from Rhode Island a question in regard to this Printing Office. I understand that the Public Printer has hardly any control over his printers; that they are run by some league or printers' union or something else outside of the Government, so that he is absolutely at the mercy of some outside association both as to the wages of his men and as to the men he shall employ, and that he can not do anything unless he has the assent of some outside organization. What is the truth about that?

Mr. ANTHONY. There is too much truth in that. There is a typographical association in this District composed of employés who assume, without consulting the employers, to fix the rate of compensation; and if any person not a member of that association is employed in any establishment all those who belong to it leave. It is a tyranny which the craft would not submit to if it was ordained by law, but which they impose upon themselves for their own benefit.

Mr. BECK. If the Committee on Printing or any other body in this Government has any power to emancipate the Government of the United States from the control of an organization of that sort by placing power in the hands of the Public Printer or anybody else, I am willing to vote him any amount of money, I do not care what it is, so that this Government shall not be dictated to by any association.

Mr. ANTHONY. I am in full sympathy with the Senator from Kentucky on that point. The Committee on Printing have once, and I think twice, reported a resolution, which has been adopted by the Senate, instructing the Public Printer to employ his men for the best interest of the Government according to the market price of wages; but it has not met the approbation of the other House of Congress; and now there is a law of Congress which requires the Public Printer to pay to compositors a larger sum than is paid by the private printers down street. This typographical association fixes the price of composition, and then remits to the private employers a portion of the rate.

Mr. BECK. I only desired to call attention to it because the attention of the Committee on Appropriations was called to it sharply. While I know nothing about this association and do not mean to reflect on it: I want to be entirely free from its influence and power, and if the Committee on Printing can devise any way to do it, it will get my vote.

Mr. ANTHONY. The Committee on Printing has devised a way and it has been adopted by the Senate, but has not met the approbation of the other House of Congress.

Mr. ROLLINS. I want to ask the Senator from Rhode Island, who understands this matter fully, how much more the Government is required to pay for work in the Government Printing Office by reason of this union than is paid in the private establishments in the city of Washington? That is a fair test.

Mr. ANTHONY. I suppose the difference is about 20 per cent., but the Public Printer is compelled to pay it, not by that typographical organization but by a higher power, by the power of Congress which fixes the rate of compensation. The law fixes the rate of compensation at a higher rate than is paid to other employés of the same character.

Now, my sympathies are all with the interests of labor, and I desire that every man who works with his hands shall receive the highest compensation that is consistent with the good of the business in which he is employed; but I do not recognize the right of the employés of an establishment, without consulting the employer, to fix the rate of labor, and to fix that for the Government higher than it is fixed for private employés. A majority of this typographical association are employed in the Government Printing Office, so that the employés of the Government Printing Office fix the rate of wages and then after imposing it upon the Government remit a portion of it to private establishments.

Mr. ROLLINS. Is it not the fact that they practically dictate to the Public Printer who shall be employed?

Mr. ANTHONY. They do so far as that he shall not employ any man who does not belong to the typographical union.

Mr. ROLLINS. In other words, if he undertook to employ to-day or to-morrow or any other day a practical printer, if he did it even from charitable considerations, if he found here in the city of Washington a poor printer starving for bread who did not belong to this union, could he do it under the present regulations?

Mr. ANTHONY. The members of the union would all leave the Government Printing Office.

Mr. ROLLINS. That is what I wanted to get at.

Mr. HALE. Mr. President, these are most remarkable statements. It seems to me that they must fall with startling effect upon Senators' ears, that a great governmental establishment upon which we expend

millions of dollars annually is hopelessly and helplessly in the hands of a private, and for aught I know secret, association that dominates its whole management, that controls the choice of employés, so that those who are not favored of the mechanics of the United States that belong to vocations that are involved in this office can not have a competition there with the men that do belong to this private association. Is it a fact that all the printers, the type-setters, or the employés of any kind in the Government Printing Office must be taken from one organization to the exclusion of the thousands in the United States who do not belong to it? Why, sir, if a tyranny of this kind exists to-day and pervades the Government Printing Office there ought not to be one dollar more appropriated until we call a halt and this tyranny is removed and the Government Printing Office is put open to every person skillful enough to do the work done there, whether he belongs to this association or not. I should be glad to know whether the Public Printer is in sympathy with this performance and whether he submits to it or whether he protests against it. I should be glad if the chairman of the Committee on Printing, if he knows about that, would give some information to the Senate.

Mr. ANTHONY. What is the use of his protesting when we have imposed upon him by law rates which are even higher than those fixed by the typographical union?

Mr. HALE. Do we impose on him the necessity of being controlled, dominated by this union or association as to the men that he employs?

Mr. ANTHONY. We do not; but then if he does not obey the behests of that association the Government Printing Office stops.

Mr. HALE. Then clearly the Government Printer at the close of the present session of Congress ought to begin deliberately and ruthlessly to weed out from that office every man who belongs to this union, and summon from the great cities of this country where they will be found other men who do not belong to it, so that in an emergency when Congress is sitting and the work must be done we shall not be at the mercy of this union.

Mr. ANTHONY. I quite agree with the Senator, and if Congress will give the Public Printer power to do that I do not hesitate to say that he will exercise it.

Mr. HALE. What power would he need embodied in this bill to do that?

Mr. ANTHONY. That he shall employ his labor at the market price of wages for the best interest of the Government. I think that the printers in the Government Printing-Office are entitled to a little higher pay than those in private establishments, because their employment is somewhat uncertain. Sometimes there is a very great press of work and a large number of men are employed; then the work falls off, and they are furloughed; but, expecting to be recalled again, they do not leave the city and have to remain here unemployed. I think there ought to be some increase of compensation over that in private establishments where they have steady work. But it is to be observed that the printers in the Government Printing Office work only eight hours and that they receive higher compensation than printers down town who work ten hours.

Mr. HALE. I am not so much troubled about the rates that are paid, because I am not intelligent upon that matter; there may be reasons why it should be so, but upon the other great question that this office should not be controlled and tyrannized over by this association I have no doubt. It ought to be open to the whole country and not under this control.

I wish the Senator from Rhode Island, who has had this matter upon his mind, would frame some clause that he can add, to which I do not believe a single Senator will object, that shall give the superintendent of this great office the opportunity, after this Congress shall have closed and ended its labors, to begin at once and weed out the office so that we shall control it hereafter. When I say "we" I mean Congress and the people, and not this association.

Mr. DAVIS, of West Virginia. I think the suggestion coming from the Senator from Maine a very good one, but this bill is not the place for it. The sundry civil bill, as we all know, is pending in the other House, where it is probable that the appropriation for public printing is made, and on that bill some regulation could very properly be added.

Mr. HALE. That may be so, and that is a bill yet to be considered by the Committee on Appropriations. It can clearly be done without trenching on the rule of the Senate already adopted of not putting on legislation, because it can be put in the form of a limitation on the expenditure of the money appropriated. I do not know but that is the proper place; probably it is.

Mr. PLUMB. I wish to say in regard to this matter that there is really nothing required now. The Public Printer can do that now if he sees fit.

Mr. DAVIS. Perhaps he wants some encouragement from Congress.

Mr. PLUMB. He may want the encouragement. He came there and found that this printers' union was absolutely running the establishment. They have a rule which fixes the number of apprentices the Public Printer may employ—twenty, I think it is—and no other person can be employed under their rule in the Government Printing Office unless he belongs to the Columbia Typographical Union, an institution of this city.

Mr. HALE. I am told by a Senator that an order has been really issued from the head of this establishment that no man shall be taken on to its rolls unless he belongs to this association. Does the Senator know whether that be true?

Mr. PLUMB. I know that that is true, and I know, further than that——

Mr. DAVIS, of West Virginia. Allow me to ask the Senator a question. Do I understand that the Superintendent of Public Printing himself has issued an order to that effect?

Mr. PLUMB. No; but the typographical union, I understand.

Mr. DAVIS, of West Virginia. But I understood the Senator to say that from the head of this printing bureau there was such an order issued; am I correct in that?

Mr. PLUMB. I spoke of the association.

Mr. HALE. I was told that it was the superintendent of the establishment who issued the order. That may not be so.

Mr. ANTHONY. Oh, no.

Mr. PLUMB. All I know is this: the Public Printer has stated that he found the typographical union in possession of the Government Printing Office when he came in; that he did not believe the establishment could be run without the consent of the typographical union; that is, he did not believe printers of sufficient skill could be had in the United States to meet the needs of that office, unless they came from and at the dictation of the typographical union. I know that a person was employed in that department as a proof-reader, and that immediately after his employment an emissary of the typographical union, himself employed in the department, came to him and asked him for his card or certificate of membership in the Columbia Typographical Union, and I think, perhaps, also, that he added that the body issues a special permit to a man to be employed in the Government Printing Office. At all events he was called on for his card of membership. He said he had none, upon which he was notified that he could not work in the Government Printing Office, and he was discharged because he did not choose to pay $6 and join the Columbia Typographical Union.

Mr. HALE. By whom was he told that he could not be employed if he did not join?

Mr. PLUMB. An emissary of the typographical union, who was also an employé of the Government Printing Office, and still in the employment of that establishment.

Mr. HALE. I am told that the superintendent sympathizes with this feeling that it ought to be broken up. I hope that is so.

Mr. PLUMB. I can not say as to that, but still I have no doubt he would make any correction he should be authorized by law to make. I believe he ought as a matter of his own responsibility, of his own duty and obligation as an officer of the Government, to establish his own rules and regulations for the employment of the persons in that department, entirely independent of the rules and regulations of any society or association whatever.

I was myself a printer at one time; I sympathize with that very meritorious class of people; I certainly mean to sympathize, as I think I do, with every man who wants to labor and with every man who wants the best possible price for his labor; but I do not sympathize with any man whose desire to labor is so strong that it requires him to say, and to put extraordinary means into execution to say, that some other man shall not labor or shall only labor on the terms that he himself imposes. I believe that is a point we ought not to go to. I believe the Government itself ought not to commit itself any more to such specifications of employment in the Government Printing Office than it would similar ones in regard to employment in the Treasury. If we are to be subjected to the domination in this important department of the Government of an outside organization, which by co-operation at the moment might choose to take away all the employés of the Government Printing Office, we had better meet that on the threshold before it grows stronger than it now is and break it up.

As the Senator from Rhode Island says, perhaps these men ought to have more wages than they have elsewhere. The matter of wages in this connection is a matter of no possible consequence. I would rather pay twice the wages to a non-union printer, a man not only willing to labor himself but willing that other men shall labor with him for the support which they need as much as he, than to pay half the wages and submit to the irresponsible control which now exists in that institution.

That is a question which we shall be required to meet at some time. I believe the Public Printer, himself a practical man, who has had occasion to employ in the private employment from which he came large numbers of printers, with a little encouragement to do this would faithfully carry out any hint or permission we give him in the law. I believe he ought to do it. I believe that every one who goes into that employ ought to go in free from any allegiance to outside associations which direct what the wages shall be, and the time employed.

We have raised a good deal of fuss about political assessments. They are no more unauthorized, no more pernicious than the assessments that are levied on the employés of the Government Printing Office, who require everybody to observe them. The hours of labor are not only established, but by insidious processes, which they know best how to employ, particular persons become favored in the distribution of the work of that office in such a way that some men make very considerable

wages, while other men, equally as needy and equally as deserving, make nothing. The portion of the work that is called "fat," goes to one man, and what is called "lean" goes to another; one man gets continuous employment, and another is elbowed and shoved aside and is kept waiting and hungry. The work is carried on in that way to minister to the power and to aid the purposes of this typographical union, and the Government sits here and simply lets the functions of this important department of the Government be entirely absorbed by this organization.

Mr. VOORHEES. Mr. President——

Mr. MORGAN. I should like to ask the Senator from Kansas if there would be any difficulty in bringing printers of equal ability from the different States to do the work of the Printing Office?

Mr. VOORHEES. Mr. President, I want to submit a few words on behalf of the printers. There are two sides of a question. It seems that only one side of this question has been heard on this floor.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. MORGAN. I beg pardon. I merely wished to ask the question of the Senator from Kansas before he took his seat.

Mr. PLUMB. There would be no trouble in filling the Government Printing Office from every State in the Union with printers who do not belong to the typographical union. It is a thing of the past almost. The Senator from Connecticut [Mr. HAWLEY], I have no doubt, himself can bear witness to the fact that it has been largely broken up in the last few years, and that it does not exist at all in some States.

Mr. MORGAN. There were in 1880, according to the census returns, 72,726 printers in the United States, and I suppose that ought to supply a sufficient number for the Government office.

Mr. VOORHEES. I rose, Mr. President, for the purpose of saying a few words in behalf of the printers. It would seem from the debate the last half hour here as if they were a very dangerous class of people. From the unbroken strain of amazed and indignant talk on this subject it would seem that this Government had been outraged and plundered by them. That is not my understanding. My understanding is that a more painstaking, conscientious, hard-working class of people does not live than the printers who are now in question. If they have committed any abuse on any public interest I should like to have it pointed out. I should like to know what they have done. Have they received too much pay for their work? I should like to see a Senator who will rise here and say so.

Mr. PLUMB. Will the Senator from Indiana permit me to direct his attention to one point?

Mr. VOORHEES. If you want to answer that point.

Mr. PLUMB. I want simply to state the abuse I speak of. While they want to labor for themselves, and do good labor and valuable labor, they insist that nobody else shall labor except at their beck.

Mr. VOORHEES. I will come to that directly. Let us take things as they are presented; I want to settle some points as I go along. I do not understand that anybody pretends that these men get too much pay for their work. I want to settle another point: I do not understand that anybody pretends that they do not do their work well. So we have two great propositions in employment and labor; one is that the work is done well, and the other is that they do not get too much pay for it. Then I should like to know what the trouble is? The Senator from Kansas says the trouble is that they are associated together so that their wages shall not be reduced by somebody coming in and working for less. That is about the plain statement.

Mr. PLUMB. No; I did not state it that way.

Mr. VOORHEES. The Senator did not state it that way, but that is all that he said.

Mr. PLUMB. The Senator from Indiana is too fair to misstate me so grossly as that.

Mr. VOORHEES. I do not pretend that that was your statement, but that was the point of it.

Mr. PLUMB. You say that is what I said. I did not state it.

Mr. VOORHEES. I will correct myself, then. Of course I meant that the Senator said so simply in substance. I repeat it, the Senator from Kansas said that they would not allow other people to work in so many words. That is not true, and he will have to correct his statement a little as well as I shall have to correct mine. The Senator said that they were associated so as not to allow men to come in and underwork them and thus reduce their wages.

Mr. PLUMB. No; that is not the statement I made.

Mr. VOORHEES. I did not say it was the statement. I say that is what you meant.

Mr. PLUMB. It is not what I meant.

Mr. VOORHEES. Then what did you mean?

Mr. PLUMB. My meaning is that they will not let any person work unless he first joins their association and subscribes to their rules.

Mr. VOORHEES. And work at the same wages.

Mr. PLUMB. But it is more than a question of wages. It is general direction and control in the relation of labor.

Mr. VOORHEES. I do not remember how the Senator from Kansas voted on the Chinese question, but I know that the idea of protecting American labor from the competition of cheap Chinese labor swayed this entire Congress, both the Senate and House. I believe in fact as I turn my eye to the Chair as it is now occupied that about the only conspicuous and distinguished opponent of that idea is now in the Chair. I do not remember the eloquence of the Senator from Kansas or anybody else's particularly except that of the Senator from Massachusetts [Mr. HOAR] now in the Chair against the proposition which we were then putting in the form of a law that labor in this country should not be brought in contact with cheap labor from China.

I said I intended to say something for the printer. I want to talk on his side for a little while. The way he reasons is this: he has as much right to protect himself in the wages that will give him bread and shelter and clothing as other people have to protect themselves. Is it wrong that they are associated together? To hear the Senator from Maine [Mr. HALE] and other Senators it would seem as if there was a sort of Cataline conspiracy. There is not an association in the world, either of talent, or labor, or capital, that does not do exactly the same thing.

A medical association fixes the fees, and if one of their number comes and administers quinine for less than the agreed fees, he will be expelled from that association. It is the same principle exactly with the typographical union. They say a man must work at particular wages. The physicians of the country say the same thing, and if one is employed at less than the agreed price, those who are already employed will walk away from the bedside of sickness and leave you to die. In many places the bar have their associations and agreements also. Going still further, take up the great industries of the country. Take the Wool-Growers' Association, the Iron-Mongers' Association, the Steel-Workers' Association, the Spinners' Association, Liquor-Dealers' Association, to say nothing of that master of all associated strength, the National Banking Association. No words of reproach for them, no outcry, no danger; but the typographical union, those men who work day and night at their printers' cases, seem to alarm Senators. They do not alarm me. I am much more alarmed at the National Banking Association which meets every year at Saratoga to have their annual congress, when the champagne corks pop and the terrapin is good, and they lay down lines of financial policy agreed upon in luxury and splendor, and come down here and dictate to this Congress from end to end of this Capitol, and every Senator knows it.

These typos are not dictating here. The Senator from Kansas is alarmed, other Senators are alarmed, and they say this thing had better be met on the threshold. Let us meet it upon the threshold, but let us not have a tempest in a teapot on the threshold. Talk about Congress being dictated to! It has been and will continue to be till the end of time dictated to by associated capital, associated talent; but less than on any other subject will it be dictated to by Government printers.

Sir, associated talent, associated wealth, associated labor have governed the world in all times and they will continue to do so. It is just as legitimate and just as innocent and harmless, and more so, for these people who toil with their hands and make their associations to protect them in their rights as it is to those who are more powerful.

I presented a paper here this morning from an association known as workers in iron and steel in my State, and I want them to have their voice heard. It is an association of men who delve in the earth and who work in the blast-furnaces and all that. I believe they have as much right to be heard here as the national association of banks. Yet how different would have been the reception of a memorial of the annual National Banking Association held at Saratoga from that which was given to those workers in iron and steel, and how differently we would speak of something the National Banking Association was doing from that which we speak of the poor Government printers down here with no voice on this floor!

Mr. President, I can generally be counted on on that side which is not here to speak for itself. It seems to me that there are plenty to speak on the other side. It seems to me there are plenty to get up here a sort of fictitious alarm about the Government printers, who do work and get none too much pay, and who do not want to be underworked by others. We have had the most eloquent appeals here about the protection of American labor. That is just what this typographical union are doing; they are protecting American labor in their own profession and calling.

Mr. ALLISON. As this matter is not involved in the pending item of appropriation, I trust now we shall be able to go on with the bill, and when the appropriation for the public printing comes up, of course any amendment Senators may desire to suggest will be in order.

The PRESIDING OFFICER. The Chair had announced the adoption of the amendment before the debate began. The Chair will say to the Senator from Iowa that he does not understand there is any objection to the amendment as to the compensation to the Public Printer.

Mr. HAWLEY. I want to say a few words just now, as a member of the Printing Committee, so as to let all the remarks appear in one place in the RECORD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HAWLEY. All of these laborers and any other class of laborers have a perfect right to form an association for their mutual benefit. I do not know that anybody denies that it is not only natural but even praise-

worthy. The association has a right to agree upon a price. Two men or 2,000 men have a right to agree upon the price which they will ask for their labor. In the next place they have a right to say that they will not work when they can not get their price. So far their rights are indisputable, but they have no right to say that another man not a member of the association shall not work in the place, or that he shall not work even for a lower price if he chooses. The other man, not a member, who has not agreed to and does not agree to their terms may come in and desire to work, and he may be willing to work for a little less rate, and the employer should have a right to hire him and the man should be absolutely protected in his labor. His right against the 2,000 is just as good as theirs against him. There is no sort of doubt about those principles thus far.

It should be said, in order to state the case fairly, that the Government itself has more or less embarrassed some of these questions by establishing an eight-hour law, and that brings it about that men in the employ of the Government get a little more wages for the same quantity of work done. The Government has still further embarrassed the question by establishing the rates to be paid those who do not work by the day, the prices per thousand for composition, and the prices, I think, per hour.

If we desire to open this question fully to the absolute control of the Public Printer so that he may stand precisely in the position of a private employer, we should repeal those laws. No man outside of Government work in the country is bound by any law to call eight hours a day's work, nor is he bound to give 60 cents a thousand for night work. If you wish to put your Printer in a perfectly free position, I say as free a position as the citizen is in, you should repeal those two statutes. I would then demand of the Public Printer, if that is to be your policy, that he shall employ good men at good rates and defend them in the employment.

I do not object to giving the printers a little more there than they have in some other places. Their claim for that, I say as a man who has had something to do with the employment of printers, is not unreasonable, and for this reason: the employment is uncertain; sometimes he requires more printers than at other times. The inevitable result is—you may say it is their fault—that there will be a body of printers about here sometimes who will have no work, and they feel under those circumstances that when they are at work they should be entitled to a little greater rate of compensation. Those are general, equitable considerations.

The Public Printer should be in a condition to employ people for good wages (and he is good pay and gives reasonable wages) upon just such terms as I in my private business or as the chairman of the committee, or anybody else.

While I sympathize with all the rights of association, to begin with, the natural man rises up in opposition to dictation from anybody. I know something of a case like that suggested by the Senator from Kansas. If a good and honorable and honest man is brought here and employed by the Public Printer, as it sometimes has happened, without his knowing whether the man belonged to the association or not, the members of the association ought to let him alone. I would have the Public Printer compel the observance of that man's rights as an American citizen.

The whole thing needs revision if Senators are going to do what they seem to indicate and desire to do here.

We have now as good a Public Printer as in my opinion we have ever had, and I am glad the committee has raised his wages a little, and I would add $1,500 more, for it is a place that would kill Samson. It is the hardest-worked place in the Government, and the largest printing establishment in the world, and I would be glad to give him more wages still, that he might be able to insure his life against hard work.

Mr. CONGER. I do not understand from anything that has been said that this association undertook to dictate at all to the Public Printer whom he should employ or whom he should not employ otherwise than to say that they will not work there if certain persons are employed.

Mr. HAWLEY. That they have a right to say. In my judgment they have a right to say whether they will work in the Public Printing Office; but the man who does not belong to the association has the right just as much as any other man to go and ask for work there.

Mr. CONGER. I have heard this question discussed at one time and another for the last few years, and I never yet have heard that the printers' association ever undertook to control or dictate any terms to the Public Printer or the Government, except so far as to say that they have for mutual benefit and mutual protection organized all over the United States to protect themselves, as every other class of people can and may and do do. They say if the Government will take one class of men, if it is better for the Government to employ one set of men who do not feel an interest in joining together with them for mutual protection, they will go elsewhere. Who is to condemn them for that proposition? Can the Government get along just as well without them? If it can, let them do so; that is all they say. They are bound up in this association all over the United States, the printers for their mutual protection, for their mutual improvement, to see to it that everybody who belongs to the craft is educated in the craft, is capable of performing the duties of a printer, as I believe for elevating the standard of skill and of labor and of education and support, and for all the things that these associations are formed for, for mutual benefit, for supporting their sick, for burying their dead. They are scattered all over the United States, in every town and village, a mutual benefit society. The object of that is good, as I understand it; it is beneficial to the printer, and is good for the art, and is good for the community, and is elevating.

All I have ever heard anybody assert that they say is that if those who do not belong to this association, if those who are willing to cut under wages are employed in the Government Printing Office, they do not desire to be employed; they will leave. The Government can not afford that. Sir, it would stop the action of both Houses of Congress to-morrow if that printing should stop one day, and we all know it. It may be that some preliminary steps may be taken to organize printers into a class of employés like those in other Departments, to give them appointments and give them salaries. I know of no other way to meet this without doing injustice to the printers belonging to this association, as I suppose probably four-fifths and perhaps nine-tenths of all the printers in the United States do belong to it. I do not know why Congress should commence with a threat against this class of men. Unfortunately or fortunately, as it may be, Congress and the country would suffer without their services to-day and every day. If the men belonging to the association throughout the United States were to leave the different offices where they are employed at any one day, the entire circulation of the newspapers, the entire working of the presses, the entire business of the setting of type, would stop as if an earthquake had stopped their business.

Those are facts that we must look at. It is the condition of the country, not only in Washington, but in every city in the Union. I do not know that it is desirable to threaten, as has been done here, that every member of a printers' association, a benevolent relief society, as it virtually is, should be threatened on the floor of the Senate with being turned out of position under the Government because he belonged to such an association, which has nothing wrong in it, but everything that tends to elevate that class of American citizens, any more than any other class you have legislated against or condemned on this floor.

Mr. HAWLEY. The Public Printer would have no right to say, no citizen would have a right to say, of any person seeking employment that he should not belong to any voluntary association. I do not think he would have a right to do that. He would have a perfect right to say, however, "These are all the wages I have to give, all I ought to give, and I will employ nobody except at these wages and on these terms." But the employer has a right to say what he will give, whether the person belong to an association outside or any association in the trade, or anything of that sort.

Mr. CONGER. There is no denial of that by any member of the association. All that they say to the Printer or all that they say to the Government or in the hearing of the country is that if the Government or the Public Printer does not see fit to accede to those terms they will leave. They have a right to do that in my judgment. The Government can supply their places by wandering printers who belong to no association and will belong to no association, for I understand all may join this and the fee is very small, the dues are small. All who desire to promote the order and the efficiency of the printers of their class and the well-being of their families may unite together in this; and the only penalty for appointing that class of men is that the printers of these relief associations say that they will not work under certain conditions and will leave the Government free to get its men where it can.

Mr. PLUMB. Mr. President, it is proper to have a fair statement of this matter, it having been brought under discussion. I did not introduce it here, but I had occasion to say something about it, and I do not intend to be misrepresented by the Senator from Indiana, or anybody else.

There is no question about the quality of the work, or the character of the men who are performing it at the Government Printing Office. Both are good, the work and the character of the men who are doing it. I believe in fixing the wages by law, just as we fix the wages by law in the various other departments of the Government. There is no reason why that should not be so. I am entirely willing that the wages shall be as they are now, if they are satisfactory, as I understand they are. I am not only willing but believe in an organization of printers and other people, professional and otherwise, for their own mutual protection. There can be no question about that right; and, as the Senator from Indiana says, perhaps that ought even to be encouraged.

But the action of the printers' union does not end there at all. What they propose to do is well stated by the Senator from Michigan [Mr. CONGER]. He says if they take a notion that they will not work for the Government the Government must stop; Congress can not carry on any business if they see fit to have it otherwise. That states the case as strong as I can state it. We are to-day at the mercy of these men and are bidden by their advocate on this floor to speak with bated breath about them and about our relations with them for fear on the whole that we may be obliged to adjourn *nem. con.* The trouble is not that they say they ought to have certain wages and will not work for less; the Government fixes the wages in this case; but they say in substance that no one shall work for those wages except he first joins their association and agrees that when they say he shall quit work, quit he

shall, and in every way submit himself to their dictation, which practically amounts to their saying that no man but a member of their organization shall work in the Government Printing Office.

In addition to that, what is further striking in the effort to maintain their monopoly of employment, they prescribe the number of persons who alone shall serve as apprentices in any printing office where they are employed. The very second paragraph of the article on that subject in the constitution of this local Columbia Typographical Union says that the number of apprentices in the Government Printing Office shall not exceed twenty, and that has the force of law. What is this country if it is not to be a free country, for men to labor in, at least? Where is the freedom in labor? Where is the natural aspiration of your boy, Mr. President, or my boy, or the boys of any of us to learn the printer's trade if that is to be canonized into law and their disposition to learn the trade and pursue it as an honorable and profitable calling is thus ruthlessly cut off? The law substantially makes that thing permanent and gives it effect. There is the trouble. No one complains about these people having any organization. We are doing everything we can by law to give free course to labor, to give good wages, to give encouragement to labor; but I tell you, Mr. President, that an organization of this kind does not conduce to either of those things. It conduces to the monopoly of those functions in the hands of a few. It does not even conduce to the highest quality of labor.

The Senator from Michigan says the Government can not be run without printing. I admit that for thirty days it would have to stop, but I would undertake, and no doubt many other men would undertake, and give large bonds, to put the Government Printing Office in the possession of qualified men to run it in every department as well and fully as it is run now in thirty days without a single printer in it belonging to any union in the United States. The statement is not correct that a majority of the printers belong to it; but whether they do or not is entirely immaterial. There are about 2,000 members of the local union here, perhaps not so many, perhaps not more than a thousand, but the other 72,000 members of the printer's craft in the United States are prevented from coming here and having employment in the Government Printing Office unless when they come here they will join the union in this place and submit themselves absolutely and unqualifiedly to its direction.

Mr. DAVIS, of West Virginia. Mr. President, I shall prolong this discussion but a very few moments. I hope that the Committee on Printing will have an amendment of some kind prepared to offer to the sundry civil bill which will meet the case we have been discussing this morning. The chairman of the Committee on Appropriations, however, just previous to this discussion on printing, stated, as I understood him, that I was mistaken in saying there had been a gradual increase in the expenditures of the Government for the last few years. I beg to call his attention to the finance estimate of 1882, to show the net ordinary expenses of the Government.

Mr. ALLISON. I said nothing about the expenditures of the Government. I made no allusion to the expenditures of the Government. I simply alluded to the amount appropriated this year in the legislative, executive, and judicial bill as compared with former years. I do not care to go into the increase or decrease of the expenditures of the Government. That is a matter I did not touch upon.

Mr. DAVIS, of West Virginia. The Senator very sharply says that he did not go into the expenditures of the Government. I understood him to do so; but accepting what he says, that he did not, I intend to do so for a few moments. I suppose I have that right.

The Senator says that he only referred to the pending bill. Let us see what the legislative appropriation bills have been for the last several years; and I should be glad to have the attention of the chairman of the committee. According to the statement made by the chairman of the Committee on Appropriations of the House, which I referred to previously, the appropriations have gradually increased each year since 1880. In 1880 the bill including deficiencies, because they ought to be added, was $16,000,000 in round numbers. In 1881 it was $17,000,000. There is an increase of $1,000,000. The following year it was $18,000,000, an increase of $1,000,000 for the next year. For the current year, 1883, it is $20,000,000 without deficiencies.

Of course it gradually increases along, and the chairman is mistaken when he says there has not been a gradual increase in this particular bill. The bill under discussion is a quarter of a million dollars in advance of the bill of last year. That indicates a gradual and regular increase. At the same time I said it was possible and even probable that the increase was necessary; but still it is a fact. I understood the chairman to say that I was mistaken in that fact, or I should not have troubled the Senate a second time.

In 1874 the net ordinary expenditures of the Government were $194,000,000. It is unfair generally to take one year alone, because a Congress ought to be taken. Sometimes certain things go over and others do not; but, taking those two years of a Congress, 1873 and 1874, it is $365,000,000. There was a change of political parties in this country, as is well known, in both Houses, in the Senate for two years and in the House for six years, and during the existence of that change there was a reduction gradually for four or five years until 1881, which I believe was the last year that a Democratic Congress appropriated the money, when it was $177,000,000, as against $194,000,000 in 1874. Taking the last two years, there were $346,000,000, against $365,000,000 in the former two years; notwithstanding the growth of the country, notwithstanding the additional expense on account of pensions and other things, it shows in the two last years previous to the change of political parties that there were $365,000,000 expended, and that during the last two years in which the Senate was in control of the opposite party to what it is now it was $346,000,000, showing that there was a decrease of twenty-odd million dollars, notwithstanding the great increase in the country. But as the chairman has said he did not go into this matter I will not go into it further.

I did not rise to object to the increase in this salary of the Public Printer, but simply to call the attention of the Senate to the fact that there were several salaries increased in the bill.

The PRESIDING OFFICER. The Chair understands the amendment increasing the compensation of the Public Printer, in lines 356 and 357, to have been agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 358, to increase the appropriation "for chief clerk of the Government Printing Office" from $2,000 to $2,400.

The amendment was agreed to.

The next amendment was, in line 359, to increase the total appropriation "for compensation of Public Printer and clerks in his office" from $14,000 to $15,300.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," in line 441, before the word "laborers," to strike out "eight" and insert "twelve;" so as to read: "twelve laborers."

The amendment was agreed to.

The next amendment was, in line 443, to increase the total amount of the appropriation for compensation of the Secretary of State, the assistant secretaries, and clerks and employés in his office from $111,030 to $113,670.

The amendment was agreed to.

The next amendment was, to strike out line 554 to line 565, both inclusive, in the following words:

That the deputy first comptroller in the Department of the Treasury shall be, and is, authorized, in the name of the First Comptroller, to countersign all warrants, except accountable warrants, and to sign all other papers in like manner under the direction of the First Comptroller; and in case of the death, resignation, absence, or sickness of the deputy first comptroller, the Secretary of the Treasury may, by an appointment under his hand and official seal, delegate to any officer in the office of the First Comptroller the authority to perform the duties of the deputy first comptroller until a successor is appointed or such absence or sickness shall cease.

Mr. SHERMAN. I hope the Senate will allow that provision to stand, unless it was stricken out for some general reason as being legislative in its character, because I happen to know that it is important to the public service. In order to enable the First Comptroller to discharge important duties in his office he should be relieved from the drudgery of signing warrants not accountable, the little warrants, day by day, usually passed upon by the deputy comptroller. I also learn that recently it has become very difficult indeed for the First Comptroller to have time to pass upon the important questions of accountable warrants, as he is required to devote two hours in the day to signing the smaller warrants passed upon by the accounting officers.

Mr. EDMUNDS. It is clearly legislation.

Mr. SHERMAN. If it is stricken out on that ground, I am stopped from saying anything against it.

Mr. ALLISON. I will state that that was the principal ground. The committee regard the sentiment of the Senate as against inserting provisions of law in appropriation bills. This is a matter that properly belongs to the Committee on Finance.

Mr. SHERMAN. If it is struck out on that ground I am estopped from objecting to the action of the committee, because I have objected to other legislative provisions being inserted; still it is important that it should be in.

Mr. PLUMB. Let me say one word. It would seem to be a general omnium-gatherum clause in regard to these warrants. It would seem to indicate that the entire functions of the First Comptroller are to be deposited with the deputy comptroller and to relieve the First Comptroller from all responsibility in regard to the office, with liberty to disport himself about the country or make law-books, or anything else he chooses, leaving the regular business of the office to be run by practically irresponsible persons.

Mr. SHERMAN. I will tell the Senator that this same law proposed in regard to the Comptroller has been in force for years as to the Secretary of the Treasury. He does not sign any but accountable warrants. He does not sign any warrants except drafts drawn on the Treasury in favor of disbursing officers. There are a multitude of claims passed on in the Treasury Department by the accounting officers that do not come to the Secretary of the Treasury at all. There are passed in the regular course of accounts a multitude of claims in settlement of accounts of disbursing officers which do not come to the Secretary, and there is no legal necessity for their coming to the First Comptroller, because all these accounts have passed already through the office of the First Comp-

troller, and there is no necessity of having him go through the manual labor two hours every day of signing the smaller warrants. But the accountable warrants, on which large sums of money are drawn to be disbursed by the disbursing officers, must pass through the hands and under the eye of the Comptroller. What he says is true, that he can not do both duties, for it is not physically possible sometimes for him to do it. When you bring to his attention the accountable warrants, requiring him to pass upon those and the other duties of his office, it is all that he can do. I believe that is so, but upon the general ground that it is legislation I can not say a word. Upon the other ground, as to its being right, I think the provision is clearly defensible.

Mr. EDMUNDS. We ought to be very careful about changing the responsibility of the First Comptroller, particularly after the Secretary has been relieved from personal responsibility about a very large share of these warrants. Therefore I think it is well to insist upon the amendment recommended by the committee to leave this legislation out and let the Finance Committee at the beginning of the next session arrange a carefully framed law, if any is necessary.

The PRESIDING OFFICER. The question is on striking out the words indicated.

The amendment was agreed to.

SUPPRESSION OF BIGAMY.

Mr. EDMUNDS. I call for the regular order, the morning hour having expired.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order. The Chair will lay before the Senate the unfinished business.

The ACTING SECRETARY. A bill (S. 2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. EDMUNDS. I ask that the bill be laid aside informally in order that we may finish the legislative appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont asks that the pending measure be laid aside informally.

Mr. BECK. I object.

Mr. ALLISON. I hope the Senator from Kentucky will not object.

Mr. BECK. I was brought in under arrest last night, and the farce was kept up for a good while. I want this bill to go through, so that we shall not be troubled about it any more. I can not agree that it shall be laid aside informally.

The PRESIDING OFFICER. The Senator from Kentucky objects. The motion requires unanimous consent.

Mr. EDMUNDS. The Senator from Kentucky I think is mistaken in saying that he was brought in under arrest last night. I agree with him that he ought to have been, but he was not, unfortunately, because the stubborn and factious and unparliamentary opposition of a minority in this body of a minority prevented, under the rulings of the Chair (which were contrary to law, in my opinion), our getting in the absent Senators. Now, Mr. President, I do not object to my friend from Iowa moving to postpone this bill.

Mr. ALLISON. I move to postpone this and all prior orders.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. ALLISON. I move to postpone this and all prior orders and go on with the appropriation bill. I move to postpone the bill until to-morrow.

The PRESIDING OFFICER. The Senator from Iowa moves to postpone the special order until to-morrow.

Mr. EDMUNDS. Before the motion is put I give notice that if I can get the eye of the Chair, and I hope I can, the moment this bill is finished, I shall move to take up the Utah bill again.

Mr. BAYARD. That question of notification of intention has, I believe, no effect on the power of the Senate to take up or not take up as it pleases at the time.

Mr. EDMUNDS. Not the slightest. It is a notice for fair play; that is all.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to postpone the pending bill until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4437) to amend section 1090 of the Revised Statutes of the United States, relating to interest on judgments rendered by the Court of Claims;

A bill (H. R. 7486) to prevent the importation of adulterated and spurious teas;

A bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the joint resolution (S. R. 137) to print certain eulogies delivered in Congress upon the late Benjamin H. Hill.

HOUSE BILLS REFERRED.

The bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 4437) to amend section 1090 of the Revised Statutes of the United States, relating to interest on judgments rendered by the Court of Claims, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7486) to prevent the importation of adulterated and spurious teas was read twice by its title, and referred to the Committee on Commerce.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. Now I move to proceed with the consideration of the legislative appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The reading of the bill was resumed at line 581.

The next amendment of the Committee on Appropriations was, under the head of "Second Auditor," in line 601, after the word "four," to strike out "thirty-seven" and insert "forty;" in line 603, after the word "dollars," to strike out "fifty-two" and insert "fifty-five;" in line 604, after the word "two," to strike out "thirty-four" and insert "thirty-five;" and in line 607, before the word "hundred," to strike out "twenty thousand six" and insert "thirty thousand eight;" so as to make the clause read:

Second Auditor: For Second Auditor, $3,600; deputy auditor, $2,250; six chiefs of division, at $2,000 each; eight clerks of class 4, forty clerks of class 3, additional to one clerk of class 3 as disbursing clerk, $200; fifty-five clerks of class 2, thirty-five clerks of class 1, eight clerks, at $1,000 each; three assistant messengers, and eight laborers; in all, $230,890.

The amendment was agreed to.

The next amendment was, under the head of "Fourth Auditor," in line 629, after the word "each," to strike out "two" and insert "three;" in line 630, after the word "two," to strike out "nine" and insert "ten;" and in line 633, after the word "all," to strike out "sixty-nine" and insert "seventy-two;" so as to make the clause read:

Fourth Auditor: For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of divisions, at $2,000 each; three clerks of class 4; fourteen clerks of class 3; eight clerks of class 2; ten clerks of class 1; three clerks at $1,000 each; five clerks, at $900 each; one assistant messenger, and two laborers; in all, $72,390.

The amendment was agreed to.

The next amendment was, under the head of "Auditor of the Treasury for the Post-Office Department," in line 648, after the word "each," to strike out "fifteen" and insert "sixteen;" in line 650, after the word "dollars," to strike out "sixty-three" and insert "sixty-six;" in line 651, before the word "clerks," to strike out "seventy-four" and insert "seventy-five;" in line 651, after the word "two," to strike out "fifty-six" and insert "fifty-eight;" in line 652, after the word "one," to strike out "thirty-two" and insert "thirty-four;" in line 653, after the word "each," to insert "five clerks at $900 each;" in line 655, after the word "each," to strike out "three" and insert "five;" and after the word "all," in line 657, to strike out "392,510" and insert "410,850;" so as to make the clause read:

Auditor of the Treasury for the Post-Office Department: For the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, $2,250; chief clerk, $2,000; eight chiefs of division, at $2,000 each; sixteen clerks of class 4, and additional to one clerk as disbursing clerk, $200; sixty-six clerks of class 3; seventy-five clerks of class 2; fifty-eight clerks of class 1; thirty-four clerks, at $1,000 each; five clerks, at $900 each; twenty-three female assorters of money-orders, at $900 each; five assistant messengers; twenty laborers; and ten charwomen, at $180 each; in all, $410,850.

The amendment was agreed to.

The next amendment was, in line 704, to increase the allowance of "copyists at $900 each" from "forty" to "sixty" in the office of the Register of the Treasury.

The amendment was agreed to.

The next amendment was, in line 707, to increase the total amount of the appropriation for the office of the Register of the Treasury from $170,110 to $188,110.

The amendment was agreed to.

The next amendment was, under the head of "Life-Saving Service," in line 780, to increase the allowance of clerks of class 2 from "one" to "two."

The amendment was agreed to.

The next amendment was, in line 780, to increase the allowance of clerks of class 1 from "three" to "four."

The amendment was agreed to.

The next amendment was, in line 783, to increase the total amount of the appropriation for the "Office of Life-Saving Service" from $32,880 to $35,480.

The amendment was agreed to.

The next amendment was, under the head of "Commissioner of Internal Revenue," after the word "dollars," in line 849, to strike out:

That from and after the 30th day of June next, 1883, there shall be no more than eighty-two collection districts, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid in the manner heretofore provided by law.

The amendment was agreed to.

The next amendment was, in line 857, after the word "expenses," to insert:

Including traveling expenses of such officers and clerks as shall be detailed for special service by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the fees earned by the gauger during any one month may be averaged so as to include every day in which he is actually employed in gauging, or in the duties connected therewith, or in traveling in the performance of duty.

So as to make the clause read:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, including traveling expenses of such officers and clerks as shall be detailed for special service by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the fees earned by a gauger during any one month may be averaged so as to include every day in which he is actually employed in gauging, or in duties connected therewith, or in traveling in the performance of duty, $2,300,000.

Mr. VANCE. I offer the following amendment to the amendment of the committee. After the word "duty," in line 864, insert:

And the pay of storekeepers at all distilleries of thirty gallons capacity or less production per day shall be $2 per day; and general storekeepers shall be paid only for the time they are actually engaged in the performance of duty.

Mr. ALLISON. I raise the point of order on that.

The PRESIDING OFFICER. The Senator from Iowa raises the point of order.

Mr. ALLISON. It is legislation.

Mr. VANCE. In what respect is it out of order?

The PRESIDING OFFICER. The Senator from Iowa will state his point of order.

Mr. ALLISON. My point of order is that it changes existing law and is legislation.

Mr. VANCE. Does not the committee's amendment change existing law?

Mr. ALLISON. No, sir.

Mr. VANCE. Does the existing law authorize the payment of traveling expenses of "officers and clerks detailed for special service by order of the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury?" Does it authorize "the fees earned by a gauger during any one month" to be so averaged "as to include every day" that he is in the service "or in duties connected therewith?"

The PRESIDING OFFICER. The Chair sustains the point of order. The Chair understands that the ruling repeatedly made in the Senate is that if a committee amendment changes the law it does not warrant a new substantive change of the law by way of amendment to that amendment.

Mr. VANCE. I make the point of order that the committee's amendment, which is not germane to the text at all, changes the law.

Mr. EDMUNDS. I guess that is true, from lines 860 to 864. The first half of the amendment is good.

The PRESIDING OFFICER. The Chair sustains the point of order on the amendment of the committee.

Mr. ALLISON. On all of it?

The PRESIDING OFFICER. It is one substantive amendment. If the Senator confines his point of order——

Mr. VANCE. To the committee's amendment.

Mr. EDMUNDS. It must be sustained as a whole; but the first four lines can be moved separately and would be in order.

The PRESIDING OFFICER. The amendment of the committee is one substantive amendment, which includes a change in the existing law. That amendment as a whole is out of order. The Senator from Iowa can hereafter, when the committee's amendments are concluded, move another amendment, avoiding the objection, if he see fit. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 888, in the appropriations for contingent expenses of the Treasury Department, to increase the item "for purchase of ice" from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, under the head of "office of assistant treasurer at Chicago," in line 952, after the word "each," to strike out "one coin and currency clerk" and insert "two coin, coupon, and currency clerks;" in line 953, after the word "dollars," to insert "each;" in line 956, before the word "watchmen," to strike out "two" and insert "three;" and in line 957, after the word "all," to strike out "19,180" and insert "21,400;" so as to make the clause read:

For assistant treasurer, $4,500; for cashier, $2,500; for paying-teller, $1,800; for book-keeper and receiving-teller, at $1,500 each; two coin, coupon, and currency clerks, at $1,500 each; one assistant book-keeper and two clerks, at $1,200 each; for one messenger, $840; and three watchmen, $720 each; in all, $21,400.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 1062.

Mr. BECK. We are now substantially through the provisions relative to the Treasury Department, and we have shown a great deal of care and some particularity in going into detail in appropriating every dollar of this money. I desire now, not wishing to delay the bill, that the chairman of the committee——

Mr. DAWES. The Senator from Iowa is necessarily out of the Chamber for a few minutes.

Mr. BECK. I beg pardon; but I may as well state what I rose to state. We have inserted a whole paragraph here, occupying eight or ten lines, going into all sorts of detail, providing for washing and hemming towels, for the purchase of awnings, bowls, brooms, brushes, and God knows what all, for the Second Auditor's Office, and we were compelled to make an increase of clerical force in that office, when the proof was laid before us that the Secretary or somebody in charge takes men out of that office, puts them elsewhere, does as he pleases with them; and all this apparent particularity on the part of the committee goes for naught when it comes to administration.

I desire to have the letters read showing how the Second Auditor is treated and how his best men are taken away from him and put somewhere else against his will, and how with all our effort at being very particular no attention is paid to what we do. The country is made to believe and the Senate is made to believe and we are made to believe that this detail is absolutely necessary to enforce accuracy; and yet in the great office of the Second Auditor his force is taken from him and put to other duty or no duty, or whatever may be deemed fit, utterly regardless of our appropriations. If there is any way to stop that I want it done.

The chairman is now here. Is the letter relative to how the force in the Second Auditor's Office has been used here? I should like to have it read for the information of the Senate. It is more important to stop that sort of thing than it is to provide for towels and brushes and the ten thousand little things we seem to be providing for with so much particularity that a person reading this bill would think that a spittoon or a trap or a thermometer or wire and zinc could not be had unless it was appropriated for with wonderful accuracy.

Mr. ALLISON. I have the letter here.

Mr. BECK. I want it read; not that I am complaining of the bill, but I want the Senate to understand it.

Mr. ALLISON. I send the letter to the desk.

The Acting Secretary read as follows:

The comparatively slight progress that has been made toward clearing off accumulated work is chiefly attributable to the repeated demands upon this office for clerks to assist in other bureaus of the Department. Emergencies will continue to rise when the power given to the head of a Department by section 166 of the Revised Statutes to alter the distribution of the clerks allowed by law and detail clerks credited to one bureau for service in another must be exercised. At one time, in consequence of an unusual amount of labor suddenly imposed upon the loan division and Register's Office, no less than sixteen clerks on the pay-rolls of this office were detailed for work elsewhere. At the present time five are so absent, and the average for the last fiscal year was at least five. All these were experienced and efficient clerks, for such are always asked for, and none others taken or received.

While the clerical force was nominally the same, 5,349 more accounts and claims were disposed of than during the preceding year, and the number unsettled diminished by 1,789. The additional work of five efficient and experienced clerks would have largely increased these figures. No bureau of the Department needs more than this the entire force accorded to it by law. Of the 38,440 unsettled accounts and claims, a very large proportion has been pending more than five years. It is not surprising, then, that claimants become importunate and not unfrequently abusive in their correspondence. They are entitled to a settlement, and it is extremely difficult to give a satisfactory reason for the delay. At the present time, so far as I am aware, there is no extraordinary demand upon any of the bureaus of the Treasury Department, and if more clerical force is needed it should be supplied by legislation. The business of this office is pressing. It has never to my knowledge had any assistance from other bureaus; certainly not without according an equivalent by an exchange; and it is fairly entitled to its legal complement of clerks.

The facts herein set forth as to the work performed during the year are sufficiently indicative of the faithfulness and efficiency of the clerical force of the bureau.

Very respectfully,

O. FERRISS, *Auditor.*

Hon. SECRETARY OF THE TREASURY.

Mr. BECK. That is all I desired to call attention to. We have had to increase the force in that office, to make an allowance of $24,000 to employ twenty additional clerks in the Second Auditor's Office rendered necessary by increased work relating to pensions, and yet his force is taken from him and used elsewhere against his will; it seems, too, to the detriment of the service. It looks very much like a burlesque to have things of that sort done when we give these clerks to that Auditor specially to keep up that work, and suppose they are employed there every day, because the work on pensions and other matters seems to be very pressing; and yet in spite of all that they are taken away from him and

put elsewhere and used wherever the Department sees fit. And then in the face of all that look at this paragraph in the bill:

For washing and hemming towels, for the purchase of awnings and fixtures, alcohol, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois-skins, door and window fasteners, dusters, flour, garden and street hose, lace-leather, lye, nails, oil, plants, picks, pitchers, powders, stencil-plates, spittoons, soap, sponge, tacks, traps, thermometers, tools, towels, tumblers, wire, and zinc; and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, and other absolutely necessary articles, $10,000.

That we should be going into all that detail, and putting that solemnly into the legislative bill, and hundreds of other things of a like sort, when the men we employ and assign to special work by the dozen are taken out and diverted from the purpose for which we gave them, requires that I should say that it seems to me we ought to be very particular to see that the work to which the men are assigned is carried on by them. They should not be diverted to other work, while we are made to believe that every little item we put down is applied to that particular purpose. I was about to say it looked like a farce.

Mr. ALLISON. I do not desire to take time. Of course the Secretary of the Treasury, during the year 1881, after our adjournment, was compelled to detail a large number of clerks from different bureaus in his Department to take care of the refunding of the bonds into 3 percents, and it seems that he drew pretty heavily on the Second Auditor's Office, and I am not surprised that the Second Auditor should complain about it, because his business is very far behind. That is all there is in it. Of course we could by law take away from the Secretary of the Treasury the power he has now to say to a clerk employed in one bureau, "You shall be employed in another," but it is not deemed wise, I believe, to do that. Therefore the matter rests as it is. We have now supplied an additional force to the Second Auditor, hoping that we have given him a sufficient force to enable him to bring up the arrearages of work in his office.

Mr. BECK. If they are not taken away from him.

The reading of the bill was resumed at line 1063. The next amendment of the Committee on Appropriations was, in the appropriations for the "assay office at Helena, Montana," in line 1193, to increase the appropriation for "wages of workmen" from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Territory of New Mexico," in line 1270, after the word "namely," to strike out:

For per diem of members and officers of the Legislative Assembly, mileage of members, printing, and incidental expenses, including secretary's office, and $800 for translating bills, laws, and journals of the Legislative Assembly, $21,965:

And insert:

For rent, light, fuel, stationery, incidentals, and pay of messenger, $1,500.

Mr. CONGER. I should like to inquire why that is stricken out in this clause and left in in the provision for other Territories?

Mr. ALLISON. Simply because the law of this Territory does not authorize the Legislature to sit until January, 1885, so that it properly will be appropriated for next year. We appropriate for Legislatures in Territories where the session will be next winter.

Mr. CONGER. Is that different from the other Territories in the matter of annual legislative sessions? I see that for Utah the per diem of members and officers of the Legislature is provided for.

Mr. ALLISON. Their Legislature sits next winter.

Mr. CONGER. For the Territory of Washington I find the same appropriation.

Mr. ALLISON. But it will be observed that there is no Legislature appropriated for in Montana and in several other of our Territories.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for expenses of the Utah Commission, after the word "dollars," in line 1301, to insert:

Provided, That out of this sum the commission is hereby authorized to pay the secretary of the Territory, who is its secretary and disbursing agent, a reasonable sum for such service, not exceeding $600, and a like sum for the fiscal year ending June 30, 1883.

The amendment was agreed to.

The next amendment was, under the head of "War Department," to strike out the following proviso from lines 1352 to 1359, inclusive:

Provided, That the provisions of the act entitled an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, approved August 5, 1882, which authorized the appointment of an Assistant Secretary of War and an Assistant Secretary of the Navy, be, and the same are hereby, repealed.

Mr. GORMAN. I should like to hear from the chairman of the committee some explanation of the reason why this provision should be stricken out. I understand no appointment of an Assistant Secretary of War or Assistant Secretary of the Navy has ever been made under the act of 1882, because those officers are not necessary. The House have inserted a provision to repeal the act creating the offices. I should like to hear why that provision is stricken out.

Mr. ALLISON. We struck it out in the first place because it is legislation; in the second place, we found a letter of the Secretary of the Navy dated as late as the 8th of January in which he stated that he desired the office of Assistant Secretary for that Department retained. We thought we would allow the law to stand, at least till we could inquire into it further. I am aware that neither an assistant to the Secretary of War nor to the Secretary of the Navy has been appointed; but there is no special reason why we should repeal the law, having passed it less than a year ago.

Mr. GORMAN. I should like to ask the chairman of the committee whether it is not a fact that one year ago the offices were created and an appropriation made for them, and both the Secretary of War and the Secretary of the Navy have never filled the offices because they were not necessary. No appointment has been made, as I understand.

Mr. ALLISON. I have not at hand the letter of the Secretary of the Navy, but I remember very well the fact of there having been a letter before the Committee on Appropriations in which he desired the continuance of the appropriation and stated that such an officer was desirable by the Department. I have heard nothing from the Secretary of War on the subject. I do not know why the office has not been filled. I know of no request that it shall be abandoned or abolished. I think no great harm will result from striking out this provision.

Mr. MORGAN. Is there any appropriation for either of these officers?

Mr. ALLISON. There is for the current year; there is not for the next year.

Mr. MORGAN. My inquiry is as to next year; is there any appropriation for them in this bill?

Mr. ALLISON. Not thus far. Of course an appropriation can still be made.

Mr. MORGAN. This would be the appropriate bill?

Mr. ALLISON. This would be the appropriate bill. We do not appropriate for these offices in this bill, but I will say to the Senator from Alabama we did not choose to abolish them by a repeal of the statute passed only eight or nine months ago.

Mr. MORGAN. It is the first time I ever heard of an office being created by Congress and provision made for filling it and an appropriation made that the Government was not willing to have the office filled. We were making overtures entirely unnecessary, it seems, for the accommodation of the Departments. It is so singular a fact that it attracted my attention.

Mr. ALLISON. It is rather a remarkable fact, but these offices were created last year, at the request of the Secretary of War and the Secretary of the Navy, by a clause inserted in one of the appropriation bills; and they have not yet been filled, so far as I have heard. I do not know why, but we thought it was rather early to repeal the statute, at least without a little further information than we are possessed of.

Mr. MORGAN. I am afraid that the House will not appreciate our ruling on the question of order striking out this proviso because it is out of order according to our rules. The House seems to have put it in there, of course we must assume, in accordance with its own rules, and it comes to us as part of the text of the bill, which I think does not necessarily fall under the rules of the Senate.

Mr. ALLISON. The House may have some information on this subject that we could not gather, and they may have some different information from the information we have. Of course this matter is not finished even if we strike it out.

Mr. MORGAN. I suppose the object of the committee was to draw the matter into conference between the two Houses.

Mr. ALLISON. Certainly, that will be the result.

Mr. MORGAN. Of course the bill must go anyhow to a conference committee. I do not know that it can be fixed in any other way.

Mr. GORMAN. As I understand, these two offices were created by a provision on the appropriation bill of last year. The fact is, as we learn from the public prints, that the Secretary of the Navy and the Secretary of War found that the two offices thus created were utterly useless. Now the bill comes from the House abolishing those two offices, neither Secretary having made an appointment, and the Committee on Appropriations of the Senate move to strike out the proviso repealing the act of 1882. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maryland asks for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I want to do just what we should in this matter. I notice that there is no appropriation in the bill as it is now to provide a salary for either of these officers for the coming year, 1884. There is an appropriation for the current year, which has not been used, I take it for granted. If there is good reason for not striking out the proviso, I wish to act with the committee. If there is not, I should vote to strike it out.

Mr. ALLISON. The only information we gathered on this subject was the letter to which I have alluded, a letter from the Secretary of the Navy, in which he urged the importance of the continuance of the office of Assistant Secretary of the Navy. We have had no communication, so far as I know, from the Secretary of War since last year. The Senator from West Virginia knows very well that the Secretary of War was quite urgent then to have an assistant secretary. Now, just why the office has not been filled, I do not understand; and of course if we make no appropriation for it, it will be in abeyance next year; it can not be filled after the 1st of July at least until an appropriation is made. I do not see that it is vastly important to repeal it even on the assumption suggested by the Senator from Maryland that these places

have not been filled and are not likely to be. It may be that in the course of a year or two, or by 1885 at any rate, it may be found necessary to call into exercise this latent power, and the remarkable situation suggested by the Senator from Alabama may not exist after that time. There may be those then in control who would be willing to fill all the offices whether they were necessary or not.

Mr. MORGAN. What is the salary attached to the office at present?

Mr. ALLISON. Three thousand five hundred dollars.

Mr. DAVIS, of West Virginia. My recollection of last year's appropriation bill agrees with that of the chairman of the committee that there was an urgent request for the appointment of assistant secretaries in these two Departments. The committee knowing that all the other Departments had assistant secretaries agreed to allow them, and my recollection is that the committee reduced some officers in each of these Departments or at least cut off one clerk from the force on account of an assistant secretary being given. I do not know the reason why the place has not been filled but I heard a rumor that there had been some difficulty or some question arising as to who should be appointed, that the parties interested could not agree. Probably that is the reason it has not been filled.

Mr. ALLISON. I hope the Senator from Maryland will not press his opposition to the amendment. If this office is not filled according to the law as it stands, no harm will be done. However, I do not wish to waste time. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered. The question is on striking out the clause which has been read.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If I were not paired, I should vote "yea."

Mr. FAIR (when his name was called). I am paired with some Senator; I can not say whom. I shall not vote.

Mr. ALLISON. I think the Senator from Nevada is paired with the Senator from Michigan [Mr. FERRY].

Mr. HOAR (when his name was called). The Senator from Tennessee [Mr. HARRIS] is paired with the present occupant of the chair.

The roll-call was concluded.

Mr. FRYE (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Tennessee [Mr. JACKSON], who is temporarily absent.

Mr. GARLAND (after having voted in the negative). I see the Senator from Vermont [Mr. EDMUNDS] is not in. I withdraw my vote. I would vote "nay" if he were here.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. As I do not know how he would vote, I withhold my vote.

The result was announced—yeas 20, nays 20; as follows:

YEA—20.

Allison,	Hale,	Kellogg,	Morrill,
Anthony,	Harrison,	McDill,	Platt,
Beck,	Hawley,	McMillan,	Plumb,
Blair,	Ingalls,	Miller of Cal.,	Sawyer,
Conger,	Jones of Nevada,	Miller of N. Y.,	Van Wyck.

NAYS—20.

Barrow,	Davis of W. Va.,	Jones of Florida,	Sherman,
Bayard,	Gorman,	Maxey,	Slater,
Brown,	Groome,	Morgan,	Vance,
Call,	Hampton,	Pendleton,	Vest,
Coke,	Jonas,	Ransom,	Voorhees.

ABSENT—36.

Aldrich,	Fair,	Hoar,	Pugh,
Butler,	Farley,	Jackson,	Rollins,
Camden,	Ferry,	Johnston,	Saulsbury,
Cameron of Pa.,	Frye,	Lamar,	Saunders,
Cameron of Wis.,	Garland,	Lapham,	Sewell,
Cockrell,	George,	Logan,	Tabor,
Davis of Ill.,	Grover,	McPherson,	Walker,
Dawes,	Harris,	Mahone,	Williams,
Edmunds,	Hill,	Mitchell,	Windom.

So the amendment was not agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Office of Publication of Records of the Rebellion," in line 1487, after the word "clerks," to strike out "at $1,000 each" and insert "of class 1;" and in line 1496, after the word "all," to strike out "thirty-seven thousand eight" and insert "thirty-eight thousand two;" so as to make the clause read:

Office of Publication of Records of the Rebellion: For one agent, $2,000; two clerks of class 4; two clerks of class 3; one clerk of class 2; two clerks of class 1; fourteen copyists at $900 each; one foreman of printing at $1,600; one pressman, $1,200; five compositors, at $1,000 each; two copy-holders at $900 each; two assistant messengers; two watchmen; and one laborer at $600; in all, $38,280.

The amendment was agreed to.

The next amendment was, after the word "expenses," in line 1514, to insert "including one clerk of class 2, and one assistant messenger;" and in line 1516, after the word "messenger," to strike out "65,000" and insert "60,120;" so as to make the clause read:

For contingent expenses of the office of the Secretary of War and the bureaus, buildings, and offices of the War Department: purchase of professional books, law-books, blank-books, pamphlets, newspapers, maps, furniture, carpets, matting, oil-cloth, file-cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus; telegraphing, freight and express charges; repairs to buildings and furniture; and for other absolutely necessary expenses, including one clerk of class 2, and one assistant messenger, $60,120.

The amendment was agreed to.

The next amendment was, under the head of "State, War, and Navy Department Building," in line 1604, after the word "each," to strike out "one assistant conductor" and insert "two assistant conductors;" in line 1606, after the word "dollars," to insert "each;" and in line 1608, after the word "all," to strike out "eighty-one thousand eight" and insert "eighty-two thousand three;" so as to make the clause read:

Office of the superintendent: One clerk class 1; one chief engineer at $1,200; six assistant engineers at $1,000 each; one captain of the watch, $1,200; two lieutenants of the watch at $840 each; forty-five watchmen; one machinist at $900; one skilled laborer at $720; seventeen firemen; four conductors of the elevator at $720 each; two assistant conductors of the elevator at $600 each; sixteen laborers; one laborer at $600; and fifty-four charwomen at $180 each; in all, $82,300.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1622, before the word "assistant," to strike out "two" and insert "three;" in line 1625, before the word "laborers," to strike out "two" and insert "three;" in line 1626, after the word "board," to strike out "one clerk of class 2, and one laborer (for examining and retiring board);" in line 1629, after the word "all," to strike out "53,490" and insert "52,810;" so as to make the clause read:

For compensation of the Secretary of the Navy, $8,000; for compensation of chief clerk of the Navy Department, $2,500; one disbursing clerk, $2,250; four clerks of class 4; three clerks of class 3; one stenographer at $1,600; two clerks of class 2; six clerks of class 1; four clerks at $1,000 each; telegraph operator at $1,000; one carpenter, $1,000; two messengers; three assistant messengers; one messenger boy at $420; one messenger boy at $240; three laborers; one clerk of class 2, and one laborer (for inspection board); one clerk of class 1, and one assistant messenger (in care of library); in all, $52,810.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Nautical Almanac Office," in line 1653, after the word "each," to insert "two at $1,000 each;" so as to make the clause read:

Nautical Almanac Office: For the following assistants, namely: Three at $1,600 each; two at $1,400 each; three at $1,200 each; two at $1,000 each; one assistant messenger; and one copyist at $480; in all, $14,400.

The amendment was agreed to.

The next amendment was, in line 1668, after the word "hundred," to insert "and sixty;" so as to make the clause read:

For draughtsmen, engravers, copyists, copper-plate printers, printers' apprentices, and laborers in the Hydrographic Office, $52,660.

The amendment was agreed to.

The next amendment was, in line 1698, after the word "two," to insert "one clerk of class 1;" and in line 1699, after the word "all," to strike out "seven thousand nine" and insert "nine thousand one;" so as to make the clause read:

Bureau of Ordnance: For chief clerk, $1,800; draughtsman, $1,800; one clerk of class 3; one clerk of class 2; one clerk of class 1; one assistant messenger; and one laborer; in all, $9,180.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Department of the Interior," in line 1742, to increase the appropriation for compensation of "Assistant Secretary" from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 1746, after "building," to insert "one superintendent of documents, $2,000."

Mr. GORMAN. I raise the point of order on that amendment. It creates a new office. One year ago, when we were considering the appropriations for the Department of the Interior, the distinct understanding was that there would be no increase for offices in that Department.

Mr. ALLISON. I will say to the Senator that it is to conform to the law that we have made this amendment. The law provides for this superintendent of documents, and provides a salary of $2,500 a year, but the committee, instead of allowing the salary which the law fixes for him, simply allows him $2,000. This is in exact conformity with existing law except as to the amount.

Mr. GORMAN. Then I withdraw the point of order.

Mr. ALLISON. This is the designation of the officer in charge of the public documents in the Interior Department by law.

Mr. GORMAN. I was not aware of that. I did not see it in the law of last year.

Mr. ALLISON. It is in the Revised Statutes. I can find it if the Senator desires to see it.

Mr. GORMAN. It is not necessary.

Mr. ALLISON. If it is not in the Statutes I will allow the Senator to make the point hereafter.

Mr. GORMAN. Very well.

The amendment was agreed to.

Mr. ALLISON. If the Senator from Maryland will turn to page 507 of the Revised Statutes he will find the provision for the office of which we spoke just now.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in line 1747, before "clerks," to strike out "seven" and insert "six;" so as to read:

Six clerk, chiefs of division, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 1750, after "four," to strike out "five" and insert "six;" so as to read:

Six clerks of class 3.

The amendment was agreed to.

The next amendment was, in line 1753, after "determine," to insert "one bookkeeper for custodian, $1,200."

The amendment was agreed to,

The next amendment was, in line 1762, after "each," to insert "three copyists and three laborers for distributing the reports of the Tenth Census."

Mr. BECK. I am opposed to that. I do not know that any one will vote with me. We passed some order at the last session, I believe, directing the Department of the Interior to distribute the Tenth Census reports. They could not trust members of the Senate and House with the documents that belong to them, but they desire to do it themselves, and this is the first installment:

Three laborers and three copyists for distributing the reports of the Tenth Census.

If we were allowed to do it we could do it ourselves without any sort of expense to the Government and without any sort of annoyance to ourselves. This is the beginning of a system under which all documents are to go to the Interior Department, and half of them will find their way into the old second-hand book-stores of Washington. I tried on Thursday morning if any of the abstracts of the census were there that I could send off in answer to applications. I sent a messenger requesting an answer Thursday morning. It is now Saturday afternoon and I can not ascertain to-day whether I can get a single copy of the abstract of the census. If it was in our own document-room the moment a letter came to me for it I could send a page at once and get the document. These persons now are to be employed, and no matter what may be said about it the result is going to be that half of our books will be lost in the Department. I do not know whether they will tell what is done with them. The books will go to second-hand book-stores in this town. This is just the beginning of a system to make the Interior Department take charge of all documents that come to members of Congress and the people. I move to strike out the clause.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on the amendment inserting the clause.

Mr. ALLISON. This provision is absolutely necessary, unless the law on the statute-book is not to be enforced. By a law we passed last year we required the Secretary of the Interior to distribute these census documents. He has no means to distribute these documents; he has no clerks at his disposal for that purpose. If we require him to perform this duty we must give him the necessary clerical force in order that he may do it. That is all there is about it. If Senators are not willing to appropriate this money they had better repeal the law they passed last year.

Mr. BECK. I confess that I propose to vote against this as the beginning of a system that I think will be a very bad system. I do not desire to vote, as far as my individual vote will go, to send all the books and documents there; and if that is an indirect way of repealing the law, so much the better.

Mr. ALLISON. But that is no way of repealing the law, because these books will be piled up in the office of the Secretary of the Interior under the law and he will have no means of distributing them as the law requires.

Mr. BECK. I would rather allow them to remain piled up for another year than to have them wasted, as they will be, in my judgment. They are better there than in the second-hand book-stores of Washington.

Mr. ALLISON. This is the law:

That the Compendium of the Tenth Census be printed, and that 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate, 60,000 copies for the use of the House, and 10,000 copies for the use of the Department of the Interior. And in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior; and the Secretary of the Interior shall distribute those ordered for the use of Congress, as follows.

Mr. BECK. To show how much trouble we are having under this already let me state that when the matter was under discussion on last Thursday morning in the committee-room I had then, as I have now, dozens of applications from libraries and the auditor of my own State and others for a copy of the Compendium of the Census. I sent a messenger from the committee-room, a riding page, to the Secretary of the Interior, asking him to tell me whether I had any of these documents there or not, and if I had to please advise me by that page. That letter was delivered. It is now Saturday, and I am yet unadvised, and I suppose will remain unadvised until I have time to go with my hat in hand and beg some clerk to tell me if I have any books there.

Mr. ALLISON. I am perfectly willing, so far as I am concerned, that this law shall be repealed if the Senator thinks it ought to be.

Mr. SHERMAN. We can not do that in this bill.

Mr. ALLISON. Of course not, unless we all agree to it by unanimous consent; but if this law is to stand, certainly some means should be provided whereby it can be executed.

Mr. GORMAN. The fact is that in the Interior Department there is a clerk detailed as superintendent of the document-room, a mere clerk in the Department. At the last session of Congress, when the present occupant of the chair [Mr. HOAR] offered an amendment to an appropriation bill for the distribution of the census, it was the distinct understanding on this side of the Chamber, on my part at least, that that was the extent to which it should go, and that the clerk now performing duty should do it without additional expense; but this appropriation bill makes specific appropriation for a superintendent, then for a bookkeeper, and now for copyists and laborers. You have already a full organization at both ends of the Capitol for the distribution of the documents ordered by Congress. Here is an increase of officers and an increase of salaries, and I make the point of order that this amendment is certainly new legislation.

Mr. ANTHONY. This law was enacted, at the suggestion of the Senator now in the chair [Mr. HOAR], to prevent the duplicate distribution of this document. It was apprehended that the same document might be sent by many Senators and Representatives to the same individual, and in order to prevent that all copies were ordered to be sent to the Interior Department, where if a Senator or Representative ordered one to be sent to a constituent and one of his colleagues had given a similar order, the member giving the second order would be notified that a previous order had been given to be sent to that constituent. Then if he chooses to duplicate he can do so; but it is assumed that gentlemen will not desire to duplicate. Either the law should be repealed or the Interior Department should have authority to carry it into effect. This can not be done without some additional clerical force. I think the experiment is worth trying, although I am not certain of its success; but it is ordered to be tried upon the Compendium of the Census in the Interior and upon the Records of the Rebellion in the War Department. I think we should either repeal the law (which I trust we are not prepared to do) or should give the means of carrying it into effect.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chair is of opinion that the amendment is not liable to the point of order as being new legislation, it being merely a carrying out of existing law. It is not liable to the point of order under the twenty-ninth rule, coming from the Committee on Appropriations itself.

Mr. ALLISON. I did not suppose anybody would make the point of order.

The PRESIDING OFFICER. The Senator from Maryland made the point of order, which the Chair overrules.

Mr. ALLISON. I do not think a point of order lies against it. I want to call the attention of the Senator from Maryland to the fact that this law requires the Secretary of the Interior substantially to keep an account with every Senator and member of Congress, and it necessarily will require a considerable correspondence backward and forward about what I am doing with my documents or what some of my colleagues in the House are doing with similar documents. All this can not be done without clerical force; and it ought to be done promptly by somebody. We have authorized a very large publication of the census report, on the theory that it is of some value to the people; and shall we refuse the small sum necessary to distribute the document among the people? I hope my friend from Kentucky will resort to some more direct method of changing the law than the one he suggests now of defeating this amendment.

Mr. BECK. I confess that because of my opposition to the law I do not propose to vote to give six more employés, "three copyists and three laborers, for distributing the reports of the Tenth Census." I think one person could do it without any trouble, but I do not want it done there at all. I do not know that I can better illustrate the difficulty we have about it than by the fact I have already stated, that I do not know to-day whether there are any of the abstracts of the census in the Interior Department belonging to me. I have no means of knowing; I have no time to go; and when I sent, as I did Thursday morning, a messenger with a polite request to know if I had any, so that I could send them to the governor of my State and the auditor, and requested an answer, "yes" or "no," I could not get that answer, and have not got it now, and I suppose I shall have to go to the Interior Department some day next week, whenever I can find time, just to ascertain that fact.

If the books were here in this building, as they have always been heretofore, I could ascertain in a minute; Amzi Smith could tell me at once. I could put my frank on it and mail it, and if I did not like to trust the mails I could pay for it, as I do with every valuable document, and have it registered. I am satisfied that this thing will not only prove to be a failure but will be a system of annoyance to every Senator and every Representative, and the books will not reach their destination half as well as they do now. This is only the beginning of the transfer of all these books to the Interior Department and a doubling up of officers.

I desire to say once for all that I do not object to many things on this bill that under any decent administration never ought to be here.

Take all these lines from 1559 to 1567, and what do we find? Here is one watchman for Iowa Circle, a circle perhaps twice the size of this Chamber; one watchman for Fourteenth-street Circle.

Mr. ALLISON. I can not allow the Senator from Kentucky to speak thus of Iowa circle. That is one of the largest circles in the city, and one of the most beautiful in the city.

Mr. BECK. No doubt about that; it may be twice as large as this Chamber, and I reckon it is. One watchman is provided for the Fourteenth Street Circle. I know the Fourteenth Street Circle is not larger than this Chamber, and a watchman is there. There is one for Rawlins Square, one for the Washington Circle, one for McPherson and Farragut Squares, one for Stanton Place, one for Armory Square. Here are seven of them. A single line requiring some of the one hundred or one hundred and twenty policemen we have to guard these circles is all that would be done in any other city in the world. That is only a specimen.

I do not propose to try to improve or reform all these things; but I do hope and trust that at the next session of Congress, with a different administration at the other end of the Capitol, there will be many things not in this bill that are in it now, and I do trust this multiplication of officers—six more people to distribute the Tenth Census for us when we can distribute it ourselves and do it twice as well without costing the Government a dollar—will not be continued, for it is a useless expenditure of money; and this is only the beginning of a good deal more.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1769, to increase the total appropriation "for compensation of the Secretary of the Interior, and clerks and employés in his office from $133,130 to $141,110.

The amendment was agreed to.

The next amendment was, in line 1773, before "law," to strike out "two" and insert "three;" in the same line, after "clerks," to insert "one at $2,750;" in line 1776, before "clerks," to strike out "three" and insert "four;" in line 1777, after "each," to insert "one clerk, $1,600;" and in line 1779, after "all," to strike out "12,300" and insert "18,700;" so as to make the clause read:

Office of Assistant Attorney-General:
For three law clerks, one at $2,750, one at $2,500, and one at $2,250; four clerks at $2,000 each; one clerk, $1,600; one clerk, who shall act as stenographer, at $1,600; in all, $18,700.

The amendment was agreed to.

The reading of the bill was resumed to the word "dollars," in line 1783, as follows:

General Land Office:
For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000.

Mr. MORGAN. After the word "thousand," in line 1783, where it first occurs, I move to insert "250;" so as to read $2,250 for the chief clerk.

The PRESIDING OFFICER. The Chair would inform the Senator from Alabama that that amendment would regularly come in after the committee amendments are disposed of unless the Senate prefer to deal with it now.

Mr. MORGAN. I was not aware we had adopted that order of proceeding.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1788, to strike out "thirty-two" and insert "thirty-four;" so as to read:

General Land Office:
For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000; law clerk, $2,000; recorder, $2,000; three inspectors of surveyors-general and district land offices, to be appointed by the Secretary of the Interior, at $2,000 each; three principal clerks, at $1,800 each; thirty-four clerks of class 4.

Mr. PLUMB. I think for the purpose of making the amendment which the Senator from Alabama has already proposed at a later period, as it should be, he will want to modify this amendment of the committee.

Mr. MORGAN. Yes; but the whole subject will be open in the Senate, as I understand.

Mr. PLUMB. But, as I understand, if we adopt this amendment of the committee it can not be amended afterward.

Mr. MORGAN. Not in committee.

Mr. ALLISON. What does the Senator from Alabama propose?

Mr. MORGAN. I desire to make three amendments here. The first one I have suggested is to raise the salary of the chief clerk $250. I then wish, on lines 1786, 1787, and 1788, to amend by increasing the number of principal clerks to twelve, being an addition of nine. The object I have is to get one principal clerk at the head of each of the divisions of the Land Office. Then I propose to strike out "thirty-four" and substitute "twenty-five" in the next class, class 4. The effect will be to take nine clerks from class 4 and raise them to principal clerks, so that we may have a head for each of the divisions in the bureau of the General Land Office. If the Senate is willing to have these amendments considered now, I shall be very glad.

The PRESIDING OFFICER. Is there objection to the consideration of the amendments proposed by the Senator from Alabama at the present time?

Mr. ALLISON. I think the Senator from Alabama had better wait until we finish the amendments suggested by the committee.

Mr. MORGAN. The difficulty is that if you go on and adopt the amendments suggested by the committee, then I have to wait until we get into the Senate before I can move these amendments.

Mr. ALLISON. I am willing to pass over the amendments between lines 1781 and 1788.

Mr. MORGAN. I would be glad if the Senator would. That will give us an opportunity to prepare the amendments.

The PRESIDING OFFICER. That part of the bill will be passed over.

The next amendment of the Committee on Appropriations was stated to be in line 1788, to strike out "forty-three" and insert "forty-nine;" so as to read:

Forty-nine clerks of class 3.

Mr. PLUMB. I should like to make a suggestion to the Senator from Iowa. There is a very large increase in this paragraph, an increase which I believe to be wholly necessary, absolutely required by the condition of the public business, which can not wait; but I would suggest to him whether or not for the purpose which the committee had in view in recommending this large increase of clerical force, and in view of what was said on the subject from somewhat authoritative sources, it would not be better to add to the lower grades of clerks and not so much to the higher grades.

I agree entirely with the Senator from Alabama that while all the other Departments of this Government have had their divisions and chiefs of divisions and chief clerks and increases of salaries, the General Land Office has remained at a stand-still for now more than forty years. While under the plea of greater business and greater expenses of living and so on from time to time we have put up the salaries of chief clerks and made new divisions and increased the salaries of the officers at the head of old divisions in the Treasury Department, the War Department, and all the other Departments of the Government, the Land Office has received no consideration of this kind. I believe that as a matter of dignity, as a matter of justice in regard to quality of service performed, the motion of the Senator from Alabama as indicated ought to be carried; but I suggest to the Senator from Iowa that there would be greater money compensation in the way of efficiency, in the accomplishment of the work we all know ought to be accomplished, by putting more of these clerks in the lower grades. I am re-enforced in my belief on that point by a statement made to me by the Commissioner of the General Land Office this morning of the fact that the gross sum which the committee proposes to give at the close of this paragraph to the Secretary for the purpose of bringing up the work of this office will accomplish 25 per cent. more result than would the distribution of that sum in the shape of the payment of clerks of different classifications already existing. That results from the fact that there is always a large number of persons well qualified seeking employment here at Washington who work more zealously as their employment is more indefinite and liable to be terminated at any moment, who are more desirous a great deal of exhibiting their qualities of efficiency and commending themselves to their chief, than those are who are provided for in that kind of way which they come to regard as putting them beyond the control both of their superiors and of Congress, because it so happens by reason of the civil-service-reform principle prevailing in this Government now, combined with the backing, so to speak, which every clerk has on the part of some person who solicits his appointment or is interested in having him retained in his position, except for some flagrant disobedience of orders, something more than ordinarily flagrant inefficiency or insubordination, that no clerk can be discharged. And so the perfunctory round of duties is from time to time performed with, instead of increasing efficiency growing out of long service, a diminished efficiency.

The Land Office, in common with all the other offices of this Government, needs not men who are going there with a permanent tenure, but men who go in under the spur of necessity, pecuniary necessity, and the necessity to perform accurately and sensibly the duties of that calling as an inducement to further employment; and the temporary clerks whom we shall employ under this provision will do more work, and more satisfactory work, in bringing up the delinquent business of this office, 25 per cent. at least more than an equal number of the men who are already in. I suggest to the Senator from Iowa whether we can not adjust that force in such a way as to give the persons at the head of divisions, and who are necessarily invested with considerable responsibility, that which is fairly their due by comparison with what is given to others, and at the same time not make that an increase of absolute expense in the administration of the duties of this office by making the increase of stated clerks less in the higher grades and greater in the lower grades.

Mr. ALLISON. The Committee on Appropriations considered this question with some care. There has been a pressure for two or three years constantly upon the committee to make an increase in the force of the General Land Office, and in making the distribution of the force

that we have made in this bill we have followed the recommendation of the Commissioner of the General Land Office and the Secretary of the Interior. The Secretary of the Interior, in his interview with the committee on this subject, requested higher grades of clerks rather than lower, upon the idea that this adjustment in the Land Office required very largely a force familiar with the statutes and with the current decisions of the Land-Office itself for a series of years. In other words, they must have discriminating intellects, and not mere copyists. So in making up the bill we followed precisely the suggestions of the Commissioner of the General Land Office, as indicated in his report and in the Book of Estimates. We did provide, as the Senator from Kansas suggests, a fund of $50,000, to be used by the Secretary of the Interior in his discretion. The object of that was not to create a force here which would be permanent, but a force that would only last for the present year; a temporary force, in other words, to bring up this work; but the force we provide for in the body of the bill will, in all probability, be a continuous and permanent force, and I think it ought to be a force of sufficient intelligence and knowledge of the subjects investigated in the Land Office to require better compensation than a thousand or twelve hundred dollars a year.

The same rule suggested by the Senator from Kansas as applied to all the Departments would merely require us to bring in, instead of this bill in detail, a bill providing that the Secretary of the Treasury should have $2,000,000 to carry on the work of that Department, and the Secretary of the Interior so much, and so on. It is for the purpose of confining and narrowing the limits of the discretion of these departmental officers that we report for clerical force as we do, so much in detail. The rule is to report in detail, and we have only reported a gross sum in exceptional instances in a few cases.

While it may be true that the Commissioner of the General Land Office is of the opinion that he can more economically use $50,000 in the way provided for here than if we specified the grade and compensation of employés, we fail to appropriate specifically because he believes he can handle this fund better than Congress can for him. I do not know but it may be so; but that is not the theory upon which we are appropriating money.

Mr. PLUMB. With my usual lack of facility when I make extended remarks, I had the misfortune of being entirely misunderstood. The Senator from Iowa understood me as suggesting that we should put more into this gross sum.

Mr. ALLISON. No, I did not so understand the Senator.

Mr. PLUMB. Well, I simply suggested that we should make less of the higher class of clerks and more of the lower class; as, for instance, that we should make less of class 4 and more of class 3, and less of class 3 and more of class 2, proportionately, and more of class 1, and so on.

Mr. ALLISON. Have we not appropriated in this bill as the Secretary of the Interior and the Commissioner of the General Land Office recommended us to do?

Mr. PLUMB. Undoubtedly.

Mr. ALLISON. They ought to know their necessities.

Mr. PLUMB. Of course, if that is to be the guide, if that is to be regarded as beyond appeal, then of course we ought to appropriate a very much larger sum than we have appropriated in every Department; we ought to add clerks in every single division of the Government, because there is not one, I believe, in which an increase has not been asked for.

I want to say in regard to this matter now while it is under consideration, without the purpose of affecting in any way the amendment pending, that my own belief is that we have got too many clerks in high grades. We have got too many subordinates upon whom responsibility is devolved, leaving too little responsibility upon the heads of bureaus and divisions, because by the adjustment of salaries and the consequent adjustment of responsibility, which comes internally, that responsibility which ought to be focused upon a single head at a single point and place is scattered throughout an entire division. We ought to have more clerks and fewer heads of divisions. We could get along, in my judgment, with a very much less sum of money than we do if we were to adjust these salaries upon a wholly different basis, while, at the same time transacting the public business with full as much efficiency.

I do not believe in depositing unnecessary discretion with the heads of Departments or of divisions. Some little will be necessary, inevitably; but I do believe that in this constant increase of salaries, increase of heads of divisions, withdrawing in place of concentrating responsibility, we are not only expending a larger sum of money than we need to expend every year, but that it does not tend to the proper administration of the business of this Government. There is no place in the Treasury or elsewhere where you can fix the responsibility for any particular act or for a series of acts on any particular person. It is scattered and divided here and there and everywhere in such a way that the responsibility of the head of the bureau is actually lost; and this does not tend, as I think, to the dispatch of business.

Every year, of course, we are beset by propositions to increase salaries; but we never cut anybody's salary down, we never dispense with the service of anybody. If a person is once billeted upon the Government he continues there, or after the office is once created it always continues. By designating these clerks, by constantly increasing their salaries, we increase in that ratio the things which from time to time we are compelled to do to keep them up. I believe myself that we are paying 25 per cent. more salaries in this bill than we ought to pay. I believe we are paying that per cent. by reason of the fact that we are paying more for services than we ought to pay, and we are paying more people than we ought to pay. Then if we could run a plow-share through some of these incrusted divisions, put in some new people, stop this round of perfunctory duties that has gone on from time to time until it has become so well and thoroughly understood that the duty of to-day is the duty of yesterday, and the duty of to-day is also the duty of to-morrow, with nothing to disturb its uniformity and to some extent its uselessness, we should have a better administration of the affairs of this Government at Washington in the various Departments, accompanied by very large economy.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1789, before "clerks," to strike out "fifty-four" and insert "sixty;" so as to read:

Sixty clerks of class 2.

Mr. PLUMB. I wish to ask if the amendment in line 1788 was adopted?

The PRESIDING OFFICER. The Chair understands that the lines down to the words "class three," in line 1789, have been passed over, and the amendment just adopted was a substitution of "sixty" for "fifty-four."

Mr. MORGAN. Class 4, in line 1788, was to be passed over. That was the understanding.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1790, before "clerks," to strike out "fifty-five" and insert "sixty-one;" so as to read:

Sixty-one clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 1789, before "clerks," to strike out "fifty-four" and insert "sixty;" so as to read:

Sixty clerks of class 2.

Mr. EDMUNDS. I should be glad to be informed by the committee how it is that while one member of the committee is stating to us without reply that we have too many clerks already, the committee propose to increase the whole body of clerks in one bureau, the Land Office, by more than twenty—I have not counted up the actual figures—and then give $50,000 as a general fund for discretionary purposes for clerk-hire besides? What does it mean, if the Senator from Kansas is right in his idea that there is too much force now?

Mr. PLUMB. That illustrates what I said a moment ago, as to my lack of facility in either being understood or expressing myself in the ordinary way. I did not say in this bureau. I prefaced what I had to say by saying that in this bureau the work was greatly behind. I believe in this bureau—and I am authorized by the head of it to say so—that more business ought to be done with the force now in hand. I talked with him on the subject this morning. He authorized me to say that more business ought to be done by the force in hand.

Mr. EDMUNDS. Why does he not do it?

Mr. PLUMB. The answer is simply this: He says that as the business in hand now being done by the force in the office has been increased at least 25 per cent. during the past twelve months, it is not a thing that can be done at once. It is done in various ways. In the first place, during the session of Congress there is a large amount of correspondence to be attended to. There has been a habit when a letter was written to the Department, to refer it as it necessarily must be referred to some clerk to answer it, and in writing the answer a letter is got up, containing an exposition of the general land laws, or something of the kind, making one, two, three, four, five, or sometimes ten pages, each page having to be thoroughly revised and then copied before it goes to the Commissioner. That has been largely stopped as a thing entirely unnecessary. In addition to that various other habits of practice dealing with the transaction of public business have been practically overcome, but all of them can not be overcome at once.

In addition to that, during this time while the force has not been increased in that Department the business has been enormously increased. The Senator from Iowa has, I think, as chairman of the committee, in his possession a letter from the Commissioner of the General Land Office showing the belated condition of business in that particular bureau.

What I did say, and what I repeat, and what I have the authority of one Cabinet minister at least for saying, is that as a general rule and as a rule applicable to all Departments, regarding them in gross, the business of the Government could be conducted with a good deal less force if it were organized, unified, and vivified as the force of a private establishment is and ought to be.

Mr. EDMUNDS. If that be so, why then do we not stop increasing this force that at present does not do its whole duty, and devote ourselves to unifying, vivifying, and organizing these Departments? How does it happen that we are silent upon the subject for the whole length of a long session and the whole length of a short session until we get to an appropriation bill on which we are going, as we go in general, appar-

ently in exactly the opposite direction to that which we should take? It seems to me that is rather extraordinary legislation. For one I do not wish to be responsible for it on this explanation.

Mr. ALLISON. I will ask the Secretary to read what I send to the desk from page 5 of Executive Document No. 39, Forty-seventh Congress, second session, being a letter of the Commissioner of the General Land Office in response to a resolution of the Senate, in which the Commissioner states briefly the difficulties in his office.

The Principal Legislative Clerk read as follows:

There are about 2,000 contested homestead cases now pending besides those in conflict with Congressional grants. There are also 20,000 final homestead cases in which the proof is yet to be examined, and 34,000 private cash and other final entries awaiting adjudication. In addition there are 75,000 timber-culture entries and over 200,000 original homestead cases on file in the public lands division.

In the railroad division there are about 6,000 pending settlement claims, all of which are to be decided in connection with the adjustment of railroad grants.

In the pre-emption division there are 12,000 cases awaiting final action, and there are in addition a large number, probably between 200,000 and 300,000, subsisting pre-emption claims of record upon which final proof is liable to be at any time offered.

In the mineral, swamp land, private land claim, and other divisions of the office there are large accumulations of cases awaiting disposal. It is my judgment that if the entire force of the office should be devoted to bringing up the work in arrears in cases now ready for final action it would require a year and a half to accomplish this result.

New work is also coming into the office more rapidly than the old can be dispatched. This is all work that must be done some time, and it is economy, as well as a great advantage to parties interested, that it should be done speedily.

The needs of this office are for additional clerical force, especially of the higher grades, and for additional office-room. These needs are pressing and imperative if the public business is to be transacted with any reasonable degree of promptitude, accuracy, or intelligence. It is simply impossible for men not learned in the law nor trained in the application of legal principles to the multiform questions relative to land titles that arise in this office to decide cases requiring for their consideration profound research and exhaustive knowledge of laws, rulings, and decisions, however competent they may be to pass a satisfactory examination in the rudiments of a common or classical education.

It is equally impossible for decisions to be unnaturally forced under the pressure of work in arrears without endangering private rights and imperiling the interests of the Government.

Mr. ALLISON. The substance of the statement of the Commissioner of the General Land Office is that if the entire force at his disposition were to be engaged in bringing up the arrears of work it would take one year and a half to do it; and another statement is that the present force in his office is not sufficient to keep up with the current work of the office. Now, it is perfectly manifest that unless we intend to abandon all the great interests that arise out of our public lands, we must, in the face of this statement of the Secretary of the Interior and the Commissioner of the General Land Office, furnish them additional force for the purpose of carrying on their work. That is all there is of it, and the Committee on Appropriations have endeavored to meet this demand and have reported this increase of the clerical force of the Land Office for that purpose.

Mr. EDMUNDS. The Committee on Appropriations has undoubtedly devoted all the time it was capable of devoting to the investigation of this question, but as it has similar questions in all Departments of the Government, and every other question, of course it has not been able to have these gentlemen before it and cross-examine them and scan and criticise the establishment, and call up the heads of the bureaus to know what they are about, how long they have been about it, how many hours they work a day, whether capable people are employed and are compelled to attend to their duties, and so on. We only get the printed and *ex parte*, and undoubtedly intended to be candid statement of this gentleman about what he thinks the state of his office is, but if it were a matter of private business which was in charge of the members of the Committee on Appropriations or any other committee, before there was this very considerable increase and this large sum of money left to the discretion of these agents, there would be an exhaustive examination and investigation, with the men before them, so that every aspect of the affair could be perfectly understood. What that involves, of course is what it is quite impossible for the Committee on Appropriations, at the time that these bills come here, to do. What this office needs, and a good many other offices, I take it, in this Government, is a careful scrutiny when there is time enough to scrutinize, by the committee charged with that particular branch of the public service or some other committee, so that the errors and inefficiencies that the Senator from Kansas speaks of in the present force that does not do what it ought to do may be corrected and the thing established upon a basis where the public service will get the benefit of the money that it pays and public business will go on.

I hope my friend will not understand me as blaming the Committee on Appropriations at all. I do not; but I only speak of the misfortune of our being left at the end of a Congress to give a large increase of force without any inspection and examination and scrutiny, such as ought to be made, when at the same time some gentlemen who know about it say that the force we already have does not do anywhere up to what it ought to do.

Mr. ALLISON. Mr. President, one word only in response to what the Senator from Vermont suggests. As a matter of course the Committee on Appropriations can not make that detailed and absolute investigation of every bureau and every Department of the Government which would enable it on its own responsibility to say exactly what measure of service each particular clerk performs, but so far from our not making diligent inquiry about the matter in hand we had the Secretary of the Interior, the responsible officer of the Department, before the Committee on Appropriations for three successive mornings, and we went over the bill with reference to his force in detail. We inquired of him, perhaps not with as much particularity as the Senator from Vermont would have done, but we inquired of him with reference to the force in the Land Office, the character of the force, the sufficiency, the number of hours they work, and so on, and he stated to us that probably about 3 or 4 per cent. of the force was an inefficient force, and he gave us the reason why. I shall not go into that, but we went into that detail.

In addition to that, a committee of the Senate last year made a thorough investigation of the General Land Office. I think my friend from Alabama [Mr. MORGAN] was a member of that committee. They went over the Land Office with great particularity with reference to its clerical force and its needs. When the appropriation bill was up last year I remember having quite a prolonged struggle with my friend from Alabama in reference to what we ought to do for the Land Office. It has been a subject of inquiry in the Committee on Appropriations for three or four years, and has been pressed upon us from year to year, and finally this year the accumulations are so rapid and so great that it seemed necessary that something should be done at once. Last year the business of the General Land Office was nearly double what it was eight years ago, or six years ago. It has increased beyond any other department of the Government with reference to mineral lands, with reference to agricultural lands, timber lands, swamp lands, and every division of the public-land service. We believe that this force is necessary, and I leave it for the Senate now to decide the question.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. EDMUNDS. Is it intended that this $50,000 to be expended in the discretion of the Secretary of the Interior shall authorize him to appoint people without examination and inspection by the Civil-Service Commission that we established with such a large flourish of trumpets a little while ago?

Mr. ALLISON. I suppose not. I suppose these appointees will come clearly under the wise and salutary provisions of the civil-service act.

Mr. EDMUNDS. I wish I could see that as plainly as my friend does. It looks to me, as an humble observer, and not knowing much about law, as if here were $50,000, which will pay for forty clerks' salaries for one year at the salary of first-class clerks of $1,200, in round numbers—I may not state the number exactly right——

Mr. ALLISON. About that.

Mr. EDMUNDS. If my friend from Iowa and I should appear before the Civil Service Commission on the 2d day of July, when the act goes into force, and should find that my friend from Alabama [Mr. MORGAN] should outfoot us on an examination with reference to our capacity to work in that particular office (for that is what the law we have passed requires, not mere scholasticism, but capacity to do the thing that the Government wants), my friend from Alabama beats us on that, as he naturally would. Thereupon we turn around through what is called "influence," and through our friends get the Secretary of the Interior to appoint us to a first-class clerkship, notwithstanding, under this discretionary authority of the use and application of which he is to be the sole judge. If that is not meant then I think we had better make it pretty clear. If it is meant we had better understand it.

Mr. ALLISON. If the Senator will suggest an appropriate phrase to make that perfectly clear I shall cheerfully act with him. This clerical force is to be employed in Washington, it is to be under the control of one of the heads of the Departments here. It stands with reference to the law just as any other force in the Departments stands, except that the Secretary of the Interior can use all this money for fourth-class clerks, all of it for third-class clerks, or all of it for second-class or first-class clerks. We do not confine him to the particular class of clerks that he shall employ, but he must take one of the classes known to our law, either first, second, third, or fourth class, or $1,000 clerks, and they all come within the range and purview of the civil-service law.

Mr. MORGAN. Mr. President——

Mr. PLUMB. I suggest to the Senator from Vermont there is no more necessity of attaching that condition to the expenditure of this money than there is to every other paragraph.

The PRESIDING OFFICER. The Chair recognized the Senator from Alabama [Mr. MORGAN]. Does he yield?

Mr. MORGAN. I should like to add to what the chairman of the committee has said.

Mr. PLUMB. Let me complete my statement. There is no more necessity for applying a condition to correspond with this paragraph than any other paragraph in the bill appropriating money for clerk-hire.

Mr. MORGAN. I wish to add to what the chairman has said about the investigation at the Land Office, that that investigation was very carefully and thoroughly made. The chiefs of division and the chief clerk of the office were all put under oath, so that the examination might be verified in the best way that the committee could possibly do it. We also made a personal examination of the officers of the different divisions.

We found the Land Office in what I call a very deplorable condition, for the want of room, for the want of ventilation, for the want of sufficient clerical force. The organization of the Land Office appeared to be very good. I was very much surprised and agreeably so to find that the chiefs of divisions, the principal clerks who had charge of every variety of land question that could come up in that great department, seemed to be very well informed in respect of their duties, though some of them were non-professional men. Some of them were physicians. They were very well informed; and I must do them the justice to say that our examination convinced the committee that there was more work performed in that office out of hours, more extraordinary work performed in the Land Office than in any other office in the Government of the United States. It is not an infrequent thing for the men to go there at night and on Sunday to work up during the sessions of Congress to the requirements that are made on the Land Office for information.

Another thing must be remembered. The agricultural classes, after they have entered their homesteads, send their papers forward, and where there is some intervention or controversy become impatient to get their titles. They generally attach a great deal of importance to having a patent. The delay which has been necessary for the want of clerical force to clean out the 250,000 cases, for instance, that are undisposed of in the public lands division leads to an accumulation of correspondence. A man, instead of writing one letter about his case, will write three, four, or five; they have to be answered; and that is one of the reasons why the current business has accumulated so rapidly.

The disposal of the public lands is going on with a rapidity that is not only astonishing but alarming to me. We are getting rid of our public domain at a rate that will soon leave us without any resources of that kind, and without anything for our own posterity in the way of donations of public land to them. However, that is a subject I need not refer to now, except to show the necessity that has come upon the Department for having an increase of force. There can not be any doubt about it; there is great embarrassment for the want of room. At the same time the public business can not be detained waiting for the building of houses. We must go on and do the best we can, and the best thing we can do now is to increase the clerical force.

I think it will be found that this appropriation of $50,000 left to the discretionary use of the Secretary of the Interior will be about the most useful part of this appropriation bill, so far as improvements are concerned. He can put it precisely where it is needed to relieve the pressure, to relieve the clog that is now upon the Bureau, and can put us in an attitude whereby, with some re-arrangement of the organization perhaps of the bureau and a small additional force, we can get this business ahead.

Mr. Commissioner McFarland, I think, is a pretty severe man at the head of the bureau. I think he is an exacting man. He requires perhaps as much of the employés and officers under him as any other man in the service of the Government of the United States. I know personally that he is extremely exacting in respect of the full and diligent use of the time of the different clerks and employés of that bureau; and when he says that perhaps some additional labor might be performed by those persons that must be received as a statement of a man who is very exacting. I do not blame him for it, but at the same time he has less cause for being so than perhaps any other bureau officer of the Government, for I believe he has as faithful a force under him as can be found in any of the Departments.

Mr. EDMUNDS. The Senator from Kansas [Mr. PLUMB] says that he does not see why this force is not just as much subject to the civil-service law as the clerks named above it are. I think I do, with great respect to him. The clerks named above it are named as clerks of certain classes and in the regular classifications of the law, to which the civil-service law clearly applies. Then comes this additional provision for increasing the regular force, and this $50,000 is employed for clerical force, without describing it by clerks and classes, for the purpose of disposing of this accumulated work and to be expended under the direction of the Secretary of the Interior for that purpose. I am very much afraid that the legal effect and intendment of that is that this sum of money is put entirely at the discretion of the Secretary of the Interior, a very discreet man undoubtedly, to be employed in such a way as he pleases, in employing you or me or anybody else that he may choose to select of his own free will and pleasure according to his estimate of the best way of employing it, without any competition and without any reference to the provision that we have made in regard to carrying on the clerical work of the Government in this city.

To guard against that, as the committee say they do not mean it, I I move to amend the amendment of the committee by inserting after the word "force," in line 1798, the words "to be employed only in accordance with the provisions of the act of Congress passed January 16, 1883, entitled 'an act to regulate and improve the civil service of the United States.'"

Mr. ALLISON. I suggest to my friend a modification of the amendment. I do it with great deference, of course. I suggest that he simply say, after the word "force," "of the classes now authorized by law."

Mr. EDMUNDS. I do not think that would help it when you come to the discretionary power of the Secretary of the Interior. What I want to do is to have the Senate decide flatly one way or the other, so that there can not be any mistake about it hereafter, whether the Secretary of the Interior is authorized to appoint these people without reference to the civil-service act, or whether he is not. If he is, I want to use language so that there can be no mistake about it.

Mr. ALLISON. I am perfectly willing to adopt the language suggested by the Senator from Vermont. I will say to him that it never occurred to me that anything else was possible.

Mr. PLUMB. Let me say in regard to that matter, there is one thing the Senator from Vermont ought to see. Of course he is a civil-service reformer, as I understand, and has made up his mind that this increased force shall be goverened by the rules laid down in the civil-service act. Of course that is the end of it. But this is in its very essence to be a temporary force. It is designed so to be. It is not designed to billet anybody on the Government. It therefore does not come within the fair purview and intent of the civil-service act, although, as I believe, if the Secretary of the Interior has occasion to employ a person for a year of the classes named in the bill at $1,000 he would undoubtedly have to employ him according to the terms imposed by the civil-service act.

Mr. MORGAN. He always does that.

Mr. PLUMB. He always does that, as the Senator from Alabama says. Notwithstanding that, he would employ in this case undoubtedly men for three months, men for six months; and the idea of requiring the expense of an examination and the time and paraphernalia and performance that would be gone through with in order to get men into the service for three months would, it seems to me, be saving at the spigot and losing at the bung, if I may use that expression.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. The Senate has not yet reached the clause which the Senator from Vermont proposes to amend. There are two or three amendments preceding it not yet disposed of.

Mr. EDMUNDS. I beg pardon of the Chair.

Mr. CALL. Since the discussion has proceeded on this proposition I wish to say a word in regard to it.

The PRESIDING OFFICER. The Chair informs the Senator from Florida that the amendment of the Senator from Vermont is not yet pending. There are two or three prior amendments.

Mr. CALL. I thought it had been discussed for half an hour here.

The PRESIDING OFFICER. It has been discussed, and the Senator may proceed if he desires.

Mr. CALL. I shall not occupy the time of the Senate at any length. When I came to the Senate I received a number of applications from people living in Florida for their patents, which they requested me to urge upon the Department the immediate issue of for agricultural and other lands entered by them. Many of these cases had been pending for five and ten years, and some of them for a longer period of time. Within the last two months I have had occasion to call the attention of the Commissioner of the General Land Office to the very cases which when I first came here, nearly four years ago, I brought to the attention of the Department. The reply to me was, and in a great many cases which have occurred the reply has been the same, that the Department has not had the clerical force; they are overworked. In the land office in Florida the same objection has been made. The entries are not completed, the certificates of the land can not be obtained; persons who have complied with the law are not able to dispose of their lands. Others who wish to make valuable improvements upon their land are deterred from doing so, and there is a general complaint throughout the whole of that portion of the country on account of the delay in the Land Office.

The amendment of the Senator from Vermont preventing the Secretary of the Interior from immediately employing this force in remedying these defects will effectually destroy it. If they are to wait one, two, or four months for the machinery of the civil-service act to be perfected and examinations to be completed, certainly at least that much delay will occur. I hope, therefore, that the amendment will not be adopted.

The PRESIDING OFFICER. The Secretary will read the prior amendments.

The amendment of the Committee on Appropriations in order was stated to be, in line 1788, before "clerks," to strike out "thirty-two" and insert "thirty-four;" in the same line, after "four," to strike out "forty-three" and insert "forty-nine;" in line 1789, before "clerks," to strike out "fifty-four" and insert "sixty;" in line 1790, before "clerks," to strike out "fifty-five" and insert "sixty-one;" in line 1791, before "clerks," to strike out "twenty-seven" and to insert "thirty;" in line 1792, before "copyists," to strike "fifty-four" and insert "fifty-nine;" and after "all," in line 1794, to strike out "383,000" and insert "419,300;" so as to read:

Forty-nine clerks of class 3; sixty clerks of class 2; sixty-one clerks of class 1; thirty clerks at $1,000 each; and fifty-nine copyists at $900 each; eight assistant messengers; twelve laborers; and six packers at $720 each; in all, $419,300.

The amendment was agreed to.

The next amendment was, after "dollars," in line 1796, to insert:

And the sum of $50,000 is hereby appropriated for clerical force for the sole purpose of disposing of the accumulated work in the General Land Office, to be expended under the direction of the Secretary of the Interior for that purpose.

Mr. EDMUNDS. I now move the amendment I indicated. After the word "force," in line 1798, I move to insert:

To be employed only in accordance with the provisions of the act of Congress passed January 16, 1883, entitled "An act to regulate and improve the civil service of the United States."

Mr. PLUMB. I hope that will not be adopted. That would require the Secretary of the Interior to classify the clerks at $1,200 and upward. He may employ them at $1,000. It will cost the Government at least 10 per cent. of the entire sum simply to carry out the notion of having it made in accordance with the civil-service act.

Mr. CALL. I raise the point of order on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is not well taken. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. Now, I wish to reply to the Senator from Kansas, who says this will embarrass the thing because the civil-service provision requires classification by salaries. I think the Senator is mistaken. The civil-service act says nothing about salaries, but it says the clerical force employed in the Departments at Washington shall be selected through the test of their fitness for their places which the act prescribes, and according to the population of the various States.

Mr. BECK. Mr. President, I think there is one objection to bringing a temporary force of the character here proposed under the civil-service law. There are provisions made in that act to have all the appointments equalized among the States as nearly as may be, and there is a great deal of machinery of that sort which can not very well be applied to a temporary force.

The idea we have in our minds (at least the idea I had in committee) is that the work is so far behind that patents and other things can not be issued, and the Secretary of the Interior should have in the promptest possible way the right to pick up the most available people in the shortest time that he could, to use in bringing the work up, and this money is given for the purpose of having it done. If he could get fifty young men for three months to do it well, or if he could get more it is proposed to give him the power to employ them; but not to become part of the permanent machinery of the Government. If they are to go through all the details of an examination they would claim that they came into the service through the civil-service act, by which they had acquired a status and standing, and we should have trouble with them all the time. One reason why we did not give a regular force for this purpose was because if they came in under the civil-service rules we could not get clear of them after the exigency passed away. All know that if men passed a competitive examination and by that means got into the Land Office they would become a part of the machinery, and we could not get clear of them easily.

I think when the Senator from Vermont looks at it a little closer he will come to the same conclusion we did, that we would not want them to go into the Land Office as an increase of the regular force, but we want to bring up the work which is behind, because of litigation of railroad companies and on account of actual settlers who are having great trouble about their titles, and the sooner the force is employed the better and the more efficiently the work will be done without any preliminary machinery. That is the thought I had, if the Senator will allow me.

Mr. EDMUNDS. That has great force. That was the forcible, and the only forcible, argument against a civil-service commission and the civil-service scheme altogether. All of these Departments are made up of bureaus and divisions, and the principle that will apply to one will apply to all the rest. If we are to make an exception, as to the application of this method of selection of clerks in the public service as to the Land Office, we can make it as to every other with equal propriety. I do not believe in that propriety; I believe that it is perfectly competent to have a competitive examination in accordance with the provisions of the law without the favor of Senators or the influence of Representatives of respectable young men and women, who, according to their capacity for the business about which they are to be employed are to have a fair chance according to their character and capacity without reference to our influence and persuasion. To accomplish that we have passed the civil-service law.

The first step, as now represented by the Senators from Kansas and from Kentucky, not agreed to by the Senator from Iowa in charge of the bill, is to get money enough in the sole discretion of the Secretary of the Interior to employ forty clerks of class 1 for one year according to the old plan, entirely according to his discretion. I do not think that is right. If we were really and honestly in earnest about trying the civil-service experiment, then let us stick to it long enough to have it begin and see how we come out; and then if we find that there are difficulties in the way inseparable, we can correct the law; but do not let us begin to repeal it piecemeal the very moment it is passed, and before it gets into operation.

Mr. President, I shall be glad to ask for the yeas and nays on agreeing to the amendment.

Mr. ALLISON. I hope the Senator from Vermont will not ask for the yeas and nays.

Mr. EDMUNDS. I will not ask for the yeas and nays at this moment.

Mr. BECK. Mr. President, I rise to say in reply to the Senator from Vermont that under the civil-service law (about which I have nothing to say now, because it is the law of the land) the persons to be employed in the Departments at Washington are to be distributed among the various States. Suppose my State or California or any distant State may have a smaller number than the State of Maryland or the State of Pennsylvania or some State near by, you apply the civil-service rule and delay the examinations until people can come from California, or from Kentucky or somewhere else to go through all this preliminary work, and they are to be dismissed at the end of a year. They are not going into the service of the United States really but they are simply employed to bring up the work. I submit it would be a great hardship upon those people and a great mistake to encourage that sort of thing.

We ought to confine the law to the actual employment inside of the Departments in such a way as by length of service and by good service promotion can be had; but it should not be applied to mere temporary clerks. You can find fifty or sixty young men in the city of Washington now ready to go to work as soon as the bill passes making the appropriation immediately available, so as to bring up the work that is behind. That is the proper way to do. That is what a business man would do. He would not advise that California was behind or Minnesota was behind in her quota, or that Kentucky was behind and bring people here for a temporary purpose and put them through all the machinery of examination and dismiss them at the end of six months and leave them on their own resources, perhaps worse off than if they had not come here. I never saw any public place open when somebody did not want it, somehow or other, whether it was good for him or not. That will be the result if the amendment is agreed to. That is another reason that ought to be considered.

Mr. MORGAN. This appropriation of $50,000 is expressly to be applied to the sole purpose of disposing of the accumulated work in the General Land Office. It has no connection with the permanent service of that bureau. The civil-service act, as I understand it, was intended to control or influence the permanent service in the Departments. I suppose that the civil-service act would not shut Congress off from employing persons to bring up the work when the regular corps of employés in any Department or bureau was not adequate to the discharge of all the public duties.

In Washington city there are a number of persons who can be employed during the vacation of Congress, during the summer time, who have a special knowledge of the condition of affairs in the General Land Office, and who have experience there, men who have acquired this specialty by being clerks in the different divisions of the Land Office, and who have resigned and gone into other business. It is very important that you should have men in the General Land Office to deal with matters of this kind who have had such experience. You can not take a man into one of those divisions and educate him in a few days so that he will be of any valuable assistance in the disposal of these questions.

I think it is eminently proper for the purpose of overcoming the present embarrassment and removing the existing obstruction to the performance of this public business that the $50,000 should be left in the discretion of the Secretary of the Interior. I have no idea that it would be abused. More than that, the Secretary of the Interior is in the habit of having an investigation made of every person appointed to office. That has been the custom there, whether it has been the custom of any other heads of Departments of the Government or not. I hope that the Senate will agree to the amendment of the committee allowing the Secretary of the Interior to have the use of this money.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Appropriations.

Mr. BECK. I ask for the yeas and nays.

Mr. EDMUNDS. So do I.

The yeas and nays were ordered.

Mr. CALL. Mr. President, a single word. There is nothing in the civil-service bill which prohibits the Government, or establishes a policy looking to that end, from the employment of persons temporarily when the exigencies of the public business require it. In this case the Secretary of the Interior has recommended the appropriation. I myself introduced a resolution in the Senate asking what additional force is necessary to enable these patents to be promptly issued. There is a large emigration to my State of people from the North and from the West, and in Florida for years they have been unable to obtain patents, and it has caused very great trouble and also great distress there.

Persons who have completed the homestead entries are unable to obtain their evidences of title or to transfer them or to dispose of them in any way, although authorized by the law to do so.

Again, it is perfectly manifest that it will be impossible to hasten this work and expedite it in any material point of view by subjecting this temporary employment to the operation of the civil-service act. Why should persons be called from Florida and elsewhere and be sub-

jected to the examination and machinery and the details of the civil-service act, all of which are not perfected, when there is a pressing necessity for immediate action upon this subject? I hope, therefore, that the amendment of the committee will be adopted.

Mr. LAPHAM. Before the vote is taken I should like to make one inquiry of the mover of the amendment proposed. Does the provision take effect until after the 1st of July next?

Mr. EDMUNDS. The provision takes effect, as the bill now stands, exactly when the civil-service act takes effect, on the 1st of July.

Mr. LAPHAM. I supposed not until then. Therefore there can be no appointments under the language of the clause, as I construe the civil-service law, prior to the 1st of July next.

Mr. EDMUNDS. Both will go into force at the same time.

Mr. LAPHAM. I should like to know whether it is the interpretation given to this clause in the bill by Senators that the clerical force to be employed under this clause of the bill is not to be employed in pursuance of the provisions of that law? I do not remember any exception in the law.

Mr. ALLISON. I will say to the Senator from New York that according to my notion of the proper construction of the proviso it comes under the rules and principles of the civil-service act; but the Senator from Vermont is afraid that it does not.

Mr. LAPHAM. Then certainly his amendment will do no harm in the opinion of the Senator from Iowa.

Mr. ALLISON. I think not.

Mr. LAPHAM. For that reason I shall vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment reported from the Committee on Appropriations, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON of Wisconsin (when his name was called). I was paired with the Senator from Mississippi [Mr. GEORGE], but I have transferred the pair to the Senator from Nebraska [Mr. SAUNDERS], and I vote "yea."

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. HILL (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER].

Mr. SAWYER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call was concluded.

Mr. MITCHELL. I am paired with the Senator from Virginia [Mr. JOHNSTON].

Mr. MILLER, of California. I desire to announce the pair of the Senator from Nevada [Mr. JONES] with my colleague [Mr. FARLEY].

Mr. CAMERON, of Wisconsin (after having voted in the affirmative). I am informed that the Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from Kentucky [Mr. WILLIAMS]. I therefore withdraw my vote and announce my pair with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 27, nays 23; as follows:

YEAS—27.

Aldrich,	Davis of Ill.,	Hoar,	Miller of N. Y.,
Allison,	Dawes,	Kellogg,	Platt,
Anthony,	Edmunds,	Lapham,	Rollins,
Bayard,	Frye,	Logan,	Sherman,
Blair,	Groome,	McDill,	Tabor,
Cockrell,	Harrison,	McMillan,	Windom.
Conger,	Hawley,	Miller of Cal.,	

NAYS—23.

Barrow,	Garland,	Jones of Florida,	Slater,
Beck,	Gorman,	Maxey,	Vance,
Brown,	Hampton,	Morgan,	Van Wyck,
Call,	Harris,	Plumb,	Vest,
Coke,	Jackson,	Pugh,	Voorhees.
Davis of W. Va.,	Jonas,	Ransom,	

ABSENT—26.

Butler,	George,	Lamar,	Saunders,
Camden,	Grover,	McPherson,	Sawyer,
Cameron of Pa.,	Hale,	Mahone,	Sewell,
Cameron of Wis.,	Hill,	Mitchell,	Walker,
Fair,	Ingalls,	Morrill,	Williams.
Farley,	Johnston,	Pendleton,	
Ferry,	Jones of Nevada,	Saulsbury,	

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1815, before "clerks," to strike out "three" and insert "five;" in the same line, after "four," to strike out "nine" and insert "ten;" in line 1818, after "one," to strike out "seven" and insert "ten;" and in line 1821, after "all," to strike out "eighty-five thousand six" and insert "ninety-three thousand eight;" so as to make the clause read:

Indian Office: For compensation of the Commissioner of Indian Affairs, $4,000; chief clerk, $2,000; one chief of division at $2,000; one financial clerk at $2,000; one principal bookkeeper, $1,800; five clerks of class 4; ten clerks of class 3; one stenographer at $1,600; fifteen clerks of class 2, one of whom shall be a draughtsman; eight clerks of class 1; ten clerks at $1,000 each; fourteen copyists at $900 each; one messenger; one assistant messenger; and one laborer; in all, $93,820.

The amendment was agreed to.

The next amendment was, under the head of "Pension Office," in line 1837, before "principal," to strike out "thirty-five" and insert "forty-two;" so as to read:

Forty-two principal examiners for review board at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 1851, after "and," to increase the total appropriation for the Pension Office from $1,941,550 to $1,955,550.

The amendment was agreed to.

The next amendment was, under the head of the "United States Patent Office," in line 1889, after the word "each," to insert "one messenger and property clerk, $1,000."

The amendment was agreed to.

The next amendment was, in line 1893, after the word "each," to insert "twenty-six examiners' clerks at $1,000 each."

The amendment was agreed to.

The next amendment was, in line 1901, to increase the total amount of appropriation for compensation of the Commissioner of the Patent Office, assistant commissioners, and the clerks and employés in his office, from $536,230 to $563,230.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for photolithographing or otherwise producing copies of drawings of the weekly issues of patents," after the word "dollars," in line 1918, to insert:

Provided, That the Secretary of the Interior shall invite and receive bids and proposals for the performance of such work for not less than one nor more than five years, at the option of the Government, and shall report the same to Congress at the beginning of its next session for its information, and shall also report the rates at which the work is being done under this clause, and the rates paid for the work during the last five years.

Mr. GORMAN. I raise the point of order on the amendment of the committee that it is new legislation. The law now provides that contracts shall only be let for one year. This extends it to five years, and it is legislation under the twenty-ninth rule.

Mr. COCKRELL. That is not changing this question. It is simply a provision, which I think is a very just one, and it is for information.

Provided, That the Secretary of the Interior shall invite and receive bids and proposals for the performance of such work for not less than one nor more than five years, at the option of the Government, and shall report the same to Congress at the beginning of its next session for its information, and shall also report the rates at which the work is being done under this clause, and the rates paid for the work during the last five years.

That is simply to get information to Congress.

The PRESIDENT *pro tempore*. The Chair does not think it comes within the rule, or that it is legislation. If it was an absolute authority to contract for not less than one year nor more than five years, it would be legislation in the sense of the rule, but this is to get information. The point of order is overruled.

Mr. HARRIS. Does the Chair overrule the point of order?

The PRESIDENT *pro tempore*. The point of order is overruled as to the proviso being legislation.

Mr. HARRIS. It is legislation, whether it authorizes a contract or does not authorize a contract.

Mr. COCKRELL. It is directing an officer of the Government to get information for Congress.

Mr. HARRIS. I will not myself raise any question about it.

Mr. PLUMB. I raise the point of order as to the proviso down to line 1921, including the word "Government."

The PRESIDENT *pro tempore*. That would be subject to the point of order if it could be divided from the rest of the proviso.

Mr. PLUMB. I make the point of order as to that part of it.

Mr. MORGAN. If that part of it is legislation, I do not see why the whole of it is not amenable to the objection.

Mr. PLUMB. I think so too.

Mr. SHERMAN. It is all legislation, if any part of it is.

Mr. LAPHAM. It clearly authorizes the making of a contract for a period of five years, and the employment of persons in pursuance of it, because it says he shall report the rates at which he shall employ people under this provision.

The PRESIDENT *pro tempore*. The last part depends upon the first. It seems that there is nothing in the proviso that requires the Secretary to make a contract. It is simply for bids and proposals, and that he shall report for the information of Congress.

Mr. PLUMB. Does the Chair hold that it does not require him to make a contract?

The PRESIDENT *pro tempore*. He can not make any contract under this proviso.

Mr. INGALLS. What does the line mean, "and shall also report the rates at which the work is being done under this clause?"

Mr. ALLISON. It means under this paragraph.

Mr. INGALLS. Not under the clause? So far as requiring the collection of information and not requiring legislation, I suggest that in that view of the case the bill creating the Tariff Commission was not legislation. All they were required to do was to collect information.

The PRESIDING OFFICER. The Chair did not consider the clause "and shall also report the rates at which the work is being done under this clause."

Mr. HOAR. Will the Chair allow me to say before he gives his decision that, as I understand, the whole paragraph preceding line 1918 only applies to contracts for the year, which is the present law, the present method of doing it. Then the Secretary of the Interior has to invite and receive proposals and bids for the future not less than one nor more than five years. That is a mere receipt of proposals, and he reports what those rates are and what he is doing under the existing law for the year for which it is at present being done. That does not mean that the rates at which the work is being done under this clause, under these bids, but that is the previous part of the clause.

Mr. ALLISON. If the clause needs any interpretation I will say to the Senate that some statements were made to the committee that perhaps exorbitant prices were being paid for this work. The committee were impressed that it is important that this work should be done in the city of Washington, but with a view of ascertaining whether or not the price now being paid was too high, it was thought wise to introduce here a proviso that would enable the Secretary of the Interior for the purposes of the future to ascertain what this work could be done for elsewhere or by competitive bids. Then also it was thought wise to have him report the prices that will be paid for the work under this appropriation, and report to Congress so that we may legislate hereafter.

Mr. HOAR. The Senator from Iowa will permit me to say that there is nothing in this clause in the character of an amendment which the Senate could not do by a single order in the morning. There is not any legislation at all, but it is something which we might order the Secretary of the Interior to do. I wish to make a suggestion to test the idea whether it is general legislation. Suppose the chairman of the Committee on Appropriations should bring in a resolution directing the Secretary of the Interior to do that thing in the morning, one branch of Congress could require it to be done.

The PRESIDENT *pro tempore*. The last clause is a little blind, but the Chair construes it to mean that the Secretary of the Interior shall report the rates at which the work is being done, as it has been done heretofore, and the rates paid during the last five years. In the opinion of the Chair this is simply a proviso for information, which, as the Senator from Massachusetts says, could be done by either House of Congress, by the Senate alone. New legislation is something which requires the joint action of both Houses of Congress.

Mr. PLUMB. To make that plain I move to strike out, in lines 1923 and 1924, the words "and shall also report the rates at which the work is being done under this clause," so that there may be no misunderstanding about it.

Mr. ALLISON. I move to strike out the word "clause" and to insert "paragraph."

Mr. PLUMB. I will accept that amendment.

Mr. GORMAN. I suggest to the Senator from Kansas that he would accomplish what he desires if he should insert after the word "Government," in line 1921, "that no contract shall be made for a longer period than one year." That is the present law.

Mr. PLUMB. This is all done with the idea that no contract can be made at all.

The PRESIDENT *pro tempore*. The point of order is overruled. Does the Senator from Kansas accept the suggestion of the Senator from Iowa to substitute the word "paragraph" for the word "clause?"

Mr. PLUMB. I accept that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the committee, to strike out the word "clause," in line 1924, and to insert the word "paragraph."

The amendment to the amendment was agreed to.

Mr. WINDOM. I move to strike out all after the word "that," in line 1918, and to insert:

> If the work herein provided for can be done at the Government Printing Office for satisfactory prices, not greater than is paid for similar work in Washington or elsewhere, the Secretary of the Interior shall contract with the Public Printer for doing the same.

Mr. HOAR. I make the point of order on that.

Mr. WINDOM. What is the point of order?

Mr. HOAR. That it is new legislation.

The PRESIDENT *pro tempore*. It is new legislation. It is an absolute thing that is proposed to be done. The committee's proviso is simply for the purpose of getting information for Congress.

Mr. WINDOM. Under the rule prohibiting legislation you have the right to direct what shall be done with any appropriation. I think it has always been held to be the rule that when you appropriate——

Mr. HOAR. I withdraw the point of order if nobody else makes it.

Mr. WINDOM. I think it clearly is not subject to the point of order.

The PRESIDENT *pro tempore*. The point of order is withdrawn.

Mr. WINDOM. I will state my purpose in offering the amendment. Almost since I can remember the discussions on such bills there has been a controversy over the matter of photolithographing. I think the Government Printing Office is the place where it should be done, and this proviso is that if it can be done as satisfactorily and at as low prices there as elsewhere it shall be done at the Government Printing Office. I should like to see it taken out of the category of contested questions hereafter. I see no reason why it can not be done there, and I think that the Secretary of the Interior should ascertain that, and if it can be done there make a contract for it.

Mr. HOAR. I do not want to go into a discussion of the matter at this time. There is nothing now pending before the Senate which makes it proper to make any criticisms on anybody, and therefore it is not worth while. But the Senator perhaps will remember that certain persons in my State of very high standing and character as workmen claim that they have repeatedly been the lowest bidders for this contract, and that in some mode, which is not according to ordinary proceeding, they have failed to receive the award which they are entitled to. That matter has been discussed before the Senate heretofore, and they had to struggle and struggle to get some protection for fair play into the bill. Here is a protection as I understand it; and now the suggestion comes to place this work in the Government Printing Office. Although that is probably to prevent their getting it, yet still if it is a fair suggestion I do not see why it should not be considered if the Secretary of the Interior finds it can be done cheaper there. My impression is that it will be impossible to do it in the Government Printing Office, or in any place where there is any possibility of delay from any cause, as it is a thing which must be done by contract with private parties. But I shall make no point of order or objection to the Senator's substitute for the proviso.

Mr. ANTHONY. It is very plain that this work should be done in the city of Washington, either at a private establishment or at the Government Printing Office. I suppose that the Government Printing Office could not as at present equipped do it, but it might equip itself so as to do it. In Mr. Fisher's time the advertisement required that it should be done in this city. Afterward it was taken from this city and carried to Boston, and the work was three months behind. Then it was carried to New York, and there it was behind. To have it done out of this city requires the transmission by mail of the original drawings in the Patent Office at great risk of loss and great delay to the patentees.

The Patent Office is supported by patentees, and they are entitled to have the prompt delivery of the photolithographs of their drawings. These drawings cost the Government about a cent apiece, and they are sold at 10 cents a piece, I think. I believe the Government Printing Office might be put in a condition to do this work, but it is not at present, I suppose, capable of doing it. I think the amendment of the Senator from Minnesota should be adopted.

Mr. HOAR. There is a great deal of truth in what the Senator from Rhode Island [Mr. ANTHONY] has said. The copies of drawings of the weekly issues of patents ought to be done in this city, very likely; but there is a great deal of the work of reproduction of exhausted copies which there is not the slightest reason for having done in the city of Washington; and so in producing copies of designs and trade-marks and other things referred to in the preceding portion of the paragraph. They are done very much better and very much cheaper, as I am instructed (of course, I repeat now merely what I am instructed by persons in whom I have confidence), elsewhere, and have to be done elsewhere for economy and for nicety and accuracy of work. The work which is done by persons who have at some time had this work awarded to them under the claim that it ought to be done in this city has been inferior in quality to that, as is shown in their specimens in their bids. But I will not go into that question at this time, because I will not object to the Senator's proposition. Therefore I will not introduce a subject which would lead to a long and earnest debate.

Mr. ANTHONY. The Senator's information does not correspond with mine. My information is that the work has been done better and cheaper in this city.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Minnesota [Mr. WINDOM] as a substitute to the amendment of the Committee on Appropriations.

Mr. BECK. Is not that legislation?

The PRESIDENT *pro tempore*. The point of order was waived.

Mr. CONGER. Is that subject to the objection of the point of order?

The PRESIDENT *pro tempore*. Yes, the Chair thinks it is.

Mr. CONGER. I make the point of order.

Mr. WINDOM. The rule ever since I can remember its administration in the Senate has been that you had the right to dictate by provision of law what should be done with an appropriation. This does not extend beyond the $80,000 appropriated. It is an application, as I understand it, of that fund.

The PRESIDENT *pro tempore*. The rule says that there shall be no legislation on an appropriation bill, and the amendment is subject to the point of order.

Mr. WINDOM. Does the Chair hold that in appropriating a specific sum for a specific purpose you can not give a direction as to its use?

The PRESIDENT *pro tempore*. The Chair thinks it is new legislation if it requires the action of both Houses.

Mr. INGALLS. Does not the proviso now offered by the committee require the action of both Houses also?

The PRESIDENT *pro tempore*. Not necessarily, because a mere direction of the Senate would be sufficient to procure the information.

Mr. INGALLS. I should like to be heard on that point after the Senator from Minnesota is through.

Mr. WINDOM. The proviso now in can not be made operative until both Houses have agreed to it.

The PRESIDENT *pro tempore*. But the legislation is incomplete. It does not require anything to be done, while the amendment requires a contract to be made.

Mr. WINDOM. I am compelled to appeal from the decision of the Chair, because I think it is a rule that would utterly prevent the Senate from ever directing what shall be done with any sum of money if it can be said that we can not direct it by a specific provision which does not apply to anything but to the sum appropriated.

The PRESIDENT *pro tempore*. The Senator from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. I dislike exceedingly, always, to vote against the decision of the Chair, and if there is the slightest doubt about it I shall vote to sustain the decision of the Chair. But it does seem to me that it is the right of the Senate in appropriating any sum of money whatever to state for what purpose it shall be used. It is clearly the right of the Senate. The House have exercised that right in saying this shall be done upon contracts made by the Secretary of the Interior, contracts made in the ordinary way. It seems to me it is clearly our right in making this appropriation of $80,000 to say that the work shall be done in the Government Printing Office. That is not new legislation. It is only a direction as to the application of the money.

It seems to me that if the amendment reported by the Committee on Appropriations is not legislative this clearly is not, because the proviso as reported requires the Secretary of the Interior to invite and receive bids and proposals. I do not agree that the Senate has not power to do that. The Senate has power to ask for information from the Departments, but this is an affirmative act requiring something to be done outside of the ordinary business of the Department. Waiving that, the amendment now proposed is a simple limitation made, that upon the Secretary of the Interior being advised, being informed after an examination, that it is cheaper and better to do this work in the Government Printing Office, the money shall be expended in that way.

The PRESIDENT *pro tempore*. The Chair may be wrong in ruling that the proviso is not subject to the point of order, but he can not possibly be wrong in ruling that this amendment is subject to the point of order, because it says positively that the Secretary of the Interior shall contract for this work at the Public Printing Office. Surely that is new legislation.

Mr. INGALLS. The proviso says he "shall invite and receive bids and proposals," and that requires the expenditure of money out of the Treasury which can not be taken from the Treasury except in pursuance of law. Therefore the Senate can not direct the Secretary of the Interior to do what is required in the proviso.

The PRESIDENT *pro tempore*. The point now is upon the amendment of the Senator from Minnesota.

Mr. EDMUNDS. I understand, and if the question were *res nova*, as judges would say, I should agree with the Chair entirely, but I understand the Chair, with the assent of the Senate, that is without any appeal, but with acquiescence, to have decided that the proviso reported from the committee is in order. That proviso does require the Secretary of the Interior, in my opinion——

The PRESIDENT *pro tempore*. The Chair may have been wrong about that, but he is not about the other.

Mr. EDMUNDS. But we must be consistent, and if we have ruled that way, until that decision is reversed we must stand by it. Now the Chair speaking for the Senate, and so the Senate, has held that the proviso reported from the committee is in order. That proviso commands the Secretary of the Interior to do things that neither House alone in my humble opinion has any right to command him to do; and that is that he shall invite and receive bids and proposals for the performance of work. I think it very clear myself, with great respect——

The PRESIDENT *pro tempore*. If it requires the action of both Houses to invite proposals, of course it is legislation. The Chair went upon the theory that the Senate could do it, but the Senate can not alone do what this amendment of the Senator from Minnesota proposes, because there is an absolute contract to be made.

Mr. EDMUNDS. But I do not think there would be any disagreement in this body if I were to have offered a resolution this morning when resolutions were called for, commanding the Secretary of the Interior to invite and receive bids and proposals for the performance of the Patent-Office drawings, that everybody would have said it was totally beyond our constitutional power to command him to do anything of the kind. We have said a thousand times here when resolutions of inquiry were offered which went beyond the mere point of inquiry to get at papers in the office or information in the possession of a head of department and required him affirmatively to do something, that we could not do it; and I think that is a clear distinction between the power of one branch of the legislative department and the power of the executive department. Therefore it appears to me pretty clear that if the proviso that the Senate has decided to be in order is in order, then the proposal to amend it in exactly the same legal line must be in order too.

The PRESIDENT *pro tempore*. The Chair at first blush thought this was in order; but in his opinion on reflection it is not in order at all. The whole proviso is not in order, nor the amendment of the Senator from Minnesota. There can be no question, however, about the amendment of the Senator from Minnesota being out of order. The Chair will now rule that both are out of order. But the yeas and nays were ordered on the appeal.

Mr. EDMUNDS. Let the appeal be withdrawn.

Mr. DAVIS, of West Virginia. It can be withdrawn by unanimous consent.

The PRESIDENT *pro tempore*. The Chair hears no objection to the withdrawal of the call for the yeas and nays. The proviso goes out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1980, in the appropriations for the "Office of the Director of the Geological Survey," to reduce the appropriation for the compensation of the Director from $6,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 1983, to reduce the total amount of the appropriation for the compensation of the Director of the Geological Survey, and the clerks, employés, &c., in his office from $34,940 to $33,940.

The amendment was agreed to.

The reading of the bill was continued down to and including line 2008. The paragraph from 2009 to line 2017, inclusive, was read, as follows:

For the rent of a suitable building or buildings for the use of the Pension Office, to be selected by the Secretary of the Interior, $20,000; and the Secretary of the Interior is hereby authorized to contract with the owner of said building or other buildings for the rent thereof to the Government, at a rate not exceeding $20,000, from June 30, 1883, to June 30, 1884.

Mr. EDMUNDS. I should like to inquire of the chairman of the Committee on Appropriations whether there ought not to be a limitation in respect to the renting at $20,000 of the building now occupied for a Pension Office? We have a standing provision of law somewhere against long leases of private buildings in this city.

Mr. ALLISON. One year is the limitation now by law.

Mr. EDMUNDS. But here comes a later provision, and I suggest that my friend say "subject to existing law" so as to make it perfectly clear.

Mr. ALLISON. I will agree to that.

Mr. EDMUNDS. After "authorized," in line 2012, I move to insert "subject to existing provisions of law."

Mr. BECK. He is already limited to a contract from the 30th of June, 1883, to the 30th of June, 1884, in lines 2015 and 2016.

Mr. EDMUNDS. I saw that, but as the courts have held that commas do not make any difference in laws, I was afraid that might be construed to be a rate of $20,000 a year. If the Senator is clear that it makes a perfectly secure limitation, I have nothing to say.

Mr. BECK. The committee thought so, but I am willing to make that clearer.

Mr. EDMUNDS. Then there can be no harm in the amendment I propose.

The PRESIDENT *pro tempore*. If there is no objection the Chair will receive the amendment of the Senator from Vermont [Mr. EDMUNDS]. The question is on that amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2021, to increase the appropriation "for rent of a building for use of the United States Geological Survey" from $1,500 to $5,000.

The amendment was agreed to.

The next amendment was, after line 2026, to insert:

To enable the Secretary of the Interior to comply with the requirements of section 4 of the act approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," $5,000.

The amendment was agreed to.

The reading of the bill was continued down to and including line 2078. The paragraph from line 2078 to line 2081, inclusive, was read, as follows:

For surveyor-general of the Territory of Washington, two thousand, and for the clerks in his office, $5,500; in all, $8,000.

The PRESIDENT *pro tempore*. The Chair would call attention to line 2079.

Mr. ALLISON. The word "dollars" should be inserted after "thousand."

The PRESIDENT *pro tempore*. The Chair hears no objection to that amendment. It will be regarded as agreed to.

Mr. LAPHAM. I desire to call attention to lines 2061 to 2070. May there not be employed under that provision of law so large a number of clerks that the civil-service bill will apply to their appointment? I believe the number is limited to fifty. By the appropriation there made for the surveyor-general's office in Colorado, may not fifty persons be employed, so as to require a provision making the civil-service rules applicable to them?

Mr. ALLISON. I think not. I do not think the civil-service rules apply to this paragraph if there are not fifty persons employed.

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Mr. LAPHAM. Is the Senator certain there will not be fifty employed?

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. The reading will continue.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Post-Office Department," in line 2107, to increase the appropriation for compensation of "law clerk" from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was, in line 2112, to increase the total amount of the appropriations for compensation of the Postmaster-General and the clerks and the employés in his office from $29,510 to $29,760.

The amendment was agreed to.

The next amendment was, in the appropriations for office of First Assistant Postmaster-General, in line 2117, after the word "additional," to strike out "three" and insert "chief of salary and allowance division, $2,000."

Mr. EDMUNDS. I should like to have that explained. I do not remember any such office. Does that create a new office?

Mr. ALLISON. It is the designation of one of the divisions in the Post-Office Department.

Mr. EDMUNDS. But has it a chief now by a previous act?

Mr. ALLISON. I think not by any absolute law.

Mr. EDMUNDS. Then this creates a new head of division.

The PRESIDENT *pro tempore*. The amendment is agreed to, if there be no objection.

Mr. EDMUNDS. I object. But I shall not bother about it—let it go.

The PRESIDENT *pro tempore*. The amendment is agreed to.

The next amendment was, in line 2118, to insert "two" before "clerks;" in line 2121, after the word "two," to strike out "fourteen" and insert "nineteen;" in line 2125, after the word "supplies," to strike out "one thousand eight hundred," and insert "two thousand;" and after the word "all," in line 2131, to strike out "ninety-seven thousand," and insert "one hundred and three thousand four hundred;" so as to make the clause read:

For First Assistant Postmaster-General, $4,000; chief clerk, $2,000, and while the office is held by the present incumbent, $500 additional; chief of salary and allowance division, $2,000; two clerks of class 4; twenty clerks of class 3; one clerk of class 3, to act as stenographer and department telegraph operator; six clerks of sengers; superintendent division post-office supplies, $2,000; one clerk of class 3; four clerks of class 1; two clerks at $900 each; one clerk at $1,000; one assistant messenger; three laborers (for division of post-office supplies); superintendent of free delivery, $2,100; one clerk of class 4; one clerk of class 2; and one clerk of class 1 (office of superintendent of free delivery); in all, $103,460.

class 2; nineteen clerks of class 1; four clerks at $1,000 each; three assistant mes-

The amendment was agreed to.

The next amendment was, in the appropriation for the office of "Third Assistant Postmaster-General," in line 2154, after the word "dollars," to strike out "seven" and insert "one chief of finance division, who shall give bond for the faithful discharge of his duties, $2,000; six;" so as to read:

For Third Assistant Postmaster-General, $4,000; chief clerk, $2,000; chief of division of dead letters, $2,250; chief of division of postage-stamps, $2,250; one chief of finance division, who shall give bond for the faithful discharge of his duties, $2,000; six clerks of class 4.

Mr. EDMUNDS. Is that a new office?

Mr. ALLISON. It is like most of these others, a division in the Post-Office Department.

Mr. EDMUNDS. Has it been established by any previous law?

Mr. ALLISON. No. I move to insert after the word "bond" the words "in such amount as the Postmaster-General may determine."

Mr. EDMUNDS. How much money does he have in charge?

Mr. ALLISON. It varies from year to year; sometimes fifty, sixty, or eighty thousand dollars.

Mr. EDMUNDS. Would it not be better to say not less than a certain sum? It gives a pretty broad discretion to the Postmaster-General.

Mr. ALLISON. That is the usual form in this class of laws.

Mr. EDMUNDS. If that is the usual form, I will not try to change it here.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, in line 2157, after the word "four," to strike out "nineteen" and insert "twenty;" in line 2158, after the word "two," to strike out "forty-one" and insert "forty-two;" in line 2159, before "clerk," to strike out "nine" and insert "ten;" and in line 2165, before the word "thousand," to strike out "twenty-seven" and insert "thirty-one;" so as to make the clause read:

For Third Assistant Postmaster General, $4,000; chief clerk, $2,000; chief of division of dead letters, $2,250; chief of division of postage-stamps, $2,250; one chief of finance division, who shall give bond for the faithful discharge of his duties, $2,000; six clerks of class 4; twenty clerks of class 3; thirty clerks of class 2; forty-two clerks of class 1; ten clerks at $1,000 each; ten female clerks at $1,200 each; fifty-four female clerks at $900 each; six female clerks at $720 each; three assistant messengers; eight laborers; four female laborers at $480 each; in all, $231,980.

The amendment was agreed to.

The next amendment was, in line 2170, after the word "two," to insert "one clerk of class 1;" and in line 2171, after the word "all," to strike out "fifteen thousand seven" and insert "sixteen thousand nine;" so as to make the clause read:

For superintendent of foreign mails, $3,000; chief clerk, $2,000; one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks at $1,000 each; one assistant messenger; in all, $16,920.

The amendment was agreed to.

The next amendment was, in line 2175, after the word "thousand," to insert "five hundred;" in line 2181, before "charwomen," to strike out "six" and insert "three;" and in line 2184, after the word "thousand," to strike out "three hundred and twenty" and insert "two hundred and eighty;" so as to make the clause read:

For Superintendent of the Money-Order System, $3,500; chief clerk, $2,000; six clerks of class 4; eight clerks of class 3; five clerks of class 2; ten clerks of class 1; two clerks at $1,000 each; five clerks at $900 each; one assistant messenger; one engineer, $1,000; two firemen; four watchmen; three charwomen at $180 each; one female laborer, $480; and seven laborers; in all, $66,280.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of disbursing clerk and superintendent of Post-Office Department building, in line 2218, to reduce the number of charwomen from "fifteen" to "ten," and in line 2219 to decrease the total appropriation for that office from $44,920 to $44,020.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for contingent expenses of the Post-Office Department," in line 2224, to reduce the appropriation for "fuel, and for repairs to engines, boilers, and heating apparatus" from $7,200 to $7,000.

The amendment was agreed to.

The next amendment was, in line 2225, to reduce the appropriation "for gas" from $5,600 to $5,000.

The amendment was agreed to.

The next amendment was, in line 2226, to reduce the appropriation for "plumbing and gas-fixtures" from $3,700 to $3,100.

The amendment was agreed to.

The next amendment was, in line 2227, to reduce the appropriation for "telegraphing" from $5,900 to $5,000.

The amendment was agreed to.

The next amendment was, in line 2228, to reduce the appropriation for "painting" from $4,700 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2229, to reduce the appropriation for "carpets" from $5,900 to $5,000.

The amendment was agreed to.

The next amendment was, to reduce the appropriation for "furniture," in line 2229, from $6,200 to $5,000.

The amendment was agreed to.

The next amendment was, in line 2232, to reduce the appropriation for "hardware" from $1,700 to $1,500.

The amendment was agreed to.

The next amendment was, in line 2233, to increase the appropriation for "miscellaneous items" from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 2234, to reduce the total amount of the appropriation "for contingent expenses of the Post-Office Department" from $63,400 to $61,100.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Office of the Attorney-General," in line 2273, to strike out "two firemen" and insert "one fireman."

Mr. LOGAN. I ask the chairman if the engineers of the other Departments are not put at $1,200 each. This is $1,000.

Mr. ALLISON. I know several of them are.

Mr. LOGAN. And in most cases they have an assistant engineer. In this Department there is one engineer but no assistant. It seems to me his salary should be put at $1,200.

Mr. ALLISON. Let the Senator pass that for a moment.

Mr. LOGAN. Very well.

Mr. EDMUNDS. The building is a small one.

Mr. LOGAN. I should rather have the amendment as to the number of firemen passed by. I think there ought to be two firemen there. The engineer's salary ought to be raised; and one fireman can not perform the duty of fireman and engineer. I ask that the amendment be non-concurred in. There ought to be two firemen anyhow.

The PRESIDENT *pro tempore*. The question is on the amendment striking out "two firemen" and inserting "one fireman."

The amendment was rejected.

The next amendment was, in line 2273, to reduce the total amount of the appropriation for compensation of the Attorney-General, Solicitor-General, and the clerks and employés in the office from $110,310 to $109,590.

Mr. ALLISON. The footing should now be left as it is and the amendment non-concurred in.

The amendment was rejected.

The next amendment was, in line 2291, after the word "dollars," to strike out "one night watchman" and insert "two watchmen at;" in

line 2292, after the word "dollars," to insert "each;" in the same line, after "each," to strike out "one fireman" and insert "two firemen at;" in line 2293, after "dollars," insert "each;" in line 2294, before "laborers," to strike out "three" and insert "four;" before "assistant," in line 2295, to strike out "six" and insert "seven;" and in line 2296, after the word "all," to strike out "eight thousand four hundred" and insert "eleven thousand and forty;" so as to read:

For the following force necessary for the care and protection of the courthouse in the District of Columbia, who shall be under the direction of the United States marshal of the District of Columbia: One engineer, $1,200; two watchmen at $720 each; two firemen at $720 each; four laborers at $480 each; seven assistant messengers at $720 each; in all, $11,040.

The amendment was agreed to.

The next amendment was, at the end of the same clause, after the word "dollars," in line 2297, to insert:

And for the like force for the same purpose, for the balance of the fiscal year ending June 30, 1883, $3,680.

The amendment was agreed to.

The next amendment was, after "section 2," to insert:

That the Secretaries respectively of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And.

So as to make the section read:

SEC. 2. That the Secretaries respectively of the Departments of State of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence.

Mr. EDMUNDS. That is legislation, I submit.

The PRESIDENT *pro tempore*. Is the point of order made?

Mr. EDMUNDS. I make the point of order.

The PRESIDENT *pro tempore*. It is sustained.

Mr. MORGAN. A part of that may be legislation, but a part of it certainly is not.

The PRESIDENT *pro tempore*. The whole taken together is.

Mr. ALLISON. There is no point of order on this. This is not legislation in any sense. It simply provides for a method of official correspondence instead of appropriating money, and it has been in every appropriation bill for the last five years. The House left out what we have inserted in italics, but inserted another provision which is entirely new. We merely inserted what has been in every appropriation bill since we have been in the habit of using official stamps.

Mr. INGALLS. How does it save the appropriation of money?

Mr. ALLISON. If the Departments are not permitted to use official stamps, of course we must appropriate money to enable them to buy stamps.

Mr. INGALLS. We provide penalty-envelopes.

Mr. ALLISON. The penalty-envelope provision is imperfect and incomplete. Of course if the Senator wishes to make a new departure and supply the penalty-envelopes and do away entirely with official postage-stamps, that is another thing. That is new legislation which I do not object to at the proper time and place, but until we have changed the law in reference to this matter we must of course either provide that these Departments may have official stamps or appropriate money in order that they may buy stamps.

Mr. INGALLS. I receive communications in penalty envelopes every day.

Mr. ALLISON. So do I.

Mr. INGALLS. From the Pension Office and every Department.

Mr. ALLISON. They use them every day.

Mr. INGALLS. What, then, is the necessity of having official postage-stamps?

Mr. ALLISON. There are a great many reasons why you must have official postage-stamps for the transaction of business in many of the Departments. We went all over that last year. Take courts-martial; it is impossible to transmit court-martial records from a far-distant post to the War Department in any envelope you can supply.

Mr. INGALLS. Why not as well do that as to put a little piece of colored paper on one corner? Why not?

Mr. ALLISON. I am not to be interrogated in that way in reference to it. I know it is not as convenient. We had that up here and debated it two or three hours and perhaps two or three days at the last session. I had then a letter from the Secretary of War and a letter from the Secretary of the Interior and other Cabinet officers saying that these stamps were more convenient and that there was no more danger of fraud under them than under the penalty envelopes. Of course if the Senate wants to raise that question and go into a debate upon the relative merits of this plan and abolishing official stamps, so be it.

Mr. EDMUNDS. I do not. I merely raise the point of order, which I think ends it.

Mr. ALLISON. If the Senator wants to leave all these Departments without any appropriation for the purpose of carrying on their ordinary operations, so be it.

Mr. EDMUNDS. So be it; I raise the point of order.

Mr. DAWES. What is the point of order?

Mr. EDMUNDS. That it is legislation.

Mr. DAWES. Why is it legislation to appropriate for these stamps?

Mr. EDMUNDS. It does not appropriate; it commands certain things to be done as a specific fact.

Mr. HALE. That is only the form of doing it.

Mr. EDMUNDS. Only the form of a law.

Mr. ALLISON. Another method of appropriating money—and it has been done in every appropriation bill for five years.

Mr. MORGAN. In the last legislative, executive, and judicial appropriation act the second section read as follows:

SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year.

That is precisely the act which the committee have incorporated in this amendment.

Mr. EDMUNDS. That does not make this any the less law.

Mr. ALLISON. But it is necessary.

Mr. MORGAN. Therefore it is not new legislation.

Mr. SHERMAN. This is a continuing law, that is read from the statute-book; it would last, and need not be repeated every year. There is not a word confining it to the particular year. If that is the law on the statute-book now, what is the use of repeating it?

Mr. MORGAN. It is necessary, I suppose, to renew the authority annually for the getting of these stamps.

Mr. SHERMAN. I do not see why.

Mr. MORGAN. The committee have added that statute as it exists to the text as sent by the House, which read as follows:

It shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence.

That portion of it in one sense is new; but I understand that that part of the bill which is sent to us from the House was really taken from existing statutes.

Mr. ALLISON. No; the part that is sent to us from the House is entirely new.

Mr. MORGAN. In its application to Members of Congress and Delegates?

Mr. ALLISON. Yes; in its application to Members of Congress and Delegates.

Mr. MORGAN. Now, let me ask, if that be so, how it is, as stated by the Senator from Kansas, that the Departments have been inclosing to Senators and to others envelopes for the purpose of sending off official correspondence to their friends?

Mr. EDMUNDS. Because they violate the law.

Mr. ALLISON. They do it under a ruling of the Attorney-General, I believe, that they were authorized to do it.

Mr. MORGAN. That is the interpretation of the Department that that is according to law?

Mr. CONGER. No, these envelopes are addressed to the parties in pension cases, where they inquire through members in regard to their cases. An answer is prepared directed to the applicant, and it is merely sent to members that they may see the reports which are sent, to inform the member. Each is sent unsealed, to inform the member of what the office communicate to the pensioner or claimant.

Mr. MORGAN. And the only change made here is that the envelopes may be sent to members of Congress without the address of that party.

Mr. HOAR. May I inquire what is the pending question?

The PRESIDENT *pro tempore*. The point of order.

Mr. HOAR. Has anybody taken an appeal from the decision of the Chair?

Mr. ALLISON. Has there been a ruling?

The PRESIDENT *pro tempore*. The opinion of the Chair is that if there is any necessity of inserting this provision at all it is new legislation.

Mr. CONGER. But the last clause of it makes the usual appropriation which has been made every year.

The PRESIDENT *pro tempore*. Here is the new legislation.

That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress.

That is new legislation, unless it is the law now, and if it is the law now there is no necessity of repeating it.

Mr. ALLISON. I hope the Chair will not rule upon that too hastily. I agree with the Senator from Ohio that this is not absolutely necessary; but we were somewhat misled, if I may use that expression, from the fact that it has been repeated year after year, and we thought for safety it was better to continue it. Now, Mr. President, I move to strike out the rest of the clause, that going out.

Mr. LAPHAM. I suggest to the Senator from Iowa that it is necessary because it provides that whatever the expenses shall be it shall be paid out of the appropriations for the Post-Office Department. That makes an appropriation.

Mr. ALLISON. It says "for the same fiscal year," and that being the old law, it would be continuing I think.

Mr. MORGAN. But that is not a permanent appropriation. It is an appropriation from year to year. This is not among the permanent appropriations, and if this clause is stricken out there will be no appropriation.

Mr. EDMUNDS. The Senator is entirely mistaken, I think.

Mr. MORGAN. It is impossible I can be mistaken, because the bill itself is a bill for an annual appropriation and not for a permanent appropriation. We have two classes of appropriations, one of which is made by law permanent and the other annual.

Mr. SHERMAN. These stamps are all printed at the Government office.

Mr. ALLISON. No; they are not printed at the Government office, but they cost very little. The whole supply does not exceed $70 per annum.

Mr. MORGAN. It makes no difference what the cost may be, there must be some appropriation to cover it.

Mr. SHERMAN. They are covered.

Mr. ALLISON. There is no appropriation here for the stamps.

Mr. EDMUNDS. It is merely a question of bookkeeping.

Mr. ALLISON. It is merely a question of requisition. I do not think it is necessary myself after looking at it carefully, and we are very particular now about our appropriation bills. I think probably it had better go out; and I move to strike out the rest of the clause.

Mr. COCKRELL. The other ought to go out.

Mr. HARRIS. Down to and including line 16.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out the section.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out section 4 in the following words:

SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés, of whatever grade or class, in their respective Departments, such hours of labor as may be deemed necessary for the proper dispatch of the public business, the same, however, not to be less than from the hours of 9 a. m. to 4 p. m. each day, except Sundays and days declared public holidays by law or executive order, from the 1st day of October to the 1st day of April, and from the hours of 9 a. m. to 5 p. m. from the 1st day of April to the 1st day of October in each year; and all absence from the Departments on the part of said clerks or other employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay.

The amendment was agreed to.

The next amendment was, to strike out section 5 in the following words:

SEC. 5. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. ALLISON. I have one or two amendments I desire to offer. On page 54, line 1300——

Mr. HOAR. I desire to remind the Senator from Iowa that there was an amendment passed over.

The PRESIDENT *pro tempore*. On page 74.

Mr. ALLISON. I will come to that in a moment. On page 54, line 1300, after the word "commission" a comma should be inserted.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. ALLISON. I also ask on page 81 a transposition. I desire to strike out on page 81, from line 1975 to 1977, these words:

For the pay of six watchmen employed on the Capitol grounds, at $720 each.

I desire to transfer that provision to the page relating to the Capitol police, so that these watchmen may be under the Capitol police force.

Mr. COCKRELL. With the distinct understanding that there is to be no increase of salary at this or any subsequent session by reason of that change.

Mr. ALLISON. Yes, sir; absolutely on that condition.

Mr. COCKRELL. I hope if that change is made that we shall not have any application to increase these salaries. If it is a dodge to get them where the salaries can be leveled up, I hope it will never be done.

Mr. ALLISON. I agree with the Senator from Missouri in reference to that. The object is to place these watchmen under the control of the Capitol police; they are now under the control of the Architect of the Capitol. He thinks it would be much better for the service to have them under one control.

The PRESIDENT *pro tempore*. Is there objection to the transposition?

Mr. DAVIS, of West Virginia. I desire to ask a question. Does that change in any way the direction or appointment of the police? Does it take it from one party and transfer it to another?

Mr. ALLISON. From one person to another, does the Senator mean? I think these six watchmen are now appointed by the Architect of the Capitol. Of course if they are transferred to the clause under the Capitol police they will then be appointed by the police board, so called, which consists of the Architect of the Capitol, the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the House of Representatives.

Mr. DAVIS, of West Virginia. I understand the Senator to say it is agreeable to the Architect of the Capitol?

Mr. ALLISON. It is agreeable to the Architect of the Capitol. He made the request of me, as also did our Sergeant-at-Arms.

The PRESIDENT *pro tempore*. The transposition will be made if there be no objection.

Mr. ALLISON, The footings should be changed accordingly.

The PRESIDENT *pro tempore*. The Secretary will make these changes in the two items.

Mr. ALLISON. The footing should be increased in one clause and decreased in the other.

The PRESIDENT *pro tempore*. Consent is given that the Secretary may make the footings correspond.

Mr. BECK. I desire to say a word about that. I am not going to object to it, but I wish to state what will be the effect of this. A number of communications have been sent to us making application for the increase of watchmen everywhere. I called attention to the little squares and patches for which watchmen were provided. We are asked by every Department for more watchmen to stand at their doors. They stand there eight hours and do not do a thing that I know of, and it seems to be considered very hard on them. We have to give them what they want and replace them every eight hours. It seems a watchman can not stand ten or twelve hours. They do not do a thing. The car-drivers work twelve or fifteen hours a day for far less pay than these watchmen get. It is simply an immense hardship for these watchmen to stand and do nothing eight hours out of the twenty-four. The number of watchmen we have all about these buildings is something amazing. I do not believe we can help it now, but I hope something will be done hereafter.

Mr. ALLISON. This amendment does not increase the salary or pay.

The PRESIDENT *pro tempore*. The change is made.

Mr. EDMUNDS. The clause is to come in on line 173, page 8, after "each," I understand. Now, I wish to point out to the Senate what an inconsistency there will exist in the pay of fourteen watchmen. You have got fourteen watchmen of equal grade and rank, and equal power of duty and service of every kind; eight of them you give $900 each to, six of them you give $720 each to. How can you stand on that consistently, the same sort of men, the same duties?

Mr. DAVIS, of West Virginia. Next year they will all be at $900.

Mr. EDMUNDS. That is what I am afraid of.

Mr. COCKRELL. I dissent from what my colleagues of the committee say. An increase of compensation will not be made them by my consent, and I have put it on record that this is with the distinct understanding that they shall not be increased. If the compensation is to be increased I shall object to the transposition.

Mr. ALLISON. The watchmen now provided for on page 8 are watchmen about the Capitol; the six watchmen provided for in the clause I have asked to have transposed are watchmen on the Capitol grounds, and they now are under the supervision of the Architect of the Capitol. When this matter was suggested to the committee we objected on the ground that it would have a tendency to increase the pay, and it was stated that that would not be done or proposed.

Mr. INGALLS. Who stated that?

Mr. ALLISON. The Architect of the Capitol and the Sergeant-at-Arms; but I can not see how it will change the situation to transfer these six men from one part of this bill to another. That inequality exists now.

Mr. EDMUNDS. Will the Secretary read the clause put in on page 8?

The ACTING SECRETARY. After "each," at the end of line 173, insert:

And six watchmen employed on the Capitol grounds, at $720 each.

Mr. EDMUNDS. Is that agreed to?

The ACTING SECRETARY. And in line 174 strike out the footing "$36,600" and insert "$40,920."

Mr. COCKRELL. I think in view of all that has been said I shall raise the question of order that it is legislation to transfer the provision for these parties from one place to the other. If it is a dodge to get an increase of salary I object to it.

Mr. ALLISON. Very well; then it all goes out.

Mr. COCKRELL. Let it go back where it was.

Mr. ALLISON. Let both paragraphs stand as they were before.

The PRESIDENT *pro tempore*. That will be the understanding.

Mr. ALLISON. Now, I move, on page 91, line 2222, to strike out "nine" and insert "fifteen." This relates to the stationery and blank-books for the contingent expenses of the Post-Office Department.

Mr. EDMUNDS. Is that moved by the committee?

Mr. ALLISON. That is moved not formally from the committee. I

have summoned some members who examined the question with me and they agreed that I should move it.

Mr. EDMUNDS. If the Senator moves it from the committee it is in order; but if not, it is not. I do not ask a formal meeting of the committee, only if the committee wishes it to be done.

Mr. ALLISON. As far as I have been able to consult with the committee I understand the committee agree to it. It is done on the request of the Postmaster-General, whose letter I have here; and it is done under a decision of that Department in relation to penalty envelopes.

The PRESIDENT *pro tempore*. Will the Senator indicate the amendment?

Mr. ALLISON. On page 91, line 2222, strike out "9" and insert "15;" so as to read "$15,000;" "it having been decided," says the First Assistant Postmaster General, "that penalty envelopes heretofore furnished out of the appropriation for stamped envelopes by the Third Assistant Postmaster-General shall with the beginning of the next fiscal year be supplied out of the appropriation for stationery."

Mr. EDMUNDS. Have you diminished the stamped-envelope appropriation accordingly?

Mr. ALLISON. The stamped-envelope appropriation is in the Post-Office appropriation bill.

Mr. EDMUNDS. Then the trouble we are going to get into is that we increase this sum by $6,000 for stationery and blank-books, and for aught we know we are to leave the appropriation for stamped envelopes as before.

Mr. ALLISON. Undoubtedly; but the stamped envelopes are a very different thing. Stamped envelopes are furnished and paid for by the people who use them, and of course if the appropriation is $100,000 too much or $100,000 too little it does not make any difference to the Post-Office Department.

Mr. EDMUNDS. No; but here is an appropriation for stationery and blank-books. Now, if I understand the communication from the First Assistant Postmaster-General correctly, he says they have decided to charge the stamped envelopes, the penalty envelopes, I suppose, or whatever they are, to the stationery account, and therefore it is necessary to increase the appropriation for stationery. Now, suppose they change their minds and conclude not to devote all the money to stationery? I do not make any point.

Mr. ALLISON. It is so late that I hope no point will be made about it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The sum total of the clause will have to be changed.

Mr. ALLISON. Let $6,000 be added.

The ACTING SECRETARY. In line 2234 it is moved to strike out "$61,100" and insert "$67,100."

Mr. DAVIS, of West Virginia. Do I understand that the former amendment increased the appropriation $6,000?

Mr. EDMUNDS. It did, for stationery and blank-books.

Mr. DAVIS, of West Virginia. Was that the intention of the chairman?

Mr. ALLISON. The appropriation in this bill is $9,000 for stationery. The First Assistant Postmaster-General sent me a letter stating that it has been decided, I do not know by whom——

Mr. EDMUNDS. Determined by the Department, I suppose.

Mr. ALLISON. Determined that these stamps shall not be paid out of another appropriation from which it has been paid hitherto, but must be paid out of this appropriation; and hence it is essential to increase the amount to the extent of $6,000.

Mr. DAVIS, of West Virginia. Then I understand we appropriate $6,000 additional for either one or the other branch. It must be that too much that was formerly paid, and if you add $6,000 here it ought to be taken off elsewhere. I submit this to the chairman for his own consideration. I do not make any motion.

Mr. ALLISON. I will say to the Senator from West Virginia that I had not the opportunity of consulting with him. I received this matter so late that it could not be considered in full committee. I have given the Senate all the information I can.

Mr. DAVIS, of West Virginia. You have given the information and will be governed according to the circumstances.

Mr. ALLISON. Certainly.

The PRESIDENT *pro tempore*. The question is on the amendment changing the footing.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair is informed there was an amendment on page 73 reserved as to the General Land Office.

Mr. MORGAN. On that part of the bill which was reserved I move to insert, in line 1783, after the word "thousand," "two hundred and fifty;" so as to read:

Chief clerk, $2,250.

The Secretary of the Interior estimated for $2,500. The Commissioner of the General Land Office says in his report:

The salary of the chief clerk is estimated at $2,500, an increase of $500. The chief clerk must be fully competent to take charge and control of the bureau at all times, and his other and proper duties being intricate, complex, and arduous, fully deserve the salary estimated for.

I have taken, however, $250 instead of $500, which the Secretary recommends, and move to increase it by that amount. That does not still bring it up to the pay of the chief clerks in some of the other Departments.

Mr. HOAR. I inquire if that is the estimate of the Department?

Mr. MORGAN. The estimate was $2,500, but I move to make it $2,250. I wish only to say that the chief clerk acts as assistant commissioner of the General Land Office; and is compelled in the absence of that officer to discharge all his duties really. More than that, his own duties are of a very intricate character requiring him to be master of the decisions and of the statutes in reference to public lands. He is not only one of the most important officers of that bureau, but his labors are very heavy. I hope that the Senate will agree to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

Mr. MORGAN. Now I move, in line 1786, to strike out "three" and insert "eleven," and also in line 1788 to strike out "thirty-four" and insert "twenty-six." The effect of that will be merely to move eight of the clerks of class 4 into the class preceding it; that is of principal clerks; they are all of them chiefs of division. On that subject the Commissioner says as follows:

I would call attention to the unnecessary distinction maintained in the classification of the principal clerks of this office. Originally there were but three, namely, of public lands, of surveys, and of private land claims. The early statutes provided for the appointment by the President, by and with the advice and consent of the Senate, of these "three principal clerks" for the above respective subdivisions of the General Land Office. At this period there was but one method provided for the disposal of the public lands—that of cash sale. Since then additional methods have been adopted, and the general business of the office has also increased with the growth of the country. There are now ten divisions besides that of the recorder, each of which is charged with the work of an important branch of the business of the Land Department.

There is no difference in the character of the duties and responsibilities of the chiefs of these divisions. The services of all are of equal dignity and importance; the degree of ability and experience required is the same in each case, and the compensation is uniform.

My examination of that department, in connection with the Senator from New Hampshire [Mr. BLAIR] and other Senators here, including the Senator from Colorado [Mr. HILL], satisfied me that this change was not only a just one to make, but that it was essential for the proper regulation of that bureau, and the committee were entirely of that opinion, and so are the Committee on Public Lands. I therefore hope the amendment will be adopted.

Mr. ALLISON. This is a question that I feel a delicacy about discussing. The effect of the amendment of the Senator from Alabama is to increase the compensation of eleven of these clerks.

Mr. MORGAN. Very slightly.

Mr. ALLISON. From $1,800 to $2,000.

Mr. MORGAN. Only $200 apiece.

Mr. ALLISON. The effect is further to revise the present legal status of the organization of the Land Office. It is a pretty great increase, and I want to know from the Senator from Alabama if he proposes to make any further amendment.

Mr. MORGAN. Not at all.

Mr. PLUMB. I want to say that we increased the salary of the chief clerk of the Government Printing Office from $2,000 to $2,400. Everywhere there have been increases, in all departments of the Government except here. If this had not been done I would not be here to ask for it to be done here; but justice should be done these men who are doing the work the Senator from Alabama has so fully described. It ought to have its right measure of recognition.

Mr. ALLISON. I want to correct the Senator from Kansas in one respect. We have made but very few changes in this bill, but we have made just enough to make it rather awkward for me to make points of order on the Senator from Alabama.

Mr. MORGAN. I insist on it on account of the merits of the proposition. Here are three of these chiefs of division who get $2,000, as they have for a great many years. There are eight others who perform exactly the same duties and have exactly the same responsibilities who get $1,800. It is a matter of justice and equality to the kind of labors and the responsibilities of the heads of the divisions.

I wish to say one more word to the Senate about it. We have been losing men from the Land Office year after year who have gone there and become accomplished in the business of the Land Office, who have retired into lucrative practice from the Departments, and we are continually having to educate new men because the compensation that they get there is not sufficient to attract men of the ability and character that is necessary in this Department, and it is very bad policy for us to keep the salary down to $1,800 a year.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

Mr. ALLISON. The thirty-four clerks of class 4 ought to be reduced now to twenty-six, in line 1788.

Mr. MORGAN. That was part of the amendment I offered.

Mr. ALLISON. The footings should be made to correspond with these changes.

Mr. HOAR. The Secretary will arrange the footings.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. That will be done, no objection being made.

Mr. SHERMAN. I am directed by the Committee on the Library to offer two amendments to this bill, on page 17, after line 386. They are the same amendments that were reported and adopted unanimously at the last session, and I am directed again to offer them. The first is:

To enable the Joint Committee on the Library to purchase from the Marquis de Rochambeau the military papers, maps, and letter-books of the Count de Rochambeau, general in the French army in America, $20,000.

Mr. COCKRELL. I raise the question of order on that.

Mr. SHERMAN. I will say that there can be no question of order, because this is reported from the Committee on the Library; it has been sent to the Committee on Appropriations, and all the forms required by the rules have been observed.

Mr. COCKRELL. It does not properly belong to this bill; it ought to go on the sundry civil bill, if any.

Mr. SHERMAN. I will say to the Senator that I consulted the chairman of the Committee on Appropriations. The Committee on the Library have no amendments to offer but these two, and this is the clause where appropriations for the Library are properly made. They more properly come here than they would on the sundry civil bill. I prefer, therefore, to offer them here. All the other purchases of books for the Library, and all the other provisions about the Library are contained in this bill, and this is the proper place for the provision.

Mr. ALLISON. I did say to the Senator from Ohio that I was in favor of these two amendments. We put them on the sundry civil bill last year, but they were stricken off in the House. I think still the sundry civil bill is the proper place for them, but I shall make no point on that.

Mr. SHERMAN. By putting them here we give the House and its committees more time to consider them. If there is anything objectionable about them, I do not want them adopted. I prefer to have them in such form that the House can fairly consider them. I do not want them brought in in the hurry-scurry at the end of the session.

Mr. COCKRELL. I have been listening to see if the distinguished Senator from Kansas would not have a few words to say about this.

Mr. INGALLS. I think inasmuch as we have got to buy these papers we had better have them now. They will get more valuable as they get older. We may have to pay $100,000 for them in a few years.

Mr. COCKRELL. In view of that fact and the pertinacity with which it is pressed, I will withdraw the point of order if we can save something by it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN].

The amendment was agreed to.

Mr. SHERMAN. Now I offer an amendment for the purchase of the papers of the late Matthew H. Carpenter.

Mr. EDMUNDS. The Supreme Court records?

Mr. SHERMAN. The Supreme Court records. It has been very strongly commended by the Supreme Court. It is—

To enable the Librarian of Congress, under the direction of the Joint Committee on the Library, to purchase the set of records and briefs in cases in the Supreme Court of the United States belonging to the estate of the late Matthew H. Carpenter, the sum of $8,000.

The amendment was agreed to.

Mr. PLUMB. I move to insert, after the word "commerce," page 11, line 234:

Clerk to the Committee on Indian Affairs and clerk to the Committee on Military Affairs.

The amendment was agreed to.

Mr. PLUMB. And the word "and" after "Agriculture," in line 234, should be stricken out.

The amendment was agreed to.

Mr. ALLISON. Now, Mr. President, I ask unanimous consent to offer the following amendment on page 77, at the end of line 1862:

Any person who falsely represents himself to be an officer, agent, or employé of the Pension Bureau of the Interior Department, or in such assumed character pretends or assumes to act and perform or does perform in such assumed character any duty or act belonging to such officer, agent, or employé so falsely personated, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000, or be imprisoned for a period not more than two years, or both, in the discretion of the court.

Mr. EDMUNDS. That is legislation.

Mr. ALLISON. One moment. If the Senator objects I shall withdraw it.

The Commissioner of Pensions states to the committee that a great many persons are representing themselves as the agents and employés of the Pension Office who are not such agents or employés, thus imposing on a great many innocent people. It is important to the protection of the proper employés of the office that this provision should become a law. He does not see any other way than to put it on this appropriation bill.

Mr. EDMUNDS. Some law of this kind undoubtedly ought to be passed; but it is the very trouble that exists on all appropriation bills that almost all of our legislation is empirical; it is special; it does not cover the whole class of subjects of the same kind that it ought to cover. Now, there ought to be a law punishing every person who falsely personates any officer or employé of the United States for the purpose of committing any wrong or fraud upon anybody; that is plain enough; and if the Committee on Pensions will report such a bill on Monday or any other day, they can pass any such bill that is general, or if any other committee will do it, applying to everybody, all alike, everywhere, in every Department—because people do it in the Internal-Revenue and in the Department of Justice, I have heard sometimes—it can pass by unanimous consent in two minutes, I have no doubt. But this just illustrates the narrowness of our legislation on appropriation bills. Therefore I make the point of order.

Mr. COCKRELL. And illustrates the position of the Senator from Vermont. When we wanted to make the provision of his bill, the Utah bill, the polygamy bill, applicable to all the Territories and make a general law, he wanted it specific.

Mr. EDMUNDS. It does not illustrate that, Mr. President, but I will not waste the time of the Senate in reply.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. CALL. I ask the Senator in charge of this bill not to raise the point of order while I move an amendment. In line 115, I move, after the word "at," to strike out "one thousand" and insert "fourteen hundred;" so as to read:

For eight skilled laborers at $1,400 each.

I will state the reason why that amendment should be made. I understand these eight skilled laborers are performing all the duties of messengers to the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida [Mr. CALL].

Mr. EDMUNDS. What is it? Let it be stated.

The PRESIDENT *pro tempore*. It will be read.

The ACTING SECRETARY. The proposed amendment is in line 115, page 6, to strike out "one thousand" and insert "fourteen hundred;" so as to read:

For eight skilled laborers at $1,400 each.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. ALLISON. There was an amendment proposed on page 56 to strike out the clause repealing the statute relating to an Assistant Secretary of War and an Assistant Secretary of the Navy. As the amendment did not prevail before, I renew it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out a proviso which will be read.

The ACTING SECRETARY. On page 56, commencing at line 1352, it is moved to strike out:

Provided, That the provisions of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883," approved August 5, 1882, which authorized the appointment of an Assistant Secretary of War and an Assistant Secretary of the Navy, be, and the same are hereby, repealed.

Mr. CONGER. Is that subject to a point of order? It repeals a law.

Mr. COCKRELL. It is a House provision.

The PRESIDENT *pro tempore*. It is in the House bill sent here.

Mr. ALLISON. I desire a vote on striking it out.

Mr. VOORHEES. Allow me to inquire if the existing law provides for an Assistant Secretary of the Navy and an Assistant Secretary of War, and this is a provision repealing that law?

Mr. COCKRELL. Yes; that is it. No appointment has been made.

Mr. EDMUNDS. We ought to strike it out, if we follow what we have been doing.

Mr. BECK. Last year the Secretary of War and Secretary of the Navy by arguments very strong and very persuasive showed us the necessity of their having the right to have an Assistant Secretary of War and an Assistant Secretary of the Navy.

Mr. VOORHEES. Why do they not have them?

Mr. BECK. They claim that they have not been able to ascertain yet the persons they are willing to appoint in these places, as I understand; and why we should repeal a law that we passed last year for good reasons is, I confess, the trouble I have. The Secretary of War is a civilian; the Secretary of the Navy is a civilian. They have an organized body of men under them standing up to their own class. The soldiers are banded together; the sailors are banded together; they regard the Secretary of War and the Secretary of the Navy as outside men and enemies of their class. There are many things done that a Secretary has to trust to some one in his absence that ought not to be done, and that he ought to have some supervision of. He should have a confidential adviser to see that his Department is worked properly. That was the main idea.

Mr. VOORHEES. Let me ask the Senator from Kentucky if there is anything in the law that prevents them having the assistance of their own class?

Mr. BECK. There is now, but this is to repeal it. We want to give them a chance.

Mr. VOORHEES. But does the law as it stands now, recently put

in, provide that an Assistant Secretary of the Navy or Assistant Secretary of War shall be appointed from any given class of persons?

Mr. BECK. I think not, nor is the appointment of the Secretary of War or the Secretary of the Navy from any particular class; but they are civilians.

Mr. VOORHEES. Then why have not the appointments been filled if they are necessary? If there is no limitation, why should not the offices have been filled?

Mr. BECK. I know of no other reason except that they have not been able, as they say, to find a person that they are willing to appoint. No money is spent, but a case might arise where it might become important in consequence of sickness or long continued absence of either Secretary that some one should be there who was a friend of the Secretary who should see that his work went on. If nobody is appointed, no money will be spent and no harm done. I think as we only passed the law last year, we might as well let it stand without repealing it.

Mr. VOORHEES. I voted in Committee of the Whole in favor, I think, of striking out the clause repealing the law, but I wanted to hear what reason there was for a law of that kind, if it had not been found necessary to act under it and make the appointment. I am not clear in my mind now whether I voted right or not.

The PRESIDENT *pro tempore*. The question is on striking out the clause.

The amendment was agreed to.

Mr. ALLISON. In line 1582, page 65, I move to strike out "will" and insert "shall;" so as to read:

Said officer shall have charge of said building, &c.

The amendment was agreed to.

Mr. PLUMB. I move on page 74, after line 1800, to add "to be immediately available;" so as to read:

And the sum of $50,000 is hereby appropriated for clerical force for the sole purpose of disposing of the accumulated work in the General Land Office, to be expended under the direction of the Secretary of the Interior for that purpose, to be immediately available.

Mr. EDMUNDS. I do not object to that, but there is no need of doing it, because it can not go into operation until the 1st of July.

Mr. ALLISON. After the 1st of July no appointment can be made except under the civil-service law, but I do not understand that the civil-service law is to wait until the 1st of July to take effect.

Mr. HOAR. This would require these men to get up their scheme of examination instantly; it would require them to be ready at once.

Mr. PLUMB. To get so much of it as is necessary to start the machine in the Interior Department.

Mr. EDMUNDS. I hope the Senator from Kansas will not insist on that.

Mr. PLUMB. I withdraw the amendment.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; and

A bill (H. R. 3552) to remove the legal and political disabilities of Anderson Merchant, now of New York, formerly of Virginia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes;

A bill (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner;

A bill (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway; and

A bill (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel.

UTAH COMMISSIONERS' REPORT.

Mr. BROWN. I offer a resolution to which I suppose there will be no objection:

Resolved, That the Public Printer is instructed to print immediately for the use of the Senate 300 copies of the report and the "rules and regulations" of the Utah commissioners, including the oaths prescribed for voters and office-holders in said Territory.

Mr. EDMUNDS. That ought to be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be referred to that committee.

Mr. BROWN. I ask that it be not referred, because I want to get the printing done so that I can have the document before we finally act on the Utah bill. I have asked the chairman of the committee, and he has told me if I could find them I should have the papers. I have been told they are in the office of the Secretary of the Interior. I telegraphed him yesterday and got no reply. I telegraphed him again today, and he informs me that he has had his clerks copying the papers. It is not exactly certain when we can get them. I suppose each Senator would like to see them.

Mr. EDMUNDS. That is perfectly right. There is no objection to the printing, but I am a little afraid that it will turn out that this has not been regularly submitted to Congress in such a way as to authorize its being printed as a public document in the possession of the Senate. It may be that it is; but to guard against the possibility of tangling up the accounts and making delay I made that suggestion; but I shall not insist on it.

Mr. BROWN. I am very anxious to have the document.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

BILL INTRODUCED.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 2506) to prevent false personations of officers, agents, and employés of the Pension Bureau; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO A BILL.

Mr. GARLAND, Mr. MAHONE, and Mr. MCDILL submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 3552) to remove the legal and political disabilities of Anderson Merchant, now of New York, formerly of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

ALLOWANCE OF SUPPLY CLAIMS.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. EDMUNDS. I do not oppose the motion of my friend from Wisconsin because he moves to take up an appropriation bill, otherwise I should ask the Senate to proceed to finish the Utah bill. As soon as the appropriation bill is through with, I shall endeavor to get the floor to make that motion. I was also about to move an executive session for a moment, but I give away.

Mr. CAMERON, of Wisconsin. I have moved that the bill be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and, on motion of Mr. EDMUNDS (at 6 o'clock and 10 minutes p. m.), the Senate adjourned to meet on Monday at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 24, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. BUCK. I ask unanimous consent to call up from the House Calendar House bill No. 7115.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The regular order is the call of committees under the special rule adopted yesterday. The Chair will commence the call at the head of the list of committees.

Mr. PAGE. I suggest that as this rule was only adopted yesterday a great many of the committees have not since had a meeting, and therefore may not be prepared this morning to present any measure under this rule. Thus they may lose their place.

The SPEAKER. As soon as the first call of the committees is completed they will be called again.

Mr. ATKINS. I desire to inquire whether the regular order is not the consideration of the sundry civil appropriation bill, upon which at the adjournment yesterday the previous question was operating, and which I presume would come over as unfinished business?

The SPEAKER. The Chair will state the situation of that bill. At the time of the adjournment last evening the previous question was operating—not upon the passage of the bill, but upon the engrossment and third reading, so that on reaching that stage the previous question

will be exhausted. A strict ruling, in the opinion of the Chair, would require the House to proceed now with the consideration of the bill up to the third reading, when it would have to be laid aside and the regular order proceeded with.

Mr. ATKINS. No doubt the Chair is correct; but that is a very strict ruling.

The SPEAKER. That has been the ruling heretofore. The Chair thought that the whole subject had better come up together. The Chair, under the new rule, will call first the Committee on Elections. [A pause.] The next committee is the Committee on Ways and Means.

Mr. KELLEY. I have here a bill from the Committee on Ways and Means, House bill No. 7597, to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado. I will state that this bill is identical in form with one passed last year.

The SPEAKER. The Chair will state that under the "Pound rule" no bill can be called up for consideration except such as have been reported and the reports printed, or Senate bills identical with such House bills.

ADULTERATION OF TEA.

Mr. RANDALL. I desire to call up a bill (H. R. No. 7486) to prevent the importation of adulterated and spurious teas. I was instructed by the Committee on Ways and Means to move to suspend the rules for the passage of this bill——

The SPEAKER. Has the gentleman been instructed to call the bill up under this rule? That is the only inquiry the Chair can make.

Mr. RANDALL. This rule was only adopted yesterday. The Committee on Ways and Means instructed me some time since to move a suspension of the rules for the passage of this bill, but by a subsequent vote gave a preference to the bill to reduce internal revenue, which was presented by the committee last Monday. The committee has had no meeting since the adoption yesterday of the new rule; but in my personal intercourse with members of the committee I have found no one to object to this.

The SPEAKER. If the gentleman states that he has been authorized by the committee to call the bill up——

Mr. RANDALL. I have not been authorized at any formal meeting to bring the bill up under this particular rule.

Mr. DUNNELL. The committee has not been in session since the adoption of the rule.

Mr. KELLEY. The gentleman has been authorized to report the bill and bring it before the House.

The SPEAKER. The only question which the Chair regards himself as bound to put is whether the gentleman is authorized to call the bill up under this rule?

Mr. DUNNELL. The committee has had no meeting since the "Pound rule" was adopted.

The SPEAKER. The Chair can not enter into any controversy. If the gentleman from Pennsylvania states that he is authorized to call this bill up——

Mr. RANDALL. I did not say that the committee had authorized this bill to be called up under this particular rule. I said the committee had had no meeting since the adoption of the rule; but I was authorized to use every parliamentary advantage to secure the passage of this bill.

Mr. KELLEY. That is certainly the case.

The SPEAKER. If that be the instruction of the committee, the Chair will admit the bill.

Mr. KELLEY. That was unquestionably the case.

The SPEAKER. The gentleman from Pennsylvania will send up the bill.

Mr. BURROWS, of Michigan. I rise to a parliamentary inquiry. It is important we should understand the operation of this rule. Is it understood that if a majority of the committee without a formal meeting authorize a bill to be called up under this rule it will be received?

The SPEAKER. The Chair will be governed by the statement of the gentleman making the proposition. If he states that he is authorized by the committee to call up the bill under this rule, the Chair will recognize him without entering into any controversy. The Chair understands the gentleman from Pennsylvania to state that he has been instructed by the Committee on Ways and Means to call up this bill under any parliamentary proceeding of the House and have it considered. That instruction is broad enough in the opinion of the Chair to authorize the presentation of the bill at this time.

Mr. BURROWS, of Michigan. The gentleman also states that there has been no meeting of the committee since the adoption of the rule. I have no disposition to resist the presentation of the bill, I merely want to understand what is to be the practice.

Mr. RANDALL. There has been no meeting since the adoption of the rule, but the statement of the Chair as to the position of the case is correct.

The SPEAKER. Before the adoption of the rule, as the Chair understands, the committee instructed the gentleman from Pennsylvania to call this bill up under any rule of the House which might enable him to bring it up for consideration. The gentleman from Pennsylvania calls up for present consideration the bill which the Clerk will read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel.

It further announced the passage of the following bills, with amendments in which concurrence was requested:

A bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

It further announced the adoption of the conference report on the bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

It further announced the Senate insisted on its amendments to and agreed to the conference asked by the House on the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes, and had appointed as managers of said conference on its part Mr. LOGAN, Mr. PLUMB, and Mr. RANSOM.

It further announced that the Senate insisted on its amendments to and agreed to the conference asked by the House on the bill (H. R. 7191) making appropriation for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1884, and for other purposes, and had appointed as managers of said conference on its part Mr. DAWES, Mr. LOGAN, and Mr. COCKRELL.

ADULTERATED AND SPURIOUS TEAS.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL], by direction of the Committee on Ways and Means, calls up under the rule for action at this time the bill (H. R. 7486) to prevent the importation of adulterated and spurious teas. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise for sale as tea, adulterated with spurious leaf or with exhausted leaves, or which contains so great an admixture of chemicals or other deleterious substances as to make it unfit for use; and the importation of all such merchandise is hereby prohibited.

SEC. 2. That on making entry at the custom-house of all tea or merchandise described as tea imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from warehouse until released by the custom-house authorities, who shall examine it with reference to its purity and fitness for consumption; and that for the purpose of such examination samples of each line in every invoice shall be submitted by the importer or consignee to the examiner, with his written statement that such samples represent the true quality of each and every part of the invoice, and accord with the specification therein contained; and in case the examiner has reason to believe that such samples do not represent the true quality of the invoice he shall make such further examination of the tea represented by the invoice, or any part thereof, as shall be necessary.

SEC. 3. That if, after an examination as provided in section 2, the tea is found by the examiner not to come within the prohibition of this act, a permit shall at once be granted to the importer or consignee declaring the tea free from control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to come within the prohibitions of this act, the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, so returned shall not be released by the custom-house, unless on a re-examination called for by the importer or consignee the return of the examiner shall be found erroneous: *Provided*, That should a portion of the invoice be passed by the examiner a permit shall be granted for that portion, and the remainder held for further examination, as provided in section 4.

SEC. 4. That in case of any dispute between the importer or consignee and the examiner the matter in dispute shall be referred for arbitration to a committee of three experts, one to be appointed by the collector, one by the importer, and the two to choose a third, and their decision shall be final; and if upon such final re-examination the tea shall be found to come within the prohibitions of this act the importer or consignee shall give a bond, with securities satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States, within a period of six months after such final re-examination; but if the same shall not have been exported within the time specified the collector at the expiration of that time shall cause the same to be destroyed.

SEC. 5. That the examination and appraisement herein provided for shall be made by a duly qualified appraiser of the port at which said tea is entered, and when entered at ports where there are no appraisers such examination and appraisement shall be made by the revenue officers to whom is committed the collection of duties, unless the Secretary of the Treasury shall otherwise direct.

SEC. 6. That leaves to which the term "exhausted" is applied in this act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

SEC. 7. That teas actually on shipboard for shipment to the United States at the time of the passage of this act shall not be subject to the prohibition thereof.

Mr. RANDALL. Does the rule provide that the report shall be read before or after objection has been called for?

The SPEAKER. If the gentleman desires the report can be read at this time.

Mr. RANDALL. I wish the report read in connection with the bill as well as the letter of the Secretary of the Treasury.

The SPEAKER. Under the rule the reading can not occupy longer than five minutes.

Mr. RANDALL. It will not take that long.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 7085) to prevent the importation of adulterated teas, beg leave to report as follows:

The object of the bill, as originally introduced, and as now reported, with amendments, is to prohibit by law and prevent the importation of spurious or adulterated teas. The necessity of such legislation as will fully protect the con-

sumers of teas in this country against teas which have been deprived of their "proper quality, strength, or virtue by steeping, infusion, decoction, or other means," can not be questioned; but your committee was desirous of so framing the bill as to prevent any serious inconvenience by sudden changes in manner of trading to those engaged in the sale of tea in the United States.

To make sure on this point, the bill originally introduced by Mr. HARDENBERGH, of New Jersey, was submitted to the Secretary of the Treasury, whose letter accompanies this report, wherein that officer gives his approval of the object in view.

The bill as reported has been examined by the executive committee of tea trade of New York city and the Board of Trade of Philadelphia, and likewise by others engaged in the tea trade in other sections, and meets with a unanimous indorsement as far as your committee is informed.

The Parliament of Great Britain enacted a law, which took effect on January 1, 1876, a copy of which law is annexed. Your committee therefore unanimously recommend the speedy enactment of the accompanying substitute for the bill H. R. 7085, herewith reported.

TREASURY DEPARTMENT, *January* 15, 1883.

SIR: I have the honor to acknowledge the receipt of your letter dated the 8th instant, inclosing bill (H. R. 7085), to prevent the importation of adulterated teas, and requesting my opinion as to the "advisability of passing the bill."

The act provides for the re-exportation of tea found to be adulterated, or so far affected by chemicals as to be unfit and dangerous for use; or for its destruction if the tea shall not be re-exported within a specified time.

The provisions are similar in principle to the legislation already in existence relating to imported drugs, medicines, medicinal preparations, &c., found to be adulterated, or in any manner deteriorated, and inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and which therefore are "improper, unsafe, or dangerous to be used for medicinal purposes." Such articles may be re-exported, or, after the expiration of a certain time from the date of their importation, may be destroyed by the collector of customs.

The act upon the subject is to be found in the act of June 26, 1848 (9 Statutes at Large, page 237), reproduced as section 2935 and 2936, Revised Statutes; see also sections 2544, 2558, 2569, 2612, and 2611 of said Statutes.

The provisions of the bill are also analogous to those contained in the inclosed copy of a British act of Parliament (General Statutes, 38 Victoria, page 583) relating to adulterated and exhausted teas imported into Great Britain.

It is for the interest of the public to prevent the importation of adulterated or worthless articles to be consumed as food in the United States; and as it appears to be practicable to enforce the provisions of the bill, the Department, as at present advised, perceives no special objection to the passage of some such provisions as are contained in the bill.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. WILLIAM D. KELLEY,
Chairman Committee on Ways and Means,
House of Representatives.

[From General Statutes of Great Britain, 38 Victoria, 583.]

From and after the 1st day of January, 1876, all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the commissioners of customs, subject to the approval of the treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ship stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

Tea to which the term "exhausted" is applied in this act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. I object.

The SPEAKER. A sufficient number has not objected, and therefore the bill under the rule is before the House at this time for consideration.

Mr. BEACH. I desire to be heard in opposition.

The SPEAKER. The gentleman from Pennsylvania is first entitled to be heard for five minutes in support of the proposition.

Mr. RANDALL. I desire to say, Mr. Speaker, I have one or two amendments which since the bill was reported have met the approval of the Committee on Ways and Means, and when those amendments are presented they will at once, I believe, obviate all possible objection on the part of one or two firms engaged in the tea trade in New York city to the bill.

Mr. BEACH. Mr. Speaker, the other day when unanimous consent was asked on this bill I felt it my duty to object. I objected, not because I was opposed to the end sought by the bill, but because it was in the nature of special and hasty legislation.

I believed then and I believe now that there are features connected with this proposition which should undergo thorough discussion.

When this subject of adulterations was first agitated in England about thirty years ago it gave rise to a commission created by Parliament. This commission prosecuted its work vigorously for two sessions before it was able to bring in a bill. Here the Ways and Means Committee hatch out a bill in a few hours, ask unanimous consent for its passage, even before the report is printed; and that failing, they now seek to pass it in this summary way.

Mr. Speaker, I am not opposed to the principle of this bill. I am heartily in favor of it. I believe that Congress has the right, and it is its duty, to stop the importation of all adulterated articles. Such articles are *mala in se*, and like spurious coin should be suppressed by law. The amount of damage done to the health and pocket of the consumer by the sale of adulterated goods is difficult to estimate. The evil is growing greater and greater every day. Congress has not been asleep to the necessity of checking it. In the Forty-fifth, in the Forty-sixth, and in the present Congress bills have been introduced to stop the manufacture and sale of adulterated food and drink. These bills have made but little progress on account of the doubt that exists as to the constitutional right of Congress to interfere with State matters. A bill was introduced at the last session by my honored colleague [Mr. FLOWER] of New York, which went to the Committee on Commerce. That committee made a report and presented a substituted bill, which in my opinion is far better than the pending one. This report calls attention to numerous instances of adulterations and in passing says (see page 3):

It is useless to increase the number of these samples. It is believed by persons who have examined this subject for the past five years that a large proportion of the substances shipped from the Old World to the New, and which enter so largely into the manufacturing of the foods of this country, are adulterated and impure. It is easy for any one to see that this state of things must affect the general health of our communities.

We have already legislated against the importation of foreign adulterated drugs. The provisions are to be found in the Revised Statutes, sections 293 *et seq.*

But, Mr. Speaker, I can not attempt to discuss this matter in the limited time at my disposal. I rose simply to urge my objections to the bill in its present shape. It is of special application, relating solely to teas. I would, if the opportunity to amend was accorded, make it of universal application, so as to cover spices, pepper, mustard, coffees, and sugars; in fact, food and drink of every kind and description whatsoever? Why should we confine the bill to adulterated teas? Why not cover all the adulterated articles which come from abroad? Why not shut them all out by one and the same law? Why lumber up the statute-books with special laws? Why legislate for one class and not another?

It may be said that a general law would be difficult to enforce, on account of the difficulty of detecting adulterations. But this is not true. Chemistry and the microscope make detection so simple that the most uneducated person can easily discover adulterations. The points at which foreign articles enter the country are comparatively few in number, and the custom-house officials can cope with the subject without much additional trouble or expense.

I think it safer and better to let this bill lie over until the whole subject can be thoroughly discussed and a proper enactment be made to embrace all adulterated articles.

Mr. RANDALL. Mr. Speaker, in reply to the suggestion of the gentleman from New York, this bill has not had full consideration or deliberation I wish to say that it was originally introduced by the gentleman from New Jersey [Mr. HARDENBERGH] on the 19th of December, 1882, and referred to the Committee on Ways and Means. In that committee it was assigned to me, and I have given it every possible research and study. It was reported to this House by the unanimous direction of the Committee on Ways and Means on the 3d of February, three weeks ago. The next day or the day after the bill and report were printed. The gentleman therefore is mistaken when he says the report has not yet been printed.

The objection of the gentleman from New York is not to the bill as it is presented here, because he says it is right in principle and he approves it. His objection is that it does not go far enough, and he desires to include drugs and other articles of importation, in reference to which the committee have not made examination. Therefore I am not authorized on their behalf to accept any amendment going beyond the importation of adulterated and spurious teas, which was the subject they have examined and in reference to which they have submitted a unanimous report to this House.

I yield now, Mr. Speaker, the remaining portion of my time to the gentleman from New Jersey.

Mr. HARDENBERGH. Mr. Speaker, I have but a word to say in reference to this bill. It grew out of a conversation which occurred with some merchants about the importation of adulterated and spurious teas into this country. In that conversation it was remarked that so far had this great crime against the American people been perpetrated by foreign nations engaged in the importation of teas into this country that the very excrements of worms were sent over here and sold and went into consumption among the people as tea. Now, sir, I know well that the question of the adulteration of drugs is also a matter of very serious importance. But in these closing hours of this Congress it is, as gentlemen will understand, utterly impossible to expect to get the attention of the committee or the House for a sufficient time to correct these general abuses. We are therefore forced of necessity to limit ourselves to such special cases as may come before us from the committees of the House. If we can correct this wrong in regard to the importation of teas we will have made at least one important step forward and have performed a great duty as well as an act of justice that is demanded by the American people at the hands of an American Congress. It is at least a step forward and we can look to the next Congress for still further security. Let the vote be taken.

[Here the hammer fell.]

Mr. FLOWER. Mr. Speaker, I shall vote for this bill. While it is not general enough in its provision, it is a move in the right direction.

Mr. RANDALL. I now send to the desk an amendment by author-

ity of the Committee on Ways and Means, to be added at the end of the second section. This is prepared in order to meet the objections of one or two large importers of teas.

The Clerk read as follows:

Add, at the end of section 2:

"*Provided*, That such further examination of such tea shall be made within three days after entry thereof has been made at the custom-house: *And provided further*, That the bonds above required shall also be continued for the payment of all custom-house charges which may attach to such merchandise prior to its being released or destroyed, as the case may be, under the provisions of this act."

The amendment was agreed to.

Mr. RANDALL. I offer a further amendment as a new section to be added to the bill.

The Clerk read as follows:

SEC. 8. That the Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulation.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEREST ON JUDGMENTS, COURT OF CLAIMS.

The Committee on the Judiciary was called.

Mr. HAMMOND, of Georgia. By authority of the Committee on the Judiciary I call up from the House Calendar the bill (H. R. 4437) to amend section 1090 of the Revised Statutes of the United States, relating to interest on judgments rendered by the Court of Claims.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted, &c., That section 1090 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, or the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury as aforesaid."

The SPEAKER. Is there objection under the rule to the present consideration of the bill called up by the gentleman from Georgia?

Mr. HAMMOND, of Georgia. I submit that I am entitled to five minutes by way of explanation of the bill before objections can be called for.

The SPEAKER. The gentleman is entitled, if he desires it, before objection is asked for, to have the report read for five minutes.

Mr. HAMMOND, of Georgia. The language of the rule as modified on yesterday is that the report may be read for five minutes or an explanation in lieu thereof.

The SPEAKER. The gentleman from Georgia is correct, and will be recognized before the objection is asked for under the rule.

Mr. HAMMOND, of Georgia. I could have the report read accompanying this bill, but I can make an explanation perhaps in briefer terms which will be equally satisfactory to the House.

The act of March 3, 1863, chapter 92, section 7, 12 United States Statutes, page 766, provides as follows:

In all cases of final judgments by said court—

Which is the Court of Claims—

or on appeal by the said Supreme Court where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims, &c.

In the codification of the laws in the Revised Statutes at section 1090 that statute is printed exactly as it was in 1863, except that the word "or" was changed to "and." Whether this was done by a mistake or by design we of course do not know. But the committee think that it does not really change the law, and that it would read properly:

In all cases of final judgments by said court, or in all cases of appeal by the said Supreme Court, where the same shall be affirmed or not reversed.

Now, in some of the States a judgment is superseded when the case is taken to the supreme court, and consequently there is no subsisting judgment, and that may explain why the revisers used the language. The habit has been here in the Supreme Court when a judgment is affirmed to send it back to the Court of Claims for final judgment. Under strict, literal construction of this statute as now printed by Mr. Lawrence it has been held that no final judgment bears interest unless that judgment was also carried to the Supreme Court and there affirmed by the opinion of the court, on the ground that there is no concurrence of final judgment below and affirmance by the Supreme Court, as there is no judgment of the Supreme Court affirming the judgment below. The whole of the change, as will be seen, was made by making this word "or" read "and." "Or" is the word originally used in the statute and is the right word, and the Judiciary Committee report unanimously that it is the proper word. Therefore I am instructed to ask the House to pass this bill so that this change may be properly made.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. It was almost impossible to understand what this bill is from the hurried reading of it from the desk. I therefore ask unanimous consent that it be again read for the information of the House.

The SPEAKER. The Chair does not think under this rule, unless by unanimous consent, the bill could again be read.

Mr. HOLMAN. I ask unanimous consent for its reading.

There being no objection, the bill was again reported.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAMMOND, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Committee on Banking and Currency was called. No measure was called up on behalf of that committee.

The Committee on Coinage, Weights, and Measures was called.

ASSAY OFFICE AT DEADWOOD, DAKOTA TERRITORY.

Mr. ROSECRANS. I am instructed by the Committee on Coinage, Weights, and Measures to call up from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. 1887) to establish an assay office at Deadwood, in the Territory of Dakota.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to establish an assay office at Deadwood, in the Territory of Dakota, the said assay office to be conducted under the provisions of title 37 of the Revised Statutes of the United States of 1878.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building at Deadwood, in the Territory of Dakota, for the purpose of said assay office, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding $50,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I wish to inquire whether the rule under which this report is made supersedes the rule which requires all bills appropriating money to have their first consideration in Committee of the Whole.

The SPEAKER. The Chair thinks it does, because it leaves it in the power of five members to object to consideration at all. This is a special rule which allows any bill to be called up; and such a bill when called up is not subject to any point of order, but is only subject to the objection of five members. And it is stated in the rule that it is to be considered in the House as in Committee of the Whole.

Mr. HOLMAN. Then I call for the reading of the report.

Mr. ROSECRANS. There is a Senate bill of the same tenor which I would like to substitute for the House bill.

The SPEAKER. The Senate bill which the gentleman from California desires to substitute will be read.

The Clerk read as follows:

A bill (S. 1004) to establish an assay office at Deadwood, in the Territory of Dakota.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to establish an assay office at Deadwood, in the Territory of Dakota, the said assay office to be conducted under the provisions of title 37 of the Revised Statutes of the United States of 1878.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building at Deadwood, in the Territory of Dakota, for the purpose of said assay office, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding $50,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks that the report be read. That will be done under the rule.

Mr. ROBINSON, of Massachusetts. There is a parliamentary inquiry which I desire to make. I suppose the gentleman from California is not entitled to bring the Senate bill before the House unless he is instructed by his committee so to act.

The SPEAKER. Of course not.

Mr. ROSECRANS. I am instructed by the committee so to act.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred the bill (H. R. 1887) to establish an assay office in the city of Deadwood, in the Territory of Dakota, respectfully report the same back to the House with the recommendation that the same do pass.

It was shown that the city of Deadwood, in the Black Hills, Dakota, is the principal city of that region, and in the midst of the gold mines. Although these mines have been discovered but for a short time and are now in the infancy of their development, the product of gold for the year ending June 30, 1881, was $4,500,000, and the amount will be much larger for the year ending June 30, 1882. The total product of these mines deposited in the mints and assay offices of the United States is shown to have been $10,644,000 in gold, up to June 30, 1881.

There are a great number of undeveloped mines of gold and silver and very rich placer diggings, and it is the opinion of your committee that the product of the precious metals will be greatly stimulated by the establishment of an assay office at this point.

Mr. HASELTINE. I object.

The SPEAKER. The Chair will submit the question. Is there objection?

More than four members objected.

MARINE-HOSPITAL SERVICE.

The Committee on Commerce was called.

Mr. McLANE, of Maryland, was recognized.

Mr. WHITE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE. In this call will not the reports of committees take precedence in the order in which they have been authorized by the committees?

The SPEAKER. The Chair does not exactly understand the gentleman's point.

Mr. WHITE. Is it in the discretion of the Chair to recognize one member of a committee in preference to another?

The SPEAKER. The Chair recognizes one member on behalf of the Committee on Commerce, who states that he is authorized to call up a bill.

Mr. WHITE. I was authorized by the Committee on Commerce at the last session to call up a bill which is now on the Calendar.

The SPEAKER. That would not bring it under the rule.

Mr. McLANE, of Maryland. I call up from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. 657) to increase the efficiency of the Marine-Hospital Service.

Mr. WHITE. I desire to have the ruling of the Chair on the question of privilege or of order which I raise. I make the point that I am entitled to report the bill which I was instructed by the Committee on Commerce last session under this rule to call up. It is a prior order of the Committee on Commerce.

The SPEAKER. But that was under another rule; not the same rule we are acting under now at all.

Mr. WHITE. I was instructed to bring it up whenever I could.

The SPEAKER. But the gentleman from Maryland [Mr. McLANE] is recognized, and the Chair understands is authorized by the Committee on Commerce to call up the bill which he has indicated. The Chair can recognize but one member on behalf of a committee.

Mr. WHITE. But I raise a question of order on which I desire the ruling of the Chair. The Speaker decided this morning a similar question for the gentleman from Pennsylvania [Mr. RANDALL].

The SPEAKER. The Chair did not.

Mr. McLANE, of Maryland. I will suggest to my colleague on the committee, the gentleman from Kentucky [Mr. WHITE], that if he wants an explanation he should address himself to me.

The SPEAKER. The Clerk will read the bill.

The Clerk commenced the reading of the bill. Before the reading was concluded,

Mr. WHITE said: I object to the reading of more of that bill.

The SPEAKER. The gentleman from Kentucky is not in order. The Clerk will finish the reading of the bill.

The Clerk resumed and concluded the reading of the bill, which is as follows:

Be it enacted, &c., That the corps of medical officers of the Marine-Hospital Service shall hereafter consist of the Supervising Surgeon-General, who shall hereafter be designated as director-general, thirteen surgeons, one medical purveyor, and not to exceed twenty-five passed assistant and assistant surgeons.

SEC. 2. That all original appointments into the Marine-Hospital Service shall be made to the grade of assistant surgeon, and shall be made by the President, upon the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate; and no person shall be so appointed until he shall have passed a satisfactory professional examination before a board of medical officers convened for that purpose.

SEC. 3. That no assistant surgeon shall be promoted to the grade of passed assistant surgeon until he shall have served for a period of three years, and shall have passed a satisfactory professional examination.

SEC. 4. That vacancies occurring in the grades of director-general and medical purveyor shall be filled by selection from the surgeons, and vacancies occurring in the grades of surgeon and passed assistant surgeon shall be filled by promotion from the passed assistant and assistant surgeons, respectively; and all such selections and promotions shall be made by the President, by and with the advice and consent of the Senate, and upon the recommendation of the Secretary of the Treasury.

SEC. 5. That the compensation of the medical purveyor and of surgeons shall be $2,500 per annum; for passed assistant surgeons, $1,800 per annum; and for assistant surgeons, $1,600 per annum; and this shall be in lieu of all other compensations or emoluments whatsoever, except and provided that when serving at a hospital, quarters, fuel, and lights shall be furnished where there are quarters belonging to the United States; and all salaries shall be paid from the marine-hospital fund.

SEC. 6. That the President is authorized to appoint, by and with the advice and consent of the Senate, upon the recommendation of the Secretary of the Treasury, the medical purveyor, surgeons, passed assistant surgeons, and assistant surgeons in the service at the date of the passage of this act.

SEC. 7. That when serving on boards or other duty with officers of the revenue-cutter service surgeons shall have the same assimilated rank as captains, passed assistant surgeons the same as first lieutenants, and assistant surgeons the same as second lieutenants.

SEC. 8. That at ports where the number of sick and disabled seamen applying for relief is not large enough to warrant the assignment of a regular medical officer the director-general may, with the approval of the Secretary of the Treasury, enter into contract with a private physician to act in the stead of a medical officer at such ports. The compensation of physicians serving under contract shall in no case exceed $1,000 per annum, and shall be fixed by the Secretary of the Treasury according to the extent of the services required.

SEC. 9. That hospital stewards shall be appointed by the Secretary of the Treasury not to exceed one for each marine hospital or relief station of the first class: *Provided*, That when in any hospital the number of patients exceeds sixty an additional steward may be appointed. No person shall hereafter be appointed steward unless he shall produce evidence that he is skilled in pharmacy and qualified to act as apothecary. The Secretary of the Treasury is further authorized to employ such engineers, attendants, and laborers as may be necessary for the proper management of the hospitals, and he is authorized to fix the rates of compensation for persons so employed; and stewards, engineers, attendants, and laborers shall be paid from the marine-hospital fund.

SEC. 10. That the Secretary of the Treasury is authorized to appoint such clerks and copyists in the office of the director-general as may be necessary, not to exceed ten of the former and two of the latter, and he is also authorized to appoint one messenger and three laborers; and persons so appointed and employed shall receive the same compensation as other employés of the same classes in the Treasury Department, and their compensation shall be paid from the marine-hospital fund.

SEC. 11. That the director-general, with the approval of the Secretary of the Treasury, is authorized to detail a passed assistant or assistant surgeon to act as chief clerk, and to detail a steward to act under the direction of the medical purveyor.

Mr. HOLMAN. I call for the reading of the report.

The SPEAKER. The report will be read. [Mr. WHITE rose.] For what purpose does the gentleman from Kentucky rise?

Mr. WHITE. I desire to make a statement as a member of the Committee on Commerce.

The SPEAKER. As to what?

Mr. WHITE. As to the consideration of this bill at this time.

The SPEAKER. The Chair will not try a question of that kind. It must stand on the statement of the member calling up the bill.

Mr. WHITE. I rise to a personal explanation.

The SPEAKER. If the gentleman desires to make an explanation in a matter personal to himself it will come in better after this call.

Mr. WHITE. I desire to say the committee has had no meeting——

Mr. McLANE, of Maryland. I state that I was authorized to call up this bill; and I do not choose the gentleman from Kentucky [Mr. WHITE] shall interpose himself between the House and any statement of mine.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks that under the rule the report be read, and the Clerk will now read it.

The Clerk began the reading of the report, but before concluding,

Mr. McLANE, of Maryland, said: The five minutes allowed under the rule will not be sufficient for the reading of the report. I can make an explanation in less time.

Mr. HOLMAN. My friend from Maryland will be entitled to five minutes under the rule.

Mr. McLANE, of Maryland. I know that very well. The report can not be read in the five minutes allowed by the rule, and I think I can perform my duty most intelligibly by making an explanation.

The SPEAKER. If there is no objection the gentleman from Maryland [Mr. McLANE] can occupy the remainder of the time allowed for reading the report in an explanation.

Mr. McLANE, of Maryland. How much time?

The SPEAKER. Three minutes.

Mr. WHITE. I object.

The SPEAKER. The gentleman is entitled to make an explanation in lieu of the reading of the report.

Mr. McLANE, of Maryland. The House will observe that the three sections of this bill simply put in form of law the Treasury regulations now in force.

Mr. HOLMAN. I understand this time is being occupied instead of reading the report, but it does not do away with the right to object.

The SPEAKER. Not at all.

Mr. McLANE, of Maryland. This hospital service, as members know very well, is maintained by a tax on the sailor; and excepting a law which authorizes the appointment of a surgeon-general, the entire service is under the direction of the Secretary of the Treasury. From time to time Treasury circulars have been issued regulating the number of assistant surgeons and the mode of their assignment to duty.

This bill provides that the existing officers and the whole hospital service as now regulated by Treasury circulars shall be regulated by law, and the various sections of this bill are merely to give the force of law to the Treasury circulars now in existence. There is no increase of expense, no increase of officers; none authorized now or hereafter.

The bill merely makes this service a legal organization, and requires the President and the Senate to make the appointments which are now made by the Secretary of the Treasury. The bill merely puts in the shape of law the Treasury circulars now in force.

This bill has been framed upon the recommendation of the Treasury Department, and in consequence of an inspection of the whole hospital service by two competent civil inspectors. It provides for no increase of force and no increase of expense.

Mr. KING. Does this bill continue the present officers in service?

Mr. McLANE, of Maryland. No longer than they would now be continued in office. The bill provides for a proper examination of the surgeons before they are appointed, and also provides that they shall be appointed by the President and Senate instead of by the Secretary of the Treasury as now.

The SPEAKER. As many as are opposed to the present consideration of the bill which has been read will rise and stand until counted. [Counting.] There are six gentlemen rising, and the bill is not before the House for consideration.

Mr. CANNON. How much time of the hour is left?

The SPEAKER. About six minutes.

Mr. TUCKER. The Speaker just now announced that six members objected to the consideration of the bill called up by the gentleman from Maryland [Mr. MCLANE.] I was standing here but did not intend to object.

The SPEAKER. The gentleman was not counted. There were three on one side of the House and three on the other objecting.

Mr. MCLANE, of Maryland. I would ask the Chair to submit the question again.

The SPEAKER. If there is any doubt about it, the Chair will again submit the question. As many as are opposed to the consideration of the bill called up by the gentleman from Maryland [Mr. MCLANE] will rise and stand until counted. [Counting.] Evidently more than a sufficient number, and the bill is not before the House.

AGRICULTURAL COMMISSION.

The SPEAKER. The next committee in order is the Committee on Agriculture.

Mr. ANDERSON. The chairman of the Committee on Agriculture [Mr. VALENTINE] has a bill to present to the House; he was in his seat a moment since.

Mr. VALENTINE. I am instructed by the Committee on Agriculture to call up House bill No. 6920, to create an agricultural commission, reported from the Committee on Agriculture with amendments.

The SPEAKER. The bill will be read as proposed to be amended.

The Clerk began the reading of the bill, but, before concluding,

Mr. VALENTINE said: I understand that the hour is about out, and if the bill can be printed in the RECORD I will not ask for its reading now. It will have to be read again in the morning before being acted upon.

The SPEAKER. The gentleman would not like to have another committee called this morning.

Mr. VALENTINE. No, sir, I would not. Let the Clerk go on and read the bill.

The Clerk resumed and concluded the reading of the bill, as follows:

Be it enacted, &c., That a commission is hereby created, to be called "the agricultural commission," which shall consist of nine members, neither of whom shall have any interest whatsoever, directly or indirectly, in any company or corporation performing any part of the work of a common carrier.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners, one of whom, the first named, shall be the president of the commission, and one of whom, to be chosen by the commission, shall be its secretary. The commission may employ a stenographer and a messenger, and in the event that its investigations are made by committees, each to consist of not less than three commissioners, it may employ two additional stenographers and two additional messengers. The commissioners shall receive as compensation for their services, each at the rate of $10 per day, when engaged in active duty as such, and actual traveling and other necessary expenses; and said compensation and expenses, together with the necessary expenses of the commission, shall be audited and paid by the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to thoroughly investigate the movement of the agricultural products of the United States from the points where produced to their final market, the actual cost of such movement to the common carrier thereof, the charge to the shipper by the carrier, and all matters which practically affect the difference between the price received by the producer of a given article and the price paid therefor by its consumer. And the words "agricultural products," as herein used, are to be understood in their broadest scope, and as including all crops, animals, or articles sold from American farms.

SEC. 4. That in the execution of this duty said commission, either as a whole or by a committee of three, may visit such places in the United States as it shall deem expedient. And it is hereby empowered to investigate the books and papers of any company or corporation performing in the United States the service of a common carrier of agricultural products; and in order that full and adequate justice shall be had between said company or corporation and the people said commission shall investigate and report upon all questions relating to the establishment and maintenance of reasonable and just interstate transportation tariffs; and said commission is empowered to issue subpœnas for the attendance of witnesses, to administer the oath thereto, and to take the testimony, under oath or otherwise, of any owner, officer, agent, or employé of any company or corporation performing said service of a common carrier, and the testimony of other persons touching any point of the general inquiry herein assigned to the commission. Such witnesses shall receive the compensation and mileage of witnesses before a district court of the United States. And in case any person, when duly summoned, shall willfully fail or refuse to appear and testify before said commission or one of its committees, it shall be the duty of the judge of the district or circuit court of the United States for the district or circuit in which said commission or committee is then sitting, and upon its application, to issue an attachment for such witness and compel him to attend before the commissioners and give his testimony upon such matters as shall be lawfully required by them; and said court shall have power to punish for contempt as in other cases of refusal to obey its process and order. The commission shall hold its first meeting within forty days from the passage of this act, and shall have power to make such rules and regulations as it may find necessary for the best performance of its duty.

SEC. 5. That the commission shall make final report to Congress of the results of its investigations, and the testimony taken in the course of the same, not later than the first Monday in December, 1883; and it shall cause the testimony as taken to be printed from time to time and distributed to members of Congress by the Public Printer; and shall also cause to be printed, for the use of Congress, 2,000 copies of its final report, together with the testimony, and such recommendations for protecting the agricultural interests of the United States by cheapening and regulating the cost of the transportation of agricultural products as it may deem most effective.

Amend the title so as to read: "A bill to create a commission to investigate and report upon the transportation of agricultural products, and for other purposes."

Mr. ROBINSON, of Massachusetts. I make the point that the hour has expired.

The SPEAKER. The hour has expired.

ENROLLED BILL SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes.

CONTINGENT EXPENSES OF TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of the Treasury Department for the fiscal year ending June 30, 1882; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

SANDWICH ISLANDS SUGAR.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be directed to transmit to the House all correspondence between officers of the Treasury Department or between those officers and any other person or persons, and all orders or decisions by the Department respecting the execution of so much of the Hawaiian treaty of 1875, and the law of 1876 to enforce the same, as relates to Sandwich Islands sugar.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTE BILL.

Mr. BINGHAM. I desire to give notice that the Committee on the Post-Office and Post-Roads will on Tuesday next report the final post-route bill. Gentlemen who wish post-routes included in the bill will be kind enough to send memoranda thereof to the committee-room.

SOUTH CAROLINA ELECTION CONTEST—LEE VS. RICHARDSON.

Mr. MILLER. At the request of the chairman of the Committee on Elections [Mr. CALKINS], I submit the report of that committee on the contested-election case of Lee *vs.* Richardson, from the first Congressional district of South Carolina.

The SPEAKER. The resolution accompanying this report will be read.

The Clerk read as follows:

Resolved, That Samuel Lee have leave to withdraw his papers; and this case is dismissed without prejudice.

The SPEAKER. This report will be printed and will lie over.

Mr. PETTIBONE. I submit the views of a minority of the Committee on Elections in the case just reported upon. I ask that these views be printed with the majority report.

The SPEAKER. If there be no objection, the views of the minority of the committee will be printed in connection with the report.

There was no objection.

SOLDIERS' HOME, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. HENDERSON, by unanimous consent, reported back from the Committee on Military Affairs, with amendments, the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; which was ordered to be placed on the House Calendar and the accompanying report printed.

COINAGE.

Mr. BELFORD. I ask unanimous consent that the testimony of the Director of the Mint taken by the Committee on Coinage, Weights, and Measures be published for the use of members of the House.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I ask unanimous consent that the naval appropriation bill be taken from the Speaker's table, and, with the amendments of the Senate, referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. KETCHAM. I ask unanimous consent that the District of Columbia appropriation bill, now on the Speaker's table with amendments of the Senate, be referred to the Committee on Appropriations and the amendments ordered to be printed.

There being no objection, it was ordered accordingly.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. BURROWS, of Michigan. I am directed by the Select Committee on the Improvement of the Mississippi River to submit the report which I send to the desk. I ask that the report, together with the testimony, be printed for the use of the House and referred to the Committee on Commerce. I will state that certain gentlemen of the committee desire to submit minority views.

The SPEAKER. If there be no objection, the report, together with the accompanying papers, including the testimony, will be printed and referred to the Committee on Commerce.

There was no objection.

Mr. BUTTERWORTH rose.

Mr. THOMAS. Before this matter is finally disposed of, I desire to ask leave to file the views of the minority.

Mr. BUTTERWORTH. That was precisely the point to which I desired to call the attention of the Chair. The chairman of the committee [Mr. BURROWS, of Michigan] asked that leave; but I presume the Chair did not hear his statement.

The SPEAKER. The Chair supposed the views of the minority were ready to be submitted now.

Mr. BUTTERWORTH. They will be handed in within twenty-four hours.

The SPEAKER. The views of the minority, according to the usage, will, when presented, be printed with the majority report and take the same course.

Mr. THOMAS. As the report just presented has not been examined by those members of the committee desiring to present minority views, I ask that the time within which those views may be filed be extended beyond the usual twenty-four hours.

The SPEAKER. Then they will have to be printed separately. That is a matter to be settled by gentlemen themselves.

SOUTHERN EXPOSITION, LOUISVILLE, KENTUCKY.

Mr. KELLEY. I desire to present two reports from the Committee on Ways and Means. The first is the bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883.

The SPEAKER. Does the gentleman desire to have this bill considered at the present time?

Mr. KELLEY. I would be very glad to have it considered now. It simply provides, in accordance with past precedents, for admitting free of duty, under Treasury regulations, goods intended for this exposition.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The Clerk read as follows:

Be it enacted, &c., That all articles which shall be imported for the sole purpose of exhibition at the Southern exposition at Louisville, Kentucky, to be held in the year 1883, shall be admitted without the payment of duty, or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein, at any time after such importation, shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

SEC. 2. That medals, with appropriate devices, emblems, and inscriptions, commemorative of said Southern exposition, and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States, for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating coins of the United States, shall apply to the medals struck and issued under this act.

SEC. 3. That with the approval of the Director of the National Museum, any portion of the collections thereof may be exhibited at said Southern exposition, permission to remove the same from the National Museum being hereby granted: *Provided*, That said removal can be made without loss or expense to the Government. And, upon the same conditions, permission is also granted for the exhibition of articles in charge of other bureaus and Departments of the Government.

SEC. 4. That upon the passage of this act the Secretary of State shall notify the consuls, consular agents, and other representatives of our Government in foreign countries of the time and place of holding said Southern exposition, together with the fact that all articles intended therefor will be admitted free of duty, as provided herein.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL MINING AND INDUSTRIAL EXPOSITION AT DENVER.

Mr. KELLEY. I now ask by unanimous consent to report back from the Committee on Ways and Means the bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883, for present consideration.

Mr. BELFORD. It is precisely similar to the bill which has just been passed and it does not take a cent out of the Treasury.

Mr. KELLEY. The same bill precisely.

Mr. HOLMAN. If it is similar to the bill just passed, I do not object to it.

The SPEAKER. The Chair hears no objection, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That all articles which shall be imported for the sole purpose of exhibition at the national mining and industrial exposition to be held at the city of Denver, in the State of Colorado, in the year 1883, shall be admitted without the payment of duty or of customs fees or charges under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of the importation: *Provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR DISPENSED WITH.

Mr. HISCOCK. I now move that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

SUNDRY CIVIL BILL.

The SPEAKER. The House resumes the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, reported from the Committee of the Whole House on the state of the Union with sundry amendments. The Clerk will report the pending amendment.

The Clerk read as follows:

To pay the legal representatives of Hon. Andrew S. Herron, of the sixth Congressional district of Louisiana the sum of $5,000.

The House divided; and there were—ayes 45, noes 59.

Mr. KING. I demand tellers.

The SPEAKER. No quorum has voted, and the Chair will appoint tellers.

Mr. HOLMAN. We might as well have the yeas and nays at once.

Mr. WASHBURN. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN. Let the amendment be again read.

The amendment was again read.

Mr. ATKINS. Mr. Speaker, I desire to make a suggestion to the House, and I believe by unanimous consent it will indulge me for one moment. By the vote taken a moment ago it would seem that this amendment would be voted down. There is a paragraph in this sundry civil appropriation bill paying to the legal representatives of the late Dr. Updegraff $6,000 for one year's salary for the Forty-eighth Congress. I ask the House to allow this bill to be recommitted to the Committee on Appropriations and that clause stricken out, so we may pass the bill without doing such injustice as will be done if the paragraph relating to the estate of Dr. Updegraff is allowed to remain in the bill while that relating to the legal representatives of Mr. Herron is omitted. For myself I would prefer that both should be eliminated from the bill.

The SPEAKER. Discussion is not in order.

Mr. ATKINS. I ask by unanimous consent the bill may be recommitted. I ask the gentleman from New York [Mr. HISCOCK] in charge of the bill to consent to its being recommitted to the Committee on Appropriations, so that the clause paying the legal representatives of Dr. Updegraff $6,000 may be eliminated from the bill.

Mr. ATHERTON. I object.

The SPEAKER. The yeas and nays have been ordered on the amendment.

Mr. ATKINS. Then I hope that this House will do for the estate of Mr. Herron what has been done in this bill for the estate of Dr. Updegraff.

The SPEAKER. Debate is not in order.

Mr. ATHERTON. I hope the House will give us a chance to vote on both paragraphs.

Mr. HOLMAN. I rise to a parliamentary inquiry. This bill having gone beyond its second reading, is it not in order to move that it be recommitted to the Committee on Appropriations with instructions to strike out the paragraph paying $6,000 to the Updegraff estate?

The SPEAKER. It may later on.

Mr. HISCOCK. I rise to say, Mr. Speaker, a single word, and I hope there will be no objection to my doing so. I believe this case of Mr. Herron stands precisely on the same ground as that of Dr. Updegraff. If one remains in the bill the other should be there too, and I hope this amendment will be adopted.

Mr. McCOOK. And so do I.

Mr. HISCOCK. I believe they both stand on the same ground.

Mr. ATHERTON. I object.

The SPEAKER. Debate is not in order.

Mr. BRUMM. Mr. Speaker——

Mr. HISCOCK. I ask unanimous consent. I said yesterday that I did not believe as an individual member of the Committee on Appropriations this amount should be voted to the estate of Dr. Updegraff, and that it was only reported by that committee in consideration of the precedent which had been established. If both paragraphs, that for the Herron estate as well as that for the Updegraff estate, can be

voted out, very well; but as that can not be done, and the paragraph relating to the estate of Dr. Updegraff remains in the bill, I hope then that both will be inserted.

Mr. JOYCE. And I hope they will both be kept in the bill.

Mr. WASHBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WASHBURN. I desire to ask whether there is any way under the parliamentary practice to make a motion to strike out the $6,000 voted to the estate of Dr. Updegraff?

Mr. MILLER. Only by recommitting the bill with instructions to the committee to strike it out.

The SPEAKER. The yeas and nays have been ordered on the pending amendment, and the Clerk will call the roll.

The question was taken; and there were—ayes 53, noes 150, not voting 88; as follows:

YEAS—53.

Atkins,	Dibrell,	Jorgensen,	Rosecrans,
Belford,	Dunnell,	Joyce,	Ross,
Blackburn,	Forney,	Kenna,	Speer,
Blanchard,	Harmer,	King,	Taylor, Joseph D.
Butterworth,	Heilman,	Le Fevre,	Townsend, Amos
Carpenter,	Hewitt, G. W.	Mackey,	Updegraff,
Chace,	Hiscock,	McLane, Robt. M.	Upson,
Clardy,	Hoblitzell,	Moore,	Valentine,
Clark,	Hooker,	O'Neill,	Van Horn,
Cravens,	Horr,	Phister,	Willis,
Culberson,	Houk,	Randall,	Wilson.
Davis, George R.	Hubbell,	Reagan,	
Deering,	Hubbs,	Robertson,	
Dezendorf,	Jones, George W.	Robeson,	

NAYS—150.

Aiken,	Dugro,	Lynch,	Sherwin,
Aldrich,	Ermentrout,	Manning,	Shultz,
Anderson,	Evins,	Matson,	Singleton, Jas. W.
Armfield,	Farwell, Chas. B.	McClure,	Singleton, Otho R.
Atherton,	Farwell, Sewell S.	McCook,	Smalls,
Barbour,	Fisher,	McMillin,	Smith, A. Herr
Bayne,	Flower,	Miles,	Smith, Dietrich C.
Beach,	Fulkerson,	Miller,	Smith, J. Hyatt
Bingham,	Geddes,	Mills,	Sparks,
Bisbee,	Godshalk,	Morey,	Spooner,
Bliss,	Grout,	Morrison,	Springer,
Bowman,	Guenther,	Moulton,	Steele,
Brewer,	Gunter,	Mutchler,	Stockslager,
Briggs,	Hall,	Neal,	Stone,
Browne,	Hammond, John	Oates,	Strait,
Brumm,	Hardenbergh,	Page,	Talbott,
Buchanan,	Harris, Benj. W.	Payson,	Tucker,
Buck,	Hatch,	Peelle,	Turner, Henry G.
Buckner,	Hazelton,	Peirce,	Turner, Oscar
Caldwell,	Hepburn,	Pettibone,	Tyler,
Campbell.	Hill,	Phelps,	Urner,
Candler,	Hitt,	Pound,	Vance,
Caswell,	Holman,	Prescott,	Wadsworth,
Clements,	House,	Ranney,	Walker,
Cobb,	Humphrey,	Ray,	Ward,
Colerick,	Jacobs,	Reed,	Washburn,
Converse,	Jadwin,	Reese,	Watson,
Cook,	Jones, James K.	Rice, John B.	Wellborn,
Covington,	Jones, Phineas,	Rice, Wm. W.	West,
Cox, Samuel S.	Kasson,	Rich,	Wheeler,
Cox, William R.	Kelley,	Ritchie,	White,
Crapo,	Ketcham,	Robinson, Geo. D.	Whitthorne,
Cullen,	Knott,	Robinson, Jas. S.	Williams, Chas. G.
Curtin,	Lacey,	Russell,	Willits,
Davidson,	Ladd,	Ryan,	Wise, George D.
De Motte,	Lewis,	Scales,	Wood, Walter A.
Dingley,	Lindsey,	Scranton,	
Dowd,	Lord,	Shallenberger,	

NOT VOTING—88.

Barr,	Dawes,	Hutchins,	Richardson, D. P.
Belmont,	Deuster,	Klotz,	Richardson, J. S.
Beltzhoover,	Doxey,	Latham,	Robinson, Wm. E.
Berry,	Dunn,	Leedom,	Scoville,
Black,	Dwight,	Marsh,	Shelley,
Bland,	Ellis,	Martin,	Simonton,
Blount,	Errett,	Mason,	Skinner,
Bragg,	Ford,	McCoid,	Spaulding,
Burrows, Julius C.	Frost,	McKenzie,	Taylor, Ezra B.
Burrows, Jos. H.	Garrison,	McKinley,	Thomas,
Cabell,	George,	McLean, Jas. H.	Thompson, P. B.
Calkins,	Gibson,	Money,	Thompson, Wm. G.
Camp,	Hammond, N. J.	Morse,	Townshend, R. W.
Cannon,	Hardy,	Mosgrove,	Van Aernam,
Carlisle,	Harris, Henry S.	Muldrow,	Van Voorhis,
Cassidy,	Haseltine,	Murch,	Wait,
Chapman,	Haskell,	Nolan,	Warner,
Cornell,	Henderson,	Norcross,	Webber,
Crowley,	Herbert,	Pacheco,	Williams, Thomas
Cutts,	Herndon,	Parker,	Wise, Morgan R.
Darrall,	Hewitt, Abram S.	Paul,	Wood, Benj.
Davis, Lowndes H.	Hoge,	Rice, Theron M.	Young.

So the amendment was not agreed to.

The following pairs were announced:

Mr. MASON with Mr. HEWITT of New York.

Mr. CORNELL with Mr. NOLAN.

Mr. ERRETT with Mr. BELTZHOOVER.

Mr. CROWLEY with Mr. WARNER.

Mr. SKINNER with Mr. LATHAM.

Mr. PACHECO with Mr. CABELL.

Mr. BARR with Mr. DAVIS of Missouri.

Mr. WEBBER with Mr. WISE of Pennsylvania.

Mr. HENDERSON with Mr. TOWNSHEND of Illinois.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. THOMPSON, of Iowa, with Mr. MARTIN.

Mr. THOMAS with Mr. MULDROW.

Mr. PARKER with Mr. SIMONTON.

Mr. TALBOTT with Mr. MCCOID.

Mr. CANNON with Mr. HAMMOND of Georgia, on this vote.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina, on this vote.

Mr. BURROWS, of Michigan, with Mr. DUNN, on this vote.

Mr. VAN AERNAM with Mr. KLOTZ, on this vote.

Mr. DWIGHT with Mr. BENJAMIN WOOD.

Mr. ATHERTON. I move to dispense with the reading of the names.

Mr. CULBERSON. I object; let us have them read.

The Clerk read the names of those voting, after which the result of the vote was announced as above recorded.

Mr. HISCOCK. I now ask unanimous consent of the House that lines 1855, 1856, 1857, and 1858 be stricken from the bill, being the following words:

To pay the legal representatives of Hon. J. T. Updegraff, deceased, late member of the Forty-seventh Congress and member-elect to the Forty-eighth Congress, $6,000.

Mr. BUTTERWORTH. I object.

Mr. HISCOCK. We will report upon the deficiency bill, if this request is acceded to, an amount covering the salary of Mr. Updegraff for the unexpired portion of his term in the present Congress. And I therefore say to the gentleman from Ohio who rises to object to the unanimous consent asked that at the proper time, if objection is now made and insisted upon to the proposition which I have submitted, I shall move to recommit this bill to the Committee on Appropriations with instructions to have these lines stricken out, and therefore it will be seen that we can reach the object which I think is proper to be accomplished in that manner. Instead, however, of wasting time by going through that formality, I hope this consent will be given.

Mr. BUTTERWORTH. I will be able to judge whether it is wasting time or not when the House is called upon to take action on the gentleman's motion. I object for the present.

The SPEAKER. The gentleman from Ohio objects. The Clerk will read the next amendment reported from the Committee of the Whole on the state of the Union on which a separate vote is demanded.

The Clerk read as follows:

To enable the Clerk of the House to pay the officers and employés of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The question was taken, and the Speaker decided by the sound the "ayes" had it.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 117, noes 27.

Mr. HOLMAN and Mr. REAGAN. No quorum.

The SPEAKER. The Chair will order tellers.

Mr. SPARKS. Let us have the yeas and nays.

Mr. MCMILLIN. I hope that we may have a yea-and-nay vote on this proposition.

Mr. HOLMAN. Let us have the yeas and nays.

The SPEAKER. The Chair understands that the point of order is withdrawn that no quorum has voted.

Mr. SPARKS. Then I demand the yeas and nays.

The yeas and nays were refused, 17 members only voting in favor thereof.

Mr. MCMILLIN. Let us have tellers on the yeas and nays.

Tellers were refused.

Mr. HOLMAN. Count the other side.

Those opposed to taking the vote by yeas and nays were counted, and the Speaker announced that 135 members had risen.

So the yeas and nays were refused; tellers on the yeas and nays were refused, and the amendment as reported from the Committee of the Whole House on the state of the Union was agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time.

Mr. HISCOCK. I now demand the previous question on the passage of the bill; but pending that I desire to ask if it is now in order to move to recommit the bill to the committee with instructions?

The SPEAKER. It is in order, with or without instructions.

Mr. HISCOCK. I understand the objection is to be withdrawn to the amendment I indicated being made by unanimous consent. I therefore repeat the request, that by unanimous consent the words I have suggested be stricken from the bill.

Mr. BUTTERWORTH. Before withdrawing the objection I desire to say a word. I deem it unjust to withhold this payment from the heirs of Mr. Herron if it is allowed to the heirs of Mr. Updegraff; but the House has otherwise determined. I do not want to be understood, however, in withdrawing this objection as expressing the opinion that the action of the committee was not a just and generous thing. It was an

act of grace on the part of the committee, it is true; but it is by grace only that the most of us will be saved, if at all; and I stand by my vote in the committee and in the House in favor of the proposition to pay to the families of these deceased Congressmen who died with the harness on the sums named in the bill.

Mr. ATHERTON. The grace had better come out of your own pocket, then.

The SPEAKER. Is there objection to the request of the gentleman from New York that the lines he has indicated be stricken from the bill by unanimous consent?

There being no objection, the lines from 1855 to 1858, inclusive, were ordered to be stricken from the bill.

Mr. HISCOCK. I now move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. This being a general appropriation bill, under the standing rules of the House the vote must be taken on its passage by yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 25, not voting 80; as follows:

YEAS—186.

Aiken,	Doxey,	Ketcham,	Robinson, Jas. S.
Aldrich,	Dunn,	King,	Rosecrans,
Atkins,	Dunnell,	Lacey,	Ross,
Barbour,	Dwight,	Ladd,	Russell,
Bayne,	Ermentrout,	Leedom,	Ryan,
Berry,	Errett,	Le Fevre,	Scales,
Bingham,	Evins,	Lewis,	Scranton,
Bisbee,	Farwell, Chas. B.	Lindsey,	Shallenberger,
Blackburn,	Farwell, Sewell S.	Lord,	Sherwin,
Blanchard,	Fisher,	Lynch,	Smalls,
Bliss,	Forney,	Mackey,	Smith, A. Herr,
Blount,	Frost,	Marsh,	Smith, Dietrich C.
Brewer,	Fulkerson,	Matson,	Smith, J. Hyatt
Briggs,	Garrison,	McCook,	Sparks,
Browne,	Geddes,	McKinley,	Spaulding,
Brumm,	Gibson,	McLane, Robt. M.	Speer,
Buck,	Godshalk,	Miles,	Spooner,
Buckner,	Grout,	Miller,	Springer,
Burrows, Julius C.	Guenther,	Mills,	Steele,
Caldwell,	Hall,	Money,	Stockslager,
Calkins,	Hammond, John	Moore,	Stone,
Campbell,	Harmer,	Morey,	Strait,
Candler,	Harris, Benj. W.	Morrison,	Taylor, Joseph D.
Cannon,	Heilman,	Morse,	Townsend, Amos
Carpenter,	Hepburn,	Moulton,	Turner, Henry G.
Caswell,	Herbert,	Mutchler,	Tyler,
Chace,	Hewitt, G. W.	Neal,	Updegraff,
Clardy,	Hill,	O'Neill,	Upson,
Cobb,	Hiscock,	Page,	Urner,
Colerick,	Hoblitzell,	Payson,	Valentine,
Converse,	Hoge,	Peelle,	Vance,
Cox, Samuel S.	Holman,	Peirce,	Wadsworth,
Covington,	Horr,	Pettibone,	Walker,
Crapo,	Houk,	Phelps,	Ward,
Cravens,	House,	Pound,	Washburn,
Culberson,	Hubbell,	Prescott,	Wellborn,
Cullen,	Hubbs,	Ranney,	West,
Curtin,	Humphrey,	Ray,	Wheeler,
Darrall,	Jacobs,	Reagan,	White,
Davis, George R.	Jadwin,	Rice, John B.	Williams, Chas. G.
Davis, Lowndes H.	Jones, James K.	Rich,	Willis,
Dawes,	Jones, Phineas	Richardson, D. P.	Willits,
Deering,	Jorgensen,	Richardson, J. S.	Wilson,
De Motte,	Joyce,	Ritchie,	Wood, Walter A.
Dezendorf,	Kasson,	Robertson,	Young.
Dibrell,	Kelley,	Robeson,	
Dingley,	Kenna,	Robinson, Geo. D.	

NAYS—25.

Armfield,	Cox, William R.	Hatch,	Singleton, Otho R.
Atherton,	Deuster,	Manning,	Turner, Oscar
Beach,	Dowd,	McKenzie,	Whitthorne,
Buchanan,	Dugro,	McMillin,	Wise, George D.
Clark,	Flower,	Oates,	
Clements,	Hardenbergh,	Reese,	
Cook,	Harris, Henry S.	Singleton, J. W.	

NOT VOTING—80.

Anderson,	Ellis,	Mason,	Shultz,
Barr,	Ford,	McClure,	Simonton,
Belford,	George,	McCoid,	Skinner,
Belmont,	Gunter,	McLean, Jas. H.	Talbott,
Beltzhoover,	Hammond, N. J.	Mosgrove,	Taylor, Ezra B.
Black,	Hardy,	Muldrow,	Thomas,
Bland,	Haseltine,	Murch,	Thompson, P. B.
Bowman,	Haskell,	Nolan,	Thompson, Wm. G.
Bragg,	Hazelton,	Norcross,	Townshend, R. W.
Burrows, Jos. H.	Henderson,	Pacheco,	Tucker,
Butterworth,	Herndon,	Parker,	Van Aernam,
Cabell,	Hewitt, Abram S.	Paul,	Van Horn,
Camp,	Hitt,	Phister,	Van Voorhis,
Carlisle,	Hooker,	Randall,	Wait,
Cassidy,	Hutchins,	Reed,	Warner,
Chapman,	Jones, Geo. W.	Rice, Theron M.	Watson,
Cornell,	Klotz,	Rice, Wm. W.	Webber,
Crowley,	Knott,	Robinson, Wm. E.	Williams, Thomas
Cutts,	Latham,	Scoville,	Wise, Morgan R.
Davidson,	Martin,	Shelley,	Wood, Benjamin.

So the bill was passed.

The following additional pairs were announced:

Mr. PHISTER with Mr. WATSON.

Mr. BELFORD with Mr. HOOKER.

Mr. HAZELTON, of Wisconsin, with Mr. JONES, of Texas.

Mr. BUTTERWORTH. I withdraw my vote, being paired with Mr. THOMPSON, of Kentucky.

Mr. HISCOCK. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAMMOND, of Georgia. I desire to call up a privileged report from the Committee on the Judiciary, in the matter of an additional member from the State of Nebraska.

Mr. PAGE. I have been instructed by the Committee on Commerce, at the first opportunity after the bill just passed, the sundry civil bill, should be disposed of, to call up the river and harbor bill. But as the gentleman from Georgia has an important matter which he desires to submit to the House, and I find that many members here were not expecting the river and harbor bill to be brought up to-day, I desire it to be postponed till Monday; and I give notice now that on Monday morning I shall move that the House resolve itself into Committee of the Whole for the consideration of the river and harbor bill.

The SPEAKER. Some motion might be made on Monday that might preclude the gentleman from proceeding with the bill in that way.

Mr. PAGE. I did not hear distinctly the statement of the Chair. The gentleman from Indiana [Mr. HOLMAN] and other members of the select committee relative to appropriations for the improvement of the Mississippi River have stated to me that their report which has been submitted to the House to-day will be printed by Monday. Many members desire to see that report in print, and of course I do not care to bring up the river and harbor bill until every one is ready to act upon it.

The SPEAKER. The Chair will remind the gentleman that next Monday may be suspension day.

Mr. PAGE. I have talked that matter over, and as near as I can figure it out motions to suspend the rules will not be in order till Tuesday.

The SPEAKER. The Chair at present is of a different opinion.

Mr. COX, of New York. I suggest to the gentleman from California that inasmuch as the report of the Mississippi River Committee will not likely be printed till Tuesday, he give notice to bring up his bill on Tuesday.

Mr. PAGE. I do not desire to call it up now so as to antagonize the gentleman from Georgia [Mr. HAMMOND]; but I give notice that I shall call up the bill on Monday.

Mr. ROBINSON, of Massachusetts. Will the gentleman from California allow me to make a short statement as to the Mississippi River matter? Reference has been made to the character of the improvement on the Mississippi River. On my motion a resolution was adopted by the House addressing to the Secretary of War an inquiry as to the condition of the works at Lake Providence Reach and Plum Point Reach. The Secretary of War in response to that resolution reported that as to Lake Providence no damage had been done. I have just received a telegram from the War Department, from General Wright, the Chief of Engineers, informing me that a report has been received this morning in relation to the damages at Plum Point and is now in course of transmission to the House. The following is the telegram:

WAR DEPARTMENT, *Washington, D. C., February 24, 1883.*

Hon. G. D. ROBINSON:

Report in relation to damages at Plum Point sent to Secretary of War this morning. In it Captain Knight states 1,475 feet of dike, or 7 per cent., carried away.

H. G. WRIGHT.

It is very important we should have that report before the river and harbor bill is acted on.

Mr. REAGAN. I suggest that if we now proceed to consider the river and harbor bill we can go on with it until the report is received. The Mississippi item is in the latter portion of the bill.

Mr. ROBINSON, of Massachusetts. But we do not want to be limited to the five-minute debate on that important question.

Mr. COX, of New York. It can not be taken up without some preliminary motion. I myself will move to postpone it.

Mr. PAGE. There is nothing to postpone; I have not called up the bill.

Mr. ROBINSON, of Massachusetts. I understand that by consent it will go over.

Mr. COX, of New York. I call for the regular order.

ADDITIONAL MEMBER FROM NEBRASKA.

The SPEAKER. The regular order is the privileged question called up by the gentleman from Georgia [Mr. HAMMOND], being the report of the Committee on the Judiciary on the subject of an additional member from Nebraska.

Mr. HAMMOND, of Georgia. I call for the reading of the report.

The SPEAKER. Does the gentleman want more than the resolution of the committee read?

Mr. HAMMOND, of Georgia. I desire to have the report and resolution read; the resolution is at the end of the report.

The SPEAKER. It would take a long time to read it.

Mr. HAMMOND, of Georgia. I do not ask for the reading of the testimony.

The SPEAKER. The Clerk informs the Chair that it would take from an hour to an hour and a half to read the report.

Mr. CULBERSON. I suggest to the gentleman from Georgia that by unanimous consent the report can be printed in the RECORD, and the gentleman can state the substance of it.

The SPEAKER. The gentleman from Georgia will give direction to the matter.

Mr. HAMMOND, of Georgia. I had consulted with the members of the Committee on the Judiciary, who thought that the report had better be read so that members might be better informed how to vote. But I have no disposition to consume time unnecessarily.

I will therefore, at the suggestion of members, ask that the Clerk read Exhibit A, being the resolution of the House under which the action of the committee was had, and that the entire report be printed in the RECORD as if read.

There was no objection, and it was ordered accordingly.

The Clerk then read Exhibit A; and the entire report is as follows:

The Committee on the Judiciary, to which was referred the matter of Thomas J. Majors's claim to be seated as a "member contingent" from Nebraska, submits the following report:

That the committee was imposed upon, and thereby induced to report favorably in the case, is conceded by all. Mr. WILLITS, who made the report, before the investigating committee made this statement:

"The essential question of fact controlling the action of the majority of the committee was the incompleteness of the census of 1870, upon which the apportionment of representation to Nebraska was based. Affidavits were used to show how inefficiently the census of that year had been taken; but the strongest evidence of that fact was the alleged census of 1872 by the State, by which it was made to appear that the population in 1872 was nearly 228,000; and this, coupled with affidavits that the immigration for 1871 had been light, demonstrated, as it was thought, conclusively that an accurate census in 1870 would have given a fraction over the 131,425—the basis of a single Representative—sufficiently large to have entitled Nebraska to another Representative. Hence the certified copy of the census of 1872 was an important factor in the conclusion arrived at." (165.)

The misinformation was in presenting the census of 1874 for that of 1872, when none had been taken for the latter year.

The House directed this committee to "learn the facts touching this matter" and report "at its earliest convenience, at any time, how this misinformation occurred, and who is responsible therefor."

Much testimony has been taken under that authority, a copy of which is hereto attached. It furnishes all the information believed to be necessary to answer the question propounded. A chronological statement of facts taken therefrom will greatly aid in making that answer. We proceed to give it, noting in parentheses from time to time the pages at which the facts are treated.

On the 1st of February, 1870, the act for taking the United States census went into effect. (29.) On the 2d of March, 1870, the Legislature of Nebraska passed a law requiring two Representatives to be elected in November, 1870, one to be called "member of Congress contingent," and to "be entitled to a seat only in the event that Congress may declare Nebraska entitled to one additional member." (29.)

Mr. La Masters was elected such "member contingent" at that election.

The census was finished in January, 1871, and showed Nebraska's population to be but 122,923. The act of apportionment of Representatives took effect on the 2d of February, 1872. Under it the population necessary for a Representative was 131,425. But it gave Nebraska one Representative, as required by the Constitution.

The lowest fraction of the ratio to which a Representative was by the act allowed was 85,928 to Rhode Island. Under a supplemental act of Congress, approved the 30th of May, 1872, nine other Representatives were allowed (as stated in the report in favor of it), "in order to save eight States from a diminution in the number of their Representatives." Under that, Vermont, with a fraction of 67,701, Florida, with a fraction of 56,323, and New York, with a fraction of 45,736, had an additional Representative each; though none was allowed to South Carolina, with a fraction of 48,481, nor to West Virginia, with a fraction of 47,739, over the representative ratio. (30.)

Mr. La Masters, so elected "member contingent" in 1870, never applied for admission. The reason given by Messrs. Hawes and Majors for his failure was that he had an office in the Internal-Revenue Department which he would not quit. The true reason, we think, was that he was satisfied that he had no right to his seat under the law. In the evidence of Hawes and Majors his election is put as in 1872, but it is proved to have been in 1870.

La Masters ceased to hold his internal-revenue office on the 2d December, 1872.

No other election for "member contingent" occurred in Nebraska till October, 1874, when Pat. O. Hawes was so elected to the Forty-fourth Congress. In the Forty-third Congress, on the 8th December, 1874, Mr. Crounse, of Nebraska, introduced a bill (H. R. 3845) to allow Nebraska an additional member, and it was referred to the Committee on the Judiciary. It was there referred to a subcommittee on the 11th of December, 1874, but no action on it appears.

The Forty-fourth Congress, to which Mr. Hawes had been elected, began its session on the first Monday in December, 1875. On the 17th of that month Mr. Crounse presented Mr. Hawes's papers, and they were referred to the Committee on the Judiciary. On the 10th of January, 1876, Mr. KNOTT introduced papers relating to Mr. Hawes's case, and they were referred to the same committee. (134.)

While his case was there pending Mr. Hawes presented a brief, a printed copy of which is in the evidence. It stated that in 1870 Nebraska had but fifty counties, but that out of her unorganized territory, which then was enumerated at 235, she had since 1870 organized nineteen counties, which, at the time he spoke (in 1876) he said contained over 60,000 inhabitants.

That brief invited attention to affidavits of the governor of Nebraska; George H. Roberts, her attorney-general; J. T. Hoile, United States marshal; Joseph T. Allen, one of his deputies, and other prominent citizens of Nebraska, giving opinions as to the inaccuracy of the census of 1870 in their State. (74.)

As to the State census it held this language:

"Reference is made to the certificates of the secretary of the State of Nebraska, first, showing the population under the State census of that portion of the State organized into counties at the time the United States census was taken, and to the other certificate of that officer, showing the population of the counties organized out of the territory reported as unorganized in the ninth United States census.

"These certificates are from the records of the office of the secretary of the State of Nebraska, and exhibit a difference between the ninth census of the United States and the State of Nebraska of over 160,000 inhabitants. Taking this very palpable mistake in the census of 1870, in the unorganized portion of the State of Nebraska, and reasoning from analogy, it is but fair to presume it is as incorrect in other respects and particulars as it is in reference to the unorganized territory." (78.)

That he did not present any certificate as to a census of 1872 seems clear from the fact that in his brief, made in 1876, he spoke of the census as one—

"Completed about two years ago, and returns made afterward, showing, according to the certificates of the secretary of state of Nebraska, hereto attached, her population to be 228,000." (73.)

His brief concluded with a note that "the proofs referred to in the foregoing are now on file in the Judiciary Committee." (80.) Mr. Hawes swears that he had school statistics, about twenty affidavits, &c., none of which were copied in his brief, but all of which he left with the committee. No report was ever made upon his case, nor does anything else appear about it in the records.

The constitution of Nebraska made in 1866 provided for a State census in 1875 and decennially thereafter. That of 1875 was taken, and on the 15th of February, 1877, her Legislature passed the following resolution, namely:

"Whereas the census of the State of Nebraska taken by the Federal Government in the year 1870 was incomplete and imperfect, failing to show the actual number of people then being in the State; and whereas the increase of population in the State since that time has been unprecedented in rapidity; and whereas the people of Nebraska have elected an additional member of the Forty-fifth Congress: Therefore,

"*Be it resolved by the Legislature of the State of Nebraska*, That our Senators be instructed and our Representatives be requested to use all honorable means to procure the passage of a law providing for the admission of said member." (Laws of Nebraska, 1877, page 256.)

In October, 1876, Thomas J. Majors had been elected "member contingent" to the next Congress. A called session thereof began in October, 1877. On the 29th of November, 1877, Mr. Welch, the Representative from Nebraska, introduced a bill (H. R. 774) to allow her an additional member after 3d March, 1877, because, as was alleged in its preamble, the United States census of 1870 was incorrect, and because by "the State census since taken," &c., "it is shown that said State has sufficient population to entitle it to an additional Representative in Congress."

It was referred to the Judiciary Committee on the 19th of March, 1878, and was then referred to a sub-committee. The sub-committee reported 20th May, 1878. Pending consideration of the case, Mr. Majors submitted a brief, which is copied in the evidence. (80.) The body of it is almost a literal copy of Hawes's brief. The quotation from Hawes's brief as to certificates and the affidavits and the note are exactly copied. The principal differences are these: He changed the language about the State census "completed about two years ago," &c., and though he used Hawes's language as to affidavits, and printed with his brief one of them, he printed none dated as early as 1875 except that one of Governor Furnas. He printed one from Smith and one from said Joseph T. Allen, and a certificate of Thayer, governor of Wyoming, but all these were dated in 1878.

Mr. Welch had, on the 11th of February, 1878, obtained leave to withdraw the Hawes papers (136), and Mr. Majors swears that this was to use them in his case (58), and that he used such certificates as Hawes had, but is not sure whether he or Welch filed the same. (59.)

Hawes's brief, after speaking of the enumeration of the unorganized Territory in 1870, said:

"Since that time there have been organized out of this unorganized Territory nineteen different counties, showing, under the State census, a population of nearly 60,000 people." (74.)

The brief of Majors put that thus:

"In a portion of this same Territory, organized into nineteen counties between 1870 and 1872, a State census, taken under an act of the Legislature of 1872, returned a population of nearly 60,000 people." (80.)

This is the first introduction of "1872" as the date of the State census. Mr. Majors was interested in having the date "1872" instead of "1874." But no certificate of any census was printed with that brief.

In June, 1878, a majority of the sub-committee, by Mr. LAPHAM, reported in favor of seating Mr. Majors. Mr. Stenger reported adversely, and his report was adopted by the committee. A minority of five reported favorably. To their report were attached nine affidavits, but none which had been used by Hawes, except one, of Hoile, United States marshal, and all except that were dated between the 27th of February, 1878, and the 31st of May, 1878. It had also a copy of what purported to be the State census of 1872, duly certified by Gosper, secretary of state, on the 20th November, 1874. Its statement and arguments were practically a restatement of Mr. Majors's brief.

These majority and minority reports were made on the 10th June, 1878, and made the special order after the morning hour for 11th December, 1878. But in September, 1878, Mr. Welch died. Mr. Majors was elected his successor, and was sworn in as such on the 2d of December, 1878, and his claim for a seat in that Congress as a "member contingent" was heard of no more. He served out Welch's term.

Mr. Majors was elected to the Forty-sixth Congress as "member contingent," but never filed any credentials. So far as we know none were ever issued.

He was again elected to the Forty-seventh Congress. His commission was filed and referred to the Committee on the Judiciary. It was there being considered, off and on, until the 24th of March, 1882, when the committee determined to report in his favor.

Mr. Majors printed a brief for this application. (127.) It was like the last, except that "certificates are" was changed to "certificate is," and "exhibit" was changed to "exhibits," and the population of the nineteen counties was reduced from 60,000 to 35,000. It is said he had this in the sub-committee room, but it does not appear that any of this committee saw either of the three briefs till this investigation disclosed them.

On the 1st of April, 1882, Mr. WILLITS, from the Committee on the Judiciary, submitted a report (No. 911, first session Forty-seventh Congress) favoring the seating of Thomas J. Majors as an additional Representative from Nebraska in the Forty-seventh Congress. (6.) The report alleged that the United States census of Nebraska in 1870, which gave her only 122,993 population, was grossly wrong, that it ought to have been 200,000 or more, because a census taken by the State in the spring of 1872 showed that Nebraska had in 1872 227,684 population. The only evidence which could have brought the committee to that conclusion was said printed copy of what was called such census of 1872, purporting to have been certified by John J. Gosper, secretary of state of Nebraska, on the 20th of November, 1874, contained in said House report No. 923 of the Forty-fifth Congress. (30.)

There was a minority adverse report. But that did not attack the correctness of the alleged census of 1872. No reason to doubt its genuineness or fairness had then appeared. But on the 11th of April, 1882, the writer stated to the Committee on the Judiciary that he had discovered that what purported to be the census of 1872 was in fact the census of 1874, and that no State census was taken and compiled in 1872. After investigation the committee, on the 28th day of April, 1882, directed Mr. WILLITS to ask the House to pass the following resolution (5):

"Whereas since the report of the Committee on the Judiciary in favor of seating Mr. Majors as an additional member of the House of Representatives from Nebraska was made to the House doubts have arisen as to whether what was presented to the committee as a duly certified copy of the census of that State

for the year 1872 was not in fact its census of 1874, and whether any census of that State had been taken at all compiled for 1872; and

"Whereas the basis of that report was the opinion that the aggregate population of Nebraska, shown by the certified copy of the census produced, was its population for 1872, and not for 1874:

"*Resolved*, That said bill be recommitted to the Committee on the Judiciary, with power to send for persons and papers, to learn the facts touching this matter, and that it report at its earliest convenience, at any time, how this misinformation occurred and who is responsible therefor."

It was not presented until the 21st of June, 1882, and was then passed by the House.

On the 24th June, 1882, a sub-committee began taking testimony and continued during the last session of Congress and during this session. (See the evidence attached.)

WHO RESPONSIBLE.

Hawes seems to have originally presented the certified copy of the State census of Nebraska as that of 1874. That it was the census of 1874 all now admit. The certificate of Gosper, secretary of state, marked it at the top "Census of 1874," and certified that it was taken "in the spring of 1874." It was published as the census of 1874, in the Nebraska house journal of 1875, and in Curley's Nebraska (page 98), which was deposited in the Congressional Library in February, 1875. Mr. Hawes must then have known that it was the first census of his State since the United States census of 1870. In his brief, made in 1876, as already stated, he described it as a census taken "about two years ago." He spoke of nineteen new counties made since that census. It is now known to us, and probably then was known to him, that part of those counties were organized in 1873.

Mr. Hawes made many loose and incorrect statements in that brief, but did not make any false statement as to the date of the State census. His mention of the incorrectness of the United States census of 1870 seems not to have been to show that it was so far wrong as, if righted, would have *then* allowed Nebraska an extra member, but only as a reason why, under the correct census of 1874, such member should *then* be allowed under it. Such was the view of the Legislature of Nebraska, as shown by the resolution of 1877, *ante* (30), and Mr. Crounse's bill, *ante*.

MR. MAJORS.

Mr. Majors first applied and filed a brief in 1878, between 31st May and 10th of June. By that time this census had been also published as the census of 1874 in the journals of Nebraska's Legislature for 1877, in the third volume of Johnson's Cyclopedia, deposited in the Congressional Library on the 6th of September, 1876, and in the annual report of the secretary of state of Nebraska for 1877.

He had the certified copy of the census (published as that of 1872 in H. R. 923, *ante*) in his possession. (59.) Welsh withdrew it from the House files for Mr. Majors's benefit.

On the 11th February, 1878 (136), Mr. Majors was in Washington urging his admission. Hawes was away sick. (161.) After Messrs. VALENTINE, Hawes, and Majors had testified in this investigation, when all supposed the original certificate of the State census, published in the report as that of 1872, was lost, it was found among the House records. It is the same which Hawes had in 1876, for the footing, "227,923," is in Hawes's handwriting, but the figure "4" in "1874," at the top and in the certificate had been changed to a "2." This is plain even to a casual observation. That certificate is attached to the original report of the majority and minority of the committee. When the report of Mr. Stenger was written, so little attention had been paid to the date that he left a blank therefor. It was filled with the figures "1872." His argument would have been practically the same had "1874" been inserted in lieu of "1872," for he demurred and stood upon the question of law.

Mr. LAPHAM (now Senator) wrote the minority report. In it he had interlinéations and erasures. He had Mr. Welch or Mr. Majors to have it copied. Who wrote the copy is not known. Welch is dead. When Mr. LAPHAM received the copy he added thereto:

"In confirmation of the views heretofore expressed, your committee refer to a portion of the affidavits submitted, hereto annexed, and also to a certified copy of the census of 1872, also hereto annexed."

He and those who agreed with him then signed his report. After that the affidavits and census certificate were attached. Who attached them we know not. After they were attached Mr. LAPHAM made the proper indorsement to identify the report, delivered it to the House, and it was printed. (161.) (See report 923 *ante*.)

The Hawes brief of 1876 spoke of the population of nineteen counties, made "since the last census" of the United States. The United States census of 1870 enumerated fifty-three counties, while that called the State census of 1872 (but really of 1874) enumerated but fifty-nine counties. But nine other counties existed in 1874 which were not enumerated in said census of 1874. How did he get the number nineteen? The laws of Nebraska created new counties which could not be organized till they contained two hundred inhabitants each. The censuses of 1870 and 1874 covered forty-nine organized counties. But sixty-eight counties were enumerated in the censuses of 1860, 1870, and 1874. Eighteen were created but not organized prior to the census of 1874. (Four of that eighteen were not organized till 1873, in January, April, May, and July.) One other, Calhoun, enumerated in 1860, was not enumerated in 1870 or 1874. Deducting from the whole number, sixty-eight, the organized number, forty-nine, makes nineteen for the remainder. (112.)

The statement in Hawes's brief may have been literally true when he spoke in 1876 that they had been organized "since the last census," but was obviously false when made by Majors's brief to have been organized "between 1870 and 1872." And mark that that was the first mention of "1872" as the date of the State census by any paper appearing in the case.

Mr. Majors copied Mr. Hawes's gross falsehood that these nineteen counties contained 60,000 inhabitants. In fact, by the census of 1874, all those not in the said forty-nine contained but 29,038 inhabitants. In his last brief he substituted 35,000 for 60,000. (179.) Neither Hawes nor Majors could name the counties. Hawes swore he had handed a list to the committeeman, Mr. Hurd. The tabulation at page 112, made long before the original certificate was found, named fifteen counties organized in 1871, 1872, and 1873, but never enumerated till 1874. When the orginal certificate of the census was found (on 22d July, 1882), the counties appeared numbered thereon, in pencil, from 1 to 44, inclusive, leaving those identical fifteen names unnumbered. (161.) Who made the numbers does not appear.

When Mr. Majors testified on the 6th of July, 1882, he said he was uncertain whether he had the actual possession of the original certificate printed in report 923, *ante*. (59.) But when Mr. Hawes was testifying on the 12th of July, 1882, about that original and was asked whether Richardson County was not "estimated" and not actually enumerated, he did not know. But Mr. Majors interrupted him with "my recollection is that it was." (105.)

When the original certificate of the State census was afterward found, the word "estimated" was found opposite "Richardson," but crossed so as not to be printed. (160.) This had been suggested in the minority report because its population was even 15,000. (41.)

Mr. Hawes swore that he left with this original certified census fifteen or twenty affidavits. (64-159.) Mr. Majors's brief quoted the exact language of Hawes as to the affiants, &c. He also swore that he remembered J. T. Allen's. He however used none but Hoile's, and obtained a new one from Allen. None other of the old lot appears but one of Governor Furnas. All the others used by Mr. Majors were dated in 1878, and no paper attached mentioned any date for the State census.

The minority report in this Congress against seating Mr. Majors was submitted to the committee on the 18th of February.

On that day the following dispatch came to Washington, District of Columbia, namely:

LINCOLN, *February* 18, 1882.

To THOS. J. MANNERS,
National Hotel, Washington, D. C.:

No State census taken in Nebraska for 1872.

S. J. ALEXANDER,
Secretary of State.

On the same day the office here notified the office at Lincoln that "Thos. J. Manners" was not found, and received reply that that dispatch was to "Thos. J. Majors." On the 20th of February, 1882, it was delivered to Mr. Majors. He claimed that the dispatch was "bulled" or erroneous, and had it duplicated. Its duplicate was delivered to him on the 22d of February, 1882.

On that day he received two other dispatches; each was dated 22d February, 1882, at Lincoln, Nebraska, addressed to Thos. J. Majors, at the National Hotel here, and signed by S. J. Alexander, secretary of state. The first was:

"No census taken for 1870; relying on United States to take same. No blanks furnished in 1871."

The other was:

"The first census taken, according to our records, was in seventy-four. Telegraph now what you want."

He avoided showing the dispatch of the 20th February to Messrs. CULBERSON and WILLITS, though asked to do so, claiming that it was unintelligible. (163-166, 164.)

On the same day—20th February, 1882—he procured the affidavits of Hawes and George H. Roberts, ex-attorney-general of Nebraska. Hawes's affidavit stated:

"That no census was ever taken by the State authorities until 1872; that a certified copy of that census was filed before the Judiciary Committee of the Forty-fourth Congress, over the seal of the secretary of state. Affiant desired to have the census of 1874 filed, but did not obtain it. Affidavits were filed to this effect at the time and are now on the files of the committee, showing the number of school children and other data in reference to the population of some of the leading counties." (39.)

Roberts's affidavit first explained why the State census was not taken in 1870 and 1871, and then said:

"That this affiant, as attorney-general of said State, at the request of the secretary of state thereof, prepared in the latter part of the year 1871 a circular letter of instructions to the various precinct assessors of said State, and in conformity with the provisions of the act of 1869, above referred to, under the provisions of which a fairly accurate enumeration of the inhabitants of said State was had in the year 1872.

"And further affiant saith not."

Mr. Hawes swore that before making his affidavit of the 20th of February he and Mr. Majors had this conversation, namely:

"MAJORS. I want you to make an affidavit in relation to my case in the House. I want to fix the date of the census.

"HAWES. It was called the census of 1872.

"MAJORS. When was it taken?"

Hawes said he could only say that it was called the census of 1872, and that that was all he knew. And Mr. Majors replied, "That is all I want to know." (55.)

Mr. Majors showed Mr. WILLITS the dispatch of Alexander, dated 22d February, "No census taken for 1870; relying on United States to take the same. No blanks furnished in 1871." But being told that was not satisfactory, he obtained, by Mr. VALENTINE, Alexander's certificate, over the great seal of state, as follows:

STATE OF NEBRASKA,
Secretary of State:

LINCOLN, *March* 1, 1882.

DEAR SIR: No State enumeration under act of Legislature approved February, 1869, until 1872; a certified copy of which was furnished under seal of State by my predecessor, J. J. Gosper.

[SEAL.] S. J. ALEXANDER,
Secretary of State

Hon. E. K. VALENTINE, M. C., *Washington.*

Thus fortified, Mr. Majors, concealing the knowledge that no State census was taken till 1874, allowed the committee to be deceived by his papers, and on the 24th of March, 1882, to agree to report in his favor. And they did so report on the 1st of April, 1882.

These reports, majority and minority, were published and accessible to everybody interested. Mr. Majors had them. When, on the 11th of April, it was charged that this census of 1872 was the true census of 1874, and that none was taken in 1872, what was Mr. Majors's conduct? He wrote and telegraphed Alexander. Neither of them produces the letter nor telegram, though asked to do so. Majors swears that he sent Alexander the report and wrote him (2-12-61)—

"That the question had been raised as to whether it was the census of 1872 or the census of 1874, and urged upon him the necessity of corroborating my (his) statement or the attitude which I (he) was in, because that was to me (him) the vital question." (61.)

On the 13th of April he telegraphed Alexander: "Stay reply to census inquiries; see letter and Schwenk."

He got Schwenk to go to Nebraska, after furnishing him a copy of the reports and explaining fully the situation. Schwenk arrived at Lincoln on the evening of the 15th of April, 1882. He told Alexander what was wanted, and why, and gave him Majors's letter. Alexander informed him that he had a letter from Majors that day, but that he did not know whether the printed copy cut from the report and sent him by Majors was the census of 1872. But after discussion Alexander agreed to copy it, leaving the figures "1872" in the certificate blank. He did so copy it, leaving such blank, and without the caption, "Census of 1872," and delivered it duly sealed by the great seal of state to Schwenk, he promising to write to Majors explaining why Alexander would not put in the date. Schwenk swore that he so wrote to Majors, and sent him with his letter the paper blank. (See his testimony.) Majors swears that he destroyed the letter, but that it contained no such statement and that the paper reached him with the date "1872" inserted. Alexander swore that he expected Majors to fill it up on information as to the true date which he might acquire here, and show it only to one member of this committee. (4.)

Schwenk swore that he did not expect that Majors would show it to any one but Mr. HAMMOND, thinking that if he was convinced opposition would cease. That certificate was dated 15th of April, 1882. On that day Schwenk telegraphed Majors: "Got home to-night, found all well." They testified that it had been agreed that Schwenk should telegraph that all was well if he got the satisfactory papers. The certificate was somewhat delayed. On the 20th of April, Alexander telegraphed Majors: "The certificate was forwarded the 16th." It had arrived here on the 18th at 10 o'clock p. m. Upon receiving it Majors opened it, told Hawes that it was the census of 1872, but did not show it to him. Afterward he

came to the Capitol and delivered it to Mr. WILLITS, of the Judiciary Committee.

But though this certificate was so duly solemnized, the evidence of the committee showed it was false, and on the 28th of April, 1882, the resolution to request the House for authority to investigate was passed in committee as stated.

Mr. Majors, in a carefully prepared written statement put in evidence on the 12th of July, 1882, made this statement, namely:

"Learning that there was still a doubt about the census in question, I concluded I would go home and personally examine the records, of which fact I notified Judge WILLITS and Hon. E. K. VALENTINE. On my way to Nebraska I saw by the dispatches that the report was, by the request of the chairman, recommitted; and after my arrival at home, by a letter from the secretary of state, I learned that the census was not perfected in 1872, whereupon I wrote Mr. VALENTINE, so informing him. This was the first information that came to me that the certificate of the secretary of state was not genuine.

"If I had thought that there was even a suspicion that I had perpetrated this fraud I would have at once returned to Washington and demanded an investigation. That I was anxious, earnest, and possibly overzealous in my efforts to supply the committee with all needed information required to satisfy them of the justice of the State's claim to an additional Representative in Congress, which was required of me in conformity with the demands of my State, is doubtless true; but that I ever perpetrated this fraud and deception upon the committee knowingly I most solemnly deny." (101.)

Alexander had written him the exact facts. (104.) On the 13th of May, 1882, Schwenk had written him.

The letter exhibited from Schwenk reads as follows (in print):

"House of Representatives, Washington, D. C., 188 "); dated in writing May 15, and "2" after the 8: "Friend Tom: Val. seen the commity to-day, and they will not hold off any longer than Monday, when they will introduce their resolution. I have written to Alexander, and he must fix up an old copy, pretending to be from Gosper, so that he can produce it, and as Pat has filed his affidavit when you was here, it will bear out the copy, and Alex. can produce it and say that he took this for correct, as Pat will say that he paid Gosper $15 for the certificate, and that Gosper stated that he had to write to every county clerk, it will make a plausible story. Now, Tom, don't fail to attend to this. I have not mentioned anything to anybody, so I need not to be mentioned in connection with the matter, and it will cause no contradictory statement. Now, Tom, don't fail with this matter, and see that Sy. attends to this. Yours, Schwenk. P. S.—Destroy this." (106.)

Mr. Majors handed the letter to Alexander, the secretary of state, to read. He declined reading it, saying he presumed he knew its contents, as he had had a letter from Schwenk. Mr. Majors had testified on the 6th of July and said nothing about that letter. He filed his written statement, dated 12th July, and said nothing on the subject. It was after that that a direct question forced its production. After he ceased and another witness (Hawes) had testified and told nothing about it, Mr. Majors asked to make this statement about that matter and it was allowed:

"Mr. MAJORS. I expect that I ought to say this, in reference to this last letter, as to why I did not produce it before. It was written to me in a confidential way, and I had some hesitation—some compunctions of conscience—about presenting it, and it is purely accidental that I happened to have that letter with me. I presume my proper course would have been to have sent that letter to the committee when I first received it, but my reason for not doing that was that I had already informed Judge VALENTINE of the exact state of facts as they were, in a previous letter that I had written to him, being the one he has testified to this morning.

"By Mr. HAMMOND:

"Question. Do you mean in another than the one you have already mentioned?

"Answer. No, sir; the same one, and I wish he could lay his hand upon it. I informed Mr. VALENTINE about the circumstances.

"Q. State your recollection of the words of that letter.

"A. My recollection is—though I am not positive about it—that I recited the facts I had obtained, corroborating exactly the facts. They had always been discussed between Judge Valentine and myself, and accepted as the census returns of 1872, neither of us having had a doubt about it. I went home without any doubt on the question. My recollection is that I stated to him that 'the worst possible fears had been realized,' or something of that kind. That is my recollection of the substance of that letter. Therefore, feeling that the committee, through him, had a knowledge of the facts, I allowed the matter to drop.

"Q. Did he ever inform you that he had communicated it to the committee?

"A. No, sir; he did not. But then I had no doubt but what he would, and he also says that he did. Judge Hawes makes a suggestion to me that reminds me of another fact. When I showed him the letter, I did it with reference to presenting it, and I also presented the letter to Judge VALENTINE.

"Q. When did you show it to them?

"A. My recollection is that I showed it to Mr. Hawes on last Saturday, and Mr. VALENTINE last Sunday. Mr. Hawes advised me not to present it at that time.

"Mr. HAWES. The reason I did that was because it was a private and confidential letter." (108.)

Soon after testifying, on the 12th of July, 1882, Mr. Majors left Washington. Mr. Hawes appeared as his attorney at each subsequent meeting of the sub-committee during last session. (154.) The evidence was printed for the use of the committee during last session, and some copies were distributed. Many of its points have been published throughout the country, yet no testimony has been offered this session but the following:

Mr. Oliver, an attorney at law in Washington, asked the committee to examine a Mr. Davis and General Bowen to show that when Mr. Majors received the certified census in writing from Alexander the date was inserted, and not blank, as Schwenk had testified. (168.)

He was examined. His testimony was plainly manufactured by him for the occasion and without understanding the situation. Its point was that he and General Bower, of Nebraska, were here with Mr. Majors when he received and opened the envelope containing the paper, and spoke of its date apparently having been tampered with by erasure.

The fact is that the certificate has no such appearance, that General Bowen was not here after the 3d of March, 1882, and the certificate of Alexander was not made till the 15th of April, 1882. (See evidence of Davis and Bowen.)

So much for Mr. Majors.

MR. VALENTINE.

When Mr. Majors came to this Congress he procured Mr. VALENTINE to present the case to the Judiciary Committee upon the false census printed in report 923. Although that census had by that time been also published as the census of 1874 in the Nebraska legislative journal of 1879, in Johnson's Nebraska, and in the report of Alexander, secretary of state, it does not appear that Mr. VALENTINE knew that it was, or that he had seen either of those publications of it. He swore that he had not.

PAT. O. HAWES.

The brief filed by Mr. Hawes in 1876 contained several false statements. We mention some:

1. That the State caused her census to be taken by a law passed in 1872, because the United States census of 1870 was believed to be wrong. (73.)

2. That in "the unorganized territory in 1860, according to the eighth census, there were 1,765 inhabitants; ten years afterward, in the same territory, under the ninth census of 1870, we have a report of only 235 inhabitants." (74.)

3. "Since that time (1870) there have been organized out of this unorganized territory nineteen different counties, showing under the State census a population of nearly 60,000." (74.) The footing of the census, 227,684, was nearly 4,000 too large. All these were repeated in Mr. Majors's brief in 1878 (80), except that "since that time" 1870 was made to read "between 1870 and 1872." They were accepted by the committee as true, and the reports, majority and minority, of 1878 so treated them. (See report, page 30, of evidence.) They were accepted in this Congress as true until the report of the minority. Then it appeared that a law of February, 1869, required a State census to be taken by the county officers in that month of each year, and no other law had been passed on the subject. (40.) It showed that fifteen counties were in this census, called that of 1872, which were not in that of 1870, and that part of them were not organized till 1873, and showed the law for organizing new counties. (41-42.)

This excited inquiry. Instead of the unorganized territory in 1860 being "the same territory" as was called unorganized territory in 1870, nineteen new counties had been enumerated, organized out of that territory, and as such in 1870, which were not in existence in 1860 (Compendium Ninth Census, 68). And other errors in these statements have been already pointed out. Yet while so near the truth that minority report did not disclose the false date of the census of 1874. As stated, it had not been suspected when the reports were made on the 1st of April, 1882.

But what was then unknown to the committee we have shown was known to Mr. Majors. At least he had been put upon notice as early as the 22d February, 1882, even if he did not change the date of the original census in 1878 from "1874" to "1872."

And we believe Mr. Hawes, after he learned that the census was accepted as that of 1872, undertook to keep up that false understanding, knowing it was false.

It would be hard to believe that he could have forgotten so essential a fact in a case begun by him. He knew well the importance of the date. He was interested in having it 1872. Dr. Schwenk swore that Mr. Majors told him not to tell Hawes about his going to Nebraska, because Hawes was "hanging around here with the expectancy that if he, Majors, got into Congress Hawes would come in for his pay." (145.) That "pay" would have been over $10,000. To show what Mr. Hawes thought we quote from his evidence, page 159:

"When I came here last winter, in February, I had some conversation with one or two gentlemen from Nebraska, and I said that from what I could understand Colonel Majors would be seated in this Congress; that I had consulted with leading Senators on the Republican side of the House and one or two Democratic Senators, and they informed me that whatever the House would do in the matter the Senate would also do, for the reason that it was a subject that attached and related to the House itself, and that as the House, under the Constitution of the United States, was the sole judge of its members, they would concede anything to the House that it would claim, and that when the bill would pass the House granting an additional Representative to the State of Nebraska and authorizing the seating of Colonel Majors, I proposed getting some of my friends in the House to amend the act before it would get to the Senate, providing that I should be allowed my pay as a member of the Forty-fourth Congress.

"Some of Colonel Majors's friends heard of it, became indignant about it, and said it would spoil the whole thing, and kill it entirely. I said I did not care whether it did or not; that I had spent two years of my life and a good deal of money in pressing the claim of Nebraska, and had just as good a right to be paid as Tom Majors or anybody else. We had some words—that is we talked it over pleasantly, and finally I told him I would give that idea up. If he got in I would take my chances on getting paid, and I thought that would be the end of it, but it made a sort of unfriendly relation between us. I was in his room frequently, but there was not that cordial relation that ought to have existed between us. I think that if Colonel Majors had consulted me about this whole matter there never would have been this difficulty."

When informed by Mr. Majors that he needed evidence, he made the affidavit already quoted, calling it the census of 1872, when he knew it was not.

He argued that this census could not have been taken in 1864, because the officers were not elected till November (53, 54), ignorant of the fact that the law required the officers in office to take it in the spring of each year. He testified that:

"The census that we had here, on the basis that I claimed from, was taken at odd times all the way from 1871 and 1872 until that copy was filed. It was not taken in one year." (53, 54.)

That may have been true of the "certificates" filed by him originally, but now gone. But he knew that Mr. Majors was now claiming on a "certificate" saying it was all taken in the spring of 1872.

He said he wrote his affidavit and he testified about it as follows:

"Question. While you were making the affidavit, why did you not explain to the committee that what you produced as the census of 1872 was taken in 1872 and 1873, and that there was nothing complete in the office?

"Answer. That was not what Tom Majors said he wanted.

"Q. What did Majors say he wanted.

"A. I will tell you. I met Tom Majors at the National Hotel, and he said: 'I want you to make an affidavit in relation to my case at the House. I want to fix the date of the census.' Says I, 'It was called the census of 1872.' He said, 'When was it taken?' I said that I could only say that it was called the census of 1872, and I told him that was all I knew. Said he, 'That is all I want to know.'

"Q. Why did you not state in the affidavit that it was called the census of 1872?

"A. It is the census of 1872 practically. It was commenced in 1872 and did not close up until 1874—part in 1872 and part in 1873—just as I told you, and just as John Gosper says; because it was commenced then, like the Forty-fourth Congress. It is called the Forty-fourth Congress, though it lasts two years.

"Q. You say further in your affidavit, 'I desired to have the census of 1874 filed, but did not obtain it.'

"A. I wanted the census taken after the assessors were elected in the fall of 1874, so that I could see the difference between the population when that census was taken and this census which I filed. I wanted to see the growth of the State, and from the growth of the State from the time this was taken to the time that was taken, to have further proof as to this census.

"Q. You did not file that because you could not obtain it?

"A. I tried to get it. They said it was not complete. That was the answer I met with. I wanted to say, Mr. HAMMOND, about the census of 1874, under the provisions of the census of 1874—from the time the assessors came in up to the time their taking closed—it would show the difference in the increase in the population from the time the first census was commenced, and show the discrepancy between that and the census of the Government.

"Q. You further say in that affidavit, 'Affidavits were filed to this effect at the time;' that is, to the effect that you could not get the census of 1874.

"A. I did not intend to say that." (55.)

He had sworn on the 6th of July that Gosper, the secretary of state, who certified the census, had told him before he got his certificate of 20th of November, 1874, "that that census had been taken from the commencement up to the time it was filed" (53); he subsequently stated that he supposed it was called the census of 1874 in the books, because not completed till 1874, and by Gosper called that of 1872, because begun in 1872. (72.)

On the 15th of July he was again examined, and testified as follows, at page 106:

"The fact that the census was compiled in 1874 by Gosper does not make it the census of 1874.

"Question. Everybody else seems to admit that what we have is not a census of 1872 but that of 1874. How is it that you vary from everybody?

"Answer. No, I do not vary from everybody else. It is called the census of 1872, because it was compiled then first.

"Q. Everybody else seems to concede that it was not taken until the spring of 1874.

"A. I never saw the figures, but I have seen men who are of good reputation for truth and veracity who have told me that they have examined the returns.

"Q. But not of all the State?

"A. But it commenced in 1872.

"Q. And that is the reason you insist upon its being the census of 1872?

"A. Yes, sir; my theory is that it was taken all the time from 1872 to 1874.

"Q. So I understand; but you differ from everybody else.

"A. You take one of these buildings down here, for instance, and the builder puts the date upon it on which it was commenced; they always put the date on when they commence, and never that on which the house is completed. I have observed that, and there is the same reason in calling that the census of 1874 that there would be in dating the house at the time of its completion.

"Q. But the question at issue is, when did the enumeration occur?

"A. Well, it occurred as much in 1872 as it did in any year after that up to 1874.

"Q. That is your opinion?

"A. Well, is it not an easy matter to send for Alexander and have him give the exact returns?"

He advised Mr. Majors not to show that vile letter of Dr. Schwenk, "because it was private and confidential." (108.)

S. J. ALEXANDER, SECRETARY OF STATE.

He was the keeper of the great seal of the State of Nebraska, and of its records. He had searched and found no census compiled in 1872, nor before 1874, and so telegraphed Mr. Majors, February, 1882. The returns of but nine counties for 1872 were in his office (123, 124, 125), and they were wholly unlike those in the same counties for 1874. He had published this census as that of 1874 in his last official report, copied from the report of his predecessor. It was published as that of 1874 in the State journals. He knew the issue, and yet sent a telegram to Valentine (165) to make us believe it was taken in 1872, and followed that by a certificate dated 1st March, 1882, for the same purpose, and attached thereto the great seal. (48.)

He telegraphed Mr. Majors, 22d of February, 1882: "The first census taken, according to our records, was in '74." (164.) He corresponded with him by telegram and letters, and can produce none of them. In April, 1882, he was told by two letters from Mr. Majors what he needed, and deliberately attached his seal to a copy of the printed census which was in question, except that he left the date blank, expecting it to be filled up by Mr. Majors to meet the exigencies of the situation. (See his testimony, page 4.) Comment is useless.

DR. SCHWENK.

It is not material whether Dr. Schwenk filled the blank or transmitted it to Mr. Majors to be filled. Under the circumstances he was *particeps criminis* to issuing the paper, so solemnized, to be so used. If it was only to be shown to one member of the committee, as he swears (140-142-143-144-147), the wrong was the same. His letter to Mr. Majors (103) forbids any charitable construction on his connection with this matter.

GEORGE H. ROBERTS.

It will be remembered that Hawes's briefs called attention to an affidavit of "Hon. George H. Roberts, attorney-general of the State" (74); that Majors's brief did the same (80); but that instead of producing the one used by Hawes, Majors had another made on the 9th of March, 1878 (see it in full at page 13). It said "affiant was a resident of Otoe County at the time of taking the last census; that owing to the detention of the books and papers necessary to commence the taking of the census of said county of Otoe, that the work was hurriedly and very imperfectly and inaccurately taken, and that affiant has good reason to believe, and does believe, that the same state of facts existed in every county in the State." (13.)

The minority report in this Congress disclosed that the census of Otoe County, therein mentioned by him, by the United States in 1870, showed 12,342 population, while the State census of 1872, so called, showed a population of 12,380. (41.)

In that affidavit, dated 9th March, 1878, he swore that "he is, and for nearly six years has been, the attorney-general of the State of Nebraska." (13.) The last stated that he was attorney-general in 1871 and 1872. (39.) The fact is he became attorney-general in January, 1871, was succeeded by Mr. Webster in January, 1873, and was re-elected in October, 1874, and qualified in January, 1875. (See house journals of Nebraska.)

In that of 1878 he swore that he had "made a canvass of the State every year since 1870, and has resided for a long time past in the extreme western portion of the State, and that he has enlarged facilities for forming an accurate judgment of the population of the State." (13.) In that made the 20th of February, 1882, he swore "that this affiant, as attorney-general of said State, at the request of the secretary of state thereof, prepared, in the latter part of the year 1871, a circular letter of instructions to the various precinct assessors of said State, and in conformity with the provisions of the act of 1869, above referred to, under the provisions of which a fairly accurate enumeration of the inhabitants of said State was had in the year 1872." (40.) He could have had no other purpose than to have this committee act upon the census, then before it at Majors's instance, as the State census of 1872.

Now, we have the only returns of any census of 1872 in the secretary of state's office, in which such returns belong. (42.) They are of nine counties. We give their names and population by the enumerations of the United States in 1870 and of the State in 1872, 1874, and 1875, respectively:

Counties.	1870.	1872.	1874.	1875.
Boone	.....	227	798	966
Buffalo	193	939	2,106	2,861
Cedar	1,032	1,208	1,817	*1,979
Cheyenne	190	278	449	457
Clay	54	958	3,622	4,133
Dixon	1,345	2,043	3,842	2,886
Hamilton	130	560	3,116	3,526
Stanton	636	921	1,135	1,157
Webster	16	681	2,250	2,590
Total	3,596	7,815	19,135	20,605

*Estimated.

(See these figures at pages 117-124.) We can not assert that none but those nine were enumerated in 1872, for, first, all that were enumerated may not have been returned to the secretary of state or some may have been lost or Mr. Alexander's letter, at page 121, may not be true. But it can hardly be believed that "a fairly accurate enumeration of the inhabitants of said State was had in the year 1872."

Nor do we understand how Mr. Roberts could believe that the census before this committee, in February, 1882, was that taken in 1872, when we consider that he canvassed the State year by year from 1870 to 1878, and this was constantly a question in Nebraska's politics; that besides this census of 1874 (called here falsely that of 1872) censuses had been taken in 1875 and 1876, and the State Legislature had, in 1877, passed a resolution as to a contingent member of Congress, based on these last censuses, and that the census of 1872, taken during his term of office and under his special direction, was manifestly incomplete and never compiled.

The majority report of 1st April, 1882, called attention to five counties whose enumeration for 1870 seemed to them to be grossly wrong. (7.) The minority report sought to answer that by facts from Johnson's Nebraska. (42.) One of those counties was Adams. Johnson had declared that it was organized on the 12th of December, 1871, that it had had 19 inhabitants in 1870 and 3,096 in 1875; that the Burlington and Missouri River Railroad during the summer of 1871 went through the county to its junction with the Union Pacific Railroad, and was completed to the county seat, Juniata, in June, 1872, and that the Saint Joe and Denver Railroad joined the Burlington and Missouri River Railroad in 1873 at Hastings. (Johnson's Nebraska, 193, 195, 196.) And it stated that A. H. Bowen was, on the 12th December, 1871, elected superintendent of schools in that county. (Id., 195.)

The letter of Mr. Roberts to General A. H. Bowen on the subject, dated 23d March, 1882, asked him to state that he was the superintendent of schools for that county in the affidavit which he was asked to make. Either Mr. Roberts knew that fact from memory or from reading it. If from memory, he ought to have remembered the fact that in December, 1871, it had barely two hundred inhabitants (42), and could not, in February, 1872, when, if at all, the census of that year was taken, have had 2,694 inhabitants. If he read it, he must have read the other facts or others like them. In his letter of 23d March, 1882, to Bowen he stated as a fact that its population was but nineteen in 1870 and in 1872 2,694, and said, "We do not believe that this increase took place within the time mentioned, but, on the contrary, believe that the population of Adams in 1870 was nearly as great as it was in 1872." We think he knew that no such increase had taken place between the census of 1870 and the year 1872. Why was that letter "confidential?" Why was the information to be used only in argument?

The committee did not agree to report until the next day, the 24th of March.

Then, in an undated postscript, he told Bowen of the result so favorable to Majors, and urged him to send the affidavit if it could be made. Why did he doubt whether it could be made?

And then he added another postscript that "whatever statement made will be held in the hands of our friends, and will not be a matter of record."

We recall that Mr. Alexander swore that he expected his false certificate of 15th April, 1882, to be shown to but one member of this committee (4); that Schwenk so intended and was indignant because it was shown to the whole committee. (140, 142, 143, 144, 147.)

Much light is now cast upon the secrecy promised in Mr. Roberts's letter, and the secrecy expected by Alexander and Schwenk. Each illuminates the other. (See Bowen's evidence, 175.)

What further light may be cast by the last letter from Roberts to Bowen, if Bowen's evidence correctly describes its purport, can but intensify the clearness of our convictions as to Mr. Roberts's connection with this matter.

CONCLUSION.

We report, therefore, that Thomas J. Majors is responsible for the misinformation which induced this committee to make the report of 1st April, 1882 (No. 911, first session Forty-seventh Congress), and that he was aided therein by S. J. Alexander, secretary of state of Nebraska, by Pat. O. Hawes, and Dr. P. Schwenk and George H. Roberts. And we report that the testimony of Davis is false.

And we ask the adoption of the following resolution:

Resolved, That the Clerk of this House be, and he is hereby, required to furnish a printed copy of this report, including the evidence, to each of the following officers: The district attorney of the District of Columbia, the Attorney-General of the United States, and the governor of the State of Nebraska, that they may take such action as they may deem suitable to the gravity of the wrongs committed by the persons whose conduct is in this "conclusion" set forth.

EXHIBIT A.

FORTY-SEVENTH CONGRESS, FIRST SESSION.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, June 21, 1882.

Whereas since the report of the Committee on the Judiciary in favor of seating Mr. Majors as an additional member of the House of Representatives from Nebraska was made to the House doubts have arisen as to whether what was presented to the committee as a duly certified copy of the census of that State for the year 1872 was not in fact its census of 1874, and whether any census of that State had been taken and compiled for 1872; and

Whereas the basis of that report was the opinion that the aggregate population of Nebraska, shown by the certified copy of the census produced, was its population for 1872, and not for 1874:

Resolved, That said bill be recommitted to the Committee on the Judiciary, with power to send for persons and papers, to learn the facts touching this matter, and that it report at its earliest convenience, at any time, how this misinformation occurred, and who is responsible therefor.

Attest:

EWD. McPHERSON, *Clerk.*

Mr. HAMMOND, of Georgia. Expecting that the whole report would be read, I had not intended to enter into any explanation whatever of this matter. Nor shall I now go fully into it, unless some objection shall be made to the conclusion at which the Committee on the Judiciary have arrived and the resolution reported by the committee.

We were plainly imposed upon by false testimony. The imposition was discovered and promptly reported to the House, and the House authorized us to inquire who was responsible for the imposition, and to that end to send for persons and papers.

We have taken a volume of testimony, consisting of one hundred and eighty or more printed pages. We have examined every witness suggested by any party implicated. These parties have all been examined, some of them over and over again. This testimony has all been in print for distribution for a month past, most of it ever since the last session of Congress. Up to this day, so far as I know, there has been no intimation of opposition to be made on the floor of this House to the resolution of the Committee on the Judiciary.

The conclusion that we arrived at was that Thomas J. Majors is responsible for the misinformation which induced the committee to make the report on the 1st of April, 1882; and that he was aided therein by S. J. Alexander, secretary of state of Nebraska, by Pat. O. Hawes, Dr. P. Schwenk, and George H. Roberts. And we report that the testimony of Davis was false. We ask the adoption of the following resolution:

Resolved, That the Clerk of this House be, and he is hereby, required to furnish a printed copy of this report, including the evidence, to each of the following officers: The district attorney of the District of Columbia, the Attorney-General of the United States, and the governor of the State of Nebraska, that they may take such action as they may deem suitable to the gravity of the wrongs committed by the persons whose conduct is in this "conclusion" set forth.

I will state, in short, that the wrongs complained of were these: In order to make the argument good in favor of an additional member from Nebraska it became important to show that the census of that State taken by the United States in 1870 was grossly wrong; that it had been imperfectly taken, and that had it been correctly taken the State would have been entitled to two members in this House instead of one.

The proof submitted to make that claim good was what purported to be a census taken by the State in 1872 and certified by the secretary of that State. It turns out and is proved beyond controversy that the census so certified was the census of 1874, and that the "4" in the certificate of the secretary of state was changed to a "2" in order to make it appear that it was a census taken two years nearer the time of the United States census of 1870 than it was actually taken.

The committee, upon the evidence before them, have reported that Mr. Majors made that change, and the argument and reasons of the committee for that report are contained in the report submitted to the House. They also find that Mr. Hawes aided Majors in concealing that change after he knew it was made.

The substance of that part of the testimony is this: Hawes swears that he was called on by Majors to make an affidavit that that was the census of 1872; that he told Majors that it was "so called," and that was all he knew about it; that Majors said, "Very well; that is all I want to know." Hawes made the affidavit, and when we asked him why he did not explain that it was "so called," he undertook to avoid it by this kind of testimony: He says, "It was begun in 1872 and taken all the way along up to 1874; and we called it 1872, like you call a public building commenced this year (1882) and not finished until ten years from now a building of 1882."

The way Mr. Schwenk became connected with it was this: After the committee made its report (it was before we had discovered this imposition), upon inquiry about the State census of 1871, Mr. Alexander was called on and certified that there was no census taken in 1871. He sent an official certificate, over the seal of the State, that there was no census taken till 1872, of which we had a certified copy over the signature of his predecessor and the State seal. It turned out that Alexander had prior to that time telegraphed to Mr. Majors that there was no State census taken till 1874. Majors, finding that trouble, sent Schwenk as a messenger to Alexander with a letter, and the product of it all was that Alexander copied the old bogus census which we had in print before us and certified it to be the census of 1872. He swears that when he certified it he refused to put in the year, telling Schwenk that he did not know that that was the right year, but he swore that he knew it might be filled up to suit the case; that he supposed Mr. Majors had evidence enough here on which he could fill the blank.

Schwenk swears that he delivered it to Majors in blank. It was delivered to us filled up. Majors swears that he received it filled up; but all agree that it was not filled up when it left the secretary of state's office. The handwriting shows that it was not filled up by Alexander before it left with the great seal of Nebraska on it. When Majors found out that we had the official report of this man Alexander published last year, that that was the census of 1874, and that there was no census of 1872 taken; that we had it printed in six books, four of them published by authority of the State of Nebraska, that it was the census of 1874; finding that they were about to be discovered, he (Majors) went out to see Alexander. Schwenk wrote to him from here to Lincoln, Nebraska, a letter, the vile language of which I will not quote, but the substance of which was a request that Alexander copy off that old, false certificate and make it conform to what it really was in print; that here Hawes's affidavit would make it a plausible thing, and to say nothing about it, that he and Majors might not be caught in any contradictions of each other. And he asked him to burn that letter. That letter by fatality was preserved, and got into the hands of the committee. I take no time to state Roberts's connection with this matter, nor to expose Davis's falsehoods. I have stated the substance of this whole matter. We did not feel at liberty as a Judiciary Committee to investigate what crimes, if any, had been committed. We thought that was the province of the officer whose business it is to prosecute; that we would fulfill our duty in reporting to the House that these men were responsible for this fraud and this wrong, and asking the House to refer to the prosecuting officers the questions as to what action ought to be taken in the premises.

Mr. Speaker, unless some opposition be manifested to this report and resolution I do not wish to occupy further time. I will, however, reserve the remainder of my time to see whether there be any opposition. In the mean time if there be any member of the Judiciary Committee or other person who would like to say anything upon this subject I would be glad to have him speak.

I ask the Clerk to read from page 16 of the report the two paragraphs under the heading "conclusion."

The Clerk read as follows:

We report, therefore, that Thomas J. Majors is responsible for the misinformation which induced this committee to make the report of 1st April, 1882 (No. 911, first session Forty-seventh Congress), and that he was aided therein by S. J. Alexander, secretary of state of Nebraska, by Pat. O. Hawes, and Dr. P. Schwenk and George H. Roberts. And we report that the testimony of Davis is false.

And we ask the adoption of the following resolution:

Resolved, That the Clerk of this House be, and he is hereby, required to furnish a printed copy of this report, including the evidence, to each of the following officers, the district attorney of the District of Columbia, the Attorney-General of the United States, and the governor of the State of Nebraska, that they may take such action as they may deem suitable to the gravity of the wrongs committed by the persons whose conduct is in this "conclusion" set forth.

Mr. HAMMOND, of Georgia. If no gentleman desires to be heard upon this matter I wish to occupy no further time in its statement and will call the previous question on the adoption of the resolution just read.

The previous question was ordered.

Mr. HAMMOND, of Georgia. I suggest that the paragraph just read by the Clerk, preceding the resolution submitted by the committee and containing the names of persons referred to in the resolution, be considered a part of the resolution.

There was no objection.

The resolution was adopted.

Mr. HAMMOND, of Georgia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANDERSON MERCHANT.

Mr. RANDALL. I ask unanimous consent to call up for consideration at this time a bill which has been reported from the Committee on the Judiciary to remove the political disabilities of Anderson Merchant.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

A bill (H. R. 3552) to remove the legal and political disabilities of Anderson D. Merchant, now of New York, but formerly of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Anderson D. Merchant, now of New York, but formerly of Georgia.

The amendments reported by the committee to strike out in the title and in the bill the letter "D" after "Alexander," and to strike out in the title and in the bill the word "Georgia" and insert "Virginia," were agreed to.

Mr. ROBINSON, of Massachusetts. Has this bill been reported from a committee?

Mr. RANDALL. Yes, sir.

Mr. MANNING. It is the unanimous report of the Committee on the Judiciary.

Mr. ALDRICH. Has this man asked for the removal of his disabilities?

Mr. RANDALL. The report will answer that question. As it is brief, I ask that it be read.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3552) for the relief of Anderson Merchant, having considered the same, respectfully report:

That Anderson Merchant was appointed a lieutenant of artillery, United States Army, in 1848, and served until 1861, when his resignation was accepted.

He served in the confederate army, reaching the rank of colonel.

Since 1865 he has resided in New York city, and has been engaged in mercantile pursuits. Mr. Anderson has filed a written application to have his disabilities removed.

The committee recommend that the bill do pass, with the following amendment: On sixth line, strike out letter "D" between the word "Anderson" and the word "Merchant;" and on seventh line, strike out the word "Georgia" and insert in its place the word "Virginia."

Mr. ROBINSON, of Massachusetts. I see that this bill provides for the removal of "legal and political disabilities." I do not know exactly what is meant by "legal" disabilities.

Mr. MANNING. The bill is drawn I believe in conformity to the statute.

Mr. ROBINSON, of Massachusetts. Might not "legal disabilities" cover some disability which Congress would not care to interfere with?

Mr. MANNING. It covers nothing but disabilities incurred by this man on account of having been an officer of the United States before the war, and afterward a soldier of the confederate army.

Mr. ROBINSON, of Massachusetts. Let me inquire whether it would not be sufficient to provide for the removal of the disabilities incurred, leaving out the qualifying terms?

Mr. MANNING. In a moment I will look at the constitutional provision.

Mr. ROBINSON, of Massachusetts. It is not a matter I care about; rather a matter of form.

The SPEAKER. The Chair hears no objection, and the bill is before the House for consideration.

Mr. MANNING. It was drawn in conformity to the fourteenth amendment to the Constitution.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the Constitution this bill requires a two-third vote.

The bill was passed, two-thirds voting in favor thereof.

ENROLLED BILL SIGNED.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

COMMON SCHOOLS.

Mr. SHERWIN. I now call up the special order, being the bill (H. R. 6158) to aid in the support of common schools.

Mr. McMILLIN. I wish to inquire, Mr. Speaker, whether the special order for the bill granting pensions to the soldiers of the Mexican and Florida wars does not take precedence of the special order referred to by the gentleman from Illinois?

The SPEAKER. The Chair is informed that the bill reported by the Committee on Education and Labor by the gentleman from Illinois [Mr. SHERWIN] is prior in time.

Mr. ROBINSON, of Massachusetts. This bill was made the special order on the 20th of January, while the other was made the special order for the first Tuesday of February.

Mr. SPRINGER. I ask unanimous consent to take up and consider at this time a bridge bill.

The SPEAKER. Does the gentleman from Illinois yield for that purpose?

Mr. SHERWIN. I can not yield.

Mr. SPRINGER. Let me inquire, Mr. Speaker, whether this bill is not subject to the point of order that it must, under the rule, have its first consideration in the Committee of the Whole House on the state of the Union?

The SPEAKER. It is a special order.

Mr. SPRINGER. What is the special order?

Mr. ROBINSON, of Massachusetts. It is provided in the special order that it shall be considered in the House as in Committee of the Whole, and that was done at my suggestion.

Mr. SPRINGER. As I understand, then, the bill is up for consideration in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair so understands.

Mr. SPRINGER. That is right if it is to be considered in the House as in the Committee of the Whole.

The SPEAKER. The Clerk will read the order as it appears upon the Calendar.

The Clerk read as follows:

Resolved, That Saturday, the 20th day of January, 1883, immediately after the morning hour, be assigned for the consideration in the House, as in Committee of the Whole, of H. R. 6158 (Report 1214) a bill to aid in the support of common schools, to be continued from day to day until completed, subject only to revenue and appropriation bills and prior orders.

Mr. SPRINGER. I should like to know whether it is intended by the gentleman from Illinois to press this bill to a final vote to-day?

Mr. SHERWIN. I do not expect a vote to-day.

Mr. ROBINSON, of Massachusetts. Let the bill be read before the debate begins.

Mr. SPRINGER. I should like to have a definite answer, so it may go into the RECORD as to whether this bill is to be pressed to a final vote to-day.

Mr. SHERWIN. No; we will not press it to a vote to-day. Now, Mr. Speaker, let the bill be read.

The bill was read, as follows:

Whereas it appears from the Tenth Census that one-eighth of the people of the United States are totally illiterate, and it seems that those States in which illiteracy exists to the greatest extent are not at present able to provide by local and State taxation for the adequate support of common schools to meet the emergency; and

Whereas the general welfare and perpetuity of our whole country depend upon the intelligence of all its citizens, and it is deemed to be the duty of the General Government to aid temporarily in the support of common schools: Therefore,

***Be it enacted, &c.*, That for five years next after the passage of this act there shall be annually appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000 to aid in the support of free common schools, which amount shall be known as the common-school fund.**

SEC. 2. That the Secretary of the Treasury shall annually apportion to the several States and Territories the said sum of $10,000,000, according to the number of their respective populations of ten years old and upward who can not read and write, as shown by the Tenth Census of the United States, which report shall be submitted to the Commissioner of Education.

SEC. 3. That before any State or Territory shall be entitled to receive its share of said fund it shall have provided by law for the free common-school education of all its children of school age, without distinction of color, for at least three months in each year, from the funds provided for schools under the laws of said State or Territory; and in no case shall any State or Territory be allowed out of said fund a greater sum than such State or Territory shall have expended during the previous year for the common-school education of the children of such State or Territory, exclusive of the amount received from the United States, and exclusive of the sums paid for grounds, school buildings, or repairs on the same: *Provided*, That separate schools for white and colored children shall not be considered a distinction of color.

SEC. 4. That an amount not exceeding 5 per cent. of the sum apportioned to each State and Territory may be used by them for the education of teachers in normal schools, teachers' institutes, or otherwise.

SEC. 5. That it is hereby further provided that before any State or Territory shall be entitled to receive its share of said fund it shall have complied with the following conditions:

First. That it shall have applied all moneys by it previously received under the provisions of this act in accordance therewith.

Second. That it shall have caused to be made such reports to the Commissioner of Education concerning the condition of the schools in the same, on or before the 1st day of August of each year, as said Commissioner of Education, under the direction of the Secretary of the Interior, shall deem desirable; and shall especially report for each county as follows: The number of public schools of every grade; the whole number of days actually taught in each during the year preceding; the total amount received from State taxes and from local taxes and the total amount expended for educational purposes in the preceding year; the total amount expended for white and colored schools separately; the number of public-school buildings owned and hired, and the character, condition, and value of the same; the number of children, white and colored, male and female, in attendance on the public schools, and the length of attendance; the number of male and female teachers, white and colored, employed at the same time and at different times in the same year, with particulars as to qualifications of same; the number of school libraries and the number of volumes therein; the branches taught and the text-books used; the total wages paid teachers, male and female, white and colored.

SEC. 6. That the Commissioner of Education shall prepare forms of such blanks as shall facilitate the making of the reports herein provided for, and transmit the the same to the State and Territorial authorities.

SEC. 7. That in such States and Territories as shall maintain separate schools for white and colored children the money so apportioned shall be divided according to the respective number of such white and colored children in such State or Territory.

SEC. 8. That no part of the money so received from the United States shall be expended in the purchase of real estate, the construction or repair of school buildings, or in paying the salary of any public officer not engaged in teaching.

SEC. 9. That in case any State or Territory shall misapply or misappropriate the money, or any part thereof received under this act, or shall fail to comply with the conditions thereof, or to report as herein prescribed, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the amount so misapplied or misappropriated shall have been replaced by such State or Territory and applied as herein required; and until such report shall have been made, all money so retained and not paid to such State or Territory shall be kept separate in the Treasury until disposed of by Congress.

SEC. 10. That on or before the 1st day of September of each year the Commissioner of Education, under the direction of the Secretary of the Interior, shall certify to the governor of each State and Territory whether it is entitled to receive its apportionment under this act, and if so entitled, the amount of such apportionment; and it thereupon shall be entitled to receive the same; but such certificate shall not be issued until all the requirements of this act referring to the duties of the officers of such State or Territory shall have been complied with.

SEC. 11. That the amount apportioned to any State or Territory, and certified as herein provided, shall be paid on or before October 1 of each year, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to such officer as shall be, by the laws of such State or Territory, entitled to receive the same.

SEC. 12. That the Commissioner of Education shall annually report to Congress the information received by him from the reports of the school officers of the several States and Territories provided for herein, together with such recommendations as will in the judgment of the Commissioner subserve the purposes of this act.

SEC. 13. That there is hereby appropriated the sum of $10,000,000 for the year commencing September 1, 1882, which shall be apportioned as directed herein; and those States and Territories which have provided by law for the free common-school education of their children of school age, without distinction of color, shall be entitled to their apportionment of said sum, all other requirements precedent to the right to receive such apportionment being hereby waived for the year 1882.

SEC. 14. That any State signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

Mr. STEELE. I should like to inquire whether it is now in order to move to postpone the consideration of this bill for thirty days?

The SPEAKER *pro tempore* (Mr. WHITE in the chair). The gentleman from Illinois is recognized, and the gentleman from Indiana, therefore, is not upon the floor to make any such motion.

Mr. STEELE. Would a motion to recommit be in order?

The SPEAKER *pro tempore*. As the Chair has already stated, the gentleman is not in possession of the floor to make the motion. The gentleman from Illinois [Mr. SHERWIN] is entitled to the floor, and will proceed with his remarks.

Mr. SHERWIN. Mr. Speaker, the bill which has just been read for the information of the House is the unanimous report of the Committee on Education and Labor. The subject of national aid to education is by no means a new one. Before this Government was organized, before the Constitution was adopted, a resolution was passed by the Congress of the Confederation setting apart six hundred and forty acres of land in every township for the support of the common schools of the States thereafter to be admitted into the Union. In the language of Webster those words set forth and declared it to be a high and binding duty of Government itself to support schools and advance the means of education on the plain reason that religion, morality, and knowledge are necessary to the common good and to the happiness of mankind.

From that time to the present, upon the admission of every new State, except Maine, Vermont, Texas, Kentucky, and Tennessee, and upon the organization of every new Territory that law has been recognized and followed. And since 1848 every State that has been organized has been granted 1,280 acres of public land in every township for support

of common schools. The total number of acres so granted amounts to 67,983,922. In addition to that amount there has been 1,119,440 acres granted to universities; and 1,680,000 acres to agricultural colleges, besides a large amount of land-scrip issued for 7,830,000 acres in further aid of idustrial and agricultural colleges, making a grand total thus donated by the Government for educational purposes of all kinds of 70,783,361 acres. Congress has also granted swamp lands amounting to over 47,000,000 acres to fourteen Western and Southwestern States, a great portion of which has been set apart for the support of the common schools of the different States.

But, Mr. Speaker, Congress has not confined itself to the granting of public lands for the support of education or for common schools. It set apart the proceeds of the sales of the public lands in certain States to be paid over to those States for the support of schools, the money realized therefrom amounting in the aggregate to $2,997,234; and of that amount the State of Missouri received nearly one-third, or a sum amounting to $1,008,321, in cash, and my own State of Illinois received $713,495. In addition to this, the surplus revenue that was distributed to the different States in 1836 was a large portion of it carried to the support of the common schools. So that in many States a munificent permanent provision has been established which goes very far toward the support of the schools in those States without the aid of local taxation.

Now, then, Mr. Speaker, this is the first time, or the first attempt I should say, that has been made to make a direct appropriation from the public Treasury in support of this system which has thus been indirectly, as I have shown, carried on for many years. The object of the present bill, as I have said, is to make a provision for the support of the school system throughout the whole country. Heretofore this aid has been in lands or it has been in the proceeds of the public lands to a few of the States only, those new States which contained lands belonging to the Government, none of the original thirteen States or Maine or Vermont, Kentucky or Tennessee having received any aid. This bill proposes to make an appropriation which shall be divided among all of the States, and to make that distribution on the basis of illiteracy. In that it is a departure, but it seems to me that the urgent need which exists should be recognized by this House—I am certain that it is recognized by many of the thinking men of this country—that the time has come for the National Government to give aid in imparting instruction to the large class of illiterates in our own midst. The aspect of society has greatly changed within the last twenty-five years. In the Northern States, those States that we called the free States, we have had a school system in operation which was universal, which was free, and which afforded ample means of instruction to the people. By means of it the proportion of illiteracy to population has been reduced to less than in any other part of the country; but recollect that that was the result of the growth of two or three hundred years.

In Massachusetts within ten years from the time of its first settlement a system of common schools was inaugurated and education was made compulsory. And so it has grown in all of the Northern States in a similar way until the result has been that illiteracy is comparatively extinguished. But in another part of our common country, unhappily having a different social system, while in theory free schools were established, in fact they did not exist. While those States admitted after the adoption of the Constitution received their due proportion of the public lands, still no effective system of public schools existed there and could not exist by reason of the peculiar character of their social system. And we find consequently growing up there a race of people different in educational acquirements, to teach whom it was, under that old system of which I speak, held to be a crime. But in the exigencies of war it became necessary to change that system, and there was lifted to citizenship over 4,000,000 of these people, without any traditions of education, without any desire for education, existing in utter ignorance and darkness. The nation not only made them free, but it became necessary, it was supposed in the wisdom of the statesmen of that time, not only to make them free, but to make them citizens, and consequently the ballot was bestowed upon them.

It trusted that their loyalty, that their devotion to that country which had made them free would neutralize the effects of the ignorance and barbarism that now surrounded them. But when the first census was taken after the close of the war and the figures were put before the country it was seen how thick was that darkness. And from that time till now every President of the United States has urged upon Congress some action in this matter. Thinking men, educational men everywhere, and many influential papers of the country have been endeavoring to press upon Congress to act in this matter. And now that this Tenth Census is laid upon our tables we see that but little impression has been made upon that illiteracy. We see that while the percentage of illiteracy has been decreasing but a small per cent., the number of illiterates has increased instead of decreasing. Now, as this Government is founded on the intelligence of its citizens, as that has been our boast from the organization of the Government until now, as it has been the burden of all our patriotic utterances, we owe it to ourselves to see to it that this blot upon our country shall be expunged as soon as possible.

It is said in opposition to this bill that the Government should not supervise or interfere with the school systems of the different States. Any one who has read the bill knows that it does not undertake in any measure to interfere with the school system of any State within this Union. It proposes to have this money paid over to the State authorities, the same authorities that expend the money raised by the States themselves for school purposes; that it shall be expended under their laws, by their officers, as each State shall see fit, except that there shall be no discrimination in its expenditure in regard to color, and except that none of it shall be used to support sectarian or religious schools. It goes no further. It utilizes the machinery that already exists; it uses the engines that are already constructed in the different States for the purpose of expending this money. And the committee believe, after full investigation, if this money was paid over to the different States it would be used honestly and that it would be honestly and justly expended for the purpose for which it is appropriated. We had before us men of national reputations who had examined the school systems of that part of the country which is to receive the greater proportion of this money. They had examined the laws, they had become personally acquainted with the school officers of those States; and it has been the universal opinion of those gentlemen that any money appropriated by the Government for the support of common schools will be as honestly and carefully expended in that portion of the country as any other.

I would refer here to the opinions of Mr. Smart, who has been a State superintendent of schools in the State of Indiana, and who has spent a good deal of time in several of the States South—four different States—establishing teachers' institutes. He declares before the committees of the Senate and the House that he made a special examination upon the point to which I have referred, and that he is fully satisfied that any money appropriated will be carefully and honestly expended.

I refer to the opinion of Rev. Dr. Mayo, who has traveled through that region for the last two years, as given in the appendix to our report; and he bears out that opinion.

I refer to the opinions of Dr. Gregory, not in print, however, a gentleman from my own State, who was president of our agricultural college, and has been State superintendent of instruction in the State of Michigan, who also declares that from several months' sojourn there he is confident this nation has no greater duty before it than to put the hand to the wheel and say that aid shall be given in extirpating that mass of ignorance that exists there; and he further adds that in his belief an appropriation so given will be honestly and judiciously expended.

We had before our committee the superintendent of instruction of the State of South Carolina, a man who has given several years of earnest, ardent work to fostering a public-school sentiment in that State, where it is so much needed; a man who is thoroughly acquainted with it; and he declares that it is simply impossible for the people of South Carolina to provide sufficient educational facilities to educate all its people, let them try as hard as they may. He gives us figures to show it, and declares that the tax levied in the State of South Carolina for schools is larger than the taxes for all State purposes combined, and that the tax levied in the city of Charleston, South Carolina, for the support of schools is a larger percentage than that levied in the city of Boston for its schools. And I will add that this gentleman, who was so active in the matter of education in his State, was last year elevated to the office of governor of that State; and I am told by gentlemen who have been there that his interest in the cause of education was the reason he was nominated and the reason he was elected.

We had also before us the superintendent of public instruction of the State of Georgia, a native of that State, a gentleman who has devoted the last ten years of his life to the cause of education, and he declares it as his opinion, based on a full knowledge of the situation, that the State of Georgia could not of itself without some assistance provide that system of education that was necessary in the present emergency. I will read from his statement a few remarks to show the progress that has been made in that State. He says:

I want to say to you, gentlemen, that in the State of Georgia, under my administration of ten years, the entire loss of school fund will not foot up more than about $6,000. In an administration covering ten years there has not been a single dollar misapplied with that exception that I know of. We try to make it do the greatest possible amount of good. We try to manage it with the greatest economy. We admit to our schools all who want to enter them. We commenced in 1871 with a school attendance of 48,000. We have gone gradually upward. The second year we had 83,000, the next year 136,000, the next year 156,000. I shall not follow the statistics along. Year before last (my year's work has not been footed up, as the returns are not all in) we went up to a school attendance of 236,000. We have never failed to gain as much as 9,000 in any year. We have gone over that in attendance every year, and the colored people have proceeded *pari passu* with the whites in their attendance. They commenced with 6,000 and went up, according to the last return, to 86,000 colored children in our schools. There is no discrimination made; no man can afford to do it in an office in my State. So strong is the school sentiment in favor of the administration of exact and equal justice that no man can afford to do it. We are struggling to do the very best we can with our limited means.

We had before us the superintendent of public instruction of the State of Maryland, and his testimony was to the same effect. He indorsed all that had been said by the gentleman to whom I have referred, at the same time declaring that he was old-fashioned enough to think that the State ought to do nothing that the private individual could do as well. And he further said:

I am willing to carry it further and to say that the National Government should do nothing that the State government can do as well, but all history and all experience prove to us that the individual is not able to educate his children. He has never done it in the history of the world; the State must come in and aid him in the work; and I think we have proved abundantly that in our Southern

States at all events the State is not able to do the work of education. Therefore I say it is the duty and the privilege of the National Government to come in and help the States to do that which they are willing but are not able to do.

I give these as samples of the testimony that was taken before us. All agreed upon that one point, and we knew and did not need to have it asserted that they are needy in these Southern States, and absolutely can not provide at present the means necessary for sustaining sufficient public schools without assistance.

After the first year's appropriation no further payments can be made until the authorities of each State shall have filed with the Commissioner of Education a report as to the amount of money expended by and under the laws of the State, the number of teachers and of pupils of both races attending the schools, the amounts appropriated for each, the length of time schools have been open, and such other information as will enable Congress to know year by year whether the money is being expended in a proper manner, and also to be informed of the progress and state of education whenever the money is expended.

I wish in this connection to refer to some statistics that I have taken from the report of the Commissioner of Education, to show comparatively what has been done for schools in different States in the North and in the South. As appears from that report there was expended per capita of the school population during the year 1880 in Massachusetts $14.91; in Mississippi, $1.56; in California, $12.44; in North Carolina, 98 cents; in Illinois, $6.70; in Alabama, 96 cents; in New York, $6.34; and in Georgia, $1.08.

I will now give the expenditure per capita upon the average actual school attendance. There was expended in Massachusetts in 1880 $19.66 per capita of school attendance; in Mississippi, $2.70; in California, $27.35; in North Carolina, $2.34; in Illinois, $15.68; in Alabama, $3.17; in New York, $18.16; and in Georgia, $3.31.

Now, I desire to call attention to a brief statement of the annual expenditures for school purposes in a few of the States as shown by the report of the Commissioner of Education. I take States as nearly alike in population as I can find them. The total expenditure for school purposes in New Jersey, with a population of 1,131,116 was, in 1880, $1,928,374; in Alabama, with a population of 1,262,505, the total expenditure for school purposes was only $375,465. It would therefore appear that New Jersey, with less population than Alabama, expended more than five times as much for school purposes.

Now, the question will arise, why did New Jersey expend so much more than Alabama? I will give the assessed valuation of those two States as shown by Spofford's Almanac. The assessed valuation of New Jersey was $606,415,561; the assessed valuation of Alabama was $120,000,000. The assessed valuation of New Jersey was about five times as great as that of Alabama. Therefore it will be seen that although the proportion of expenditures for school purposes in Alabama was so small, so insignificant, so insufficient for the purpose, yet, according to its assessed valuation, it was as great as in the State of New Jersey.

Minnesota, with a population of 780,773, expended for school purposes in 1880, $1,706,114; while Arkansas, with a population of 802,535, expended in that year for school purposes only $238,056.

Mr. OATES. For what year does the gentleman give the expenditures for the State of Alabama?

Mr. SHERWIN. I give it for the year 1880, and obtain my figures from the last report of the Commissioner of Education.

Mr. OATES. In the year 1881 Alabama expended over $400,000.

Mr. HERBERT. I will ask the gentleman again to state what was the total expenditure in 1880 of the State of Alabama?

Mr. SHERWIN. It was $375,465. I have given the expenditures in Minnesota and Arkansas, with their respective populations. It will be seen that Minnesota, with a considerably less population than Arkansas, expended more than seven times as much for school purposes. The assessed value of Minnesota was $258,055,643, and of Arkansas $86,892,541; about three times as much in Minnesota as in Arkansas.

I will now compare the State of Wisconsin with the State of North Carolina. Wisconsin, with a population of 1,315,947, expended for school purposes $2,230,772; while North Carolina, with a population of 1,399,750, expended only $352,892.

Mr. STOCKSLAGER. What year was that?

Mr. SHERWIN. Eighteen hundred and eighty. Wisconsin, with less population than North Carolina, expended more than six times as much for school purposes. The assessed valuation of property in Wisconsin was $438,971,811, and in North Carolina $142,918,186. There was more property assessed in Wisconsin five times over than in North Carolina.

I will make one more comparison. California, with a population of 864,694, expended for school purposes $2,864,571; while Louisiana, with a population of 939,946, expended for school purposes only $480,320. California, with considerably less population than Louisiana, expended about six times as much for schools. The comparative assessments in those two States are, in California, $469,645,058, and in Louisiana $149,635,805; or more than three times as much in California as in Louisiana.

I think this fully substantiates the testimony given before the committee by the school officials and gentlemen to whom I have referred, that these Southern States are really now doing as much comparatively for schools as are the older States with older school systems, although at first glance it would seem that they are not endeavoring to do what some may think they ought to do.

I want now to call the attention of the House to one other matter. Look at the Southern States, with two distinct races which do not mix; the children of the two races do not attend the same schools. Separate schools must be maintained for the two colors, and that increases the expenditure for schools and makes it more important that these matters should be taken into account in extending this aid for school purposes.

We may say that it ought not to be so; that those who brought about this state of things ought to suffer for it. But the fact exists; and this is a national question, not a State question; because when men come up and deposit their ballots for electors of President of the United States it affects Illinois as much as South Carolina, if the ballot is not intelligent, if it is not honest, if it is not republican. I will say that the same disparity existing in the States to which I have referred exists in all these States.

Now, upon the point that these States are not doing what they ought to do I wish to occupy a few moments. In 1850 there were in the schools of the South 3,947 colored pupils; in 1860, 3,003; in 1870, 1,397,216; and in 1880 the number had gone up to an enrollment of 2,963,856.

As another indication of progress in this respect I may mention that while in 1870 there were in those States four publications devoted to educational objects, there were in 1880 nineteen. In the Northern States there were in 1870 twenty-one and in 1880 forty-six. In the Northern States the number of these publications had a little more than doubled, while in the South they had more than quadrupled. I hope it is understood that I am referring to the South in no invidious sense. We know that the mass of ignorance unhappily exists there, and that 75 per cent. of this appropriation, if made, will go there.

The number of pupils in the public normal schools of the South in 1870 was 4,668; in 1880, 5,097. In private normal schools there were in 1880, 6,386; as to 1870 we have no statistics. It will thus be seen that in 1880 there were 11,483 pupils in the normal schools of the South—a large increase in the course of ten years.

In 1880 there were 1,566,640 more pupils in attendance in the South than there were in 1870, and there were 19,481 more teachers employed in teaching. In 1880 the expenditure was $972,030 more than in 1870.

Mr. SMITH, of Illinois. Will the gentleman allow me at this time to ask him a question?

Mr. SHERWIN. Yes, sir.

Mr. SMITH, of Illinois. To what extent is this increased expenditure for education in the South due to the voluntary contributions from the North? Or do these statistics include only expenditures made by State or municipal governments?

Mr. SHERWIN. Only those made by the public.

Mr. SMITH, of Illinois. The figures do not include those institutions founded by donations from churches and private individuals?

Mr. SHERWIN. They do not include any charitable contributions at all. They do not include, for instance, the expenditures of the Peabody fund or the Slater fund.

Mr. SMITH, of Illinois. Or of the churches?

Mr. SHERWIN. Or of the churches. The contributions to which the gentleman refers, while praiseworthy and excellent, are but a drop in the bucket to the amount which ought to be expended.

It may be asked, if this progress is being made, what is the need of the National Government making this appropriation? There is great need. You will recollect the situation. It is abnormal. It is outside of any experience of States that have had a free-school system for many years. There were in 1880 nearly 7,000,000 black people in those States, and the number to-day is probably considerably larger. It is to be remembered that a large proportion of these are adults, beyond the aid of schools. It is to be remembered that there were children born in families that could not read and write and had no desire in many instances to read or write. There was no family impulsion toward education. They could not realize themselves the darkness in which they existed. They have not been able to aid themselves as would a similar number of persons transplanted for instance from Massachusetts into Iowa or Minnesota.

The public administration in this matter has all been done by the hardest work—from the bottom. And although there has been progress from nothing to what we now see, the fact still exists that in three or four States of this Union more than 50 per cent. of the men over 21 years of age can not read the ballots which they cast. After all the progress that has been made, the fact still exists that there are in those States nearly a million and a half—1,354,974—adults of 21 years of age and upward who can not read their ballots.

Mr. McMILLIN. While the gentleman is on this point I would like to call his attention to one of the provisions of this bill. It is claimed that this measure will inure to the benefit of the colored people of the South.

Mr. SHERWIN. Of all illiterate persons, but more especially of the colored people.

Mr. MCMILLIN. The gentleman a moment ago was speaking especially of the colored population; and I desire to call attention to one provision of this bill which will prevent their getting from this measure the benefit which it is claimed to be intended to give them. Section 3 provides:

And in no case shall any State or Territory be allowed out of said fund a greater sum than such State or Territory shall have expended during the previous year for the common-school education of the children of such State or Territory, exclusive of the amount received from the United States, and exclusive of the sums paid for grounds, school buildings, or repairs on the same.

Now, coming from the South, I think I am in a situation to judge correctly as to this matter; and I believe that under this provision the appropriation will be so curtailed that the Southern States will not receive as great a proportion of this fund when distributed as will the people of the North.

I wish in this connection to state that the extent of the exertion of the Southern people in behalf of the education of the people of this class is not known to the country. The State of Kentucky, in which I formerly lived, not only permitted them to attend the public schools, but appropriated every dollar that was raised from a negro in any way, or from any part of his taxation, to the education of his children, a privilege that is not given to any other class of people in the United States by any of the States so far as I know.

Mr. MONEY. Will the gentleman permit me to answer my friend from Tennessee on that point?

Mr. SHERWIN. Yes, sir.

Mr. MONEY. The danger apprehended by my friend from Tennessee will not happen. I am myself responsible for that clause in this bill. I am from a State where the blacks are largely in the majority, and I put it in there to stimulate the efforts of the Southern States to educate their illiterates. I did it for the express purpose of putting these States on their metal; for I wanted them to realize, as I believe they do to a great extent, the necessity for this action. [Mr. MCMILLIN rose.] Permit me to finish. I will also say to the House, under the provisions of this bill these States will get liberally of the amount of $10,000,000 to be expended throughout the limits of the Republic, and that they will in nowise be cut off by that provision. It is to prevent a relapse on the part of the South and will stimulate them to do better if possible.

I know, Mr. Speaker and gentlemen of the House, the effort made to-day in Mississippi and other States of the South to educate illiterates of both sexes. I know what has been done in all the States South to cure this evil crying to Congress for redress, because it is beyond the power of the several States to heal it.

Mr. MCMILLIN. The gentleman from Mississippi forgets the fact they have been legislating for a class of five or six millions of people who were turned loose upon the South by an act of the Government about fifteen years ago without money enough to buy a hat for each individual.

Mr. MONEY. I do not forget that fact.

Mr. MCMILLIN. I am afraid——

Mr. MONEY. It is because I was mindful of that fact this bill is about to provide for the education of those people who were brought into citizenship without any knowledge of its responsibilities or its privileges. It is to give them the advantages they ought to have. It is to meet the obligation the Government owes to its citizens to educate them to a sense of their duties and responsibilities that this bill is reported. It does not have the effect my friend from Tennessee mentions, but it will have the effect, I beg to assure the House, of providing for the education of these people that the States themselves are incompetent to do in their own behalf.

Mr. DUNN. This is an important case and I would like——

Mr. SHERWIN. I can not yield if this is to come out of my time.

The SPEAKER *pro tempore*. It will come out of the time of the gentleman from Illinois.

Mr. DUNN. I wish to ask a question. This bill provides that "in no case shall any State or Territory be allowed out of said fund a greater sum than such State or Territory shall have expended during the previous year for the common-school education of the children of such State or Territory." My State, through the general fund of the State, expends about $325,000. The counties and school districts expend about $450,000. Now, will that State be credited with the district fund levied by the district but collected by the general collector and paid out by the district?

Mr. MONEY. It is so in my own State.

Mr. MCMILLIN. There is no account in the State treasury of the amount so expended by the county, and no accurate estimate can be made of that amount without new legislation.

Mr. SHERWIN. I wish to say, Mr. Speaker, in what the gentleman has said about the efforts made by the Southern people in the cause of education during the last five or six years I subscribe to every word of it. I believe from the information that has come to us that in most cases the people of these States where the most of this illiteracy exists are doing all they can, that they are making herculean efforts to provide the means of education; but I do take issue with that gentleman on one point, although it is irrelevant to the line of this discussion, and I refer to what he has said about the State of Kentucky. Until this year the State of Kentucky has had no free-school system such as is contemplated by this act, and if it had gone into effect one year ago that State would not have obtained a dollar, in my opinion, under this bill.

Mr. MCMILLIN. My friend from Illinois can not deny my statement.

Mr. SHERWIN. I am happy to state that now they have such a system.

Mr. WILLIS. The gentleman from Illinois is mistaken. The State of Kentucky has always had a system of education for black as well as for white, as much as any other State in the Union. In my own city of Louisville to-day the school buildings in which blacks are educated are of as great value and as magnificent in proportion and as well kept in every particular as the buildings for the education of the whites. They have expended hundreds of thousands of dollars, not only by State action but by individual and city action, for the benefit of the blacks.

Mr. SHERWIN. I know that is true. I know that in the city of Louisville, for instance, they have made splendid provision for the support of the common schools; but until within the last six months, as I understand it, the laws of Kentucky provided for no regulation with reference to the education of the blacks other than that they should have such proportion of the tax for the support of their schools as they themselves paid. In other words, the tax for the support of the colored schools did not come out of the general fund and was consequently very limited. But that has been changed. Our committee had before it on yesterday the superintendent of education of that State, who said that was the fact, and that the law had been but recently adopted. There is another small State, I will say in answer to the gentleman from Kentucky, that I understand has not such a school system as will entitle it to any portion of this fund provided by the National Government.

Mr. KENNA. Let me ask the gentleman from Illinois a question. In some of the States the law provides a sort of local option in regard to the education of children. A State fund is provided and also a local fund, and the question as to how much school, or whether any, shall be had depends upon a sort of local option in some of the States where these local school funds are raised in the different magisterial districts. The question therefore that I wish to put to the gentleman from Illinois is this, whether under this provision of the bill "before any State or Territory shall be entitled to receive its share of said fund it shall have provided by law for the free common-school education of all its children of school age, without distinction of color, for at least three months in the year, from the funds provided for schools under the laws of said State or Territory," &c.? Now, I wish to ask whether under that provision a State whose law is in the condition described would get a part of the fund which is recommended by the committee for distribution under the law? Whether, in other words, such State would come within the provisions of this act?

Mr. SHERWIN. The same point was raised by the gentleman from Tennessee. Let me say to the gentleman that that was also raised in the committee, whether in collecting the amount expended for school purposes in different States the amount raised by local taxation in districts, counties, or towns, as the case may be, should be considered, and it was so considered in the committee, because wherever there is a local-option law making provision for educational purposes it is after all a part of the State law, and we so looked upon it and determined in our judgment that any fund raised by any district or township under State law was a State fund for this purpose.

Mr. KENNA. But the difficulty is that the bill provides as in this third section to which I now refer, and which I have quoted, that the State must have provided absolutely for at least three months of schooling before it can receive any part of the money set apart for educational purposes by the provisions of the bill. Now, some of the magisterial districts in States may have failed to comply with this local-option provision of the States, and the schools in some instances may not have been kept up for the length of time specified here. In that condition of things it strikes me that this section of the bill would operate to bar such States from any portion of the fund unless it is amended as I think it should be.

Mr. SHERWIN. The committee would have no objection to an amendment which would make the point clear. The intention of the committee was just as the gentleman from West Virginia desires.

Now, the basis of the distribution of this fund, in reply to the gentleman from Tennessee, let me say, is upon the total illiteracy as developed by the census; not of the illiteracy of school children alone. It was purposely put upon the total illiteracy, because it is well known that the illiteracy of the adults is much larger in that region than elsewhere in the United States. The committee therefore, in preparing this bill, sought to fix the basis of illiteracy upon the whole population, and we desire therefore to take the largest proportion, so as to give, if possible, as wide a measure of relief as could be given. It selected that basis which would send a large amount of money into those States, and I will repeat that we took the tables of illiteracy as shown in the census of 1880, which will control during the whole term for which this appropriation will be made. It will last for the entire five years. We do not take a census every year to show the illiteracy of the country, and this bill provides that the distribution shall be made upon the basis of illiteracy as shown by the last census. Gentleman are aware that there are many adults through-

out the region of country to which I now refer who are necessarily illiterate; and this will result in carrying a large amount of money for the support of schools to that part of the country.

The statistics show that 17 per cent. of all persons over ten years of age in the United States can not write.

All of the late slave States except Missouri, which has only 13.4 per cent., are above that amount, Delaware and Maryland being near it with 17.5 and 19.3 per cent., respectively. But in every one of the late slave States over 50 per cent. of the colored population are illiterate. The white population of the three States just mentioned approximate in ability to read and write the same class of our population in States which are not classed as illiterate, the percentage being, respectively, in Missouri 10.5, in Delaware 9.1, and in Maryland 8.1 of the white population who can not write.

But there are eight States, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, which have over 40 per cent. of illiterates of all classes, white and black. The percentage of illiterates among the blacks in the State of Alabama is 80.6. Almost the whole colored population are illiterate. In Florida 70.7 are illiterate. Now, I wish to reflect upon these figures in connection with any objection that may be made as to the propriety of this appropriation on the ground that the statistics show that there is progress in the South on the question of education. I admit that there has been progress. If there were no progress that case would be absolutely hopeless after eighteen years of freedom. But after all that, after that period of freedom, we find still Alabama with 80.6 per cent. of illiteracy, 70.7 in Florida, 81.6 in Georgia, 79.1 in Louisiana, 75.2 in Mississippi, 77.4 in North Carolina, 78.5 in South Carolina, and 73.7 in Virginia.

Nearly four-fifths of all the colored people in those States, beginning with North Carolina and following the seaboard and the Gulf to the Mississippi, are illiterate. There are four other States which are nearly as bad—Tennessee, Texas, Arkansas, and Kentucky. The percentage of colored illiterates in those States is 75 per cent. in Arkansas, 70.4 per cent. in Kentucky, 71.7 per cent. in Tennessee, and 75.4 per cent. in Texas. After all that has been done for education, after all the progress that has been made, this is all the progress we can show; nearly four-fifths of the colored population in dense ignorance.

Mr. McMILLIN. Do I understand this to include the scholastic population?

Mr. SHERWIN. All above ten years of age.

Mr. McMILLIN. Then the gentleman must remember a large proportion of them were raised in slave times when there was no education for that race.

Mr. SHERWIN. I stated that. We recognized that fact. It is a lamentable fact, but we have to look it in the face. The total population over 10 years in the twelve States was 3,447,174. Of these 2,951,662 are illiterate—those over 10 years of age. Now, add to this 1,386,542 white illiterates, and you have a total of 4,338,204 illiterates in a population over 10 years of age of 9,991,162 in these twelve States alone.

I wish also to give some statistics upon the number of illiterate voters in the Southern States.

Number of males in the late slave-holding States 21 years of age and upward who could not read and write in 1870 and 1880.

1870—	
White	217,371
Colored	850,032
1880—	
White	410,550
Colored	944,424
Total number of illiterates of voting age in the late slave-holding States in 1870	1,167,303
Total number of illiterates of voting age in the late slave-holding States in 1880	1,354,974
Increase of illiterate voters in the South from 1870 to 1880	187,671
Increase of illiterate whites of voting age from 1870 to 1880	93,279
Increase of illiterate colored people of voting age from 1870 to 1880	94,392
Total number of males of voting age in the South in 1880	4,154,125
Total number of illiterate males of voting age in the South in 1880	1,354,974

Thirty-two and three-tenths per cent. of the voters in the South are illiterate.
Of the illiterates 69.7 per cent. are colored and 30.3 are whites.

The State of Alabama has 120,858 illiterate voters, and its popular vote in 1880 was 151,507. The State of Georgia has 145,087 illiterate voters, and its popular vote in 1880 was 155,651. The State of Mississippi has 111,541 illiterate votes, and its popular vote was 117,078. Louisiana has 102,932 illiterate votes, and its popular vote was 97,201.

Is there any man in this House who does not recoil as he faces these figures and reflects upon the state of the schools, the social condition, and the material status of those regions?

Twenty years have passed since the proclamation was issued which made these black men free. Nearly seventeen years have passed since they were clothed with the rights of citizens of the Republic. Thirteen years have almost passed since the ballot was intrusted to their loyal but ignorant hands.

As the nation, guided by the Republican party, bestowed one after another these inestimable boons upon the colored race, the world applauded and we took much praise unto ourselves. The Republican party has gloried and does glory in these acts as the consummation of its policy. As the Republic could not live half slave and half free we determined that it should be all free and that it should survive. It does survive, free in deed as well as in name. But the fact remains that we bestowed freedom and citizenship and the ballot not only as acts of the highest justice to the colored race, but as means of saving the Union and perpetuating the Constitution. But we added to the body-politic a mass of ignorance so stupendously great that were it not animated by constant loyalty and uniform obedience to law would corrupt all law and subvert all order. The nation owes it to itself by every consideration for its own safety, it owes it to the colored man by every consideration of justice, to aid in dispelling that ignorance and placing within his reach the means of education. The States where it most obtains are not able to deal with it as it should be dealt with. It is a national question. It should rest upon the national conscience. It should arouse us to immediate action.

We can not palter with our plain duty in this matter without inviting danger and incurring the severest retribution. Eighteen years have passed since our internal struggles ceased. They have been years of quietude and plenty. Our enormous debt has been disappearing with marvelous rapidity; our revenues are munificent and beyond all our needs. There are no reasons of finance why the nation should not make this appropriation, and yet to-day we hesitate. We see nearly one-half of all the people of twelve States steeped in ignorance, a condition which tends to perpetuate itself and debase us all, and yet we hesitate. We see a million and a quarter of voters in those States with ballots in their hands which they can not read, ballots which carry with them the destiny of all the millions of this land, and yet we hesitate.

Urged by simple justice to the weak and unfortunate, the lowly and ignorant, by profound regard for our traditional national policy, by all our hopes for future national progress and glory, by an earnest solicitude for public safety and the honor and virtue of society, we should hesitate no longer.

Mr. Speaker, it may be said, Will not this take more money than they can expend? Now, one word on that point. Is it or is it not too large an appropriation? The total amount raised by taxation for school purposes in the whole country, as shown by the census report in 1880, was $75,574,048. Of this amount there was raised in the slave-holding States $9,276,126. The amount per capita of the entire population raised in the Northern States was $2.09. Had the Southern States raised as large an amount per capita, it would have amounted to $38,692,292, or more than four times what they actually did raise. If they raised only the same amount this year as they did the census year, and to that added the amount raised by this bill, they would have still to raise two and one-third times as much. So there is no danger your appropriation will be too much for the object sought to be accomplished. Yet how much greater is the need for this expenditure there than in the Northern States?

There is one other reflection in connection with this subject. The census revealed the fact in South Carolina that the increase of the colored population there in the last decade was 43 per cent. while the increase of the white population was only 35 per cent. At that rate of increase within twenty-five years the white race will be substantially extirpated or completely overshadowed numerically.

There are now two to one of the black race in South Carolina. In the State of Mississippi they increased 46 per cent. in the last decade while the increase of the whites was much less. The colored population of Mississippi at the same rate of increase would in twenty-two years be double what it was in 1880.

Now, then, here is this mass of ignorance. But it has the ballot in its hand. It has the right to vote, whether it can read its ballot or not. The obstruction of any man's right to vote should be punished, no matter if that ballot be ignorant or the effect of it be demoralizing. The remedy, if there be one, is in education, else republican government is a failure.

But, Mr. Speaker, human nature is the same everywhere. And if we, under a different social condition, were in the place of the people where this illiteracy exists in such great masses, if we were confronted with the problem that they confront, if we owned the soil, if we had the bulk of the property, if our property paid the taxes, I think we should object to be governed by a lawless, corrupt, and ignorant population if it outnumbered us two to one. Means will be found for subverting the citizen's right to vote if ignorance exists. The black man, I believe, has continued true to the Government. I believe generally he has performed his political duties in a praiseworthy manner; certainly much beyond what we had any right to expect from his condition of ignorance. But one great reason for this is because of his attachment to a party that gave him his freedom. Now, then, when that party shall have dissolved, as all parties do dissolve, when his attachment to that party shall have been severed, when he can look no longer to the leaders of that party for his light, when he is subject to any new organization that comes up, then will obtain an increased reign of corruption, of bribery, of confusion, of anarchy and chaos, unless such a degree of intelligence shall have been attained to by them as shall make them entirely competent in themselves to govern wisely. For with knowledge and with the possession of property, which also follows the possession of knowledge, conservatism will come.

It is but natural that it should be so. And it is for this Congress and for this nation to look the fact in the face to-day and provide for it,

before the emergency shall come upon us. It is our duty to provide that there shall be intelligence instead of ignorance; that there shall be the light of knowledge instead of the darkness that now rests upon the people of twelve States of this Union.

One objection to this appropriation was that the States could not be intrusted with the expenditure. I think I have demonstrated that this is as safe as anything in the way of legislation.

It has also been stated as an objection that aid from the General Government would cause the States to relax their efforts. This bill has been framed to prevent that state of things. We provide that no State shall receive any of this bounty unless it shall expend of its own money as much as it receives from the General Government. We provide furthermore that no State shall receive any of this money unless it shall provide for at least three months' school in each year. There are therefore two conditions to precede the receiving of this money by the States. The States must levy a tax on their own behalf and must provide for schools for at least three months of the year before it can receive any of the bounty from the General Government. I think that is sufficiently far to go and will answer all the objections that have been made that the States would relax their efforts in this behalf.

Now, will any of this money be wasted? We have provided that not one cent of this fund from the General Government shall be expended for salaries of officials or for the building of school-houses. It has been claimed that this bill will breed a lot of officials in Washington and in the several States to run these schools in grand fashion. Now, I think that an additional clerk in each State will be all that is sufficient to carry this law into effect, and I believe that two additional clerks in the Bureau of Education will be all that will be required here.

It has been said, as an objection to this bill, that communities having an earnest desire for education will find means to secure it without help from outside. This seems to me a very shallow objection. It takes money to run schools—to educate children; and if the money can not be had there can not be schools. It is demonstrated that in at least twelve of these States the money can not be had in sufficient quantities for this purpose; there must be help from the outside.

I know, and have already said, that in communities having traditions and desires for education among people who understand putting in operation the machinery for educational purposes, much more can be done than in communities having none of these qualifications, as is the case in the States where this illiteracy exists. I know, too, that education is largely a matter of growth, that it can not always be compelled. But it can be nourished by appropriations. Here is an example in the District of Columbia. At the close of the war there were in this District no public schools worthy of the name. There was here a large colored population as ignorant nearly as that population in some parts of the South. But colored schools have been established here by the bounty of the Government by direct appropriations made from the Treasury. There are now here magnificent school buildings, including a high-school building, for the use of these people, who have responded in such a way as to show themselves worthy of this expenditure. It ought to be a matter of pride with Congress that it has built up such a system. The same stimulus would ultimately be given in the Southern States if this proposed aid were extended.

It has been objected that this bill contemplates a system of high schools. It contemplates no such thing. It proposes to establish merely a system of common schools for elementary education, not a fancy education.

Mr. OATES. Will the gentleman allow me to offer an amendment now, so that it may be under discussion?

Mr. SHERWIN. I must decline to yield.

Mr. ROBINSON, of Massachusetts. The bill will be read by sections for amendment.

Mr. SHERWIN. As soon as a proper sentiment is established in favor of this system, as soon as the methods of conducting the schools have become ingrained among the people, as soon as this mass of illiteracy is broken and this darkness to some extent dispelled, the nation could, I think, withdraw its aid and leave the work entirely to the people. I do not believe in any interference by the National Government in any sense with education in any of the States, except that in this emergency we should give aid from our abundance while the emergency lasts. We should extend this aid not only as a matter of justice to those communities, but as a matter of safety to the nation at large. Look at the nations of Europe. We have been boasting of our intelligence, yet many of the countries under despotic or kingly government have to-day better systems of education than we have. The Kingdom of Wurtemburg, according to a census taken about three years ago, had within its borders no illiterate persons above the age of 10 years. Education is compulsory there, and every person over the age of 10 years could read and write.

In the year 1878 every recruit to the army of Germany could read and write. Could the same be said of our Army? In Denmark, in Norway, in Sweden, in Germany, in the Netherlands, and in England, there are compulsory laws in the matter of education. France is awakening, and is expending an immense amount of money for educational purposes. When she obtained republican government, her wise statesmen at once saw that it could not exist without a system of free schools, and large sums are being appropriated from the national treasury year by year for this purpose. The prime minister of that country adds to his title that of minister of education. In England, until a few years ago, there was no public-school system, but they saw that they were deteriorating, that they were becoming weak, and they have put into operation a system of free schools which I think is better than ours to-day—a system supported partly by funds of the national government and partly by local rates. But under the law there must be schools; and children between the ages of 6 and 14 must attend. In 1879—I have no later figures on this point—there was expended for schools in England and Wales $23,875,000, of which $9,140,000 came from the national treasury.

I believe, Mr. Speaker, that is all I have to offer on this question, and I hope the bill will be discussed and that at the earliest practicable time we may have a vote upon it. I shall endeavor to press it to a vote at the earliest moment.

And now before closing I wish to read the eloquent words of President Garfield's inaugural address upon the subject before us:

> But the danger which arises from ignorance in the voter can not be denied. It covers a field far wider than that of negro suffrage and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizen when joined to corruption and fraud in the suffrage.
>
> The voters of the Union who make and unmake constitutions, and upon whose will hangs the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.
>
> The census has already sounded the alarm in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children.
>
> To the South this question is of supreme importance, but the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population. For the North and South alike there is but one remedy. All the constitutional power of the nation and of the States and all the volunteer forces of the people should be summoned to meet this danger by the strong influence of universal education.

[During the remarks of Mr. SHERWIN, at the expiration of the first hour,

The SPEAKER *pro tempore* said: The time of the gentleman has expired.

Mr. REAGAN. I hope the gentleman will have further time, if he desires it.

Mr. SHERWIN. I would like a little more time.

Mr. DUNNELL. I ask unanimous consent that the gentleman be allowed to continue his remarks.

The SPEAKER *pro tempore*. Is there objection to allowing the gentleman from Illinois [Mr. SHERWIN] to proceed? [After a pause.] The Chair hears none.

Mr. MILLS. I desire to ask the gentleman from Illinois [Mr. SHERWIN] if he contemplates taking a vote on this bill to-day?

Mr. SHERWIN. I was asked that question before, and in response to the inquiry I indicated an intention not to have the vote taken to-day. But I should like to have it taken to-day.

Mr. REAGAN. The vote had better be taken to-day or it never will be taken.

Mr. HAMMOND, of Georgia. Let it be taken right off.

Mr. ROBESON. I desire to ask the gentleman from Illinois [Mr. SHERWIN] if at the beginning of this discussion he did not say there would be no vote taken to-day?

Mr. SHERWIN. I did say so.

Mr. ROBESON. And gentlemen have gone away with that assurance.

Mr. WILLIS. If there is not a vote taken on this bill to-day it will be lost. I ask the gentleman to announce that there will be a vote taken.

Mr. ROBESON. But the gentleman has announced the other way.

Mr. HISCOCK. The gentleman has already announced that there would be no vote taken to-day, and I know of half a dozen gentlemen who have gone away with that expectation.

Mr. WILLIS. I do not understand that there has been any such announcement.

Mr. HISCOCK. Yes, there was such an announcement made.

Mr. STOCKSLAGER. In response to a question by his colleague [Mr. SPRINGER], the gentleman distinctly announced that there would be no vote taken to-day.

Mr. HISCOCK. I know of half a dozen gentlemen who have gone away with that expectation.

Mr. WILLIS. I regret that the announcement has been made.

Several MEMBERS. The bill will go over.

Mr. WILLIS. But if it goes over it will be lost.

The SPEAKER *pro tempore*. The Chair will state that there is no amendment pending to the bill and the Chair knows of no reason why the vote should not be taken to-day.

Mr. STOCKSLAGER. Did not the gentleman in charge of the bill state that there would be no vote taken to-day?

The SPEAKER *pro tempore*. The Chair does not know anything of that.

Mr. STOCKSLAGER. Allow me one word. The gentleman from Illinois [Mr. SPRINGER], the colleague of the gentleman who has charge of the bill, asked that gentleman whether there would be a vote taken to-day. The gentleman in charge of the bill said there would be no vote taken to-day. His colleague then asked him to announce it loud enough to be heard by others, and the announcement was repeated.

Mr. SHERWIN. I will state that at the beginning of this discussion I was requested by several members not to press a vote on this bill to-day, and I told them that I would not do so. I said a few moments ago that I would like to have the vote taken to-day, but I also stated that I had announced that I would not ask for it.

Mr. WILLIS. Let me ask the gentleman at what time he expects the vote to be taken on this bill?

Mr. SHERWIN. On Monday.

Mr. WILLIS. It can not be taken on Monday, for that is suspension day; it is one of the last six days of the session.

Mr. REAGAN. If there is no vote taken on this bill to-day, there will be no vote taken on it at all.

Mr. WILLIS. With the permission of the gentleman from Illinois [Mr. SHERWIN] I desire to submit this proposition, which I ask the Speaker to submit to the House; that a vote be taken on this bill next Monday; that will settle the whole question.

Mr. HISCOCK. I object to any arrangement being made about any time for a vote upon this bill. It has already been announced by the gentleman in charge of the bill that no vote would be taken on it to-day. "Sufficient unto the day is the evil thereof."

The SPEAKER *pro tempore*. This debate is proceeding by unanimous consent.

Mr. SHERWIN. I will say, Mr. Speaker, that I shall call for a vote on this bill at the first opportunity.

Mr. HISCOCK. After to-day.

Mr. SHERWIN. After to-day; and I shall call for the previous question this evening before adjournment.

Several MEMBERS. That is right.

Mr. SHERWIN then resumed and concluded his remarks.]

Mr. CLEMENTS rose.

Mr. BISBEE. Several gentlemen desire to be heard on this bill, and wish to leave the Hall, and if the Chair will recognize me I will yield to them.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Georgia, who is a member of the committee and on the opposite side of the House to the gentleman from Illinois who has just taken his seat.

Mr. WILLIS. I understood the gentleman from Illinois to be willing to yield to me for five minutes.

Mr. SHERWIN. Yes; I yield to the gentleman from Kentucky for five minutes.

The SPEAKER *pro tempore*. But the gentleman from Georgia is entitled to the floor.

Mr. CLEMENTS. I will yield for five minutes to the gentleman from Kentucky.

Mr. WILLIS. I am much obliged to the gentleman from Georgia [Mr. CLEMENTS], my colleague on the Committee on Education and Labor, for the opportunity of saying this much on the pending bill to aid in the support of common schools.

The SPEAKER *pro tempore*. The gentleman is recognized for five minutes.

Mr. WILLIS. Mr. Chairman, as a member of the Committee on Education and Labor I had intended when this bill came up for discussion to present some facts and statistics in its behalf. The whole subject, however, has been fully and exhaustively treated by my friend on the committee from the State of Illinois [Mr. SHERWIN.] The only point to which I will call the attention of the House is this, that we are within six days of the end of this Congress, and I wish, therefore, to appeal to the friends of this measure—and I believe they are in the majority on both sides of the House—to expedite as far as possible its consideration, and by general understanding let the previous question be ordered on it to-day.

Within a few days, as I have said, Congress will adjourn, and this bill, if passed on next Monday, must, as we know, go to the Senate and there be acted on. Probably it will come back to the House and go to a conference committee, and therefore I urge upon gentlemen as far as practicable to limit their remarks. Votes are more eloquent and more effective than any speeches we can make. I will not, therefore, occupy the time of the House, although I had intended to present a tabular statement of the amounts which have been appropriated by the various Southern States for educational purposes as a persuasive argument in favor of further aid. I had intended to show the amount given by previous acts of Congress for the establishment of agricultural colleges.

I had intended to show how the great States of Ohio and Illinois and of the Northwest, through beneficent legislation similar to this, have secured such a magnificent system of public-school education in their midst. The Representatives of those States on this floor will be found, let us hope, among the most active and willing supporters of the bill which our committee has presented.

I had hoped to have an opportunity to say something as to the constitutionality of this bill as well as its rightfulness and expediency. But, sir, I will forego for the present any such discussion lest from want of time my opportunity may be lost. Without detaining the committee, I again call upon the true friends of this measure to see to it that the previous question shall be ordered before we adjourn to-day, so that upon next Monday we can have a vote upon its final passage.

Mr. CLEMENTS addressed the House. [See Appendix.]

LEAVE TO PRINT.

Mr. UPSON asked and obtained unanimous consent to have printed in the RECORD some remarks prepared by him upon the provision of the tariff bill relating to the duty on wool; also some remarks upon the general subject of the tariff. [See Appendix.]

REPEAL OF INTERNAL-REVENUE TAXES.

Mr. FLOWER, by unanimous consent, introduced a bill (H. R. 7636) to repeal certain internal taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF RULES.

Mr. REED. Mr. Speaker, if the gentleman from Alabama [Mr. WHEELER] will be kind enough to yield a moment further I desire to present a privileged report from the Committee on Rules, so that it may be printed in the RECORD and go over till Monday. The gentleman from Kentucky [Mr. BLACKBURN] desires it should take that course; and it is so understood. The proposed rule may be printed in the RECORD. That is all that is necessary. [Cries of "Read!" "Read!"]

The SPEAKER. If desired, the report may be read.

Mr. HOLMAN and others. Let it be read.

The SPEAKER. The Clerk will read the proposed rule.

The Clerk read as follows:

During the remainder of this session it shall be in order at any time to move to suspend the rules, which motion shall be decided by a majority vote, to take from the Speaker's table House bill No. 5538, with the Senate amendment thereto, entitled "A bill to reduce internal-revenue taxation," and to declare a disagreement with the Senate amendment to the same, and to ask for a committee of conference thereon, to be composed of five members on the part of the House. If such motion shall fail, the bill shall remain upon the Speaker's table unaffected by the decision of the House upon said motion.

The SPEAKER. This proposed rule will go over under the practice.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1078) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes;

A bill (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner;

A bill (H. R. 2871) to provide for the extension of the Capital, North O Street and South Washington Railway; and

A bill (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel.

SUPPORT OF COMMON SCHOOLS.

The House resumed the consideration of the bill (H. R. 6158) to aid in the support of common schools.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] is recognized.

Mr. PAGE. Will not the gentleman yield for a motion to adjourn?

Mr. WHEELER. I will yield for that motion provided I have the floor when this bill is taken up next Monday.

Mr. PAGE. I move that the House adjourn.

Mr. WHEELER. Mr. Speaker——

The SPEAKER. The Chair understood the gentleman to yield for a motion that the House adjourn.

Mr. WHEELER. I did not yield for that purpose.

The SPEAKER. The Chair understood the gentleman to say distinctly that he yielded for a motion to adjourn.

Mr. WHEELER. I was willing to yield to the gentleman from California for that motion, provided I could have unanimous consent to occupy the floor on Monday when this bill is again taker up.

The SPEAKER. The Chair can only say that under the practice the gentleman would be entitled to the floor when the bill comes up again.

Mr. WILLIS. I hope the gentleman will go on now.

Mr. WHEELER. I decline to yield unless it is understood that I shall have the floor on Monday. [Cries of "Regular order!"]

The SPEAKER. The regular order is the bill to aid in the support of common schools, on which the gentleman from Alabama [Mr. WHEELER] is entitled to the floor.

Mr. WHEELER addressed the House. [See Appendix.]

Mr. SHERWIN. I ask the gentleman from Alabama to yield to me to demand the previous question.

Mr. WHEELER. I yield to the gentleman from Illinois to demand the previous question on the bill.

Mr. SHERWIN. I make that motion.

Mr. ROBESON. I move the House do now adjourn.

Mr. HISCOCK. I make the point of order that it is not in order to demand the previous question until this bill has been considered by sections.

The SPEAKER. The bill is in the House.

Mr. HISCOCK. As in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois has been recognized to submit the motion.

Mr. HISCOCK. I make the point that the bill must be first considered as in the Committee of the Whole House on the state of the Union by sections for debate and amendment.

Mr. WASHBURN. I move the House do now adjourn.

The SPEAKER. The gentleman from New York makes the point of order that the gentleman from Illinois has not the right to demand the previous question on the pending bill.

The same point of order has been made frequently before on similar special orders, and it has been held that the consideration of a bill in the House as in the Committee of the Whole does not cut off the power of the House to close debate.

Mr. KENNA. I ask the gentleman from Illinois to withdraw his demand for the previous question so as to enable me to offer an amendment to the third section. As the bill stands the State of West Virginia and some others would not realize any advantage from it. A mere formal amendment will cure the defect and make the bill accomplish what it was originally intended to do.

Mr. HISCOCK. I ask that the special order in reference to this bill be read.

Mr. ROBESON. It is that the bill is to be considered in the House as in the Committee of the Whole, and I do not think it ought to be rushed through without any opportunity to amend it.

The SPEAKER. The object of taking the bill out of the committee was to apply the practice of the House to its consideration. It may be read by sections because of the condition of the special order that provides it is to be considered as in Committee of the Whole. But the House has the power to order the previous question upon it.

Mr. HISCOCK. I ask that the special order be read.

The SPEAKER. There is no dispute about the condition of the special order. It may be read, however, for the information of the House, if desired.

Mr. HISCOCK. Let it be read.

The Clerk read as follows:

Resolved, That Saturday, the 20th day of January, 1883, immediately after the morning hour, be assigned for the consideration, in the House as in Committee of the Whole, of H. R. 6158 (Report 1214) a bill to aid in the support of common schools, to be continued from day to day until completed, subject only to revenue and appropriation bills and prior orders.

Mr. ROBESON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I desire to know whether, when the order provides that this bill shall be considered in the House as in Committee of the Whole, the right to five minutes' debate and to the reading of each paragraph of the bill and the right to submit amendments under the five-minute rule does not remain to the House?

The SPEAKER. That question is not properly presented at this time.

Mr. ROBESON. I present it now.

The SPEAKER. The gentleman from Illinois demands the previous question——

Mr. ROBESON. Can the previous question be ordered in the House when operating as in Committee of the Whole until that bill has been read by paragraphs for amendment and has been opened to the five-minute debate?

Mr. WILLIS. That question has been decided in the House two or three times already.

The SPEAKER. That question is not a new one. It has been before the House frequently. The right to the previous question is a right within the House itself. If the House votes it down the bill will be considered as in Committee of the Whole.

Mr. ROBESON. Is the motion to adjourn in order?

The SPEAKER. That is of course in order.

Mr. ROBESON. I move that the House do now adjourn.

Mr. WILLIS. I rise to a parliamentary inquiry.

Mr. WHITE. I wish to make a parliamentary inquiry of the Chair.

The SPEAKER. The Chair will hear the gentleman from Kentucky on the left.

Mr. WHITE. The gentleman from Illinois moves the previous question upon this bill and holds the floor while the Chair is deciding that point. Now, what I wish to ask is this, is it in order for a member to move to adjourn while the gentleman from Illinois holds the floor? He submits a proposition and the Chair is ruling upon the proposition. The Chair has not yet decided the question, and I submit that pending that decision the gentleman from Illinois still holds the floor.

The SPEAKER. The Chair has decided the question and holds that the gentleman has the right to demand the previous question. But having stated that proposition, and that question being before the House, the gentleman does not longer hold the floor as against the right to make a motion to adjourn, which is a privileged motion. He is not proceeding to debate the question which has been stated; he only demands the previous question. Pending that demand the motion is made that the House adjourn. That is a privileged motion and the Chair must entertain it.

Mr. WILLIS. I understand that the gentleman from Illinois has made a motion for the previous question, and pending that motion the gentleman from New Jersey moves that the House do now adjourn. What I wish to inquire is, if the motion of the gentleman from New Jersey be voted down will not the motion of the gentleman from Illinois be immediately in order?

The SPEAKER. Certainly.

Mr. WILLIS. Then I appeal to the gentleman from New Jersey to let us have the previous question ordered before he presses the motion to adjourn.

Mr. ROBESON. No, I insist upon the motion to adjourn.

Mr. WHITE. Then let us vote down the motion to adjourn.

Mr. WILLIS. I hope that will be done.

The SPEAKER. The Chair will submit the motion to the House.

The House divided; and there were—ayes 65, noes 57.

Mr. WISE, of Virginia. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, 31 members voting in favor thereof.

The question was taken; and there were—ayes 82, noes 80, not voting 129; as follows:

YEAS—82.

Anderson,	Geddes,	Marsh,	Ritchie,
Beach,	Hammond, John	McClure,	Robeson,
Briggs,	Hardenbergh,	McCook,	Robinson, Geo. D.
Browne,	Haskell,	McKinley,	Shallenberger,
Brumm,	Hatch,	McLean, Jas. H.	Smith, A. Herr
Buck,	Hazelton,	Miles,	Smith, J. Hyatt
Burrows, Julius C.	Henderson,	Miller,	Sparks,
Candler,	Hepburn,	Morrison,	Spooner,
Cannon,	Hill,	Morse,	Steele,
Caswell,	Hiscock,	O'Neill,	Stockslager,
Chace,	Holman,	Page,	Strait,
Colerick,	Horr,	Payson,	Taylor, Joseph D.
Cutts,	Hubbell,	Peelle,	Townsend, Amos
Dawes,	Humphrey,	Peirce,	Townshend, R. W.
Dingley,	Jacobs,	Pound,	Tucker,
Dwight,	Jones, Phineas	Randall,	Wadsworth,
Ermentrout,	Kasson,	Ranney,	Walker,
Errett,	Kelley,	Ray,	Ward,
Farwell, Chas. B.	Ketcham,	Reed,	Washburn.
Farwell, Sewell S.	Lacey,	Rice, Wm. W.	
Flower,	Ladd,	Rich,	

NAYS—80.

Aldrich,	Dowd,	King,	Sherwin,
Atkins,	Dugro,	Klotz,	Singleton, Otho R.
Bayne,	Dunn,	Leedom,	Smalls,
Bisbee,	Evins,	Le Fevre,	Spaulding,
Blackburn,	Fulkerson,	Lynch,	Speer,
Blanchard,	Garrison,	Mackey,	Thompson, P. B.
Bliss,	Hall,	McKenzie,	Turner, Henry G.
Blount,	Hammond, N. J.	McMillin,	Turner, Oscar
Buchanan,	Harris, Benj. W.	Money,	Tyler,
Caldwell,	Haseltine,	Moore,	Upson,
Carpenter,	Herbert,	Oates,	Vance,
Clark,	Hewitt, G. W.	Pettibone,	Van Aernam,
Clements,	Hitt,	Prescott,	Van Horn,
Converse,	Hoge,	Reagan,	Wellborn,
Cox, William R.	Hooker,	Reese,	Wheeler,
Cravens,	Houk,	Richardson, D. P.	White,
Culberson,	Hubbs,	Richardson, J. S.	Whitthorne,
Davis, George R.	Jadwin,	Robertson,	Willis,
Dezendorf,	Jorgensen,	Robinson, Wm. E	Willits,
Dibrell,	Kenna,	Rosecrans,	Wise, George D.

NOT VOTING—129.

Aiken,	Cullen,	Knott,	Scoville,
Armfield,	Curtin,	Latham,	Scranton,
Atherton,	Darrall,	Lewis,	Shelley,
Barbour,	Davidson,	Lindsey,	Shultz,
Barr,	Davis, Lowndes H.	Lord,	Simonton,
Belford,	Deering,	Manning,	Singleton, Jas. W.
Belmont,	De Motte,	Martin,	Skinner,
Beltzhoover,	Deuster,	Mason,	Smith, Dietrich C.
Berry,	Doxey,	Matson,	Springer,
Bingham,	Dunnell,	McCoid,	Stone,
Black,	Ellis,	McLane, Robt. M.	Talbott,
Bland,	Fisher,	Mills,	Taylor, Ezra B.
Bowman,	Ford,	Morey,	Thomas,
Bragg,	Forney,	Mosgrove,	Thompson, Wm. G.
Brewer,	Frost,	Moulton,	Updegraff,
Buckner,	George,	Muldrow,	Urner,
Burrows, Jos. H.	Gibson,	Murch,	Valentine,
Butterworth,	Godshalk,	Mutchler,	Van Voorhis,
Cabell,	Grout,	Neal,	Wait,
Calkins,	Guenther,	Nolan,	Warner,
Camp,	Gunter,	Norcross,	Watson,
Campbell,	Hardy,	Pacheco,	Webber,
Carlisle,	Harmer,	Parker,	West,
Cassidy,	Harris, Henry S.	Paul,	Williams, Chas. G.
Chapman,	Heilman,	Phelps,	Williams, Thomas
Clardy,	Herndon,	Phister,	Wilson,
Cobb,	Hewitt, Abram S.	Rice, John B.	Wise, Morgan R.
Cook,	Hoblitzell,	Rice, Theron M.	Wood, Benj.
Cornell,	House,	Robinson, Jas. S.	Wood, Walter A.
Cox, Samuel S.	Hutchins,	Ross,	Young.
Covington,	Jones, Geo. W.	Russell,	
Crapo,	Jones, James K.	Ryan,	
Crowley,	Joyce,	Scales,	

So the motion to adjourn was agreed to.

The following additional pairs were announced:

Mr. GUENTHER with Mr. DEUSTER.

Mr. MOREY with Mr. GUNTER.
Mr. WATSON with Mr. PHISTER.
Mr. RUSSELL with Mr. GIBSON.
Mr. CALKINS with Mr. HARRIS of New Jersey.
Mr. VALENTINE with Mr. DAVIDSON.
Mr. SHULTZ with Mr. HOBLITZELL.
Mr. URNER with Mr. MCLANE of Maryland.
Mr. RYAN with Mr. MANNING.
Mr. HOUK with Mr. TALBOTT.
Mr. WAIT with Mr. FORNEY.
Mr. BINGHAM with Mr. MOSGROVE.

Mr. COOK. I withdraw my vote. I am paired with Mr. VAN VOORHIS.

Mr. WATSON. I am paired on political questions. I withdraw my vote.

Mr. MOREY. I voted inadvertently. Being paired I withdraw my vote.

Mr. BEACH. I change my vote from "no" to "ay." For the first time since I have been a member of the House I vote for a motion to adjourn.

Mr. WISE, of Virginia. I ask unanimous consent to dispense with the reading of the names.

Mr. WILLIS. I object.

The names of members voting were read.

IMPROVEMENTS ON MISSISSIPPI RIVER.

Pending the announcement of the vote on the motion to adjourn,

The Speaker, by unanimous consent, laid before the House a communication from the Secretary of War, in response to the House resolution of February 17, 1883, calling for information in relation to damage done by flood or otherwise to improvements at Plum Point Reach and Lake Providence Reach, Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. VAN HORN. I desire to submit a report——

Several members called for the regular order.

Mr. WILLIS. I rise to a question of order.

The SPEAKER. The regular order is called for, which is the announcement of the vote on the motion to adjourn.

Mr. WILLIS. I rise to a question as to the integrity of the roll-call. I wish to know if the name of Mr. HASKELL is recorded.

Mr. HILL. I change my vote from "no" to "aye."

A MEMBER. I object.

The SPEAKER. The gentleman from New Jersey has a right to change his vote before the announcement of the result.

Mr. TURNER, of Kentucky. I change my vote from "aye" to "no."

Mr. WILLIS. I desire to ask a question in connection with the roll-call. I understand that Mr. HASKELL is recorded by mistake as having voted. I am told he was not in the Hall and did not vote.

The SPEAKER. The Chair can not go into a question of fact as to that. The Chair is informed by the Clerk there was a response to Mr. HASKELL'S name on the first call.

Mr. WILLIS. I am informed that is a mistake, of which, I suppose, no gentleman here would desire to take advantage.

The SPEAKER. The Chair can not investigate that.

SUPPORT OF COMMON SCHOOLS.

Mr. LYNCH, by unanimous consent, obtained leave to have printed in the RECORD amendments which he proposes to offer to the bill (H. R. 6158) to aid in the support of common schools, as follows:

At the end of section 5 add the following:

"Third. That in all States and Territories, including the District of Columbia, where white and colored children are educated in separate schools, the teachers in such schools shall be of the same race as the majority of the pupils who may attend said schools, except in localities where suitable and competent white or colored teachers, as the case may be, can not be obtained.

"Fourth. That no distinction shall be made in the employment of teachers on account of sex, religion, or politics.

"Fifth. That no distinction shall be made on account of race or color in the levy and collection of taxes for school purposes under the constitution or laws of any State or Territory, nor in the distribution thereof."

Section 9, line 6, after the word "hereof," insert the following:

"Until the conditions prescribed in section 5 of this act shall have been complied with, and."

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. Is there objection to receiving the report which the gentleman from Missouri [Mr. VAN HORN] desires to submit? The Chair is informed it is important it should be made to-night. [Cries of "Regular order!"]

Mr. MILLER. I have a report which I am directed to make by the Committee on Elections. [Cries of "Regular order!"]

The SPEAKER. The regular order is the announcement of the vote on the motion to adjourn, except that the Chair usually before adjournment submits personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. DAVIDSON, on account of sickness.

LEAVE TO PRINT.

Mr. SMITH, of Pennsylvania, by unanimous consent, obtained leave to have printed in the RECORD some remarks on the tariff. [See Appendix.]

EXPENSES IN CONTESTED-ELECTION CASES.

The SPEAKER. Is there objection to the gentleman from Pennsylvania [Mr. MILLER] submitting a report of the Committee on Elections in the matter of expenses in contested-election cases in former Congresses? [After a pause.] The Chair hears no objection.

On motion of Mr. MILLER, by unanimous consent, the Committee on Elections was discharged from the further consideration of all claims for expenses in contested-election cases which arose in former Congresses, and the same were referred to the Committee on Claims.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. S. S. COX: The petition of John A. Gleason, for a pension—to the Committee on Invalid Pensions.

By Mr. DOXEY: The resolutions adopted by the Legislature of Indiana, asking that the time for filing applications under the arrears-of-pension act be extended—to the same committee.

By Mr. FLOWER: The petition of R. A. Parmentor and others, for passage of a resolution providing for the repeal of article 11 of the amendments to the Constitution—to the Committee on the Judiciary.

By Mr. FROST: The petition of citizens of Saint Louis, Missouri, urging the passage of the resolution providing for the repeal of article 11 of the amendments to the Constitution—to the same committee.

By Mr. HALL: The petition of citizens of Rye, New Hampshire, protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

By Mr. HEPBURN: The petition of citizens of Council Bluffs, Iowa, relative to the duty on tin-plates and sheet-iron—to the Committee on Ways and Means.

By Mr. J. S. RICHARDSON: The petition of John S. Kennedy, for payment of salary, mileage, and expenses in Thirty-ninth Congress—to the Committee on Claims.

By Mr. R. M. MCLANE: The petition of D. C. Gilman and others, of Baltimore, Maryland, in favor of the Signal Service system as at present organized—to the Committee on Commerce.

Also, the petition of Rev. Campbell Fair, D. D., and other ministers of Baltimore, Maryland, representing about 20,000 people, in favor of a new policy of the Government in its treatment of the Indians—to the Committee on Indian Affairs.

By Mr. MOREY: The resolutions adopted by the Wool-Growers' Association of Greene County, Ohio, relative to the duty on imported wool—to the Committee on Ways and Means.

By Mr. PRESCOTT: Paper relating to the pension claim of Margaret Carrigan—to the Committee on Invalid Pensions.

By Mr. REED: The petition of F. W. Guptill and others, asking that a pension be granted to Mary A. Hickey—to the same committee.

By Mr. STONE: The petition of Goodrich Porter and others, of Haverhill, Massachusetts, protesting against an increase of duty on tanned goat-skins—to the Committee on Ways and Means.

By Mr. WASHBURN: Memorial of the Legislature of Minnesota, asking immediate adjustment of land grants to railroads in that State—to the Committee on the Public Lands.

Also, two petitions signed by residents of the valley of the Red River, praying for the improvement of the navigation of said river—severally to the Committee on Commerce.

By Mr. WEBBER: The petition of E. J. Horton and others, protesting against the transfer of the revenue-marine service to the Navy Department—to the same committee.

SENATE.

MONDAY, *February* 26, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of proceedings of Saturday last was read and approved.

CREDENTIALS.

Mr. GROVER presented the credentials of Joseph N. Dolph, chosen by the Legislature of Oregon a Senator from that State for the term beginning March 4, 1883; which were read, and ordered to be filed.

REGENT OF SMITHSONIAN INSTITUTION.

The PRESIDENT *pro tempore* laid before the Senate the following communication, which was read:

WASHINGTON, D. C., *February* 21, 1883.

SIR: With grateful thanks for the honor you have done me, I respectfully decline the appointment as a regent of the Smithsonian Institution announced by you a short time since.

Very respectfully, yours,

GEO. F. EDMUNDS.

Hon. DAVID DAVIS,
President pro tempore of the Senate.

The PRESIDENT *pro tempore*. The communication will be filed. The Chair appoints Mr. MORRILL in place of Mr. EDMUNDS.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* presented a communication from the Acting Secretary of the Treasury, transmitting, in answer to a resolution of April 14, 1882, certain information in relation to the number of farms or plantations sold in the States of Virginia, Florida, Arkansas, and Tennessee under an act entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, &c.; which was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin; which was read, and ordered to lie on the table, as follows:

Joint resolution in relation to suppressing disease among cattle.

Whereas contagious pleuro-pneumonia in cattle is prevalent in the States of New York, New Jersey, Pennsylvania, Virginia, Delaware, Maryland, and the District of Columbia; and

Whereas all efforts for its suppression by the States where it exists have been unsuccessful in arresting the spread and progress of said disease, and which has become so prevalent as to threaten and endanger the entire cattle interests of the country; and

Whereas our export trade in live cattle has been damaged to the extent of many millions annually by the embargo laid by European governments on account of the said disease: Therefore,

Be it resolved by the senate (the assembly concurring), That the question has assumed national importance, demanding the immediate attention of Congress.

We would therefore respectfully call the earnest attention of our Senators and Representatives to the fact, and ask them to take such measures as will bring the subject up for action before the close of the present session.

SAM. S. FIFIELD,
President of the Senate.
EARL P. FINCH,
Speaker of the Assembly.

—

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 23d day of February, in the year of our Lord 1883.

ERNST G. TIMME,
Secretary of State.

Mr. MILLER, of New York, presented a memorial of O. Clark and Henry S. Martindale, of Story County, Iowa, and the memorial of Henry Ten Eyck, of Cazenovia, Madison County, New York, protesting against the passage of a bill to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which were ordered to lie on the table.

Mr. SLATER presented a petition of citizens of Coos County, Oregon, praying an appropriation for the continuation of the improvements at the mouth of the Coquille River, in that county; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Umatilla County, Oregon, praying for an equalization of bounty to soldiers of the late war; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Umatilla County, Oregon, praying that one hundred and sixty acres of the public lands be granted to each soldier of the late war who was honorably discharged; which was referred to the Committee on Public Lands.

Mr. BUTLER presented a concurrent resolution of the general assembly of South Carolina; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
Legislative Department.

Concurrent resolution relating to the repeal of the 10 per cent. tax on State banks.

Whereas the present banking capital of this State is wholly inadequate to the wants of the people; and

Whereas the existing condition of affairs in this particular is attributable to the act of the Federal Congress, approved March 3, 1865, which levies a tax of 10 per cent. per annum on the circulation of all banks chartered under State laws; and

Whereas the provisions of said act have accomplished the purposes for which they were adopted, and are unwise and should no longer remain on the statute-books:

Be it resolved by the house of representatives (the senate concurring), That our Senators in Congress be instructed and our Representatives in Congress be requested to use their best efforts to secure the repeal of said act at the earliest day possible.

Resolved, That a copy of the foregoing preamble and resolution be transmitted by his excellency the governor to our Senators and Representatives in Congress.

—

IN THE HOUSE OF REPRESENTATIVES, *December* 20, 1882.

Resolved, That the house do agree to the resolution.
Ordered, That it be sent to the senate for concurrence.
By order.

JOHN T. SLOAN,
Clerk House of Representatives.

—

IN THE SENATE, *December* 22, 1882.

Resolved, That the senate concur in the resolution.
Ordered, That it be returned to the house with concurrence.
By order.

T. STOBO FARROW,
Clerk of Senate.

In accordance with the terms of the above concurrent resolution, we have the honor to transmit you copies of the same.

Very respectfully, yours,

JOHN T. SLOAN,
Clerk House of Representatives.
T. STOBO FARROW,
Clerk of the Senate.

Mr. HOAR. I have in my hand the petition of Enoch Spencer, of the city of Worcester, Commonwealth of Massachusetts, late a private in Company G, Forty-second Massachusetts Volunteers, praying for a special act giving him a pension, for reasons which he states very fully in the paper. This petition is addressed "to the honorable the Committee on Pensions of the United States Senate;" but it is manifestly intended as a petition to the Senate. I move that it be received and referred to the Committee on Pensions.

The motion was agreed to.

Mr. GROVER presented a petition of the Board of Trade of Portland, Oregon, praying an appropriation for the improvement of the bar of the Columbia River, Oregon; which was referred to the Committee on Commerce.

Mr. PENDLETON. I present a petition of the Cotton Exchange of Cincinnati, Ohio, praying for an appropriation for the continuance of the Signal Service cotton-belt observations. I believe the appropriation for that purpose has been eliminated from the sundry civil appropriation bill in the House of Representatives. Therefore I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. LAPHAM presented a resolution of the New York Board of Trade and Transportation, favoring the repeal of internal-revenue taxes, with the exception of those on tobacco, spirits, and fermented liquors, and favoring the abolition of stamps on bank checks, proprietary articles, and matches; which was referred to the Committee on Finance.

Mr. LAPHAM. I present a memorial signed by a large number of citizens of the State of New York who are the owners of a large portion of the tracts of land known as the Des Moines River lands in Iowa, who have acquired their titles from the State of Iowa through the grant from Congress, remonstrating against the passage of the bill now pending before the Senate on that subject. I move that the memorial lie upon the table.

The motion was agreed to.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a mail-route between the village of Esdaile and the post-office of Herbert, in the county of Pierce, and the establishing of a tri-weekly mail-service thereon; which was referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Chair also presents a joint resolution of the Legislature of Wisconsin in relation to suppressing disease among cattle; similar to the one presented by the Senator from Wisconsin [Mr. CAMERON]. Without being read, it will lie on the table.

Mr. CONGER. I present and ask to have read to the Senate a remonstrance of citizens of Dakota assembled at Grand Forks. It has been sent to me as there is no Senator from Dakota. I wish to have it read and printed in the RECORD and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator desire to have it read or merely printed in the RECORD?

Mr. CONGER. I ask to have it read.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Acting Secretary read as follows:

[Telegram.]

GRAND FORKS, DAKOTA, *February* 25, 1883.

Senator OMAR D. CONGER,
Washington, D. C.:

Following resolution passed at immense mass-meeting here to-night. Citizens Lower Red River Valley mass-meeting assembled Grand Forks, Dakota, Saturday, February 24, respectfully call your attention to proposed change in land laws of United States, whereby pre-emption law repealed and homestead law materially amended; and we earnestly protest against such change and give our reasons therefor, as follows: First, by such change only way by which pioneer can obtain any title to good land is by actual, continuous residence thereon of two and half years; he can not sell land without losing all improvements; can not borrow money thereon, however urgent necessities may be; he is not safe even in erecting comfortable buildings, because his uncertain title in cold climate of north. This is great hardship; one likely to discourage great emigration that now peopling improving ample territory. Second, we believe it true policy of General Government to encourage rapid settlement of Dakota's prairies and offer all reasonable facilities toward helping poor men especially to acquire share of fertile farms which are gift of Government.

Your attention called to fact that poor man having no title to land can not live in our rigorous climate two and half years with comfort in temporary habitations which his precarious title and personal labor only allows him to erect, while if he can acquire title to land by six months' actual residence, which pre-emption law or commutation clause in homestead law permits him to do, he is thus given credit which enables him to build up substantial home and live in comfortable prosperity. Although there may have been many frauds perpetrated in acquiring timber lands under pre-emption act, we believe that there are but few instances where this has been used to acquire in fraudulent manner any of prairie land in Northwest; and although in theory it may seem open to fraud, we feel safe in asserting from observation of its practical workings that in practice it is free from fraud as any law can be devised whereby public domain is parceled out to the private citizen. An amendment to pre-emption laws restricting entries to agricultural lands only would correct all abuses and frauds have prevailed in past. Its intention so amended is demanded in interest of pioneer settler and facilitate the rapid permanent settlement of great prairies Northwest; that amendment to homestead requiring residence two and a half years unjust oppression entirely in interest of wealthy as opposed to poor;

and its passage will exclude from Dakota thousand earnest hardy settlers. Equally fertile lands in British territory, where advantages even more liberal than these now offered by our present pre-emption law are held out to settlers.

H. G. STONE,
J. G. HAMILTON,
W. J. ANDERSON,
H. H. NOYES,
GEO. B. WINSHIP,
Committee Representing One Thousand Citizens.

Mr. CONGER. I know most of the gentlemen who have signed that memorial to be gentlemen of character and standing. I have received from other parts of the country, as I understand other Senators have, such protests as could be hurriedly prepared after notice that the pre-emption laws, which have been in force in the United States since 1841, have been by the action of the House repealed, and the right of the poor man to select his home, the time given him to select it and gather the money to pay for it, under which thousands and tens of thousands of homes have been obtained in the United States, all over the West, since that pre-emption law was passed, has been repealed without notice, and that repeal fastened on to an appropriation bill, and proceedings under the homestead law itself, as I understand, by this repeal made more troublesome to acquire a homestead. This has been done in some interest, and when the proper time comes I shall endeavor to show to the Senate what that interest is. It has been done on the charge that there are frauds perpetrated under the pre-emption laws, and therefore that means of acquiring a homestead which has been used by hundreds and thousands, and I believe I might say by hundreds of thousands of people all over the settlements of the West, where half the farms now occupied were secured by pre-emption, shall, without notice and without the knowledge of anybody until the bill was passed, be taken away.

These citizens in Dakota, along the west side of the Red River, called together suddenly, some thousand or fifteen hundred of them, carefully considering it, have presented through me to the Senate, and as I desire, to have presented to the Committee on Appropriations their views and their reasons why such action should not be taken. Other Senators will undoubtedly, as soon as it can be understood, hear from their constituents or from people in any portion of the country where there are lands subject to pre-emption.

I denounce this as an attempt to put into the power of corporations and individuals the only chance there is to get possession of the public domain away from settlers, to take it away from the poorer classes who want homes, to take away that right of getting a home from those who can not from the condition of their families or from their own condition go and live permanently upon the lands they desire for their future homes as homesteaders. But I will not enlarge upon that. I desire to have the memorial printed in the RECORD as a brief and conclusive statement of the opinion of those interested in this subject, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. It will be printed in the RECORD because it was read. The memorial will be referred to the Committee on Appropriations.

Mr. MORGAN presented a joint memorial of the General Assembly of Alabama; which was ordered to lie on the table, and be printed in the RECORD, as follows:

Joint memorial of the General Assembly of Alabama to the Congress of the United States, praying for the passage of a bill to aid in the construction of the Gulf and Chicago Air-Line Railroad.

Your memorialists respectfully represent, that whereas the General Assembly of Alabama did on the 14th day of February, A. D. 1872, adopt a joint memorial address to the Congress of the United States praying the passage of an act granting lands in aid of the construction of the Warrior and Tennessee River Railroad for the reasons therein set forth; and

Whereas the General Assembly of said State did, on the 26th day of January, A. D. 1875, adopt a joint memorial, directed to the said Congress of the United States, praying an appropriation of money for the improvement of the Warrior River between Tuscaloosa and Demopolis in said State, setting forth in said memorial fully the reasons therefor; and

Whereas the General Assembly of said State of Alabama did, on the 4th day of March, A. D. 1876, adopt joint memorial to the Congress of the United States praying an appropriation of money for the survey of the Sipsey River in said State, setting forth the reasons fully in said memorial therefor; and

Whereas the General Assembly of the said State of Alabama did, on the 8th day of December, A. D. 1880, adopt a joint memorial to the Congress of the United States praying for a grant of lands to aid in the construction of the Warrior and Tennessee Rivers Railroad; all of which said memorials had for their object the opening up, settling, improving, and developing the same portions or sections of said State, and which memorials are fully set forth in the United States Senate Miscellaneous Document No. 55, second session Forty-fifth Congress; and

Whereas the Gulf and Chicago Air-Line Railroad Company, a corporation duly chartered and fully organized, and existing by and under the laws of the State of Alabama, and which embrace the Warrior and Tennessee Rivers Railroad, having become successors of the interest then represented by the said Warrior and Tennessee Rivers Railroad, and extending its lines, not only connecting the waters of the Warrior and Tennessee Rivers, but running from the Gulf of Mexico to the lakes on the north, now has a bill pending before Congress, said bill having been acted upon favorably by the Senate Committee on Public Lands, as shown by Senate Report No. 117, and is now on the Calendar of the Senate of the United States, waiting its time to be reached in regular order for passage, praying that certain lands be granted to the said State of Alabama, to be sold to the said Gulf and Chicago Air-Line Railway Company, to aid in its construction and for the benefit of common schools in said State; and

Whereas your memorialists, looking upon the said Gulf and Chicago Air-Line Railway and its early completion as a matter of vast public importance to both the said State and to the country at large, in this, that it will open up to settlement and to the commerce of the world a section, as heretofore described in the aforesaid memorials, valuable in mineral deposits, water-power, timber, and agricultural resources which in their present situation is to the world like a sealed book; and in view of the great importance of this line of railway, and in view of the further fact that the section through which it passes still remains nearly in the same condition as described in said joint memorial approved March 4, 1876, to which special attention is called, and said lands still remaining mainly in the hands of the General Government; and in view of the further fact that it seems impossible to open up or settle any section of country not possessing railroad advantages or facilities, your memorialists, therefore, would respectfully urge upon the Congress of the United States the passage of the bill now pending before Congress, having been reported upon favorably by the Senate committee and is now on the Calendar of the Senate of the United States, praying to buy certain lands to aid in the construction of said Gulf and Chicago Air-Line Railway and for the benefit of common-school education in the State of Alabama.

WILBUR F. FOSTER,
Speaker of the House of Representatives.
GEO. P. HARRISON, JR.,
President of the Senate.

Approved February 19, 1883.

E. A. O'NEAL, *Governor.*

Mr. PLATT presented the petition of George F. Rowell and others, citizens of Mazomania, Wisconsin, praying for the passage of a bill granting an increase of pension to soldiers and sailors who lost a limb in the military service of the United States; which was ordered to lie on the table.

Mr. JONAS. I present a telegram of the Cotton Exchange of New Orleans, Louisiana, protesting against any reduction of the appropriation for cotton-belt observations through the Signal Service Bureau; which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. JACKSON. I present a similar telegram from the Cotton Exchange of Memphis, Tennessee. I move that it have the same reference.

The PRESIDENT *pro tempore*. The memorials will be referred to the Committee on Appropriations.

Mr. MAXEY. I present a telegraphic dispatch from the Cotton Exchange of Galveston, Texas, in reference to the same subject as that presented by the Senator from Louisiana [Mr. JONAS]. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MORGAN. I present a similar memorial from the Cotton Exchange of Mobile, and move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB presented resolutions of the Legislature of Kansas, in favor of a resurvey of lands in certain cases and for relief to settlers on certain lands which have never been surveyed or the field-notes of which are false and fraudulent; which were referred to the Committee on Appropriations.

FALSE PERSONATION OF GOVERNMENT OFFICERS.

Mr. GARLAND, from the Committee on the Judiciary, reported a bill (S. 2507) to punish the false personation of officers and employés of the United States; and it was read the first time by its title.

Mr. GARLAND. I am instructed to ask for the present consideration of the bill in view of its importance. I ask the Secretary to read it at length for consideration, subject of course to objection.

The bill was read the second time at length, as follows:

Be it enacted, &c., That every person who with intent to defraud either the United States or any person falsely assumes or pretends to be an officer or employé acting under the authority of the United States, or any Department of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than $1,000 or imprisonment not longer than three years, or both said punishments, in the discretion of the court.

Mr. GARLAND. Mr. President, section 5435 of the Revised Statutes makes provision against persons falsely representing themselves to be entitled to certain annuities, dividends, pensions, prize-money, &c., from the Government, and section 5448 makes provision for punishing persons who falsely represent themselves as revenue officers. There the statutes stop. This bill provides for punishing persons who represent themselves as officers or employés or agents of the United States in any respect whatever.

The importance of this measure was made known and emphasized by an amendment to an appropriation bill which was considered by the Senate the other day in making provision for punishing persons who get pensions under false pretenses, but the objection was made to it that it was legislation on an appropriation bill, and the objection was sustained, and that feature of the appropriation bill was stricken out under Rule 29.

The matter was spoken of by several Senators at the time, I think the Senator from Kansas [Mr. INGALLS], the Senator from New Hampshire [Mr. BLAIR], the Senator from Vermont [Mr. EDMUNDS], and probably others. It was then brought to the attention of the Judiciary Committee, and to meet the case the committee have unanimously instructed me to report this bill and ask for its present consideration. I think it will take but a short time.

Mr. BLAIR. I trust that the request of the Senator from Arkansas will be granted. This covers a very important and grievous abuse in the administration of the pension law. On the objection being made to the necessary legislation being attached to the appropriation bill last Saturday I introduced a bill, which was referred to the Committee

on Pensions, covering simply the difficulty so far as the administration of the pension law is concerned. The Committee on the Judiciary has very properly taken jurisdiction of the subject in its wider sense and reported this bill, which will cover all cases of like abuse. I hope that the bill may now be considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADULTERATED AND SPURIOUS TEAS.

Mr. MILLER, of New York. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 7486) to prevent the importation of adulterated and spurious teas, to report it without amendment, and I ask for the present consideration of the bill. The bill passed the House on Saturday last, and as it is a matter of public importance I think there will be no objection to it, for it is quite well understood by a majority of Senators. The Secretary of the Treasury, I will say, has written a letter favoring the passage of this measure. The committee ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. VANCE. Mr. President, I find by examining the printed bill (H. R. 5538) to reduce internal-revenue taxation, which we recently sent to the House, that a mistake has been made by some one by adding, in line 1523, after the words "square foot," the words "when manufactured from tempered steel wire, 45 cents per square foot." That was an amendment proposed to the card-clothing provision, which the Journal shows was not adopted, and the RECORD, on page 14 of February 22, which contains all the proceedings, shows that it was rejected upon a vote of the Senate. As that is not the bill which we sent to the House, I move that the bill, which as I understand is lying on the table of the House, be recalled for the purpose of being corrected.

Mr. ALDRICH. The fact as stated by the Senator from North Carolina is undoubtedly true. I do not know in what way the mistake occurred.

The PRESIDENT *pro tempore*. The Secretary says it is true, and that in the confusion of the last night it probably happened.

Mr. ALDRICH. I do not know how the mistake occurred, but the amendment was undoubtedly rejected. There are also some errors in punctuation in the bill.

The PRESIDENT. Is there objection to the request to recall the bill from the House?

Mr. BAYARD. I suggest to my friend from North Carolina the following order:

Ordered, That the House of Representatives be informed that an error exists in the engrossed copy of the amendments adopted by the Senate to House bill No. 5538, and that the House of Representatives be requested to return the said bill for the purpose of having the said error corrected.

Mr. ALDRICH. There are other errors.

The PRESIDENT *pro tempore*. It is suggested by the Senator from Rhode Island that there are errors of punctuation in the print. They may not be in the written copy.

Mr. VANCE. If the bill is once more in the power of the Senate I suppose any corrections necessary can be made.

Mr. MORRILL. I suggest to the Senator from Delaware to include also an error or two in punctuation.

Mr. VANCE. The order should be general enough to make any correction which may be desired.

Mr. BAYARD. I have modified the order so as to read:

Ordered, That the House of Representatives be informed that certain errors exist in the engrossed copy of the amendments adopted by the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation; and that the House of Representatives be requested to return to the Senate the said bill for the purpose of correcting the said errors.

Mr. MORRILL. That is right.

Mr. HAWLEY. I suggest that we insert the word "clerical" before "errors," for the House of Representatives may be of opinion that the bill has many errors.

Mr. BAYARD. "Errors" is the general phrase, and will include clerical errors. That is what it is. It is an error, I understand, of punctuation in one case and a clerical error in another. Perhaps both come under the description of clerical errors.

Mr. ALDRICH. They are both clerical errors.

Mr. MORRILL. I think it much better to say "clerical errors," so that the House may understand we do not want to make any other change. They are clerical errors.

Mr. BAYARD. Very well; I will modify the resolution by saying "clerical errors."

The PRESIDENT *pro tempore*. Does the Senator from North Carolina accept the resolution of the Senator from Delaware?

Mr. VANCE. I accept the order or resolution prepared by the Senator from Delaware.

The resolution as modified was agreed to.

BRIDGE OVER THAMES RIVER.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce, to whom was referred Senate bill No. 2274, to report it favorably with amendments. I desire to call the attention of the Senators from Rhode Island and Connecticut to the bill.

Mr. ALDRICH. This is a very important bill and should be acted upon at once. It has the unanimous approval of the Committee on Commerce, and I think will excite no discussion. I ask for its consideration.

Mr. SHERMAN. Let us hear what it is.

Mr. COCKRELL. I must object until we dispose of some other cases. It is a Senate bill and may not pass the House. There are many other bills reported favorably, and the passage of which by the Senate will finally dispose of them. It is an injustice to have those bills lying here to finally fail at the end of the session, while our time is consumed in passing Senate bills that can not become laws.

Mr. HOAR. We have been spending two or three days on a Senate bill which nobody expects to get through the House.

Mr. COCKRELL. If I had been in the majority of the Senate I would have moved to postpone it indefinitely; but if Senators who are in the majority, that control the business of the Senate, do not move to postpone that bill indefinitely, if it is proposed to take it up and consume the remainder of the time of the session with it, I shall make the motion.

Mr. PLATT. I must appeal to the Senator from Missouri to withdraw his objection to this bill.

Mr. MORGAN. I shall renew it if he withdraws it.

Mr. PLATT. It is a bill for a bridge across the Thames River near New London, Connecticut. It is in the ordinary form of bridge bills and has been considered by the Committee on Commerce. I believe the Senate has within a short time acted upon two bridge bills bridging the Missouri River——

Mr. COCKRELL. Let me state here——

Mr. PLATT. Will the Senator wait till I finish my sentence?

Mr. MORGAN. What is before the Senate?

The PRESIDENT *pro tempore*. The question is on the present consideration of the bill.

Mr. MORGAN. The Senator from Missouri objected to it.

The PRESIDENT *pro tempore*. That takes it over, but by courtesy Senators may be heard.

Mr. PLATT. I simply want to finish my sentence, which is that I think the Senate has within a week acted upon two bills bridging the Missouri River without objection.

Mr. COCKRELL. Objection was made, and we have not been able to act upon them.

Mr. MORGAN. I object to further debate. The question is not before the Senate.

Mr. COCKRELL. Let us take up the bridge bills and pass them all together, and not one at a time.

ORDER OF BUSINESS.

Mr. SHERMAN. I offer a resolution in the nature of an order for acting on business, that we proceed to the consideration of pension bills subject to objection, and also House bills subject to objection, so as to clear the Calendar.

The PRESIDENT *pro tempore*. There is unfinished business for to-day.

Mr. SHERMAN. I think that need not come up until 1 o'clock.

The PRESIDENT *pro tempore*. That is true. The Senator from Ohio offers a resolution, which will be read.

The Acting Secretary read as follows:

Ordered, first, That the Senate proceed to the consideration of House pension bills in their order, including increase-of-pension bills; *second*, House bills reported favorably, but subject to objection.

The PRESIDENT *pro tempore*. The Senator from Ohio offers this order, which he asks the present consideration of.

Mr. VAN WYCK. Let it be reported again.

Mr. SHERMAN. It is simply to take up pension bills and House bills.

The order was read.

Mr. COCKRELL. What is the motion?

Mr. SHERMAN. I propose first to clear the Calendar of House pension bills; then, secondly, to take up other House bills and dispose of them, subject, however, to objection.

The PRESIDENT *pro tempore*. Until 2 o'clock?

Mr. SHERMAN. Until 2 o'clock.

Mr. MORGAN. I hope the Senator from Ohio will strike out that clause "subject to objection." A House bill taken up on the Calendar ought to be considered or indefinitely postponed. To allow one Senator to object merely to a bill and carry it over because he wants to reach something that is behind it, is not fair, is not right, and it does not give Senators proper opportunity, particularly those who are a little delicate about thrusting their demands on the Senate. I trust the Senator will strike out the clause about objection, and take up House bills in the order in which they come. If the Senate wants to post-

pone them, let it do so or vote them down; but let each man have a showing before the Senate for his bill.

Mr. PLATT. May I ask the Senator from Ohio to modify his resolution relating to the consideration of pension cases so as to include all pension cases, both House and Senate pension bills which have been reported. There are not more than twenty or twenty-five such bills, and I have no doubt some of the bills which have been reported in the Senate, if they can be passed here, will pass the House.

Mr. SHERMAN. I have no objection to that. I wish to expedite business.

Mr. COCKRELL. Let us dispose of the unobjected cases first.

Mr. SHERMAN. We have but one week before us, and every moment of that time ought to be consumed profitably with a view to the despatch of public business. This is the proper order to be made at the last of the session, and I think it will expedite business very much indeed.

Mr. HARRISON. Let me add to the Senator from Ohio also my request to include Senate pension bills.

Mr. SHERMAN. I have no objection to say "pension bills."

The PRESIDENT *pro tempore*. The resolution is to consider from 12 o'clock to 1 pension bills, and next House bills in their order

Mr. BLAIR. If we are to take up the pension cases why not go on with them indefinitely until they are concluded?

Mr. HOAR. The Chair stated the motion as from 12 to 1 o'clock.

Mr. SHERMAN. At 1 o'clock it will be superseded by the unfinished business, but I shall vote to go on with this order and let the unfinished business come up later.

The PRESIDENT *pro tempore*. That the Senate can do.

Mr. SHERMAN. We can not now provide for more than the time between now and 1 o'clock.

Mr. MORGAN. Will the Senator from Ohio modify his resolution so as to strike out "subject to objection?"

Mr. SHERMAN. Yes, I am going to move now that we proceed to the consideration of the pension bills on the Calendar in their order and next House bills in their order. We can limit debate afterward.

The PRESIDENT *pro tempore*. That is the motion.

Mr. HAWLEY. Is the morning hour over?

The PRESIDENT *pro tempore*. No, sir.

Mr. HALE. Will the Senator yield?

Mr. SHERMAN. Let the order be made, and then I will yield.

Mr. HALE. It will not be made, I fear.

Mr. MITCHELL. Let the order be stated. There seems to be confusion and misunderstanding about it. I have not yet heard it, and I have been listening attentively. I have heard various statements made, but there is no correct statement of it before the Senate.

Mr. BLAIR. Will the Chair please state the order?

The ACTING SECRETARY. The proposition is to "consider, first, pension bills in their order, including increase-of-pension bills; second, House bills reported favorably."

Mr. INGALLS. Is that for to-day only?

Mr. SHERMAN. Yes, sir.

Mr. INGALLS. Or is it to be a permanent order?

The PRESIDENT *pro tempore*. From 12 to 1 o'clock to-day.

Mr. INGALLS. It is entirely unnecessary to have the latter part of the order in, because the pension bills will take up all the time.

Mr. PLATT. If I can get the attention of the Senate for a single moment——

Mr. HOAR. I should like to have it understood——

Mr. PLATT. Have I the floor?

Mr. HOAR. Will the Senator allow me to have the question stated? I want to have the question stated so that we can understand it before the Senator proceeds. When the Chair states it he says it is an order from 12 to 1; when the Secretary reads it I do not so understand it. Will the Chair have it reported again?

The PRESIDENT *pro tempore*. Does the Senator from Ohio mean from 12 to 1 o'clock?

Mr. SHERMAN. No, sir, I did not make such a limitation, but I know that at 1 o'clock it will be the duty of the Chair to lay before the Senate the unfinished business. I will undoubtedly vote to lay that business aside and go on with pension bills.

Mr. CAMERON, of Wisconsin. I hope the Senator from Ohio will not vote to lay aside the regular order at that time. The regular order can be disposed of I think in a very short time.

Mr. BLAIR. What is the regular order?

Mr. CAMERON, of Wisconsin. It is a House bill for the payment of claims.

Mr. SHERMAN. Let us go on for the hour at any rate.

Mr. CAMERON, of Wisconsin. I have no objection to that.

The PRESIDENT *pro tempore*. Does the Senator modify his order.

Mr. SHERMAN. I never moved to limit it to 1 o'clock, but at 1 o'clock I know what the duty of the Chair is.

The PRESIDENT *pro tempore*. The resolution will be read.

The ACTING SECRETARY. It is proposed to consider—

First, pension bills in their order, including increase-of-pension bills; second, House bills reported favorably.

Mr. PLATT. If I have the floor I should like to make a single remark.

The PRESIDENT *pro tempore*. The Senator from Connecticut has the floor.

Mr. PLATT. The order as first suggested by the Senator from Ohio was to consider uncontested pension bills. That has been stricken out. That I understand will take us back to the commencement of the Calendar, to begin with a long list of pension bills which have two reports, a majority and minority report, which are contested cases, each one of which will provoke discussion; and so if that order passes in its present state, as I understand it, we shall not arrive at the uncontested cases for a very long time to come. I desired to make that statement.

Mr. MITCHELL. That was my understanding of the order. I certainly think, therefore, it ought to be modified.

Mr. COCKRELL. I move to amend the order so that it will be that the Senate proceed to the consideration of unobjected pension cases, and after that the House bills reported favorably.

Mr. HARRISON. I hope that will not be done. The effect of it will simply be this: to put it in the power of a single member of the Pensions Committee who has submitted the views of the minority in opposition to the majority report to defeat the passage of a pension bill. I know of some pension cases on this list that the majority of the committee have reported favorably, but there is a minority report that need not provoke but the briefest discussion, and it is unfair that such cases should absolutely be barred out from the consideration of the Senate in this way.

Mr. COCKRELL. But the Senate has several pension cases at the head of the Calendar that will consume two or three days before they can pass, and it is simply an absolute obstruction of business. Now, when we dispose of the unobjected pension cases——

Mr. INGALLS. I rise to a question of order. I object to the further consideration of this resolution to-day.

The PRESIDENT *pro tempore*. The resolution goes over.

Mr. SHERMAN. What is the regular order of business? The morning hour has expired.

The PRESIDENT *pro tempore*. Is there objection to continuing the reception of morning business? If there is objection, the morning hour has expired.

Mr. BLAIR. I have a little morning business I should like to present.

Mr. SHERMAN. If the morning hour is over——

The PRESIDENT *pro tempore*. The morning hour is over.

Mr. SHERMAN. I will give way to morning business, but I wish to make a motion in regard to the Calendar. I believe the Calendar is now in order?

The PRESIDENT *pro tempore*. Yes, sir. The Chair will receive further morning business. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. McDILL, from the Committee on Public Lands, to whom was referred the bill (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7462) to create three additional land districts in the Territory of Dakota, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1252) for the relief of the estate of Lucien Goyaux, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. 6889) for the relief of Mrs. Louisa F. Stone, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which, with the accompanying papers, was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 2508) to amend section 4488 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN. I draw the bill to the attention of the chairman of the Committee on Commerce, as it relates to providing some life-saving apparatus upon board of steam-vessels, for the safety of human lives. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was read twice by its title, and referred to the Committee on Printing.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 140) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Hastings, Nebraska, in the month of September, 1883; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CAMERON, of Wisconsin, and Mr. JOHNSTON submitted amendments intended to be proposed by them respectively to the bill (H. R. 7327) to establish post-routes; which were ordered to lie on the table and be printed.

Mr. HOAR, Mr. McMILLAN, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations.

PRINTING OF RIVER AND HARBOR BILL REPORT.

Mr. HOAR. I move that there be reprinted for the use of the Senate the usual number of the House report accompanying the river and harbor bill.

The motion was agreed to.

GEOLOGICAL SURVEY EMPLOYÉS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish to the Senate a complete list of all persons now employed, or employed since July 1, 1882, by or under the United States Geological Survey, and the salaries and compensation paid to each person.

CORTE DE MADERA DEL PRESIDIO.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be, and is hereby, instructed to inquire into and report to the Senate upon the questions herein, relating to the land in Marin County, California, known as "Corte de Madera del Presidio," of one square league of land, granted to Juan Read by the Mexican Government and confirmed by the United States courts to the heirs of said Read.

First. Whether the location of said grant, as lately made or ordered to be made, is in conformity with the original grant and juridical possession.

Second. Whether the location as thus directed does or does not include lands reserved by the United States authorities for military purposes; and if it does include such lands, what quantity.

Third. Whether the location as thus directed does or does not include lands sold as public lands by the United States, and for which patents have been issued.

Fourth. Whether the location as thus directed does or does not include marsh or swamp and overflowed land belonging to the State of California, and which said State had long since sold and conveyed by deeds to the purchasers; and if it does include such land, what quantity.

Fifth. Whether there has or has not been made an actual survey of said grant by a surveyor in the field, giving courses and distances, which has received the approval of the Department of the Interior, and, if so, by whom was such survey made.

Sixth. That the said committee inquire into and report all other matters material to a full knowledge of everything relating to said grant and the controversy in connection therewith, examining all the evidence, reports, opinions, and decisions made thereon in the Department of the Interior, the War Department, and Department of Justice, and any other information deemed important, sending for persons and papers if necessary; and report the same to the Senate by bill or otherwise.

And the President is hereby requested to withhold the issuing of any patent for said grant known as "Corte de Madera del Presidio" until such time as the investigation herein directed can be made and action had in accordance therewith.

RELATIONS OF LABOR AND CAPITAL.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Education and Labor be authorized and directed to continue during the Forty-eighth Congress the inquiry now being prosecuted by that committee under resolution of the Senate passed on the 7th day of August, 1882, authorizing and directing that committee to take into consideration the subject of the relations between labor and capital, the wages and hours of labor, the condition of the laboring classes in the United States, and their relative condition and wages compared with similar classes abroad, and to inquire into the division between labor and capital of their joint productions in the United States; also, the subject of labor strikes, and to inquire into the causes thereof and the agencies producing the same; and to report what legislation should be adopted to modify or remove such causes and to provide against their continuance or recurrence, as well as any other legislation calculated to promote harmonious relations between capitalists and laborers and the interests of both by the improvement of the condition of the industrial classes of the United States. And in the further prosecution of those inquiries said committee shall possess all the rights and powers conferred by the original resolution.

Mr. BLAIR. I ask for an order that the testimony already taken may be printed for the use of the committee, and I wish to include further testimony as it may be taken.

Ordered, That the Committee on Education and Labor may have printed for its use testimony taken and to be taken by it under the resolution of the Senate of August 7, 1882.

The resolution was agreed to.

Mr. BLAIR. I move that the resolution of August 7, 1882, which never has been printed, be printed for the use of the Senate, and that this resolution be also printed.

The motion was agreed to.

LIST OF BILLS.

Mr. BLAIR submitted the following resolution; which was read:

Resolved, That the Acting Secretary be required to have made a complete list of all bills and joint resolutions introduced by each Senator during the first and second sessions of the Forty-seventh Congress, showing the status of the same, arranged numerically as to bills and alphabetically as to Senators, to be printed in pamphlet form for use of Senators.

Mr. BLAIR. That is precisely the thing which the bill clerk did for us at the close of the last session. It will cost nothing additional to print in pamphlet form, as I am assured by him and others, and will be much more convenient for the use of Senators. It was thought that possibly a resolution was necessary.

The resolution was considered by unanimous consent, and agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour has closed and the Calendar is in order.

Mr. JONES, of Florida. I desire to call up a resolution I introduced some time ago.

The PRESIDENT *pro tempore*. If the Calendar goes on the Senator can call it up.

Mr. SHERMAN. I simply wish to renew again the request that an order be made that the Senate proceed to the consideration, first, of pension bills reported favorably, and, second, of House bills reported favorably. I do it in the interest of the public business. In that way we shall dispose of five times as many bills as if we have a scramble.

Mr. INGALLS. That can only be done by unanimous consent; it is changing the established rule of the Senate, and I am unwilling that any order shall be taken to-day that would probably result in the consumption of all the remainder of the time of this session, and therefore I object and ask that we proceed under the regular order of business.

The PRESIDENT *pro tempore*. The Calendar is in order.

Mr. SHERMAN. Then I introduce my resolution as part of the morning business, and it can lie over until to-morrow.

Mr. COCKRELL. I move that we proceed during the remainder of the hour to the consideration of unobjected pension cases.

Mr. INGALLS. That is right.

Mr. HARRISON. The Senator from Missouri means by that cases objected to on the floor of the Senate and not cases where there are divided reports.

Mr. MORGAN. The order of business when the Calendar was last reached was the bill to regulate the disposal of coal-lands in the State of Alabama. That is in the nature of unfinished business.

The PRESIDENT *pro tempore*. But if any Senator asks for the consideration of a resolution on the Calendar that takes precedence of a bill.

Mr. VAN WYCK. I desire to do that. I wish to call for the consideration of a resolution heretofore submitted by me. I understand the Senator from Florida [Mr. JONES] has been recognized for a similar purpose, and I have a resolution I desire to have considered to-day after his is disposed of.

The PRESIDENT *pro tempore*. The Chair has decided that resolutions are in order; but the Senator from Missouri [Mr. COCKRELL] moved that the remainder of the morning hour——

Mr. INGALLS. No; he asks unanimous consent.

The PRESIDENT *pro tempore*. He asks unanimous consent to consider during the morning hour unobjected pension cases. Did the Senator from Missouri ask for unanimous consent to consider unobjected cases until 1 o'clock?

Mr. COCKRELL. No; I move to proceed to the consideration of unobjected pension cases.

Mr. CAMERON, of Wisconsin. The Senator had better ask unanimous consent.

Mr. COCKRELL. I do.

Mr. VAN WYCK. I do not object to that, but there are two or three resolutions that ought to be considered.

Mr. COCKRELL. I withdraw the motion until those resolutions are called up.

FLORIDA CLAIMS.

Mr. JONES, of Florida. I desire to call up resolution of inquiry directed to the President submitted by me on the 27th of December, 1882.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest:

I. Whether, in his opinion, the last clause of the ninth article of the treaty of 1819, between the United States and Spain, has been fully executed according to its just obligations under the international law, by the payment, in 1836, and subsequently, of the value of the property at the time of its loss or destruction by the operations of the American Army in 1812 and 1813, without any compensation for delay of payment, or for the loss of the use, fruits, or profits of the property lost or destroyed; and,

II. Whether the measure, or rate of "satisfaction," adopted and applied by the judges authorized to adjudicate the claims under the treaty, namely, to add to the value of the property at the time of its loss or destruction (in which value the Secretary of the Treasury has concurred) interest as damages, at the rate of 5 per cent. per annum, being the legal rate of the Spanish province of East Florida at the time of the injury, as a compensation for delay of payment, and the loss or deprivation of its use is, or is not, in accordance with the obligations of the treaty, under the international law, as a just and equitable rule of compensation for such injuries; and

III. Whether the awards of the judges who were authorized to adjudicate claims under the above-named clause of the said treaty ought or ought not to be held as final and binding under the treaty in respect to claims within its provisions when made in favor of the claimants and Spain and against the United States as when made against the claimants and Spain and in favor of the United States?

Mr. EDMUNDS. Is that a pending resolution, or one offered now?

Mr. JONES, of Florida. It has been pending for some time.

The PRESIDENT *pro tempore*. It was offered during the month of December.

Mr. EDMUNDS. I move that it be referred to the Committee on Foreign Relations for consideration.

Mr. JONES, of Florida. I regret very much that the Senator from Vermont has made that motion. It is merely a resolution of inquiry directed to the President of the United States, made necessary by the action of the Senate itself at its last session.

This subject was brought to the attention of Congress on two occasions by the President of the United States in a special message, because the representative of Spain had urgently requested the executive Government to come to some conclusion respecting this matter. The subject was referred to Congress by President Hayes in two messages. The House took action upon it and so did the Senate, but they were not in accord. The House after full consideration passed a bill to fulfill the stipulations of the treaty with regard to Spain.

The Senate Committee on Foreign Relations, to whom the matter was referred, through my distinguished friend, the Senator from Alabama [Mr. MORGAN], made a report in which they took the ground that the Executive alone had the authority to interpret this disputed question between the two Governments, and that it was not competent for Congress to take any action in the matter until the Executive, the treaty-making power, had come to a conclusion with respect to this subject-matter between Spain and the United States.

Here were the two Houses disagreeing upon the question, the Senate disclaiming jurisdiction over the matter at all, and saying that Congress had no authority to move a step until the Executive had formed a judgment about it. Now, in order to harmonize if possible the two Houses of Congress upon this matter, I propose to elicit, if not incompatible with the public interest, from the President his opinion with respect to this treaty, and to ask him whether in his judgment it has been fulfilled or whether Spain has a just right to complain.

Mr. President, other matters under treaties have been brought up here and discussed elaborately. I do not intend to go into this matter at length, but its justice is well known to those who have considered it. It has arisen out of a lawless act on the part of this Government which will remain a dark stigma upon its history for long years. The records show that under the authority of this Government the province of a friendly power was ruthlessly invaded, the property and habitations of the people destroyed, and our public armed force subsisted itself there for years while we were in a relation of peace to the country whose jurisdiction extended over that territory.

When we came to acquire Florida under the treaty of 1819, Spain very properly insisted that reparation should be made for the outrages which had been committed there, and a plain provision was put into the treaty on that subject which required the United States to make reparation according to due process of law to every inhabitant and Spanish soldier in that territory for injuries done to his person and his property by the public forces of the United States that invaded the country.

The PRESIDENT *pro tempore*. The Senator's time is out; the five minutes have expired.

Mr. JONES, of Florida. Are we under the five-minute rule?

The PRESIDENT *pro tempore*. Yes, sir; the Calendar is under consideration, and the five-minute rule applies to that under the so-called Anthony rule.

Mr. DAVIS, of West Virginia. I move that the Senator have leave to proceed.

Mr. JONES, of Florida. I shall not occupy more than five minutes longer.

The PRESIDENT *pro tempore*. Is there unanimous consent to the Senator from Florida having five minutes longer?

Mr. HAWLEY. Is the question on the reference or on the merits of the resolution.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] moved to refer it.

Mr. HAWLEY. That is the question before us.

The PRESIDENT *pro tempore*. The Senator from Vermont moved to refer the resolution to the Committee on Foreign Relations.

Mr. HAWLEY. That is the pending question—not the merits of the resolution.

The PRESIDENT *pro tempore*. But the Senator from Florida has the floor. He has the right to speak on the merits. Is there objection to the Senator continuing five minutes longer? The Chair hears none.

Mr. JONES, of Florida. I say, Mr. President, that this treaty has remained unfulfilled to the present day, and while we are exacting every day compliance on the part of foreign nations with treaty stipulations, we are not the first to set an example in that way. I say that the treaty required that the damages suffered by those people should be adjudicated according to process of law, and process of law means a hearing, a trial, and a judgment.

Mr. Monroe referred the matter to Congress and Congress remitted the matter to the court of the United States in the Territory of Florida to be decided judicially. The cases were there decided and the judgments entered in accordance with the provisions of the duty judicially. It was no commission, it was no executive or administrative body, but the provisions of the treaty required a judicial determination by process of law, and Spain committed her rights to our own judicial tribunal. When those judgments were solemnly entered under a treaty and came up here the Secretary of the Treasury arrogated to himself the authority to review the judgments thus rendered by a judicial court in Florida under this treaty, set himself up as a reviewing power, and set them aside, when under the provisions of that international compact he had no authority except to give them effect and carry them out.

The tribunal allowed interest upon the damages that had been sustained by the people there in consequence of the invading force at 5 per cent. per annum, the usual rate of the province at that time; but the Secretary of the Treasury, in open violation as is claimed by Spain of this treaty, set aside one part of the judgment and paid the other, and it remains unexecuted to this day, to the dishonor of this great Government.

Mr. President, I think the time has come when this matter ought to be settled, and Spain has a right to complain especially when you are requiring her every day to pay interest here upon demands against her government under your mixed commission, and here stands the judgment of the President of the United States in two special messages calling the attention of Congress, but nothing has been done. It is an old matter and therefore ought not to be regarded now!

Mr. President, there ought to be no statute of limitations here. Spain in my opinion has a clear right to demand from this Government the fulfillment of this treaty; and all that is asked by this resolution is the opinion of the Executive to be sent to Congress in accordance with the suggestion of my learned friend from Alabama, to know what view that department takes of this subject in order that Congress may discharge its duty in the matter.

I should be glad if this resolution should go through without a reference, because the Committee on Foreign Relations is already in possession of all the facts with respect to this subject, and it is not expected that any new light will be thrown upon it. I should be glad if the Senator from Vermont would permit the resolution to pass.

The PRESIDENT *pro tempore*. The five minutes have expired. The question is on the reference of the resolution.

Mr. EDMUNDS. My motive in moving this reference to the Committee on Foreign Relations arose now from the simple circumstance that this resolution appears to call upon the Chief Magistrate of the United States for his opinion upon a variety of topics or branches of one topic embraced in a resolution, and I should a little prefer as one Senator not to send a request of that kind to the President to get a message back, and to be told that he does not know any place in the Constitution that authorizes us to call upon him for his opinion. I should be glad to have the thing go to a committee where if it is necessary to do anything it can be put into a shape where we shall not be reminded of our constitutional relations with the Chief Magistrate.

Mr. JONES, of Florida. Will the Senator allow me one word?

Mr. EDMUNDS. Certainly.

Mr. JONES, of Florida. This resolution is necessary, as I conceive, in view of the action already taken by the Senate which has affirmed the report of the Committee on Foreign Relations that it had not jurisdiction over the matter, but that the subject belonged to the Executive for his interpretation.

Mr. EDMUNDS. I know; but that does not authorize us to call on the Executive for his opinion about anything.

The PRESIDENT *pro tempore*. Both Senators are out of order; their time has expired. The question is on the motion to refer the resolution to the Committee on Foreign Relations.

The motion was agreed to.

CHILI AND PERU.

Mr. VAN WYCK. I desire to call up the resolution offered by me on the 21st of February.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Acting Secretary read as follows:

Resolved, That the President be respectfully requested, if not in his judgment incompatible with the public interest, to communicate to the Senate any information in his possession touching an alleged joint agreement between the ministers of the United States, of Great Britain, of France, and of Italy, now serving at Lima, or Peru, to make a joint effort to bring about peace between Chili and Peru, and to inform the Senate whether the minister of the United States has been instructed to invite or accept the mediation of European powers in the settlement of a purely American question.

Mr. VAN WYCK. Mr. President, the public dispatches from South America, apparently authentic in character and uncontradicted, indicate an extraordinary condition of affairs. If true, there is to be a European mediation in the long-standing war between Chili and Peru; that the United States assents to this joint mediation, agreeing to take an active part therein. The reason claimed for this mediation is that Chili is making extortionate and unjust demands from a prostrate foe, and causing general bankruptcy in the conquered country, ignoring and trampling under foot rights of neutrals.

These European ministers, therefore, wish to indicate to Chili in an imperative manner the necessity of her abating extreme demands and consenting to a reasonable treaty of peace. About one year ago a special envoy from the United States, Mr. Trescot, went to Chili with instructions from Secretary Blaine to present to that Government certain views of the United States, of which this joint agreement of the four powers seems like a mere paraphrase.

If I remember correctly, as Mr. Trescot was about to make the proper

representations to the Government of Chili, he was stopped by cable dispatch from Secretary Frelinghuysen and was informed that any intervention in the affairs of other nations was against the policy of the United States; substantially, that murder, massacre, and destruction of trade might go unchecked between two independent republics, so far as the United States was concerned.

From that time nothing has been done by us to stop the anarchy that reigns along the South Pacific coast.

At last the leading European powers woke up to the enormity of the situation, and propose to interfere, and the United States is to be permitted to tag along at the tail end of a foreign intervention which sets aside the Monroe doctrine which we have zealously guarded.

Amid the convulsions of the civil war Great Britain, France, and Spain had a convention at London, under pretense of seeking redress of grievances against Mexico through a common action, and invited the United States to accede thereto. Secretary Seward, on the 4th day of December, 1861, replied: "Upon due consideration, however, the President is of opinion that it would be inexpedient to seek satisfaction of their claims at this time through an act of accession to the convention. Among the reasons for this decision, which the undersigned is authorized to assign, are, first, that the United States so far as it is practicable prefer to adhere to a traditional policy recommended to them by the father of their country and confirmed by a happy experience which forbids them from making alliances with foreign nations. When, during the short but eventful administration of Garfield, France proposed to join the United States to put an end to the South American war, she was answered firmly but respectfully that it was against the policy of this country to invite or permit the intervention of European governments in American affairs, except as friendly arbitrators when invited by both parties to a controversy.

France accepted the answer cordially and left the task to the United States.

Doubtless every intelligent man in this country who followed the couse of this unhappy struggle realizes that the power of the United States wisely exerted as it was to be by Mr. Trescot would long since have secured peace between Chili and Peru.

The change of policy which suspended or diverted Mr. Trescot's mission will be truly unfortunate should it go so far as to subject the United States to the humiliation and indignity of playing a subordinate part to a European intervention in American affairs.

Mr. EDMUNDS. I merely wish to say that I hope this resolution will be adopted.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, returned to the Senate agreeably to its request the bill (H. R. 5538) to reduce internal-revenue taxation.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. H. KETCHAM of New York, Mr. FRANK HISCOCK of New York, and Mr. WILLIAM H. FORNEY of Alabama managers at the conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. G. CANNON of Illinois, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. J. D. C. ATKINS of Tennessee managers at the conference on its part.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I understand that upon the bill returned from the House in relation to the revenue and tariff no action is required except the correction on the part of the Secretary of the clerical errors, and then the Secretary will return the bill to the House.

The PRESIDENT *pro tempore*. That is so. There need be no action by the Senate.

Mr. EDMUNDS. There must be an order to return the bill to the House, it having been recalled by an order of the Senate.

The PRESIDENT *pro tempore*. When the corrections are made the Secretary will return the bill to the House.

Mr. EDMUNDS. Let it lie on the table for the present.

LEGISLATIVE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. ALLISON, it was

Ordered, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was—

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

YELLOWSTONE NATIONAL PARK.

Mr. VEST. I desire to call up the resolution submitted by me in regard to the Yellowstone National Park.

The Acting Secretary read the following resolution submitted by Mr. VEST on the 17th inst.:

Resolved, That a committee of five Senators shall be appointed by the President *pro tempore* of the Senate, whose duty it shall be to examine and report to the Senate, at its next session, what is the present condition of the Yellowstone National Park, and what action has been taken by the Department of the Interior in regard to the management of said park, and the leasing or contracting to lease any part of the park for building hotels or other houses thereon. Also, what legislation, if any, is necessary to protect the timber, game, or objects of curiosity and interest in said park, and to establish a system of police, and to secure the proper administration of justice therein.

Said committee shall have power to meet in vacation and to send for persons and papers, and to employ a stenographer, the expenses therefor to be paid out of the contingent fund of the Senate.

And until said committee shall report by bill or otherwise, the Secretary of the Interior is requested to take no action in the matter of leasing or contracting to lease any part of said park for any purpose, and to cause any cutting of timber, or erection of hotels or other buildings by any person or corporation, to be discontinued within said park.

The Secretary of the Interior is also requested to take immediate action for the protection of the game and objects of interest in the park, and to this end he is requested to call upon the proper military authorities for such force as may be necessary to accomplish such purpose.

Mr. VEST. I offer an amendment to the resolution to come in after the word "Senate," at the end of the second clause:

Provided, That no expense shall be incurred by said committee in visiting said park.

The Senate is doubtless familiar with the condition of this subject at this time. I stated the other day that this committee was not to be organized for any junketing purpose or to visit the park at the public expense. In order to put that beyond question I have offered this amendment.

My purpose in now moving for the appointment of this committee is to ascertain and settle the conflict of opinion and of information before the members of the Committee on Territories, and particularly before myself and another Senator who have been a sub-committee on the subject, so that we may have the truth in regard to the condition of the park and as to where the limits of the park should be located. The bill reported by the Committee on Territories and now on the Calendar, I am advised by a number of Senators, can not be passed at this session. In the mean time this state of facts exists beyond any controversy, that in the face of the action of the Committee on Territories, in the face of the action of the Department, a party of speculators—Rufus Hatch and others—have gone into this park and commenced the erection of a hotel, have cut down timber and are proceeding to treat the park as if it were their property exclusively, regardless of the rights of the United States.

I was advised some time ago that this state of things was in existence, and I called the attention of the Secretary of the Interior in person to it, and I received from him the assurance that he had made no lease, that he did not propose to make any lease and no contract for any lease. If the Senate will look at the agreement or contract which was made and which is contained in the letter of the Secretary of the Interior of December 12, 1882, it will be seen that the only contract that ever has been made by the Department of the Interior provided that a lease might be made thereafter and that the ground might be selected. The contract provided for six hundred and forty acres of ground around each of the geysers, and that this company should have the exclusive privilege, the monopoly of 4,400 acres of land in the park surrounding every object of curiosity, for a nominal rent not exceeding $2 per acre. But no lawyer will pretend to say, whether in the Senate or out of it, that this contract ever gave to these gentlemen any right to go into that park for the purpose of cutting timber or erecting hotels. They have acted as if a lease had been already executed. The Secretary of the Interior has informed me in writing that he has made no such lease, and does not propose to make any such lease until Congress shall have acted upon the matter. I ask the Secretary to read the communication received from the Secretary of the Interior.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that his time is out. The Senate may extend it.

Mr. VEST. I ask the Senate to vote on the question.

Mr. HARRISON. I suppose I may have five minutes on this resolution, and I ask for the reading of the letter to which the Senator refers, if he desires to have it read, out of my time.

Mr. VEST. I am obliged to the Senator from Indiana.

The PRESIDENT *pro tempore*. The Senator from Indiana asks for the reading of the letter.

Mr. VEST. The Senator from Iowa handed me some time ago a letter from Mr. Langford, well known here, which I sent to the Secretary.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Missouri have five minutes more. This is a matter of importance.

The PRESIDENT *pro tempore*. If there be no objection five minutes more will be allowed the Senator from Missouri. The Chair hears no objection.

Mr. VEST. I laid this letter before the Secretary of the Interior and I ask the Senate now to listen to his response to show that no lease has been made and that he said no lease should be made until after the adjournment of this session of Congress awaiting the action of the Senate.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1883.

SIR: I have Mr. Langford's letter addressed to you and by you referred to me concerning the Yellowstone Park. I have determined not to take any action in the matter of the lease to Messrs. Hatch & Co. until Congress shall take action on your bill; at least not until the close of the session. If no action should be taken on the bill I shall feel inclined to execute to them a lease in strict accordance with the views expressed by your committee in the report made to the Senate.

I have issued an order prohibiting the cutting of timber without special authority from the Secretary, and prohibiting the killing of game within the park.

I trust you will procure the early passage of the bill, so that it may pass the House.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. GEORGE G. VEST,
United States Senate.

Mr. GORMAN. Will the Senator from Missouri state who compose this company?

Mr. VEST. The Secretary can read the names from the report of the Secretary of the Interior, which I send to the desk.

The Acting Secretary proceeded to read the list of directors of the Yellowstone National Park Improvement, but was interrupted by

Mr. BECK. I desire to state, if the Senator from Missouri will allow me, that I was sent for just now from the room of the Committee on Appropriations, and when I came in I ascertained this matter was up in reference to the Yellowstone National Park. The Senator from Iowa [Mr. ALLISON], the Senator from Maine [Mr. HALE], and myself, as a sub-committee, are now considering the sundry civil bill, in which there is the following provision for the protection and improvement of the Yellowstone National Park:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $15,000; and the Secretary of the Interior is hereby prohibited from leasing any portion of the Yellowstone National Park to any person, company, or corporation for any purpose whatever; and all leases agreements, exclusive privileges, or monopolies granted or entered into are hereby declared to be of no force and effect; and the Secretary of War is hereby authorized and directed to make necessary details of troops to prevent trespassers or intruders entering the park with the object of destroying game therein, or for any other purpose prohibited by law.

We have sent for the Secretary of the Interior and he will be here in half an hour, and we expect to-morrow to be able to report the bill back.

Mr. VEST. I will state to the Senate frankly that if I believed the Committee on Appropriations would adopt the enactment in the bill of the House of Representatives, and succeed in securing its passage, I would very cheerfully acquiesce. It meets the whole object which I have in view. The Senator from Kentucky well understands, for I had a conversation with him on this very subject the other day and with the chairman of the committee, and they advised me that under the rule adopted by the Committee on Appropriations, inasmuch as this was legislation, it would probably be stricken from the bill. If they should make a report against that clause, I know the strength of the Committee on Appropriations too well in this body to suppose I could defeat them. For that reason I have brought up the resolution; I want one or the other.

Mr. BECK. There are so many things in the sundry civil bill which are more or less legislative that I rather think we shall be compelled to recognize much of what the House has done.

Mr. DAWES. I agree with the Senator from Kentucky that if that provision should become a law it would meet the present exigency, but the Secretary of the Interior, when we come back here next year, will be at sea as to what he ought to do about that park. That park is peculiar; no general rule can apply to it, and while the Secretary desires to carry out, I believe, faithfully the ideas of the Senator from Missouri, as yet the Secretary is as ignorant as we are to what ought to be done there in the future. Would it not be well that the resolution should be adopted even if the clause in the sundry civil bill shall pass, in order that we may be enlightened in the future as to the permanent disposition of the park?

It has lain there without attracting any notice from visitors or anybody else for ten years since the act was adopted, and now it has come to the point, railroads going through there, that there must be some disposition of the care of the park; and as it shall set out this year, so its fate will be. It will be either a permanent park, reserved according to the original idea, or it will waste away and disappear among the public lands. I should think the resolution of the Senator from Missouri might be exceedingly proper, even if the provision in the sundry civil bill should pass.

Mr. BECK. I only desire to say that the resolution of the Senator from Missouri, if we report the bill to-morrow, can be acted upon at any time after action of the two Houses on the provision in the sundry civil bill; and that action might throw such light upon it as to enable the committee to act more intelligently. We may make some confusion temporarily if we prohibit the providing of a place for the accommodation of people who desire to go there this summer. There is no place for them I understand.

Mr. VEST. There is a hotel now there.

Mr. DAWES. I think it is desirable that something should be done for the summer; but the care should be that nobody should get such a foothold there that he can not be made to conform to what shall ultimately be deemed wise legislation.

The PRESIDENT *pro tempore*. The time of the Senator from Missouri is out. It has been occupied by the Senator from Kentucky and the Senator from Massachusetts.

Mr. VEST. I hope that will not be taken out of my time.

The PRESIDENT *pro tempore*. Yes, sir; you allowed it to be done.

Mr. MORRILL. I hope the Senator from Missouri will be allowed his five minutes.

The PRESIDENT *pro tempore*. Without objection the Senator will be allowed five minutes more.

Mr. GORMAN. I desire to have the list of the directors read.

The PRESIDENT *pro tempore*. It will be read.

Mr. VEST. Let the Secretary read the list, as called for by the Senator from Maryland.

The Acting Secretary read as follows:

Directors of the Yellowstone National Park Improvement Company: Robert S. Green, Elizabeth, New Jersey; C. E. Haupt, Saint Paul, Minnesota; C. A. Roberts, Fargo, Dakota; J. B. Gilfillan, Minneapolis, Minnesota; P. H. Kelly, Saint Paul, Minnesota; C. M. Loring, Minneapolis, Minnesota; H. F. Douglas, Fort Yates, Dakota; Hon. Roscoe Conkling, New York; A. J. Vanderpool, New York; Rufus Hatch, New York; Charles E. Quincey, New York; General J. A. Williamson, Boston, Massachusetts; John B. Lyon, Chicago; J. B. Houston, New York; John Clay, jr., Chicago and Branford, Ontario; Hon. R. T. Merrick, Washington, District of Columbia; Elijah Smith, Boston, Massachusetts; Carroll T. Hobart, Fargo, Dakota; Hugh J. Hastings, New York; Hon. John R. Brady, New York; Samuel W. Allerton, Chicago; Frederic E. Church, New York; John C. Wyman, Valley Falls, Rhode Island; Albert J. Hatch, Stamford, Connecticut; George Ely, Lyme, Connecticut; A. V. H. Carpenter, Milwaukee, Wisconsin; Web. M. Samuel, Saint Louis, Missouri; William Fullerton, New York; D. W. Marratta, Pittsburgh, Pennsylvania; E. H. Goodman, Philadelphia, Pennsylvania; J. R. Barrett, Sedalia, Missouri; John N. Abbott, New York.

Mr. VEST. A great deal has been said about this matter. I have no earthly interest, except to preserve the park. I was in Dakota last summer, and took great interest in the park. I have heard a charge that the resolution I offered in regard to the park was drawn by an attorney of some corporation. I have nothing to say except that it is false in essence, false in utterance, and can only come from one of the parties interested in making a monopoly out of this great domain that belongs to the people of the whole country.

In 1872 3,300 square miles in the Territories of Wyoming and Montana were dedicated for the purpose of a national park, and in the language of the act to be "dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people." An application was made to the Secretary of the Interior by E. M. Russell and E. S. Topping, S. J. Hoyt, Ed. Parker, William T. Kirkwood, James Gourley, and R. H. Rowland, George W. Marshall, R. R. Odell, and George W. Monroe for leases of ground and to erect a hotel in the park. Mr. Teller, the Secretary of the Interior, replied, under date of April 28, 1882, to the applications, as will be found in his letter of January 16, 1883, transmitting, in answer to a resolution of the Senate, the letters and other communications in his Department in regard to the contract concerning the Yellowstone National Park. He quotes the language of the act and says:

As the law authorizes the Secretary of the Interior to grant leases for building purposes "of small parcels of ground," no application will be entertained for the leasing of more than twenty acres in any one tract, and where the land desired is in the immediate vicinity of the principal attractions of the park, the selection should be confined to such parcels of land as will reasonably accommodate the buildings and the necessary surroundings proposed by the lease.

This was a letter of Mr. Teller, Secretary of the Interior, construing his power under the original act of 1872. This was but a year or two ago, when other parties applied for the contract. So this matter stood until the date of the last agreement, which was conditional till the Department of the Interior and the parties could agree upon the terms; but no lease, as the letter of the Secretary of the Interior shows, has ever been made. However, a few months since, about the time of the commencement of this session, Messrs. Hobart and Douglas applied to the Secretary of the Interior for permission to put up a hotel, construct one or more steamboats, establish stage lines, &c., being a monopoly to

all intents and purposes of the whole 3,300 square miles, because the contract of lease specifies that around each one of the geysers and around the water-falls of the Yellowstone River and around the lake there shall be drawn a cordon of six hundred and forty acres of ground upon each one of these objects of interest, amounting in the aggregate to 4,440 acres, giving them a monopoly of transportation and of hotel privileges. It would amount simply to the whole 3,300 square miles being in the exclusive control of this company alone. Mr. Teller was absent when this contract was made by Mr. Joslyn, Assistant Secretary of the Interior. These gentlemen afterward took into this contract Mr. Rufus Hatch, of New York, and he incorporated this company with the list of directors already stated. This is the status of this contract to-day. No lease has ever been executed. The lease would have been executed, as I am informed, on the very day I offered this resolution——

Mr. McPHERSON. By whom?

Mr. VEST. By Mr. Teller; but the lease was suspended and there has been no paper executed, as the Secretary of the Interior asserts in the document read here this morning, since the execution of this inchoate or imperfect contract or agreement, Notwithstanding this fact, as I said before, this company, as the Secretary of the Interior informed me himself, has gone into the park, cut down timber, and proceeded to erect a hotel of two hundred rooms or more, and it is asserted that they have made a contract for 20,000 pounds of meat with which to feed their hands. I do not assert this to be true, but I have the very highest authority for saying it.

Mr. DAWES. Will the Senator allow me?

Mr. VEST. They claim full authority, as I am informed.

Mr. DAWES. Do they claim——

Mr. VEST. I know nothing except that it has been stated in the papers.

The PRESIDENT *pro tempore*. Unless by indulgence of the Senate the Senator's time is out.

Mr. DAWES. Can I take the floor and give my time to the Senator from Missouri?

Mr. VEST. I have only one word more to say.

The PRESIDENT *pro tempore*. There are only three minutes left to consider the resolution anyhow. At 1 o'clock the unfinished business comes up.

Mr. DAWES. I would state to the Senator from Missouri that I understand the claim is that this agreement for a lease is equivalent in law to a lease, and under the authority of the agreement the parties are advised that they have the right to do what they have done.

Mr. VEST. I can not conceive that any lawyer who pretends to the name can make pretense that there is any such power in the contract. The very second section of the contract provides that until the Secretary of the Interior shall decide upon selection of the ground on which the hotel shall be built nothing can be done. Throughout the whole length and breadth of the contract reference is made to the execution of a subsequent lease, and until that lease is executed they have no more power or authority to enter the park, to erect buildings, or to cut timber than I have the right to do it now on the grounds adjacent to this Capitol. After they found that Congress was likely to interfere in the matter and that public opinion had been openly uttered on the subject, they determined to get possession, in the hope that the Congress of the United States and the Department of the Interior would not interfere on the ground that they had expended sums of money and it would be a great hardship to have them put out of the park.

There is no discrepancy between my resolution to-day and the provision in the sundry civil bill. They can stand together. All I wish to say is that unless something is done the purposes for which this park was dedicated by the act of 1872 are absolutely nullified; it will become to all intents and purposes private property. It will pass into the hands of this vast corporation having in its list of incorporators men of distinction in every portion of the Union, with a capital of $800,000, as I am informed by one of the gentlemen who organized the scheme, and they will come hereafter to the Congress of the United States, after having put up this immense hotel building, after having made their improvements, even if then we should determine that they must go out of that park, as they certainly had no right to go in there, they will come here with a bill for damages or remuneration, and we shall be told that a case of vandalism in that park has been perpetrated unless the money of the people is taken to recompense them for what they have lost.

Mr. McPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, this resolution will go over. It can be called up to-morrow morning.

Mr. VEST. I move that the Senate proceed to vote on it.

Mr. CAMERON, of Wisconsin. I hope not. Allow the unfinished business to be laid before the Senate.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business.

Mr. CAMERON, of Wisconsin. I will consent to lay it aside if a vote on the resolution can be had in reasonable time.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. WINDOM. This resolution will require more time than the Senator from Missouri seems to imagine.

Mr. VEST. I have no doubt it will take some time, and I want it disposed of.

Mr. WINDOM. There are two sides to this question, and I propose to try to demonstrate that the Secretary of the Interior has acted wisely and in the interest of the preservation of that park; that he has acted in accordance with law, and that the parties who are now there are acting in accordance with their contract with the Secretary of the Interior, and that the better way for the preservation of the park is the plan adopted by the Secretary, and I shall endeavor to take time enough to present that. I will do it now or at any other time.

Mr. VEST. In order that the Senator may have that opportunity, for I am very anxious to hear him upon it, I move to set aside the pending business and postpone it informally in order to dispose of this resolution.

Mr. CAMERON, of Wisconsin. I hope that motion will not prevail. The consideration of this resolution from present indications will occupy the remainder of the day. If some limitation can be agreed upon, half an hour or even an hour, I would consent to that.

Mr. COCKRELL. It will take only a moment to pass your bill.

Mr. CAMERON, of Wisconsin. But a very short time.

Mr. HARRIS. I was going to suggest that we let this resolution rest for a moment, because the bill referred to by the Senator from Wisconsin can not take ten minutes, in my opinion.

The PRESIDENT *pro tempore*. It will consume some time to read it.

Mr. HARRIS. It will take only the time necessary to read it. There are no amendments.

Mr. CAMERON, of Wisconsin. I hope the Senator from Missouri will not insist on his motion now, but allow the bill, that is the unfinished business, to be disposed of.

Mr. MORGAN. I demand the regular order.

The PRESIDENT *pro tempore*. The regular order is the unfinished business, which is House bill No. 7321.

ALLOWANCE OF SUPPLY CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. McDILL. I rise to make a motion.

The PRESIDENT *pro tempore*. It is not in order during the pendency of this bill unless by consent.

Mr. CAMERON, of Wisconsin. I will hear what the motion is.

Mr. McDILL. I move to set aside the consideration of this bill temporarily and proceed to the consideration of the bill (H. R. 6597) to quiet title to settlers on the Des Moines River lands in the State of Iowa, and for other purposes. I think it will not take long.

The PRESIDENT *pro tempore*. This bill is the unfinished business, and unless the Senator from Wisconsin yields the Chair can not receive the motion.

Mr. CAMERON, of Wisconsin. I can not yield for that purpose. I was going to state——

Mr. McDILL. I give notice that I will make that motion as soon as this bill is disposed of.

Mr. CAMERON, of Wisconsin. These claims were referred to the Quartermaster-General under the provisions of the act of July 4, 1864, as amended by subsequent acts. It is almost impossible, after the thorough examination given to these claims in the Treasury Department, that any claim which ought not to be paid can be reported to the Senate. They are filed in the office of the Quartermaster-General; he assigns each claim to a special agent, who goes to the locality where the claim originated and there examines the claim; he reports to the Quartermaster-General; the Quartermaster-General then, if the claim is reported favorably and he thinks it ought to be paid, refers it to the Third Auditor. It is critically examined in the office of the Third Auditor, and by the Third Auditor it is referred to the Second Comptroller. It is passed upon in the office of the Second Comptroller and reported to the Secretary of the Treasury. Under the act of 1864, and the amendments to that act, the Secretary of the Treasury reports all these cases to the House of Representatives.

The bill originates in the House of Representatives. It was carefully compared, as I am informed and as I believe, by the Committee on War Claims in the House of Representatives with the original papers. After some clerical errors were corrected it passed the House of Representatives and was sent to the Senate. It has been carefully examined and critically compared by the clerk of the Committee on Claims of the Senate assisted by competent assistants, and it was found to be correct in every particular, so that the Committee on Claims did not find it necessary to recommend any amendments. The bill as it is now before the Senate is exactly as it came from the House of Representatives. There is no legislation whatever in it. It merely provides for the payment of claims reported by the Secretary of the Treasury to the House of Representatives.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill is in Committee of the Whole and open to amendment. It will be read.

The Principal Legislative Clerk proceeded to read the bill.

Mr. COCKRELL. I move to dispense with the reading of the names and amounts, and let the other part of the bill be read.

Mr. INGALLS. I object.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Principal Legislative Clerk resumed and concluded the reading of the bill.

Mr. EDMUNDS. Mr. President, I have only one observation to make about this bill, to which I wish to call the attention of my friend from Wisconsin. I see the bill provides in some of its instances for paying assignees of original claimants; it provides in some others for paying executors; in others for paying administrators; and in others for paying heirs at law. As all these are personal claims and the money recovered would belong to the personalty of the owner, or to his estate if dead, there is more danger, I think, in providing by an act of Congress to pay anything to an heir at law or to an assignee, than in paying it to an executor or an administrator, the proof of whose title is of course a record one to receive money.

I do not propose to move any amendment but to call attention to it in order that hereafter it may perhaps be corrected on other bills of this character. I think the act should have provided for paying the money to these persons or their legal representatives, so as to leave the Treasury Department the power of having the suitable proof made as to who the assignee is. The general law, of course, refuses to recognize assignees here. There is a positive law against it. There is a general law which requires the money always to be paid to the original claimant. When it comes to estates, of course that is different, and the law has generally provided for it by including the phrase "legal representatives." It is a question of method only, and exposes it to danger in this particular instance. I do not propose to move any amendment but only call attention to it.

Mr. CAMERON, of Wisconsin. There are only five claims payable to assignees, and those claims are explained in the report. They are exceptional claims. The committee are of the opinion that no difficulty whatever will arise in these cases. I agree with the Senator from Vermont that the bill ought to provide for the payment of the claims to the original claimants or their legal representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the corrections have been made in the revenue bill, and that the bill is ready to be returned to the House of Representatives.

Mr. EDMUNDS. I want to look at the bill as it was read the third time before it goes back, to see if the corrections are made according to the original text. It can be laid aside for the moment. It will not take five minutes.

Mr. MORRILL subsequently said: I ask to have the order passed which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the order.

The order was read, as follows:

Ordered, That the bill (H. R. 5538) to reduce internal-revenue taxation be now returned to the House of Representatives, the errors in engrossment of the amendments to the same having been corrected.

The PRESIDING OFFICER. If there be no objection, the order will be made. The Chair hears none.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the Utah bill.

Mr. MITCHELL. I am directed by the Committee on Pensions to ask that the Senate now proceed to the consideration of pension bills favorably reported.

Mr. EDMUNDS. If that be so, I must withdraw my motion, because I think the pension bills ought to be acted on first; but when I can get the floor again, after the pension bills are through, I shall move to take up the Utah bill.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. MITCHELL] asks that the Senate proceed to the consideration of pension bills on the Calendar reported favorably.

Mr. VEST. I move as a substitute that the Senate resume the consideration of the Yellowstone Park resolution.

Mr. EDMUNDS. The only way is to proceed to the pension bills, and those that are reported unfavorably can of course be immediately disposed of, but it would hardly be in order. Though I do not make any point of order, it would be much fairer. There may be some bill where in a moment the error of the committee might be explained. I have not any such bill. I think it better to go to the pension bills.

Mr. HARRISON. I think if we do that we might stumble on some bill reported unfavorably that would consume a great deal of time.

Mr. MITCHELL. That is the difficulty; there are a number of minority reports, and they would consume a great deal of time.

Mr. HARRISON. I make no point on it, however.

The PRESIDING OFFICER. Is there objection to the consideration of pension bills on the Calendar favorably reported?

Mr. VEST. I object.

Mr. EDMUNDS. Yes, there is at this moment; it is objected to all around. The custom has been, and there is no difficulty about it, for the Senator in charge of the bills to move them in any order agreed upon, and he will naturally of course move all the affirmative reports first, about which I suppose usually there is not any question. Then after that, if any Senator in the minority wishes to take up an unfavorably reported bill, the matter will be where he can move it. I think that is the fair way, and I do not think it will interfere with getting on with the business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of pension bills on the Calendar.

Mr. VEST. I want to say one word. I moved to go on with the consideration of the Yellowstone Park resolution when the Senator from Wisconsin asked me to give way for the bill just disposed of, and I yielded with the understanding that the resolution would then be taken up, and the Senator from Minnesota [Mr. WINDOM] could proceed with his argument against the resolution. That was my understanding at the time or I should have pressed the motion then.

Mr. EDMUNDS. You ought to let the pension bills be disposed of, I think.

Mr. VEST. The resolution can be disposed of in the course of an hour.

Mr. WINDOM. I did not understand that there was any agreement whatever to take up the resolution. I certainly should not have consented to it.

Mr. VEST. I understood the Senator from Minnesota to say that he was anxious to be heard, and that he had an unanswerable argument.

Mr. WINDOM. I am ready to be heard at any time.

Mr. VEST. I want the Senate to dispose of the resolution. It has been pending here for weeks; it is a most important matter, and unless action is taken upon it now that park might as well be abandoned. That is the whole of it, in my judgment.

Mr. WINDOM. I simply want to say that, so far as I am concerned, there was no agreement. I am ready to discuss the resolution whenever it is taken up.

Mr. VEST. I make the motion that the Senate proceed to the consideration of the resolution.

Mr. MITCHELL. I have submitted a motion.

Mr. EDMUNDS. Which is first in order?

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is first in order.

Mr. VEST. Can I move this as a substitute?

The PRESIDING OFFICER The Chair thinks that is not allowable. The question is, Will the Senate agree to the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of pension bills on the Calendar?

Mr. COCKRELL. Reported favorably, I understood.

Mr. EDMUNDS. No; that was changed because it would not be fair.

The PRESIDING OFFICER. The Senator from Pennsylvania suggested that, and afterward withdrew it. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. MORGAN. I rise now to a question of order.

The PRESIDING OFFICER. The Senator from Alabama will state his question of order.

Mr. MORGAN. It is an inquiry rather. Does the vote which the Senate has just passed bring up all those bills or does it take them *seriatim?* Will not the question recur upon each bill as it is brought up, whether the Senate will consider it?

Mr. EDMUNDS. Of course it will; but the order is that we shall go through with those on the Calendar.

JOHN C. HARGRAVE.

Mr. PLATT. I believe that the first bill on the Calendar reported at the present session is House bill No. 361.

Mr. COCKRELL. I ask to take up Senate bill No. 276, which was passed over at the last session at my instance. It is a bill introduced by me and it was reported favorably. There was no objection to it, but I asked that it be passed over so that I could look at it a little further.

Mr. PLATT. I was going to suggest that the first bill reported at this session is House bill No. 361, where I suppose we should naturally commence, but if the bill to which the Senator refers was reported favorably and stands first that will be the first bill to be considered.

Mr. COCKRELL. If the Senator will look at Order of Business No. 150 he will remember that that bill was passed over at my instance. It was reported favorably. I have been trying to get it up, but I did not want to take it up specially.

Mr. PLATT. I think that is the only one prior to House bill No. 361.

Mr. COCKRELL. The Senator is right; it is the only one.

The bill (S. 276) granting a pension to John C. Hargrave was considered as in Committee of the Whole. It provides for placing on the pension-rolls the name of John C. Hargrave, late a private of Company K, Fourth Provisional Regiment Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WELLINGTON V. HEUSTED.

The bill (H. R. 361) granting a pension to Wellington V. Heusted was considered as in Committee of the Whole. It proposes to grant a pension to Wellington V. Heusted, late a sergeant of Company I, Third Michigan Cavalry, and captain of Company B, Twenty-ninth United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. M. WILSON.

A bill (S. 2139) granting a pension to A. M. Wilson was considered as in Committee of the Whole. It proposes to pay a pension to A. M. Wilson, father of James Wilson, deceased, late a private in the Fourteenth Regiment of Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK DRONEY.

The bill (H. R. 718) granting a pension to Patrick Droney was announced as the next pension bill in order on the Calendar.

Mr. PLATT. That is adversely reported.

The PRESIDING OFFICER. The Secretary will report the next bill favorably reported if there be no objection. The Chair hears none.

ROBERT HENNE.

The bill (H. R. 6425) to increase the pension of Robert Henne, was considered as in Committee of the Whole. It increases from $25 to $40 a month the pension of Robert Henne, late first lieutenant of Company I, Twelfth Missouri Volunteer Infantry, who lost a leg at Pea Ridge, leaving only three inches of a stump, and who previous to enlistment lost his left arm, and is now totally helpless and dependent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. M'NUTT.

The bill (H. R. 2285) to increase the pension of James H. McNutt was announced as the next pension bill in order on the Calendar.

Mr. COCKRELL. That bill was reported adversely. Let it be passed over.

The PRESIDING OFFICER. The Secretary will report the next bill favorably reported if there be no objection.

MARY J. STOVER.

The bill (H. R. 3106) restoring the name of Mary J. Stover to the pension-roll was considered as in Committee of the Whole. It directs the Secretary of the Interior to restore to the pension-roll the name of Mary J. Stover, widow of the late Colonel Daniel Stover, of the Fourth Tennessee Infantry Volunteers, at $30 per month from the date of the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RATES OF PENSION.

The PRESIDING OFFICER. The next pension bill favorably reported is the bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service. If there is no objection the Secretary will report the next bill favorably reported.

Mr. PLATT. I am very desirous that the Senate should consider that bill, but I do not want to interrupt the consideration of these special cases for that purpose. When they have been gone through with, I think the Senate should make some order in reference to the consideration of that bill.

The PRESIDING OFFICER. If there be no objection the Secretary will read the next pension bill on the Calendar favorably reported.

ANTHONY B. GRAVES.

The bill (H. R. 4387) granting a pension to Anthony B. Graves was considered as in Committee of the Whole. It places on the pension-roll the name of Anthony B. Graves, late a private in Company E, One hundred and thirtieth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. STIMERS.

The bill (H. R. 4562) for the relief of Julia A. Stimers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia A. Stimers, widow of Alban C. Stimers, late a chief engineer in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. MEREDITH.

The bill (H. R. 2877) for the relief of William M. Meredith was considered as in Committee of the Whole. It directs the Secretary of the Interior to date the application of William M. Meredith, late a captain in the Seventieth Indiana Volunteers, for a pension as filed with the Commissioner of Pensions on the 5th day of June, 1880, and provides that in the adjudication of his claim for a pension his declaration shall be treated as filed on that date.

Mr. JACKSON. I have no objection to the consideration of that bill at this time, but there is a minority report in the case, and I ask for the reading of both the majority and minority reports.

Mr. HARRISON. I have no objection to that, but I hope the bill will be disposed of.

The PRESIDING OFFICER. The report will be read.

The Acting Secretary read the following report, submitted by Mr. BLAIR February 1, 1883:

The Committee on Pensions, to whom was referred the bill (H. R. 2877) granting a pension to William M. Meredith, have examined the same and report as follows:

It appears from his record that the claimant entered the military service of the United States August 6, 1862, as captain of Company E, Seventieth Regiment Indiana Volunteers, and was honorably discharged on surgeon's certificate of disability August 12, 1864.

He certifies under oath that on the 24th day of June, 1879, he executed a declaration for invalid pension before the clerk of the court of Marion County, Indiana, which was given to Benjamin D. House, of Indianapolis, to be mailed to the Commissioner of Pensions. It appears that the above declaration failed to reach the Commissioner of Pensions, and its loss was not known to the claimant until after the expiration of the limit under the arrears act. He subsequently filed another declaration for invalid pension with the Commissioner of Pensions, which was adjudicated and allowed, rating the disability at one-half, or $10 per month.

The bill under consideration authorizes and directs the Secretary of the Interior to date the application of William M. Meredith for a pension as filed with the Commissioner of Pensions on the 5th day of June, 1880, and that in the adjudication of his said claim for a pension his declaration be treated as filed on said date.

Benjamin D. House and William A. Lowe make the following statement under oath:

"That on or about the 24th day of June, 1879, they affixed their names to an application of William M. Meredith, late captain Company E, Seventieth Regiment Indiana Volunteers, for invalid pension, and were sworn by the clerk of Marion County, Indiana, as to his identity."

Benjamin D. House also certifies under oath the following:

"That on or about the 24th day of June, 1879, Captain William M. Meredith, late of Company E, Seventieth Regiment Indiana Volunteers, intrusted to him (the said House) an application for invalid pension, for mailing to the honorable Commissioner of Pensions, at Washington, District of Columbia; that on the day following the same was inclosed to him in a Government envelope, securely sealed and plainly directed to Hon. John A. Bentley, Commissioner of Pensions at Washington, District of Columbia. Affiant especially remembers his action in the matter from the fact that the said William M. Meredith was unable to walk at that time except by the aid of a crutch."

Hon. William W. Dudley, Commissioner of Pensions, in a letter to the Committee on Invalid Pensions of the House of Representatives, under date of January 23, 1882, states that—

"Testimony has been brought before his office satisfactory to him that the declaration of William M. Meredith was mailed in sufficient time to have reached this office prior to July 1, 1880, had it not been lost in the mails."

There can be no doubt that claimant duly executed his declaration for invalid pension, and intrusted it to the United States mail, in ample time to comply with the requirements of the arrears act. Nor can it be urged that "ordinary diligence would have suggested the propriety of making inquiry as to its safe arrival," as it was well known that the large number of claims on file would delay action many months, and when in due course of business his case would be reached he would be called on for evidence. He therefore waited for this call for evidence from the Commissioner of Pensions, supposing his claim was on file, and did not know to the contrary until after July, 1880.

Your committee are of the opinion that it would be manifestly unjust to deprive Captain Meredith of the benefit of that filing of his claim; that he was not in any fault; that he fully complied with the requirements of the law, and that he should not be deprived of the value of his claim by setting up a technicality against him by the Government, and therefore recommend the passage of the bill.

The PRESIDING OFFICER. The Secretary will read the views of the minority.

The Principal Legislative Clerk read the views of the minority, submitted by Mr. JACKSON on the 1st instant, as follows:

A minority of the Committee on Pensions, to whom was referred the bill (H. R. 2877) for the relief of William M. Meredith, not concurring in the report of the committee, respectfully submit their views, as follows:

At the last session of Congress the committee made an adverse report on this bill, which the undersigned here refer to and adopt. Said report is as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 2877) for the relief of William M. Meredith, having examined the same, make the following report:

"That said Meredith entered the military service of the United States on or about August 6, 1862, as captain of Company E, Seventieth Regiment Indiana Volunteers, and was honorably discharged at or near Atlanta on the 12th August, 1864. On the 3d October, 1881, he filed an application in the Pension Bureau for invalid pension, alleging as the basis of his claim that while in service and on duty at Bowling Green, Kentucky, on or about the 25th day of September, 1862, 'while acting as officer of the day, he was injured by riding a hard-gaited horse in such a manner that inguinal hernia resulted as a direct effect from the aforestated cause, and that said disability so increased from that time forward that strangulation resulted in several instances, reduction being accomplished with great difficulty.' After this application was presented and the claim rejected in the Pension Office, the bill under consideration was introduced in the House. It authorizes and directs the Secretary of the Interior to date the application of said William M. Meredith for a pension, as filed with the Commissioner of Pensions, on the 5th day of June, 1880, and that in the adjudication of his said claim for a pension his declaration be treated as filed on said date. This relief is asked on the following state of facts: The claimant, on or about the 24th June, 1879, executed a declaration for invalid pension before the clerk of the court of Marion County, Indiana, which he intrusted to his attorney, Benjamin D. House, of Indianapolis, Indiana, to be mailed to the Commissioner of Pensions. Said House testifies that on the following day, June 26, 1879, said application was by him inclosed in an envelope, securely sealed, and plainly directed to Hon. Jno. A. Bentley, Commissioner of Pensions, at Washington, District of Columbia. This declaration never reached the Pension Office. It was no doubt lost in its transmission through the mails. It does not appear that Captain Meredith or his attorney, Mr. House, ever made any inquiry of the Pension Office prior to July, 1880, as to whether the application had been received, nor is it shown when its loss was first discovered. Ordinary diligence would have suggested the propriety of making inquiry as to the safe arrival of a docu-

ment of such importance. There was ample time between June 26, 1879, the date of mailing the application, and 1st July, 1880, when the limitation under the arrears act expired, within which, by the exercise of ordinary prudence, such as business men usually employ in the common affairs of life, to have ascertained whether the document had safely reached the Pension Bureau, and, if not, to have supplied its place. Your committee have very grave doubts whether a party under such facts and circumstances is entitled to be relieved from the operation of a general law. But there is another aspect of the case which has an important bearing upon the question of passing this present bill. Before this bill was introduced in Congress Captain Meredith's claim, under the application regularly filed in October, 1881, had been investigated by the Commissioner of Pensions, and on the 6th January, 1882, the same was rejected on the merits, for the reason that there was no disability from cause alleged.

"This decision of the Commissioner was supported by the report of the Chicago board of examining surgeons, who examined the claimant on the 26th October, 1881, and certified that in their opinion Captain Meredith was not incapacitated for obtaining his subsistence by manual labor from the cause alleged. This board further state that 'a truss is worn on the left abdominal ring, which thus bears evidence of pressure, but there is no symptom of inguinal hernia,' and they accordingly gave him no rate of disability. It appears from the statements of comrades, officers, and regimental surgeons that the claimant was troubled with hernia of left side from the fall of 1862 to date of his discharge in August, 1864. It also appears from the affidavits of several comrades and acquaintances, filed in the case since the rejection of the claim by the Commissioner, that Captain Meredith was troubled to some extent with hernia during each of the years 1865, 1866, 1867, 1868, 1869, 1870, 1871, and 1872. But there is no evidence to show that he has suffered with the disease since 1872, and nothing to contradict the certificate of the Chicago examining board, which made the last examination of the case on 26th October, 1881, and reported no disability. There was clearly no error in the action of the Commissioner rejecting the claim on the ground stated. The additional affidavits since filed do not relieve that objection. But, aside from this, there is still another reason why this claim could not properly be allowed. There is no evidence establishing the fact that the disability complained of, even if it still continued to exist, had its origin in the service. The alleged hernia developed itself in little over a month after Captain Meredith's enrollment, while in camp at Bowling Green, Kentucky, before he or his company had seen or undergone any active or fatiguing service. 'Riding a hard-gaited horse' for a few hours, while acting as officer of the day, is hardly sufficient to account for development of hernia so early in the service, it not appearing that he was examined and found to be sound at the time of enlistment. But even the riding of the 'hard-gaited horse' is not established except by the claimant's own statements, which your committee consider insufficient evidence of material facts. Captain Meredith, under the decision of the Commissioner and in the opinion of your committee, not being entitled under the law to any pension, it would be wholly useless to pass the bill in question, even if it was not open to the very serious difficulties and objections above indicated.

"Your committee, accordingly, recommend that the bill be not passed, but that the same be indefinitely postponed by the Senate."

After the date of this report the claim of Captain Meredith was again submitted to the Pension Bureau on additional testimony, with a view to its admission. Upon this re-examination his application was allowed, and he was granted a pension at the rate of $10 per month, commencing October 13, 1881. The additional testimony does not strengthen the case on its merits. It does not establish, in our opinion, that the disease or disability had its origin in the service. But aside from this we are of the opinion that the duty rested upon the claimant to have his declaration filed in the proper office within the time prescribed by law, if he desired to claim the benefits of the arrears act. The statute fixing the time within which application should be filed to save the bar of the limitation contains no exceptions. Congress should not now make any law in favor of special applicants, except in very extreme cases, where no laches appear. Meredith gives no explanation for his failure or neglect to make inquiry as to the safe arrival of his application. It was the invariable habit of the Pension Bureau in 1879, as it is now, to acknowledge the receipt of all applications, and this was done within a week or ten days after its reception. The failure to receive such acknowledgment should have led Meredith or his attorney to make inquiry.

In our opinion no proper grounds for special relief exist in this case. We accordingly adhere to the former conclusion of the committee, and recommend that the bill be not passed.

Mr. GROOME. Who signed the minority report?

The PRESIDENT *pro tempore*. The Senator from Tennessee] Mr. JACKSON].

The bill was reported to the Senate without amendment.

Mr. JACKSON. I desire to call the attention of the Senate to the fact that the object of the bill is to grant arrears of pension to Captain Meredith on the ground that he made an effort to file his application within the time prescribed by law. He started the application, as is alleged, on the 24th of June, 1879. It never reached the Department. The limitation expired on the 1st of July, 1880. No inquiry was ever made as to whether that application had reached its destination. It was the invariable habit of the office to give notice when applications were received within a week or ten days of their reception. The object of the bill is to grant him special relief and to give him arrears of pension. The case is one, in my opinion, of very doubtful merit, and I think it would be a bad precedent to grant this special relief giving arrears.

Mr. HARRISON. I do not desire to detain the Senate more than a moment. This officer was an officer in my own regiment, and of many of the facts as to his disability I have personal knowledge. That he suffered during his service in the Army from the complaint or disease or injury for which he now seeks a pension I have personal knowledge. It is established and admitted by the report of the committee that he made out and placed in the mail for transmission here his claim for a pension before the limitation fixed by the arrears of pension law. That is conceded.

I only want to mention one other fact. The Senate has in several instances since I have been here recognized the fact that the depositing in the mails for transmission was a sufficient compliance with the law, and that a pensioner ought not to be cut off by reason of the failure of the Post-Office authorities to deliver the application properly at the Pension Office.

I think the case is a meritorious one. Since the report of last session was adopted the claim has been allowed by the Pension Office. The simple question here is whether one who mailed in time his application for a pension shall be cut off from the benefit of arrears under the pension act.

As to the supposed laches in not inquiring whether the claim had been received, that is explained by Captain Meredith by stating that he knew the office was years behind in the disposition of its business and he did not regard it as at all singular that he had no information about his claim.

Mr. BLAIR. As I made the report, perhaps I ought to say a word. The case has been examined upon its merits by the Pension Office, and the Pension Office has adjudicated in favor of Captain Meredith; so that upon the general fact as to whether he is entitled to a pension it would seem that there could be no question. This adjudication took place upon an application filed subsequent to the 1st of July, 1880.

The evidence, so far as I can judge of it from some examination, is to my mind very satisfactory. The Senator from Indiana [Mr. HARRISON], who has personal knowledge of the existence of the disability, rises and in effect testifies to the Senate. It would seem that so far as merit is concerned this man should receive a pension, and his disability must have existed during all these years since the service.

He undertook to make his application. He did make his application. He transmitted his application in precisely the same way that every other application made by any one asking for arrears or for original pension has been made from the foundation of the pension law with scarce an exception; for the mail is the vehicle of universal conveyance employed. It is true that he did not make any special inquiry as to whether it had been received, but he supposed it had been received. Whatever may have been the general practice of the office in regard to giving notice of the reception of these claims, I know from communications with many applicants for pension that the acknowledgment of the receipt of the application was not received by them in return. It was a matter of very common experience. I appeal to every Senator who comes in contact with soldiers if it is not the case that applicants say, "Although I sent my application at such a time, one month, two months, six months, a year ago, even two or three years ago, I never have heard a word from the office at all."

There is nothing like a general notice of which an applicant ought to be aware, upon which he should act, and by which he should be bound, given by the Pension Office on the receipt of the application. It is not as though it was the law of the land advertised to everybody that unless an applicant receives notice of the reception of his application within one year or within one month he must understand that it was not received. By no manner of means is that the case. There is no such understanding among those who do business with the Pension Office.

At that particular period we all remember that so crowded was the office, so apparently dilatory was it in its action—with which there is no occasion probably to find fault, but nevertheless so behind was the business owing to the overmastering and the overcrowding necessity of the time—that in a very large proportion of cases no acknowledgment probably was made until months afterward, and in a great many cases, even if made through somebody's fault, the notice of the reception of the application failed to be received.

Captain Meredith waited about a year and then made his inquiry. He learned that the application had not been received. He immediately renewed it, and upon that application and a full and fair investigation a pension was allowed to him; and the only question that is really submitted to the Senate is whether the United States will take advantage of this merest technicality to save $10 a month from the commencement of the disability. It did not seem to the majority of the committee that it would be just. In many such instances as this relief has been granted, and it seems to me that it would be a great hardship to make an exception in the case of Captain Meredith.

Mr. LOGAN. So far as the point in reference to laches is concerned I have no desire to add anything to what has been said by the Senator from Indiana. I merely rose to add my testimony in one particular. I know Captain Meredith very well. He is now a resident of Chicago and a man of integrity, who I do not believe would present a claim of this character if he were not fully and completely justified in doing so.

I wish to make only one other remark in reference to the case, and that is as to the doubt that is thrown upon the time and manner in which the injury might have been received. If any Senator investigating matters of this kind will only examine the records of the Medical Department he will ascertain there that injuries of this kind are more numerous than almost any other injuries received in the Army, and that riding horseback is one of the principal causes of this character of injury being received by soldiers. These injuries are much more numerous than any one would suspect or dream of, and I have not the slightest doubt myself that the injury was received just as is stated here. I know so many cases occurring of that kind that I am satisfied there can be no doubt of it.

Mr. JACKSON. I examined this case without any prejudice whatever, either in favor of or against Captain Meredith, having no personal acquaintance with him. I examined it alone from the papers on file. It appears that he entered the service in August, 1862, and hernia developed itself before he had seen any active service whatever, while in camp at Bowling Green, and the cause alleged was two or three hours' riding a hard-gaited horse.

Mr. HARRISON. Will the Senator from Tennessee allow me to suggest that that matter has been settled by the action of the Pension Office? It has been adjudged that his injury was received in the service, and that he is entitled to a pension.

Mr. JACKSON. Still I take it that in granting arrears of pension we are not concluded by that action. It developed itself before he had seen any active service, and from an apparently trivial cause. Undoubtedly he was afflicted during his service, at a later period.

Mr. BLAIR. I should like to ask the Senator a question on that point, which seems to be of force in his mind. It developed early before he had been in active service. He had been in service about one month or two months?

Mr. JACKSON. Yes, sir; just one month in camp.

Mr. BLAIR. He had come fresh from civil life and was breaking into the service when he rode a very hard-gaited animal. Would he not be very much more likely to contract such a disability at that particular time than later, after he had become hardened in the service?

Mr. JACKSON. I pass that, and call the attention of the Senate to the fact that the board of surgeons at the place of his residence, on the 26th day of October, 1881, certified that in their opinion he was not incapacitated, and they would not rate his disability. Passing the question as to a pension having been allowed, the case comes to this: He placed his claim in the hands of an attorney at Indianapolis on the 24th of June, 1879, to have the application filed, and he dismissed all consideration of it until the fall of 1881. That is not such diligence as the law requires, and no excuse is given for it really, except the simple statement that he thought the office was crowded. I object to granting on such evidence special relief, except in very meritorious cases. This is not one of them, in my judgment, and hence the minority report.

The bill was ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. JACKSON. Let us have a division.

The question being put, there were on a division—ayes 19, noes 12.

The PRESIDENT *pro tempore*. No quorum has voted. Does the Senator from Tennessee insist on a division?

Mr. JACKSON. I withdraw the request.

The PRESIDENT *pro tempore*. The request for a division is withdrawn, and the bill is passed.

FANNIE S. BEAUMONT.

The bill (S. 2367) granting a pension to Fannie S. Beaumont was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fannie S. Beaumont, widow of John C. Beaumont, late admiral in the Navy of the United States, at the rate of $50 per month, in lieu of the pension she now receives.

Mr. JACKSON. There is a minority report in that case. I ask for the reading of both the majority and minority reports.

The report submitted by Mr. BLAIR February 1, 1883, was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2367) granting a pension to Fannie S. Beaumont, have examined the same, and report as follows:

The claimant is the widow of the late Rear-Admiral John C. Beaumont, who died August 2, 1882, after an active service of nearly fifty-four years. In view of the long and distinguished services of Rear-Admiral Beaumont, and also in view of the fact that in many instances the pensions of widows of rear-admirals have been increased to $50 by special acts, your committee recommend the passage of the bill.

The views of the minority, submitted by Mr. JACKSON February 1, 1883, were read, as follows:

A minority of the Committee on Pensions, to whom was referred the bill (S. 2367) granting a pension to Fannie S. Beaumont, having examined the same and failing to concur in the report of the committee, respectfully submit the following as their views:

The claimant is the widow of John C. Beaumont, who entered the United States naval service in March, 1838, as a midshipman. He continued a midshipman until May, 1844, when he was promoted to passed midshipman. In 1851 he was made a master. In 1852 he was commissioned as lieutenant, which rank he held until July 16, 1862, when he was promoted to commander. In June, 1872, he was promoted to the rank of captain, which he continued to hold until June 14, 1874, when he was commissioned as commodore. On the 25th of November, 1881, he was promoted to rear-admiral. On the 3d February, 1882, at his own request, he was retired from active service. He died at Durham, New Hampshire, August 2, 1882, of heart disease. Shortly after his death his widow, Fannie S. Beaumont, filed her application for pension, alleging that the disease of which her husband died was contracted in the service of the United States. Her claim was supported by the records of the Navy Department, which showed that the "disease of heart" of which this officer died "had its origin in chronic rheumatism, contracted in 1845, when he held the rank of passed midshipman." The rate of her pension was accordingly fixed at $10 per month, under the provisions of sections 4695 and 4696 Revised Statutes. Sections 4696 directs that "every commissioned officer of the Army, Navy, or Marine Corps shall receive such, and only such, pension as is provided in the preceding section for the rank he held at the time he received the injury or contracted the disease which resulted in the disability" on account of which a pension may be asked.

The bill under consideration proposes to increase Mrs. Beaumont's pension to $50 per month. In support of the bill letters from Rear-Admiral D. M. Fairfax, Hon. GEORGE F. EDMUNDS, and Thomas Walter Leach, medical inspector of United States Navy, are filed before the committee. They express the opinion that the disease of which Rear-Admiral Beaumont died had its origin in the service at a later period than 1845. Dr. Leach makes the following statement:

"From all the evidence I have been able to obtain, I am of the opinion that this disease had its origin in the winter of 1873-'74, while Admiral Beaumont was in command of the United States steamer Powhatan. It was at this time, after undergoing extraordinary anxiety and exposure in the line of his duty that he first began to complain of attacks of pain in the region of the heart, which increased at varying intervals until his death."

Rear-Admiral Fairfax makes substantially the same statement. If the winter of 1873-'74, instead of 1845, be fixed as the date when the disease commenced, it will be observed that the officer then held the rank of captain, which should fix the rate of pension under sections 4695 and 4696, Revised Statutes. It is perfectly manifest from the papers before the committee that this officer contracted no disease in the service after November 25, 1881, when he was promoted to rear-admiral.

He contracted none while acting as commodore. It is also clear that if he contracted any disease in the service (and of this we entertain very grave doubt) it originated while he held the rank of captain. If permissible at all under the facts of this case, the widow is only entitled according to the rank held by her husband at the date of contracting the disease. In no such case as above presented have the committee increased the widow's pension to $50 per month. The majority place their report upon the long and distinguished services of Rear-Admiral Beaumont, and upon the alleged fact that in many instances the pensions of widows of rear-admirals have been increased to $50 by special acts. In several instances where widows of admirals and rear-admirals were pensioned by the bureau at $30 per month on account of disease contracted while holding that rank, the committee have by special act raised the pension to $50 per month; but in no instance which the undersigned can now recall has this been done in a case like the present, where the disability or disease was contracted either as midshipman or captain. If the widows of all admirals and rear-admirals are to be specially relieved, Congress had as well change the general law and by one enactment so fix the rate, and without reference to disability or disease contracted in the service. In our opinion this special legislation has gone far enough. Entertaining those views, we respectfully submit that the bill should not be passed.

HOWELL E. JACKSON.
POPE BARROW.
J. N. CAMDEN.

Mr. PLUMB. Do I understand that this is an increase of pension based on the rank of the person without any reference to his having died or suffered from disability incurred in the line of his duty?

Mr. JACKSON. In no instance that I can now recall has the Pension Committee granted an increase of pension in such cases to $50 a month. There are several cases in which the committee have granted to the widows of rear-admirals and admirals $50 a month where they had been pensioned in the office at $30, on account of the husband having died of disease or disability contracted in the service, but in no case have we pensioned them simply on the fact of their rank.

Mr. PLUMB. I understand that this bill is based on that.

Mr. JACKSON. It is based upon that or it is based upon his having contracted disease while he was a midshipman, and the law as it now stands rates the pension according to the rank men held at the date of the disability. If we are bound by the adjudication of the Pension Office, as the Senator from New Hampshire said a few moments ago in another case, that bureau ascertained that he contracted the disease while a midshipman in 1845, and it can not be shown that he contracted any disease while he held the rank of admiral.

Mr. BLAIR. Upon that particular point, before proceeding to the case generally, the Pension Office did find that a pensionable disability commenced in the year 1845, from which the admiral suffered all the rest of his life and during his very active and important service, and pensioned his widow as for that disability; but the evidence in the case was quite abundant to show that he suffered the last of his life from very great disability, under which he died, and there was strong evidence to show that that disability was contracted during the very recent years of his service. But the action of the committee in this case was primarily placed on the long and distinguished service of Admiral Beaumont. He entered the Navy in 1838; he remained in the active service until 1881.

A very large proportion of those who rendered most distinguished service in our Navy left the active list and were placed on the retired-list soon after the war and many years previous to the present time; so that of those who have been on the active list there are comparatively very few who have been in the service the time that Admiral Beaumont was in the naval service. Very few lived in the active service to so near the time of their death as he did. He died at a great age and was able to remain in active service almost till his death. He had command of the navy-yard at Portsmouth as late as the year 1881. Then he was compelled by his increasing disabilities to ask to be retired, and he was retired, and almost immediately he died.

Captain Beaumont, rear-admiral at the time of his death, was one of the most gallant, most active, and most serviceable officers during the war of the rebellion. There was evidence before the committee tending to show that he was a man of very special muscular activity; and had he been suffering severely from the disability for which the pension was actually granted contracted in the year 1845, the exceeding sprightliness and activity which he manifested during his subsequent service would have been almost impossible.

We had before us the testimony of Senator EDMUNDS, a member of our body, and of a surgeon, and of a distinguished admiral of the Navy, Admiral Fairfax, whose testimony seems to indicate that the disability originating in 1845, for which the pension was actually granted, could have had scarce any existence at the time when they knew him, which was in fact practically up to the time of his death or nearly to that time.

Rear-Admiral Fairfax, in his letter on this subject, speaks in terms of absolute derision of the idea that Admiral Beaumont, during the period of active service, particularly during the rebellion, was suffering from any disability which in any degree whatever interfered with the efficiency and gallantry of the service which he rendered to the country. There was a statement before the committee as to his service in Charleston Harbor during a tempest, when the activity of the admiral was of so marked a character as to practically negative the

finding of the Pension Office that this disability of which they say he died originated or, if it originated, existed to any appreciable degree at that time.

Upon all the evidence that was before us it seemed very clear to a majority of the committee that Admiral Beaumont died of disabilities contracted during the very last years of his service, and that his widow ought to have been pensioned as a matter of merit for disabilities contracted or which culminated when he was in his highest rank. But, however that may be, I have not understood it to be the case that these high officers of the Navy who have received pensions themselves at the rate of $50 per month, or whose widows in the case of their decease have been pensioned at that rate, have been held to receive pensions as of the rank when they first contracted any disability in the service, but they have uniformly been pensioned at the highest rate allowed by law, $30, and then as a matter of compliment and gratitude on the part of the country to these officers of highest rank and most distinguished gallantry, in almost every instance (indeed every instance so far as I have any knowledge) their pensions have been increased to the rate of $50 a month, and the same courtesy has been extended to their widows. I have here a list from the Commissioner of Pensions, under date of February 5, inclosed in a letter to Hon. GEORGE F. EDMUNDS, a list of these cases. I will take the time of the Senate to read this list, as it relates to a matter of frequent discussion in the Pensions Committee, and somewhat frequent discussion on the floor of the Senate:

Statement showing the names of the widows of naval officers who are in receipt of pension at the rate of $50 per month on the pension-roll February 1, 1883.

Name of pensioner.	Name of officer.	Rank.	Special act approved.	Certificate.
Margaret C. Bell	Henry H. Bell	Rear-admiral	January 27, 1877	1248
Mary B. Dallas	Alex. J. Dallas	Captain	General law	None.
Harriette M. Davis	Charles H. Davis	Rear-admiral	June 10, 1880	2238
Jane Dulany	William Dulany	Colonel, United States Marines	April 25, 1882	2175
Eliza H. Frailey	James M. Frailey	Commodore	February 7, 1879	2290
Catharine H. Gallagher	John Gallagher	Captain	March 3, 1879	None.
Mary G. Harris	John Harris	Colonel, United States Marines	March 3, 1879	None.
Elizabeth W. Goldsborough	Louis M. Goldsborough	Rear-admiral	March 16, 1882	2044
Louisa B. Hoff	Henry K. Hoff	Rear-admiral	May 17, 1882	2408
Mary W. Jones	Thomas A. Jones	Captain, United States Navy	General law	None.
Britiania W. Kennon	Beverly Kennon	Captain, United States Navy	General law	None.
Ellen Lardner	James L. Lardner	Rear-admiral	July 15, 1882	2908
Mary F. McKeever	Isaac McKeever	Commodore	March 3, 1879	None.
Lelia E. McCauley	Charles S. McCauley	Commodore	February 23, 1881	1377
Ann M. Paulding	Hiram Paulding	Rear-admiral	February 21, 1881	2832
Rebecca Reynolds	William Reynolds	Rear-admiral	June 16, 1882	2522
Ann Elizabeth Rodgers	John Rodgers	Rear-admiral	August 5, 1882	2964
Ann E. Smoot	Joseph Smoot	Captain, United States Navy	General law	None.
Elizabeth H. Spotts	James H. Spotts	Rear-admiral	August 5, 1882	2953
Priscilla D. Twiggs	Levi Twiggs	Major, United States Marines	June 10, 1882	None.
Harriet S. Wyman	Thomas W. Wyman	Captain, United States Navy	General law	None.
Catharine A. Winslow	John A. Winslow	Rear-admiral	March 3, 1877	1932
Rose Wood	William M. Wood	Surgeon-General	June 27, 1882	2995

I have another list of several additional names which I do not readily place my hand upon.

It is entirely apparent, Mr. President, that this class of pensioners by the universal habit of the Government at the present time receive $50 a month, not only when they are the widows of rear-admirals or major-generals or lieutenant-generals, but here are quite a number of cases where the highest rank attained was that of captain. Rear-admiral was the rank held by Admiral Beaumont when he rendered his most active and efficient service during the war; and it seemed to the committee that it would be making an invidious distinction to deny to his widow the $50 a month given ordinarily in such cases.

Mr. PLUMB. I am the last person who would willingly interfere to prevent any one having the full measure of reward in a pecuniary way from the Government which any disability or which any circumstance of pecuniary dependence might seem to require.

Mr. BLAIR. I ought to add that it was in evidence before the committee that this lady was in actual need of this money.

Mr. PLUMB. I do not now rise so much for the purpose of opposing this bill as I do for the purpose of calling attention to what I think is the manifest injustice of the discrimination which has been exercised from time to time in regard to the allowance of pensions.

I regard, in the first place, the distinction created by the law of differences of payment between persons of differing ranks in the service as itself unwise and unjust in the extreme. Our Army and our Navy were both made up of persons from the same callings in life, and they went back to those callings respectively. The same social needs, the same physical needs, the same acquirements of every kind attached to the great body of the soldiery who were called into service for the purpose of defending the honor and integrity of their country and who went back to the great body of the people from whom they came to take up the callings and the associations, actual and relative, from which they had come.

But, Mr. President, the distinctions of the general law, while bad in themselves, are, I think made worse, if I may say so without disrespect, by the action of the Pensions Committee. Here are persons who can get access to the committee, who have friends and who have means, and who, by reason of their being admirals or the widows of admirals, generals or the widows of generals, or persons of other high rank, having friends at court, can get a hearing before the Pensions Committee. I speak this with the utmost respect for every member of that committee and with a full appreciation of the difficulties which surround their situation and which accompany them in the discharge of all their duties. I say that the inevitable consequence which we somehow or other attach to rank as fixing the matter of pensions is constantly leading the committee from the true foundation of pensions.

There are persons getting a pension of from $2 to $4 per month and $8 per month, which is the maximum pension for a private soldier under ordinary disability, who are just as much entitled from every possible humane consideration to three, four, or five times that amount as are those persons who are getting the largely increased pensions; and it is beginning to be believed and understood that this discrimination which we are practicing in the law is being largely added to by the later practices in special cases so as to constantly increase the relative disparity between the pensions received by private soldiers of great merit and the pensions accorded to officers and their families.

I think that instead of increasing this tendency to augment pensions to persons of rank we ought to go the other way; we ought to increase the pensions of private soldiers. They were the men who rendered service for which they did not get pay either in money or in social or military consequence; they were the men who unusually by comparison took the risk of life and of limb; they are the men who, if any set of men are to be put above another set of men, ought to be put in the highest place not only for pensions but in the consideration that this country gives to the men who have served it under arms.

We can not afford to have this great class of people feel that we are doing injustice to them actually or relatively. They find constantly in action like that now proposed a discrimination against them which is becoming a strong matter of wrath among the very class of people upon whom finally we have got to depend if we recruit other armies in other times of need. We can always get officers. There are plenty of men who will take the honors and the emoluments of an office from lieutenant at $112 a month up to $200, and so on through the varying grades, until the salary becomes five or six hundred dollars a month. There is no trouble in having a regiment such as Artemus Ward longed for, where every man should be a brigadier-general. It is private soldiers we want, and it is the service and sacrifice of the private soldier which after all counts and is of the most consequence, and which we ought to reward, if we discriminate at all, higher than any other service of a military kind rendered by any one.

But, as I said, I do not complain at all of the Pensions Committee, but I complain of that system, of that idea, of that manner of doing business, of that manner of thought which regards the admiral above the sailor who stands with him on the deck, that regards the general as higher than the man who bore the musket, and without whose sacrifice the general's skill, whatever it may have been, not generally as great as it is alleged to be, would have been absolutely unavailing but for the patient bravery and the self-sacrificing spirit that was demanded of the man who carried his musket and served his country at $13 a month. Yet a man who was taken from the same situation in life and with no greater ability by the fortunes, the accidents, the circumstances of war, and promotion came to be his commander at a high rate of wages. I think it is safe always to say that no pension shall be carried beyond the amount provided in the law, where rank is the chief consideration.

Mr. President, I understand another thing, that the function and office of the Senate Committee on Pensions in regard to special cases is simply to relieve the want of technical testimony in cases presented to the Pension Office, and I doubt very much whether the Pensions Com-

mittee of the Senate are in a condition, as against the medical skill of those employed by law in the Pension Office, to determine so precisely when disability occurred. Here it seems to me that this case has gone off on the same attitude of the question, of course upon motives and considerations of the highest and most honorable kind, but of the kind which take us away further and further and more and more from the obligation that we have to that great body of soldiers without which there would have been no need for generals, and without which there would have been no country.

Mr. EDMUNDS. Mr. President, the argument of my friend from Kansas is certainly entitled to great weight. It is not easy at first blush to see why the pension of the private soldier—to begin with the land before we go to sea—should not be as great as that of the major-general, and why the man who took care of General Sherman's horse on the field of battle, where he was exposed to danger, should not have just as great a pension as General Sherman if he had been disabled. And the same argument applies with still stronger force to the question of pay. Why should not the private soldier have the same amount of pay as the major-general, and so on down through all the ranks? Why should not the sailor, who on ship-board lives in narrower quarters than the admiral in command, have the same pay as the admiral; and if there is a real equality why should not the sailor share the admiral's quarters, or have it turn and turn about, so that the admiral should sleep in the forecastle one night and the sailor in the admiral's cabin and so on?

There is great force in that undoubtedly; but when we come back to the way things really go in this world, even in this body, the most democratic body in existence probably, the pay of the Senator from Kansas and myself is much larger than that of the pages, much larger than that of the Secretary, or of the Sergeant-at-Arms. And yet according to what they are called to do they are doing just as good service to the country as we are, and I sometimes think as to myself, they are doing a great deal better. Why should they not have $5,000 a year and mileage, and stationery, &c.? That is one of the puzzles that I know trouble mankind, and I sympathize with my friend from Kansas in trying to find out what the answer to that puzzle is.

Now to come down to the case of Admiral Beaumont, I have just this to say, and I do it more as a witness than anything else. I happened to make the acquaintance of Admiral Beaumont on a ship of the United States where I as a guest sailed—contrary to law I suppose or without authority of law—for a month or two, being sick and diseased myself and entitled to a pension if my country had any gratitude at all for public services [laughter], and so I came to know this gentleman. I, of course, had known his public career and history before as one of the most brave, gallant, active, and impetuous sailors during the time of the late war between ourselves and our Southern brethren and in every place he showed no symptom of any disease that prevented him from facing the enemy on all occasions, good or bad. Then we knew him as somewhat famous as having been the sailing captain, the commander of the Miantonomoh, the monitor vessel, the only one of the United States I believe that ever crossed the seas, that visited Russia and other parts of Europe at the end of the war.

When I was sailing with Captain Beaumont he happened to have a monitor in tow, and whenever we came to anchor I used to go frequently on board the monitor that was in tow, that he was towing from Philadelphia to Key West, when I was this unlawful passenger, as it may be called. I am bound to say from what I saw on that monitor that any man who sails in a monitor on the open seas is entitled to a pension to begin with, because the vessel is washed by the sea at every surge of the waves, and those below, where the officers and crew are obliged to stay, of course, except those who merely are steering and on the lookout up in the turret, are as wet and damp as they can be. They are absolutely boxed up in a damp coffin, as it may be called, below the surface of the sea.

I know that at that time when I knew Admiral Beaumont he was to all appearances as physically capable of doing any duty of a soldier or a sailor as any man I ever saw, and his career during the war had been an admirable one. He was gradually promoted in the regular way. When he found, before the law required him to be retired just before his death, not expecting it so soon of course, that he was getting sick and diseased and disabled and in physical trouble of all kinds, instead of holding on to his active service as he might have done (and in which case there would have been no question at all as to the right to the full pension that was given to an admiral, whatever that may be under the law), he voluntarily applied to be retired, and was retired, and within a very short time afterward he died.

Now, I think he ought to be treated as if he had died in active service. Then if it be true that an admiral's pension by the general law is only $30 a month, but in all cases of that kind where there has been distinguished service we have increased it to $50, and we have increased it to $50 out of, not money raised by taxation upon the people but out of the naval pension fund that the Navy has earned by fighting the battles of the country on the seas and by taking prizes, why not pass this bill? That is how this fund has been from the beginning of the Government. The Government has always gone on the idea that there is a distinction in respect of the peril, &c., between service on land and service at sea; the naval pension fund was established sixty, seventy, I do not know but eighty years ago by ordering a certain portion of prize-money of the ships captured in battle to be turned into a fund, and out of that fund these pensions are paid. I do think in a case like this, so far as I understand it, perhaps I am wrong, it is right to give this individual widow this additional sum out of this fund. She herself as I happen to know comes of a family that has rendered distinguished service. Her own father was a distinguished person in the Navy, rendering great service to his country. If there be any case where you can go above the ordinary run of the law, I think from what knowledge I have that this is one. Perhaps we are all wrong about it, but that is what I think.

Mr. PLATT. Mr. President, it has been usual to consider these private pension bills under the Anthony rule, and I supposed that when they were taken up to-day they were to be so considered; but by the wording of the motion I understand the Chair does not so regard it. I ask unanimous consent of the Senate that they may be considered under the provisions of the Anthony rule in reference to objections, to length of speech, &c.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that hereafter all pension cases shall be considered under the Anthony rule. Is there objection to considering these cases under the Anthony rule hereafter? The Chair hears none, and it is so ordered.

Mr. VOORHEES. Let the bill be reported.

The bill was read.

Mr. VOORHEES. Mr. President, there are numberless instances of this kind, as the Senator from Vermont has stated correctly. This is a matter which I fully investigated when a member of the Committee on Pensions. The fund is provided by the naval officers themselves for pensions of this kind, and I do not know of a claim better than the present one. I knew Admiral Beaumont for years, and if his widow is not entitled to go on that roll those there are not entitled to be there.

Mr. PLATT. Mr. President, I was with the majority in favor of the passage of this bill, but I desire to say right here that I am opposed to any further extension of the practice of granting $50 pensions to officers of low rank. It has been extended to captains and to lieutenants in some instances. Now, I think it is too late to say that we will not grant to the widow of a major-general or admiral or rear-admiral of the Navy a pension of $50 if she is entitled to one. The common custom has gone so far that if that practice is to be stopped it ought to be stopped by general law. On the other hand, I do think that we ought to limit those pensions to the widows of officers of high rank.

Mr. BLAIR. Admiral Beaumont was appointed a midshipman March 1, 1838; promoted to passed midshipman May 30, 1844; warranted as master August 30, 1851; commissioned as lieutenant August 29, 1852; promoted to commander July 16, 1862; promoted to captain June 10, 1872; commissioned as commodore June 14, 1874; promoted to rear-admiral November 25, 1881; retired from active service February 3, 1882, and died at Durham, New Hampshire, August 2, 1882, of heart disease. Bearing upon the question when that heart disease was contracted, I wish to read a certificate from Thomas Walter Leach, medical inspector of the United States Navy, in which he says:

> From all the evidence I have been able to obtain, I am of the opinion that this disease had its origin in the winter of 1873-'74, while Admiral Beaumont was in command of the United States steamer Powhatan. It was at this time, after undergoing extraordinary anxiety and exposure in the line of his duty, that he first began to complain of attacks of pain in the region of the heart, which increased at varying intervals until his death.

I have already alluded to the evidence of Admiral Fairfax in regard to his extraordinary muscular activity in the service and especially in and during the period of the rebellion. I can not take the time of the Senate to read this evidence, but it is far more pointed and pertinent than my statement of it.

Here is the record of his service as copied from the minutes of the Navy Department, covering four long pages of long paper finely written, and it is a very extraordinary record of service.

I would look upon it as almost in the nature of a personal insult to the widow of this particular admiral if we should fail to pass this bill, whatever we might do by a general law, whether we adopt the idea of the Senator from Kansas, that the private soldier should receive the same rate of pension or pecuniary consideration from the Government as the highest officer, or whether we should adopt the idea advanced by the Senator from Connecticut, that this consideration should be given only to officers of the very highest rank. Certainly our whole past career in the administration of the pension law demands that to this particular woman we give $50 per month.

Mr. JACKSON. Mr. President, I wish to state briefly the facts in this case. Admiral Beaumont was promoted to the rank of rear-admiral on the 24th of November, 1881. He died in August, 1882. He rendered no service as admiral; he contracted no disease while admiral. After his death his widow filed her application in the Pension Office alleging disease contracted in the service as the basis of her claim. It was investigated. The Navy records show certificates of the surgeon that he had contracted his disease in 1845 when he held the rank of passed midshipman—and then under section 4696 of the general law she was pensioned according to the rank which he held at the time the disability occurred, and was pensioned at the rate of $10 per month.

That was the general law, that officers of the Army and Navy shall be pensioned according to the rank they held at the time of the disability.

Mr. BLAIR. This officer was not pensioned. The widow was pensioned.

Mr. JACKSON. The law is that officers and their widows shall be pensioned according to the rank the officer held at the date the disability was contracted.

Mr. BLAIR. Ten dollars a month!

Mr. JACKSON. And that was $10 a month; he then held the rank of passed midshipman. We were told a while ago, in the discussion of another case, by the Senator from New Hampshire that that action of the Pension Bureau was an adjudication of this question and settled it. We have the certificate of Admiral Fairfax that the disease was not then contracted; also the testimony of the Senator from Vermont that it was contracted in 1873 and 1874. He then held the rank of captain.

Mr. PLUMB. What would be the pension for that?

Mr. JACKSON. The pension for that rank would be $20 a month. We have not in any single case increased the pension of the widow of an admiral except in that class of cases where the disease was contracted while he held the rank and where she was pensioned at the rate of $30 a month.

Mr. BLAIR. I do not admit that at all. I do not understand that assertion to be correct.

Mr. JACKSON. We may differ about it, but that is the rule, as I have understood it, on the part of the committee.

Mr. BLAIR. That is the general law, but in these cases where we have granted increases of pension on account of distinguished services we have not taken those matters into account at all. We grant those pensions outside the law.

Mr. JACKSON. We have not in any case reported in favor of an increase of pensions on the ground of rank. I concur fully in what the Senator from Kansas [Mr. PLUMB] has said on that subject. If we are to grant this special relief in this class of cases from favoritism and because of rank, we are doing an injustice and a discrimination against the common soldier. The general law provides that an admiral shall be rated for disability, or his widow in case of his death from disease contracted in the service, at $30 a month. Her case has been adjudicated, and she has been rated by the Pension Office at $10. There is no case in which we have increased a pension from $10 up to $50.

If we set this precedent, if we do this thing, if rank and service are to give a title to a pension at the rate of $50 a month, let us do so by a general law, and not by having special cases come here to Congress for relief, and having personal influence exerted to secure their passage. This case ought not to pass, for it will, as I say, set a dangerous precedent.

Mr. PLUMB. Mr. President, there are reasons why we have the discrimination in pay between private soldiers and officers that do not apply when we come to the consideration of pensions. Officers are required to live in a manner not required of soldiers, to incur expenses for living, to live by themselves in a way that is more expensive, and in every way to keep up an establishment which is a part of their rank. I think myself that the difference of pay relatively between the private soldier and the officers of all degrees above him is too great; but whatever might have been the reason of that rule it entirely fails when these people come to go back into that common rank of life from which they came, and to be considered simply as persons who were entitled to the bounty of the Government, or who were entitled to receive pensions by reason of the contract the Government made with them. That has never been on the basis of actual necessity or of actual disability, because the Government can not compensate the man who lost his health beyond recovery by any amount of money it may give him, and consequently it establishes an arbitrary rule; but when we come to apply that arbitrary rule these distinctions of rank ought entirely to disappear. Unjust as they are in the law now, saying nothing about the law, I say we ought not to increase them by acts of this kind.

The Senator from New Hampshire says it would be an insult to this woman not to give it. What shall I say, or what will he say to the widows who are getting two, three, four, or five dollars a month in his State and in mine, whose husbands not only enlisted but re-enlisted; who carried a musket through four years of perilous war, compared to which the service Mr. Beaumont rendered, whatever may be said about it, falls into insignificance.

Mr. EDMUNDS. Increase them.

Mr. PLUMB. Commence with the lower grades; do not tolerate the idea that we are considering men in these ranks as possessed of a different kind of clay from that which was possessed by the men who served under them and who form the great body of the people of the country, as they do the power of the country. It is an insult—as long as that term is used—I will say it is an insult to the widow of every private soldier in the land, in New Hampshire or in Kansas and everywhere to do this thing, to raise this woman's pension from $10 a month to $50, and every widow of every private soldier throughout this broad land will so regard it. There is a discontent arising from the manifest injustice, punctuated, emphasized, constantly made profert of by the legislation that comes from the hands of this Pensions Committee, which is begetting in the minds of those people who served the country in its extremity, that it is rank that gives consideration and not service and sacrifice.

Mr. BLAIR. Mr. President, I have known something of private soldiers myself. I do not believe in the sentiments that are advanced by the Senator from Kansas. I do not believe in the existence of any such sentiment pervading the private soldiery of this country as he speaks of. There is no such rising sentiment of indignation because the country chooses in some way to make manifest its approbation and so far as it can to express its gratitude for the long and distinguished services of its high officers in the Army and in the Navy. They have common sense enough to know that the capacity exhibited by those who command armies and who command navies demands a more substantial and conspicuous recognition than that which is awarded to the private soldier who renders a comparatively unimportant and inconsequential service. It is true that he bares his breast as a target to the enemy; it is true he gives his blood to his country, and that is the common duty of us all; but without our Washington and Wellington, and the great leaders of armies throughout the history of the world, of what avail would have been our proffer of our muscle and of our blood? The common soldiery of the United States are not to be misled by twaddle like that which is advanced here by the Senator from Kansas. There is no such rising feeling of indignation. On the contrary, submit this question and all like questions to the verdict of the common soldiers of the country and you will have an overwhelming "aye" that this pension and higher pension should be granted to leading officers and soldiers of the late rebellion and of the entire history of the country.

Do you imagine, Mr. President, that if you were to submit a question like this with reference to the pension of the widow of Washington the people would hesitate at a paltry $50 a month? The whole idea is ultra in its absurdity. Every government has been managed upon precisely this same principle of giving conspicuous recognition to conspicuous service. Here in this case is a man who served his country not one, two, three, or four years, which was the ordinary period of enlistment during the recent war, but he served the country during his entire life, but he served it conspicuously with the utmost gallantry and in high command during the greater period of his active service, and he died in consequence of his active service; he died in consequence of disease contracted during the very last years of his service. He left his widow penniless and in great age, and now we are asked to treat this woman in a manner entirely different from that rule which we have administered and which all civilized nations have obeyed in the administration of their laws touching the recognition of gallantry on the part of their officers and of their soldiery.

I say, as I said before, that to treat her otherwise than we have those whose names I have mentioned on this long roll of gallantry, would be to put an insult, and I assert that it is an insult, to the common soldiery of the United States; to say that they would treat her otherwise than their country has treated those who have gone before.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and was read the third time.

A division was called for on the passage of the bill; and the question being put, the ayes were 21.

Mr. PLUMB. I ask for the yeas and nays. Let us see who are in favor of discrimination.

Mr. BLAIR. There is no discrimination.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. HAMPTON (when Mr. HALE's name was called). The Senator from Kentucky [Mr. BECK] wished me to announce that he is paired with the Senator from Maine [Mr. HALE].

Mr. MCDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were here, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

Mr. SLATER (when his name was called). On this bill I am paired with the Senator from Louisiana [Mr. KELLOGG]. If he were here, I should vote "nay."

Mr. JONAS (when Mr. VEST's name was called). I am requested to announce the pair of the Senator from Missouri [Mr. VEST] with the Senator from Iowa [Mr. ALLISON]. I do not know how either would vote.

The roll-call having been concluded, the result was announced—yeas 32, nays 14; as follows:

YEAS—32.

Anthony,	Dawes,	Jones of Florida,	Pendleton,
Blair,	Edmunds,	Lapham,	Platt,
Brown,	Frye,	Logan,	Pugh,
Butler,	Garland,	McMillan,	Sewell,
Call,	Hampton,	Maxey,	Sherman,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Voorhees,
Conger,	Hill,	Miller of N. Y.,	Walker,
Davis of Ill.,	Hoar,	Morgan,	Windom.

NAYS—14.

Barrow,	George,	Jonas,	Vance,
Camden,	Gorman,	Plumb,	Van Wyck.
Coke,	Groome,	Ransom,	
Davis of W. Va.,	Jackson,	Rollins,	

ABSENT—30.

Aldrich,	Ferry,	Kellogg,	Saunders,
Allison,	Grover,	Lamar,	Sawyer,
Bayard,	Hale,	McDill,	Slater,
Beck,	Harris,	McPherson,	Tabor,
Cameron of Pa.,	Harrison,	Mahone,	Vest,
Cockrell,	Ingalls,	Mitchell,	Williams.
Fair,	Johnston,	Morrill,	
Farley,	Jones of Nevada,	Saulsbury,	

So the bill was passed.

OFFICERS ON DUTY IN WASHINGTON.

Mr. LOGAN. If the Senator having charge of these bills will suspend for a moment, I desire to offer a resolution.

Resolved, That the Secretaries of War and Navy be instructed to communicate to the Senate the names of the officers of the Army and Navy now on duty in Washington, with a statement of the duty in which they are engaged, and how long they have been on duty in Washington, since 1865.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia;

A bill (S. 2316) for the relief of Daniel Breed; and

Joint resolution (S. R. 123) providing for the termination of articles numbered 18 to 25 inclusive, and article numbered 30 of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington May 8, 1871.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General; and

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exibition of 1876.

The message further announced that the House had passed a concurrent resolution to print 9,000 copies of the report of the Director of the Mint upon the production of gold and silver in the United States.

JAMES B. WHITE.

The bill (H. R. 1341) granting a pension to James B. White, was considered as in Committee of the Whole. It places the name of James B. White, late a private in Company B, Sixty-second Regiment of Ohio Volunteers, on the invalid pension-roll, subject to the provisions and limitations of the pension laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. AKIN.

The bill (H. R. 5384) restoring the name of James M. Akin to the pension-roll was considered as in Committee of the Whole. It restores to the pension-roll the name of James M. Akin, late first lieutenant of Company I, Fifty-sixth Regiment of Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WEINSTEIN.

The bill (H. R. 5118) granting a pension to Elizabeth Weinstein was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Elizabeth Weinstein, the foster mother of Peter Weinstein, deceased, late a private in Company G, Forty-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. D. EDWARDS.

The bill (H. R. 1291) granting a pension to D. D. Edwards was considered as in Committee of the Whole. It places on the pension-roll the name of D. D. Edwards, late a private in Company G of the Seventh Regiment of Ohio Volunteer Cavalry.

The PRESIDENT *pro tempore*. The name is printed "Edward" in the body of the bill. Should it be "Edward" or "Edwards?"

Mr. PLATT. "Edwards," I think.

The PRESIDENT *pro tempore*. That correction will be made.

The bill was reported to the Senate as amended. The amendment was ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

THOMAS ALLCOCK.

The bill (H. R. 1188) granting a pension to Thomas Allcock was considered as in Commmittee of the Whole. It places the name of Thomas Allcock, a private in Company F, Third Artillery, during the Florida war, upon the invalid-pension roll at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. WALKER AND ELLA WALKER.

The bill (S. 2218) for the relief of Mary L. Walker and Ella Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, to strike out "and directed to pay" and insert "to direct the payment;" in line 7, to strike out "Company H" and insert "the;" and in line 9, at the end of the bill, to strike out "amount of money allowed said Walker, by way of pension, upon the day of his death," and to insert "pension granted by certificate numbered 209900 to the said Calvin Walker, computing the amount due to the day of his death only;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to direct the payment, out of any money in the Treasury not otherwise appropriated, to Mary L. Walker and Ella Walker, sole surviving daughters of Lieutenant-Colonel Calvin Walker, late of the Thirty-third Regiment of New York State Volunteers, pension granted by certificate numbered 209900 to the said Calvin Walker, computing the amount due to the day of his death only.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJOR D. WILLIAMS.

The bill (S. 1530) restoring to the pension-roll the name of Major D. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Major D. Williams, late captain of Company C, Twelfth Regiment Indiana Volunteers, from the 13th day of September, 1869, the date of his suspension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY A. MOWER.

The bill (S. 1356) for the relief of Betsey A. Mower was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Betsey A. Mower, at $50 per month.

Mr. PLATT. There should be an amendment to the bill.

The PRESIDENT *pro tempore*. It is not reported with an amendment.

Mr. PLATT. I move to add at the end of the bill, "which shall be in lieu of the pension she now receives."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET N. ABBOTT.

The bill (H. R. 5906) granting a pension to Harriet N. Abbott was considered as in Committee of the Whole. It directs the Secretary of the Interior to put upon the pension-roll the name of Harriet N. Abbott, of Moultonville, Carroll County, New Hampshire, widow of Jacob Abbott, late a private in Company K, Ninth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORPAH MEACHAM.

The bill (H. R. 6400) granting a pension to Mrs. Orpah Meacham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Orpah Meacham, widow of the late Colonel Alfred B. Meacham, during her widowhood, at $50 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. RUST.

The bill (H. R. 6524) granting a pension to George C. Rust was considered as in Committee of the Whole. It directs that the name of George C. Rust, of Weakley County, Tennessee, shall be placed on the pension-roll of the soldiers of the war of 1812, at the rate allowed by law to the private soldiers of that war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA WORTHINGTON.

The bill (H. R. 507) granting a pension to Mrs. Maria Worthington was considered as in Committee of the Whole. It places on the pension-roll the name of Mrs. Maria Worthington, widow of Nicholas B. Worthington, of Mason County, Kentucky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RALPH P. FORD.

The bill (H. R. 984) for the relief of Ralph P. Ford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ralph P. Ford, late of Companies K and B, Third Regiment Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK S. SOWERS.

The bill (H. R. 5808) to rerate the pension of Frank S. Sowers was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to rerate the pension of Frank S. Sowers, formerly a first lieutenant in the Third Regiment of Ohio Cavalry Volunteers, the rerating to be made according to the discretion of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE QUILLIGAN.

The bill (H. R. 6833) granting a pension to Kate Quilligan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Kate Quilligan, daughter of Patrick Quilligan, late of Company B, Fourth United States Cavalry, and to pay her a pension, through her legally constituted guardian, at the rate of $8 per month, during her insanity.

Mr. PLATT. I only desire to say that I do not concur in this report, and I must vote against the bill because I must be consistent in my action as a member of the Pensions Committee. It proposes to pension the daughter of a soldier who is over 16 years of age, but is insane. I do not know that I desire to say any more about it, except that I think if we commence——

Mr. COCKRELL. Is not that the case that was called up here and was evidently so badly beaten that it was abandoned?

Mr. PLATT. It is not.

Mr. BLAIR. It never was called up and never was badly beaten.

Mr. PLATT. It is a new case. The committee had before them several cases where pensions were asked for children over 16 years old who were insane or crippled, or who had other disabilities which prevented them from obtaining a livelihood, and while they are very hard cases I do not think that we ought to grant pensions in such cases.

Mr. COCKRELL. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. BLAIR February 13, 1883:

The Committee on Pensions, to whom was referred the bill (H. R. 6833) granting a pension to Kate Quilligan, have examined the same, and report as follows:

The Committee on Invalid Pensions, in the consideration of this bill, present the facts of the case as follows. The following is taken from the House report:

"The relief asked for is in behalf of the child of Patrick Quilligan, who died at Camp Sheridan, Texas, October 14, 1866, while serving as private in Company B, Fourth Regiment United States Cavalry. The wife of said Quilligan also died about the time last mentioned. He left surviving him two children, a boy and a girl, the latter, named Kate, now living. The children were taken care of by the regiment to which the soldier belonged for a year or more, and upon the death of the boy Kate was placed in the National Soldiers' and Sailors' Orphans' Home at Washington, District of Columbia, where she remained, probably, during its existence. She was in receipt of a pension until August 18, 1879, when she arrived at the age of 16 years, the age at which pension to a minor child must cease under the provisions of the general pension laws.

"Kate Quilligan is demented, and, being left without means of support or friends able to assist her, is now dependent upon charity. Her condition of helplessness, although now of an age at which under ordinary circumstances she would be able to provide for herself, is equal to that of an infant. The case is one which should receive the speedy and favorable consideration of Congress, and therefore the committee submit a substitute bill, and ask that it do pass."

This demented girl has been supported and taken care of for several years by her aunt, who is a very poor Irish woman, who gets the means to take care of herself and this helpless child of the deceased soldier by washing and other forms of ill-paid manual labor. There is no money in the family, and it is quite time that this woman be relieved of the burden of the support of her niece by the interposition of the Government, to the maintenance of which her natural protector gave his life.

The child is a resident of the District of Columbia.

We recommend the passage of the bill.

Mr. BLAIR. This is not the case of a widow of any rear-admiral, and it involves only $8 per month. My attention was first called to this case one night last winter, when a ragged Irish woman who had sought me out rang the door-bell and was admitted, and came to my room and told me her story. She was a woman about 60 years old. She was a common washerwoman, living here in the District of Columbia, an Irish woman, very poor. She told me she was the sister of this Mr. Quilligan, the father of Kate Quilligan, who died in 1866, after having been a considerable time in the service of the country, and in consequence of the service. She told me that he left two children. One had died early; the other is this girl, an idiot. The regiment took care of the two children for some little time after the death of the father. Finally that source of sustenance failed, and the girl came to live with this aunt. She had washed and managed to keep the two from starvation, but she was about gone, and she needed help.

I told her I would see if I could get her a pension to be made available for the support of this girl who after having received a pension by reason of the death of her father until 16 years of age under the ordinary law had ceased to draw it, because then being a minor of 16 she was entitled to it no longer. From that period this aunt had by her own personal work sustained herself and this girl. I told her to bring the girl to see me. At a subsequent time she brought the girl, who is simply a great heap, an animate mass of animal matter, with no soul whatever apparently.

I sent her to the House of Representatives that her bill might be introduced there. The case was heard fully. They sent us this bill, which was referred to our committee and reached it at this session. It has been examined and reported. I thought it was reported unanimously, but the Senator from Connecticut [Mr. PLATT] dissents from it. I am not aware that there is any other member of the committee who does dissent; and he does so, because he does not want to do anything which, however remotely, may open the pension law in such a way as to give a possible color of claim to minors over 16 years of age.

This is a case which probably can hardly be duplicated in the whole country, when we consider the absolute want of the relative who supports this girl and the absolute helplessness of the girl herself. Very few instances can be found in the country, at all events where the idiotic children of soldiers are in want of help and likely to call upon the Government.

This case is one of residence in the District of Columbia too. I do not know upon what charity this girl or those who care for her can call for her maintenance. If there ever was an instance where the Government ought to do something, I think this is such a case and it should take care of this idiotic girl.

Mr. COCKRELL. This is precisely the kind of a case that was brought up by the Senator from Pennsylvania [Mr. CAMERON], and which was fully discussed by the Senator from Connecticut [Mr. HAWLEY] and the Senator from Illinois [Mr. LOGAN]; and it was so manifest that that bill could not then pass, it was so directly in conflict with the sentiment of a large majority of the Senate, that the bill was absolutely abandoned. That is the reason why I spoke to the Senator as to whether this was the case.

Mr. BLAIR. That was a different case.

Mr. COCKRELL. That was the case of Murray, I understand. The reason why I asked if this was the case was because I had forgotten the name and at what point it was on the Calendar. I understand after full discussion that case was abandoned.

I find here a report in the case of Patrick Droney that I understand is almost precisely similar to this. It is a case that was reported some time ago adversely by the Senator from Connecticut [Mr. PLATT]. The pending bill is a departure from any rule or regulation that has ever been established from the foundation of the Government to this day, in regard to the class of persons who shall be pensioned.

Mr. VAN WYCK. Let me ask, even if it be a departure does my friend think that there are as many cases of the kind referred to as there are of widows of rear-admirals upon the pension-roll?

Mr. COCKRELL. I did not vote for pensioning the widow of the rear-admiral.

Mr. VAN WYCK. Does the Senator think there will be any more of these cases?

Mr. COCKRELL. If the Senator wants to meet my argument by that, I simply say that I did not vote for that bill.

Mr. VAN WYCK. I did not understand that the Senator did.

Mr. COCKRELL. If the Senator voted for it, he should not throw it up to me.

Mr. VAN WYCK. No, sir, I did not, and I know my friend did not vote for it, but I want to emphasize it right there for the consideration of the body which did.

Mr. COCKRELL. The body will doubtless consider it when it is before it. That is not before it now. But I say this is a new departure; it is establishing a new precedent; it is establishing one that is entirely different from any principle that has ever been held in regard to pensions heretofore.

Mr. EDMUNDS. What is the precise point in this case?

Mr. COCKRELL. It is to pension a child, as I understand it, who has become insane and is past the age of 16.

Mr. MITCHELL. She was insane long before; she was really insane when in a state of infancy, long before she reached the age of 16.

Mr. COCKRELL. And now it is proposed to extend the pension after the age of 16. That is all I desire to say.

Mr. MITCHELL. I will not detain the Senate. The reasons which operated upon the minds of the majority in this case were, I think, similar to those which operated upon Congress when it enacted the law granting pensions to infants under 16. This girl has been practically an infant all her life and remains so as much after 16 as before. It strikes me, therefore, that this is within the reason of the law, while not within the letter.

Mr. EDMUNDS. She is still incapable to take care of herself?

Mr. MITCHELL. She is still incapable, utterly, hopelessly, without any father or near relative to take care of her, and is a subject of charity, and that within the District of Columbia. I believe there is no public charity here provided by the Government.

Mr. SEWELL. In behalf of the Pensions Committee it is fair to state that to set a precedent of this kind would add to the pension-list. The Senate has invariably refused to grant a pension in such cases.

Mr. MITCHELL. The case that was considered at the last session of Congress, that of Miss Murray, of Pennsylvania, was not decided; it was not fully argued. In that case also it was the fact that the daughter was entirely unable to do anything for herself, and had been so from infancy.

Mr. SEWELL. This would be a precedent that would bring up a great many similar cases.

Mr. MITCHELL. I do not think there would be many case like it.

Mr. SEWELL. The committee evidently do not know how many cases there would be.

Mr. MITCHELL. Whether there would be or not, I think the same reason applies in this as in other cases, why the children of deceased soldiers shall be pensioned when not able to take care of themselves.

Mr. LAPHAM. I suggest as we have to legislate for the support of the poor of this District that it makes no difference in what form it is done in this case.

Mr. MITCHELL. The Senate will pass upon that question.

Mr. LAPHAM. I say it might as well be done in the form of this bill as otherwise.

Mr. MITCHELL. So far as the expense is concerned it would be the same if the Government performs its obligations to this child. I understand there is no public charity here to provide for such cases.

Mr. BLAIR. The case that has been cited upon which there was discussion at the last session, the Murray case, I never understood to be a case that had been decided against.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is out of order.

Mr. BLAIR. How so?

The PRESIDENT *pro tempore*. He has spoken once on this bill.

Mr. BLAIR. I have a right to speak twice.

The PRESIDENT *pro tempore*. No, sir, not under the Anthony rule.

Mr. BLAIR. Then I have nothing more to say.

Mr. PLATT. I move to strike out all after the enacting clause of the bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to strike out all after the enacting clause.

Mr. PLATT. Now, the Senator from New Hampshire can go ahead.

Mr. BLAIR. I think I had better not trouble the Senate. If Senators had been present and had heard the statement of the facts in the case I certainly would not ask to be heard again. This girl is helpless; she is an idiot; she has nothing in the world. Her father died in the service in 1866. She has been an idiot all her life. She has been kept for several years by her aunt, who is a poor Irish washer-woman, almost in destitution herself, and now about sixty years of age, living here in this city, and the girl has nobody else to look to for support.

Mr. PLATT. Mr. President——

Mr. EDMUNDS. Do you still want all after the enacting clause stricken out?

Mr. PLATT. I do, to speak on. I think this could be decided very easily if this were a bill for a public act providing that whenever the child of a soldier above the age of 16 years is for any cause unable to support itself it shall receive a pension. If such a bill would pass the Senate, then this private bill ought to pass. Otherwise, it seems to me not.

But I rose to call attention to the fact that the same Committee on Pensions upon full consideration and without disagreement, certainly without any minority report, reported against precisely a similar case.

Mr. BLAIR. What case is that?

Mr. PLATT. The case of Patrick Droney.

Mr. BLAIR. When?

Mr. PLATT. At this session; and the bill is now on the Calendar.

Mr. BLAIR. Not to my knowledge was it reported adversely.

Mr. VAN WYCK. Nor mine; but if that is the case we will take it up and pass it.

Mr. PLATT. I read from the report on the bill granting a pension to Patrick Droney:

> The claimant is now about 20 years old and has been a cripple from his birth, unable to walk without crutches and unable to work. His deformity is incurable. He is supported by the town of which he is a native, at the almshouse in Marlborough, Massachusetts. He has no relatives able to contribute to his support.

I simply want to say if one case is passed the other should be passed.

Mr. BLAIR. I never heard of that case before.

Mr. VAN WYCK. Nor did I.

Mr. BLAIR. No full committee ever passed on that case.

Mr. VAN WYCK. I will say to the Senator from Connecticut that if he will propose to take that bill up, it is probable that a majority of the Committee on Pensions will vote for it in this body.

Mr. PLATT. A majority voted against it in committee.

Mr. VAN WYCK. I do not remember the case in committee. Undoubtedly it is as the Senator states. The case which is under consideration now is really within the spirit of the law. The law fixes the limits at which a child is able to take care of itself at 16 years of age. It was supposed that after that age the child would be able to take care of and maintain itself. Here is a case which is worse than infancy, where the child is utterly incapable of taking care of itself, and I am a little surprised that the suggestion should be made at this late day that it may open the door to a class of similar cases. I propounded the inquiry I did to my friend from Missouri although I knew he voted against the bill putting a rear-admiral's widow on the pension-list.

But suppose the Senator is correct and this would open the door to similar cases, I ask if we did this would it probably place as many on the pension-list as we have set the precedent to place, in violation of law (I mean to say against the law as it stands now), the widows of rear-admirals upon the pension-list? This is a poor deformed idiot, and not as many of such cases would come here as the widows of rear-admirals, whom we are without any sort of difficulty raising from $10 to $50 a month on the pension-list. It would seem strange with all this magnanimity to take care of that class of individuals if we should higgle here about giving this poor child, whose father was killed in the war, the pittance which she would receive so as to enable her to take care of herself.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut withdraw his motion to strike out all after the enacting clause of the bill?

Mr. PLATT. I do.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. PLATT. On that I ask for the yeas and nays.

Mr. HAWLEY. Mr. President, it is quite difficult to argue against a case of this sort, because it appeals to the pity and charity of the Senate; but the mistake I think the advocates of such bills make is in supposing that if we do not pension this poor girl and provide for her nobody will. I am pretty well acquainted with the affairs of one State and I can speak for that. So far as Connecticut is concerned this poor child would be taken care of most kindly and most comfortably by the laws we provide for all classes of distressed people.

I think that the Government is not under obligation, that it is not expected (I will not put any limit to its obligation) to follow the children of soldiers to the second and third generation and segregate them from all the rest of the people of the United States for special Federal care. The States have some obligations as well as the National Government in taking care of the helpless, the poor, and the imbecile; and as a general rule the States discharge those obligations honorably and charitably and in a Christian and kind manner. I do not believe this child would suffer, would be allowed to suffer in any State of the Union, and I believe the fact that she was a soldier's child would give her an additional claim upon the consideration of good people.

If we enlarge the pension-list in this manner we simply relieve the States from a portion of their just burdens in caring for the weak and the distressed and assume them in behalf of the Federal Government. I dislike to make a new precedent of this description, for, say what you will, it will be adding many, many thousands to the pension-list.

Mr. BLAIR. Will the Senator permit me to say to him what I think he does not know, that this child and this aunt are residents of the District of Columbia. I am not aware of any possible provision for the permanent support of a child here situated as this one is.

Mr. HAWLEY. I am not aware that in the District of Columbia when a child is found in that condition that it is drowned or put out of the world in some way. It is certainly cared for kindly somehow. If we have no laws to care for the afflicted poor here it is time we made them.

Mr. BLAIR. The Senator has had a different observation from mine if he has not found that that class of people are without help here in the District.

Mr. COCKRELL. Where is the asylum for that purpose?

Mr. JACKSON. I understand that in the legislative appropriation bill that was passed the other day provision was made, $20,000 for whites and $15,000 for blacks, and then various appropriations were made for several charitable institutions within the city of Washington and the District of Columbia. If we enter upon this system of granting pensions in these cases we just assume the duties that belong to the States of providing for their poor.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on the passage of the bill.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote on this proposition. If he were present, I should vote "nay."

Mr. MITCHELL. My colleague would vote "yea."

Mr. BUTLER. What do I understand the Senator to say?

Mr. MITCHELL. I can only say from the opinion my colleague expressed on the other case parallel to this that he would vote in favor of this measure.

Mr. BUTLER. Then I shall not vote, for I would vote "nay."

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. McDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR].

Mr. SLATER (when his name was called). I am paired with the Senator from Louisiana [Mr. KELLOGG]. If he were here, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

The roll-call was concluded.

Mr. LAPHAM. I am paired with the Senator from Alabama [Mr. MORGAN].

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Anthony,	Edmunds,	Jonas,	Rollins,
Blair,	Frye,	Jones of Nevada,	Sawyer,
Call,	Harrison,	McMillan,	Sherman,
Cameron of Wis.,	Hill,	Miller of Cal.,	Van Wyck,
Davis of Ill.,	Hoar,	Miller of N. Y.,	Voorhees.
Dawes,	Ingalls,	Plumb,	

NAYS—18.

Barrow,	Garland,	Jackson,	Sewell,
Brown,	George,	Maxey,	Walker,
Camden,	Groome,	Pendleton,	Williams.
Cockrell,	Hampton,	Platt,	
Coke,	Hawley,	Ransom,	

ABSENT—35.

Aldrich,	Farley,	Lamar,	Pugh,
Allison,	Ferry,	Lapham,	Saulsbury,
Bayard,	Gorman,	Logan,	Saunders,
Beck,	Grover,	McDill,	Slater,
Butler,	Hale,	McPherson,	Tabor,
Cameron of Pa.,	Harris,	Mahone,	Vance,
Conger,	Johnston,	Mitchell,	Vest,
Davis of W. Va.,	Jones of Florida,	Morgan,	Windom.
Fair,	Kellogg,	Morrill,	

So the bill was passed.

MARY A. CONKEN.

The bill (H. R. 1581) granting a pension to Mary A. Conken was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Conken, widow of James T. Conken, deceased, late a private in Company H, Eighth Regiment of Tennessee Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BAUSMAN.

The bill (S. 1546) to increase the pension of George W. Bausman was considered as in Committee of the Whole. It grants a pension to George W. Bausman, late a private in Company D of the Fifth Regiment United States Cavalry, at the rate of $24 per month, and directs the Secretary of the Interior to place the name of George W. Bausman on the pension-roll at that rate, in lieu of the pension now paid him.

Mr. PLUMB. The name is Bousman; there is a misprint. I ask that the correction be made. It is so borne on the rolls in the Pension Office now.

The PRESIDENT *pro tempore*. The correction will be made.

Mr. EDMUNDS. Which way is the bill reported?

The PRESIDENT *pro tempore*. The bill has been reported favorably.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. F. TOBY.

The bill (S. 2478) granting a pension to James P. F. Toby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James P. F. Toby as second lieutenant of Company B, Thirty-first Maine Volunteers, now on the pension-roll as sergeant in that company and regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER M. CAREY.

The bill (H. R. 2095) granting a pension to Esther M. Carey was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Esther M. Carey, mother of William B. Carey, deceased, late a private in Company H, Twelfth Regiment Ohio Volunteers, war of 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA ZEILEN.

The bill (S. 319) granting an increase of pension to Mrs. Virginia Zeilen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the pension of $20 per month now allowed by law to Mrs. Virginia Zeilen, widow of the late Brigadier-General Jacob Zeilen, United States Marines, be increased to $30 per month from and after the passage of this act.

Mr. COCKRELL. What is that amendment? Is there a report?

Mr. PLATT. I can state the case in a moment. Mrs. Zeilen is the widow of Brigadier-General Zeilen, of the Marine Corps. She applied for a pension at the Pension Office and was pensioned as of the rank when her husband was captain at only $20, dating back to the time when he was first attacked with disease of the liver. The disease of which he died was atrophy or a wasting away of the liver. Upon examining the evidence the committee were of opinion that the disease which caused the death could not be traceable so far back as the time when he held the rank of captain, and that she ought to have been pensioned at the Pension Office at the rank which her husband held, $30 per month. She asked for $50, but we gave her $30, which corresponds with the rank her husband held.

Mr. COCKRELL. That is all right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. SCHUYLER SUTTON.

The bill (H. R. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, was considered as in Committee of the Whole. It amends the act approved June 4, 1872, so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, from and after the passage of this act.

Mr. COCKRELL. Let the report be read in that case—the majority report and the views of the minority.

The Acting Secretary read the following report, submitted by Mr. MITCHELL February 16, 1883:

The Committee on Pensions, to whom was referred the bill (H. R. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," having examined the same, a majority of the committee adopt the report of the House committee, No. 1476, made to the first session of the Forty-seventh Congress, as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5771) to amend an act entitled 'An act granting a pension to A. Schuyler Sutton,' approved June 4, 1872, having had the same under consideration, beg leave to make the following report:

"At the breaking out of the civil war A. Schuyler Sutton, who had seen honorable service during the war with Mexico, was an attorney at law in successful practice at Norwalk, Ohio. He enlisted as a private soldier in the Ninety-fifth Ohio, and having acquired a knowledge of military tactics during his former service, greatly assisted in the organization, drill, and discipline of the new regiment. There is satisfactory evidence that Sutton had received assurances from Governor Tod, of Ohio, that he should be commissioned as lieutenant-colonel of the regiment. It is certain that he was acting in that capacity when, at the battle of Richmond, Kentucky, on or about August 30, 1862, he received the wound for which he was originally pensioned. Owing to the fact that he had not been commissioned the Pension Office rated him as a private soldier, and allowed him a pension at the rate of $8 a month, which was subsequently raised to $15. By an act of Congress, approved June 4, 1878, his pension was increased to $30 per month from that date.

"Your committee believe that it would be an act of simple justice to this soldier to grant him a pension at this rate, dating from his discharge, deducting the amount received by him during the intervening period. His wound has had the effect of blasting his life. His jaws are so anchylosed as to prevent the mastication of solid food. The sense of sight and hearing are much impaired, and he is a constant sufferer from violent facial neuralgia. Being unable to open his mouth sufficiently, and by reason of disorganization of the soft and bony tissues occasioned by the wound, he is unable to employ the ordinary means of cleanliness, and his breath is consequently horribly offensive.

"In the opinion of your committee the evidence in the case justifies the conclusion to which it has arrived, 'that the disability for which he is now pensioned existed at the time of his discharge.' We therefore report the bill back to the House with the recommendation that it do pass, so amended that said A. Schuyler Sutton be pensioned at the rate of $40 per month from and after the passage of this act."

The PRESIDENT *pro tempore*. The views of the minority will be read.

The Acting Secretary read as follows:

The undersigned, not concurring in the report of the committee on the bill (H. R. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," submit the following as the views of the minority:

It appears that A. Schuyler Sutton, on the the 5th of August, 1862, enlisted as a private in Company A, Ninety-fifth Regiment Ohio Infantry Volunteers; that on the 30th day of August, 1862, in an engagement with the confederate forces at Richmond, Kentucky, he "was ordered and placed in command of said Company A, with directions to deploy the same as skirmishers and advance until he found the enemy's skirmishers and position of their main force; that he proceeded upon the duty assigned him, and while in the execution of the order engaged the enemy's skirmishers; that during the engagement he received from one of the enemy's skirmishers a rifle-shot wound, the ball entering the left cheek, passing through, breaking and fracturing the cheek and jaw bones, and coming out under the left ear."

He was honorably discharged on the 22d day of December, 1862. In June, 1863, he filed his application for pension on account of said wound, which he claimed had so affected him that he "was unable to open his mouth more than one-quarter of an inch to receive food, and had also affected his eye-sight and hearing, and incapacitated him from performing the duties of a soldier or obtaining a subsistence from manual labor."

The certificate of the surgeon on which he was discharged rated his disability at one-half. He was pensioned at $8 per month; under the act of June 6, 1866, he applied for and obtained an increase of pension at the rate of $15 per month. Subsequently he applied to Congress for a further relief, and on the 4th June, 1872, his pension was increased by special act to $30 per month.

The papers do not show any increased disability since 1872, when that special relief was granted him by Congress. His condition is about the same now as then. In the opinion of Congress, the peculiar character of the wound, which greatly disfigured the claimant's face and affected his eye-sight and hearing, made his case an exceptional one and justified an increase from $15 to $30 per month. He now again applies to Congress for a still further increase, and the bill as it comes from the House proposes to raise his pension from $30 to $40 per month upon precisely the same state of facts which led Congress to fix it at $30 per month in 1872. To do this will, in our opinion, establish bad precedent and greatly encourage repeated applications to Congress for special relief. Private acts of this character are steadily on the increase, occupying much of the time of Congress, and giving rise to much dissatisfaction upon the part of the great body of pensioners who take under the general law. The undersigned think the bill should not pass.

HOWELL E. JACKSON.
J. N. CAMDEN.
POPE BARROW.

Mr. PLATT. I think, upon a casual examination of the bill, it would receive such a construction as to give him $40 a month in arrears

of pension back to the time of his disability. I want to guard against that. Therefore, at the end of the bill, I move to strike out the words "and after the passage of this act" and to insert "March 4, 1883."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

Mr. JACKSON. I wish to call the attention of the Senate for a moment to this case. Special relief was granted in this case by special act on the 4th of June, 1872, for the very disability now existing and on which it is proposed to increase it. Congress has once considered the case and considered all its peculiar circumstances, considered the disability that was existing. No increase of disability now exists, and it is proposed on the same state of facts to pass a second special act increasing this man's pension still further. He was pensioned, rated according to the disability certified by the surgeons in 1866. That was increased to $15, and then by special act of Congress it was increased from $15 to $30 per month on the same state of facts, on the same disability on which he now makes a second application to Congress to have it increased to $40.

Mr. CAMERON, of Wisconsin. What is the amount of pension he receives?

Mr. JACKSON. He receives $30 a month now under special act, and for the very disability for which it is proposed to increase it again. I think that would be a very dangerous precedent.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The question being put, there were on a division—ayes 14, noes 17; no quorum voting.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. McDILL (when his named was called). I am paired with the Senator from Mississippi [Mr. LAMAR].

The roll-call having been concluded, the result was announced—yeas 27, nays 15; as follows:

YEAS—27.

Anthony,	Gorman,	Mahone,	Sherman,
Blair,	Harrison,	Miller of Cal.,	Tabor,
Call,	Hawley,	Miller of N. Y.,	Van Wyck,
Conger,	Ingalls,	Morgan,	Voorhees,
Davis of W. Va.,	Jones of Nevada,	Pendleton,	Williams,
Edmunds,	Lapham,	Platt,	Windom.
Frye,	McMillan,	Rollins,	

NAYS—15.

Brown,	Coke,	Hampton,	Maxey,
Camden,	Davis of Ill.,	Harris,	Vest,
Cameron of Wis.,	Garland,	Jackson,	Walker.
Cockrell,	Groome,	Jonas,	

ABSENT—34.

Aldrich,	Farley,	Kellogg,	Ransom,
Allison,	Ferry,	Lamar,	Saulsbury,
Barrow,	George,	Logan,	Saunders,
Bayard,	Grover,	McDill,	Sawyer,
Beck,	Hale,	McPherson,	Sewell,
Butler,	Hill,	Mitchell,	Slater,
Cameron of Pa.,	Hoar,	Morrill,	Vance.
Dawes,	Johnston,	Plumb,	
Fair,	Jones of Florida,	Pugh,	

So the bill was passed.

RICHARD JOBES.

The bill (H. R. 6181) to increase the pension of Richard Jobes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "30" and insert "24;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, and to pay him a pension at the rate of $24 from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HEIRS OF KUNIGUNDA A. MILLER.

The bill (H. R. 2912) granting relief to the heirs of Kunigunda A. Miller, deceased, was considered as in Committe of the Whole. It directs the Secretary of the Interior to pay to John Albert, Mary Carr (formerly Albert), Michael Albert, and Carrie Miller, heirs at law of Kunigunda A. Miller, deceased, and brothers and sisters of Leonard Albert, late a private in Company F, Twenty-sixth Regiment Indiana Volunteers, the arrears of pension due and heretofore authorized to be paid Kunigunda A. Miller, now deceased, under pension certificate No. 129461.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY F. WARREN.

The bill (H. R. 6943) granting a pension to the widow of the late Major-General G. K. Warren was considered as in Committee of the Whole. It places on the pension-roll, at the rate of $50 per month, the name of Emily F. Warren, widow of the late Major-General G. K. Warren, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WILLIAMS. I move that the Senate proceed to the consideration of House bill No. 896.

Mr. EDMUNDS. We have not finished the pension bills.

Mr. MITCHELL. I move that the Senate proceed to the consideration of House bill No. 1410. That is the general bill proposing a certain increase of pensions.

Mr. WILLIAMS. Do I understand that that is one of the pension bills left undisposed of?

The PRESIDING OFFICER, (Mr. HARRIS in the chair). The Chair is so informed.

Mr. WILLIAMS. Do I understand that it is one of the bills the Senate unanimously agreed to take up?

Mr. EDMUNDS. That is one of them. It is one of the pension bills on the Calendar.

Mr. WILLIAMS. I ask the question if this is one of the pension bills?

Mr. EDMUNDS. It is.

The PRESIDING OFFICER. The bill will be announced by its title.

The ACTING SECRETARY. A bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

Mr. WILLIAMS. That does not belong to the class of bills we agreed to take up.

Mr. EDMUNDS. Yes, it does.

Mr. WILLIAMS. I do not think it does. Mr. President, as I have the floor, I move to postpone the pending order and take up a bill which has passed the House, House bill No. 896.

Mr. MORGAN. What is the pending order?

The PRESIDING OFFICER. The Secretary will report by its title the bill moved by the Senator from Pennsylvania [Mr. MITCHELL].

The ACTING SECRETARY. A bill (H. R. 1410) to amend the pension laws by increasing pensions of soldiers and sailors who have lost an arm or a leg in the service.

Mr. MORGAN. I make the point of order that that bill has not been taken up by the Senate.

Mr. WILLIAMS. Not at all. That is what I say.

Mr. MITCHELL. The motion which was entertained by the Senate and agreed to was that the Senate should proceed to consider the pension bills upon the Calender. That included those reported adversely as well as those reported favorably, and House bill No. 1410 was specially mentioned.

The PRESIDING OFFICER. The present occupant of the chair was in the chair when the order was made. The order was to take up the pension bills on the Calendar.

Mr. WILLIAMS. That meant the special pension bills.

The PRESIDING OFFICER. The Senator from Alabama raises the question of order as to whether this is a pension bill or not.

Mr. MORGAN. No, that is not the point I raise. I raise this point of order, if the Chair will allow me——

The PRESIDING OFFICER. The Senator will please state his point of order.

Mr. MORGAN. The point of order is that the Senate by vote and not by unanimous consent took up the pension bills. I then inquired of the Chair whether that action of the Senate extended to each and all of the bills. It was held that it did not, and that each bill should be taken up upon its own merits. There has been since that time silent consent, and the bills have come up without objection. Any Senator had the right at any time to call for a vote of the Senate upon taking up any one of the pension bills. There was no unanimous consent, but it was a vote of the Senate that took them up.

Mr. EDMUNDS. The order of the Senate was that the Senate would proceed to the consideration of the pension bills upon the Calendar, and that, after debate, was made to include all those adversely reported as well as the others. Then the Senator from Alabama inquired whether they were to come up in a lump or whether they were to come up one by one, and everybody said of course they would come up one by one, as we all understood.

Mr. MORGAN. The Senator from Vermont never understood me to inquire whether ten bills could be passed at once.

Mr. EDMUNDS. I did so understand the Senator, and so replied.

Mr. MORGAN. The Senator must have been very dull about it, or else I was extremely stupid myself.

Mr. EDMUNDS. I undoubtedly was very dull.

Mr. MORGAN. No. I made the question distinctly whether that rule of the Senate applied to the particular class of bills, or whether it applied to each bill *seriatim*. That was the question I made.

The PRESIDING OFFICER. The order of the Senate was as has been stated by the Chair and by the Senator from Vermont. If the question had been made at the time the Chair would have certainly ruled, as he thinks it would be proper to so rule, that but one bill at a time could be taken up by the order of the Senate. As to what construction is to be put upon the rule that has been adopted the Chair is inclined to think the point of order raised by the Senator from Alabama is well taken.

Mr. EDMUNDS. Very well. Then the Senator from Pennsylvania has moved to take up a bill; he has called it up.

Mr. WILLIAMS. But I have the floor. The motion was to take up bills granting pensions to particular soldiers for services in the war. It was understood to apply to them by everybody, and not to any bill proposing to amend the pension laws.

Mr. MITCHELL. Mr. President——

Mr. WILLIAMS. I have the floor, I say to the Senator from Pennsylvania.

Mr. MITCHELL. Do I understand that the Senator from Kentucky is entitled to the floor to go on at this time?

The PRESIDING OFFICER. The Chair had recognized the Senator from Kentucky.

Mr. EDMUNDS. What is the pending question?

Mr. WILLIAMS. The pending question is my motion to take up House bill 896.

Mr. EDMUNDS. I ask the Chair—I rise to a question of order—I ask the Chair what is the pending question?

The PRESIDING OFFICER. Upon the passage of the last bill the Chair recognized the Senator from Kentucky, and while the Senator from Kentucky was on the floor the Chair was notified by the Senator from Pennsylvania and the Senator from Vermont that there was yet another pension bill. The Chair stopped the Senator from Kentucky, and ordered the Secretary to report the pension bill. He did so. Then the Senator from Kentucky resumed the floor, and the point of order was raised by the Senator from Alabama.

Mr. EDMUNDS. What is the pending question?

Mr. WILLIAMS. My motion.

The PRESIDENT *pro tempore*. The Chair is inclined to think the pending question is on the motion of the Senator from Kentucky to take up House bill No. 896, the bill indicated by him.

Mr. EDMUNDS. That is a violation of the understanding of the Senate.

Mr. WILLIAMS. I move to take up House bill No. 896, which has passed the House by an almost unanimous vote and is here upon our Calendar, and which interests more people in this country than any measure we have considered during this session of Congress. I hope the Senate will take it up.

The PRESIDING OFFICER. No debate as to the merits of a proposition proposed to be taken up is in order.

Mr. WILLIAMS. I am not debating it. I am merely stating what it is.

Mr. MITCHELL. I desire to appeal from the decision of the Chair, if I understand it correctly.

Mr. WILLIAMS. Has the Senator from Pennsylvania a right to take me off the floor? I do not apprehend that he has.

Mr. MITCHELL. I do not claim that right, Mr. President——

Mr. VOORHEES. May I ask what is the pending question?

The PRESIDING OFFICER. The Senator from Kentucky has been recognized by the Chair, and is entitled to the floor.

Mr. VOORHEES. I want to ask the Senator from Kentucky, or the Chair, what the bill is that is moved by the Senator from Kentucky.

Mr. WILLIAMS. That is what I am stating.

Mr. VOORHEES. I want to hear it.

Mr. WILLIAMS. It is the bill commonly known as the pleuropneumonia bill, for the suppression of the cattle plague.

Mr. VOORHEES. I think the afflictions of men ought to be attended to before the afflictions of cattle.

Mr. WILLIAMS. It is a bill which has passed the House by a unanimous vote, and it is now upon our Calendar, and one in which the people of this country feel far more interest than they do in any bill we have discussed at this session of Congress. It affects more property than any bill that has been before the Senate since I have had the honor of a seat in the Senate.

Mr. INGALLS. And involves more monstrous and untenable propositions. It only needs to be read to show that.

Mr. WILLIAMS. I think I have the floor.

Mr. PLATT. What is the number of the bill which the Senator from Kentucky is trying to have considered?

Mr. WILLIAMS. I have stated it four or five times. It is House bill No. 896. I think the Senate will concur with me as to the absolute necessity and importance of passing that bill and doing it at once. I had hoped there would be no discussion of it, and that it might pass in five minutes.

Mr. COKE. Will the Senator allow me to ask him a question?

Mr. WILLIAMS. Yes, sir.

Mr. COKE. Does the Senator think that the bill he moves can pass in five minutes? Is it not the same bill which was considered at the last session?

Mr. WILLIAMS. No, sir; it has been modified.

Mr. INGALLS. It is worse, if anything, than that bill.

Mr. EDMUNDS. That goes into the merits. Let us vote on taking it up. We can not spend time in debate.

Mr. COKE. It is a bill which will lead to a great deal of debate.

Mr. WILLIAMS. I do not think so; and whether it leads to debate or not I ask for a vote on the question. I want to see whether the gentlemen who have been legislating for all the monopolies of this country, for every railroad company, every bank, every manufacturing establishment, are going to defeat this bill——

Mr. EDMUNDS. That is debate.

The PRESIDING OFFICER. The Chair reminds the Senator from Kentucky that no debate upon the merits of the proposition is in order upon a motion to take the bill up.

Mr. WILLIAMS. Mr. President——

Mr. INGALLS. I shall be inclined to think that this bill can not but lead to a great deal of debate, for I am very sure nothing can be said in favor of it.

Mr. EDMUNDS. That is debate on the merits.

Mr. WILLIAMS. I insist that the Senator from Kansas is now debating the merits. My motion is to take that bill up.

Mr. EDMUNDS. Very good, let us vote.

Mr. WILLIAMS. I ask for a vote upon it. I ask for the yeas and nays upon it.

The PRESIDING OFFICER. The Senator from Kentucky moves to proceed to the consideration of the bill indicated by him, and on that motion asks for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. I will state to the Senate that if that motion is voted down I shall then ask the Senate to proceed to the consideration of House bill No. 1410.

Mr. EDMUNDS. Being the pension bill.

Mr. MITCHELL. Being the pension bill referred to.

Mr. EDMUNDS. That states the issue.

The Principal Legislative Clerk proceeded to call the roll on the motion of Mr. WILLIAMS.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. McDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]; otherwise I should vote "yea."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

Mr. MORGAN (when his name was called). I am paired with the Senator from Illinois [Mr. DAVIS].

The roll-call having been concluded, the result was announced—yeas 17, nays 26; as follows:

YEAS—17.

Barrow,	George,	Jackson,	Walker,
Call,	Gorman,	Jonas,	Williams.
Camden,	Groome,	Mahone,	
Cameron of Wis.,	Hampton,	Ransom,	
Cockrell,	Harris,	Vest,	

NAYS—26.

Anthony,	Garland,	Lapham,	Sherman,
Blair,	Harrison,	McMillan,	Tabor,
Coke,	Hawley,	Maxey,	Van Wyck.
Conger,	Hill,	Miller of N. Y.,	Voorhees,
Davis of W. Va.,	Hoar,	Platt,	Windom.
Edmunds,	Ingalls,	Pugh,	
Frye,	Jones of Nevada,	Rollins,	

ABSENT—33.

Aldrich,	Fair,	Logan,	Saulsbury,
Allison,	Farley,	McDill,	Saunders,
Bayard,	Ferry,	McPherson,	Sawyer,
Beck,	Grover,	Miller of Cal.,	Sewell,
Brown,	Hale,	Mitchell,	Slater,
Butler,	Johnston,	Morgan,	Vance.
Cameron of Pa.,	Jones of Florida,	Morrill,	
Davis of Ill.,	Kellogg,	Pendleton,	
Dawes,	Lamar,	Plumb,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, further insisted upon its disagreement to the amendments of the Senate to said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. B. CASWELL of Wisconsin, Mr. GEORGE M. ROBESON of New

Jersey, and Mr. E. JOHN ELLIS of Louisiana managers at the further conference on the part of the House.

RATES OF PENSION.

Mr. MITCHELL. I now move that the Senate proceed to the consideration of House bill 1410.

The PRESIDING OFFICER. The title of the bill indicated by the Senator from Pennsylvania will be read.

The ACTING SECRETARY. A bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

The PRESIDING OFFICER. The question is on the motion to take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that from and after its passage all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one arm, one hand, one leg, or one foot, or shall have suffered disability equal thereto, shall be entitled to a pension of $40 per month.

Mr. MITCHELL. There are four several reports on this bill from the Committee on Pensions of the Senate. I ask that all those reports be read.

The PRESIDING OFFICER. The reports will be read.

The Acting Secretary read the following report, submitted by Mr. SLATER January 26, 1883:

The Committee on Pensions, to whom was referred the bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, have examined the same, and the majority of your committee report:

That the bill proposes to increase the pension of "all persons now on the pension-rolls, and all persons hereafter granted a pension who, while in the military or naval service of the United States and in the line of duty, shall have lost one arm, one hand, one leg, or one foot, or shall have suffered disability equal thereto, shall be entitled to a pension of $40 per month."

The rates at which persons suffering the disabilities named are now pensioned are as follows:

Loss of a hand or foot, per month	$18 00
Amputation at or above the knee, per month	24 00
Amputation of arm at or above elbow, per month	24 00
Amputation at hip-joint, per month	37 50

The proposed legislation is manifestly and grossly unjust and unequal. The loss of a hand or a foot is in no just sense equal to the loss of an arm above the elbow or of the leg above the knee, and it is still more out of proportion to rank the loss of a hand or foot with the loss of an arm at the shoulder or with the loss of a leg at the hip-joint.

The present rates for the disabilities named are, in the opinion of your committee, liberal, and ought not to be disturbed—

First. Because it will to a great extent disturb and derange the rating of all the other classes below those proposed to be raised, and very greatly embarrass the Pension Office in its workings, retarding the passing of claims already too long delayed in their disposition.

Second. It will be a great and manifest injustice to raise the pensions of the class proposed, and leave a much larger class of equally deserving pensions embraced in the ratings below $18 per month untouched. If there is to be a rerating of any portion of the pension-list, it ought in justice to begin in the grades last referred to and not in the higher grades as proposed in this bill. Even now there is very considerable complaint of inequality in the pension ratings, because of the great difference between those who rate above $18 per month and those who fall below that amount—the latter complaining that they are unjustly discriminated against.

The passage of this bill will immediately add to and permanently increase the annual pension account not less than $5,187,564, as will appear by the following, taken from the letter of the Commissioner of Pensions to the Secretary of the Interior, dated December 16, 1882, on this very subject. He says:

"The class of persons to be benefited by House bill 1410, now before the Senate, are those who have lost one hand, one arm, one foot, or one leg; also those who are now receiving a pension for a disability equivalent to any of those first named. * * *

"The following statement will show an estimate of the whole number who come within the description of the bill, so far as relates to amputation:

Loss of hand and now receiving $18 per month.	Loss of arm and now receiving $24 per month.	Loss of foot and now receiving $18 per month.	Loss of leg and now receiving $24 per month.	Loss of hand and foot and now receiving $36 per month.	Amputation at the hip-joint, now receiving $37.50 per month.	Proposed net increase per month over the present rate.	Annual net increase between the present rate and that of $40 per month.
1,108	.....	.....	.....	.....	.....	$22 00	$292,512
	3,564	.....	.....	.....	.....	16 00	684,288
		2,523	.....	.....	.....	22 00	666,072
			1,966	.....	.....	16 00	377,472
				15	.....	4 00	720
					6	2 50	180
							2,021,244

"There are therefore of this class (amputations) 9,182, with a total net annual increase, if House bill 1410 should become a law, allowing $40 per month, of $2,021,244.

"This number will diminish from year to year, as it is rare that a new pension is now allowed for amputation.

"EQUIVALENT DISABILITIES.

"The following statement shows the number who are in receipt of a pension on account of disabilities equivalent to the amputations mentioned, and such others as may be affected by the bill in question; also the annual value of the increase, provided this class should be allowed $40 per month:

8,847 now receiving $18 per month, and the net increase will be	$2,335,608
1,552 now receiving $24 per month, and the net increase will be	297,984
232 now receiving $31.25 per month, and the net increase will be	21,576
14 now receiving $36 per month, and the net increase will be	672
280 are officers above the rank of first lieutenant, and the estimated increase will be	60,480

In all, 10,925, and a net annual increase of $2,716,320 for equivalent disabilities.

"This estimate is to the close of the last fiscal year, and as the resolution calls for an estimate for the future as well, I separate those purely estimated from those compiled from the records. An examination of 20,000 original cases recently allowed shows that 2.7 per cent. of the same received a pension wherein the current rate was at and above $18 per month and less than $40 per month. This does not refer to amputations, as it is rare that a pension is now claimed for the same. Assuming that 30,000 claims of this class should be allowed during the current year, together with the increase allowed bringing others within the same description, the annual increase during the present year would be augmented by this class some $450,000, which, added to $2,716,320, would make a total increase for equivalent disabilitities of $3,166,320.

"It should not be forgotten that if this bill shall become a law Congress can not with justice or consistency refuse to equalize the ratio between $8 and $18 per month with the rates in this bill, and the passage of this bill must be regarded as the entering-wedge to this general rerating, which will further very largely increase the annual pension account over that now provided for. This is very fully shown by Commissioner Dudley in the letter last referred to, as follows:

"The number of pensioners on the roll June 30, 1882, who were receiving $8 per month and the fractional rating of $18 per month, with the present annual value, is as follows:

29,074 at $8 per month	$2,791,104
6,249 at $10 per month	749,880
9,209 at $12 per month	1,326,096
2,861 at $14 per month	480,648
1,104 at $16 per month	211,968
48,497	5,559,696

"To increase these proportionately with the $18 and $24 class would bring the rate up to $15, $20, $25, $30, and $35 per month, as near as they could be equitably estimated. The net annual increase for these rates would be as follows:

29,074, now receiving $8 per month, to $15 per month	$2,442,216
6,249, now receiving $10 per month, to $20 per month	749,880
9,209, now receiving $12 per month, to $25 per month	1,436,604
2,861, now receiving $14 per month, to $30 per month	549,312
1,104, now receiving $16 per month, to $35 per month	251,712
This would increase the annual value of the roll	5,429,724

"To estimate the number and amount involved on this scale of increase to pending cases which may be hereafter allowed involves more difficulties for a satisfactory estimate than those already made. I submit this, however, on the following basis:

"Twenty-seven per cent. of those now on the roll are in receipt of the rates referred to. Take the 166,147 claimants before estimated as likely to be allowed a pension out of the pending claims now before the office, and the same rates would give 44,859 as likely to receive a pension of $8, and the intermediate grades of $10, $14, and $16 per month, and the annual net increase over the annual rates now provided by law would be $18,600,000."

The estimate makes no account of the fact that as years pass by the disabilities of the soldier increase in degree, so that the ratio of equivalent disabilities will steadily increase with the years. It must also be remembered that claims still continue to come in in large numbers, there having been filed in the year 1882 no less than 40,939 new applications, an increase of nearly 10,000 over the preceding year. There were on the files of the Pension Office July 1, 1882, 207,684 applications undisposed of. Of this number the Commissioner estimates that there will be ultimately allowed 166,147. Justice demands that these claims shall be considered and finally disposed of at the very earliest day. The annual pension account is now $29,341,101.62, and computing for the number to be allowed out of the 207,684 undisposed applications on file at the commencement of the present fiscal year at the same ratio per pensioner, the annual pension account will be swollen, when they come upon the pension-roll, to $46,403,881.52. The Commissioner also shows, in his last annual report, that there are now living over 1,000,000 individual soldiers who have not applied for pensions; that 86,803 soldiers have died leaving pensionable relatives who have made no application for pensions. From these facts and statistics it is apparent to those who will reflect but for a moment that in a very brief period—not more than three to five years—the annual pension account must, under existing legislation, be swollen to at least $50,000,000, for which annual appropriations must be made; and if this bill shall become a law, the direct additions, and those which are sure to follow as sequences of its passage, can not fail to swell this vast sum to fully $70,000,000 annually for pensions. This statement makes no account of the money needed to meet the demands of the arrearages-of-pension act so called, which is not likely to fall short of $200,000,000, yet to be provided.

TO RECAPITULATE.

The proposed legislation is unequal and unjust, as between the classes proposed to be increased, in that it rates minor disabilities equal to those of a much greater and graver character.

It discriminates against a much larger and equally deserving class, embraced in the lower ratings under existing laws, and will cause widespread dissatisfaction and discontent among those embraced in the lower ratings because they are denied an advance to which they are as justly entitled as those classes named in the proposed legislation.

It will derange the business of the Pension Office and greatly embarrass it in bringing up the great number of applicants which have been too long neglected, and in this way operate very unjustly against a large class of meritorious people entitled to pensions, but who have been unable to have their cases determined by reason of the great pressure of business in the Pension Office, and the inadequateness of the force, and the facilities to expedite the work.

The present allowance of the classes named are ample and in every respect liberal. The average is considerably above the average wages of the country, the lowest grade of $18 per month being about the general average of wages throughout the country.

The direct and immediate effect of this bill, if it shall become a law, will be to add to the annual pension account more than $5,000,000, and the legislation which will almost certainly follow the enactment of this bill into a law will add many millions more, as has been shown.

Therefore we recommend that the bill be not passed.

The Acting Secretary read the views of a minority of the Committee on Pensions, submitted by Mr. VAN WYCK January 26, 1883, as follows:

Differing with a majority of the committee, and unwilling to report the bill

back to the Senate without recommendation, we prefer to state why we think House bill 1410 should become a law.

True, many inconsistencies, incongruities, and unjust ratings appear in the pension laws now on the statute-book.

The law needs remodeling, notably, to give every man the same pension for the same disability.

No reason exists why the soldier who carried the musket and made the charge should not receive the same amount for the loss of a leg, or other disability, equal to that of a captain or a colonel. But it is not proposed by the opponents of this bill, at this time, to remodel the pension laws.

Therefore the fact that inequality exists is no reason why full justice should not be meted out to any class or portion when their cases may be presented to Congress.

There can not be any force in the argument that claim agents are to be benefited, for claim agents can be controlled by Congress, and when in the wrong punished.

Neither is there any force in the statement that frauds may be perpetrated, for that, carried to its full consequences, would lead to repealing all pension laws, for frauds are now committed; the fault is in a measure with the administration of the laws. We have already given the fullest latitude and a large amount of force to the Department to prevent that calamity.

Such can not be pretended to the crippled soldier nor one dying from disease as a reason why his claim should not be fully recognized by that Government which exists to-day only through his sacrifice.

Neither do we consider the allegation that millions will be taken from the Treasury and the pension-roll largely increased a ground of objection.

We must not forget the time when we pledged all there was of value, grateful remembrances for those who fell, and provident care for their families, and to those who should survive public employment without grudging, and money from the Treasury without stint.

At a time when the surplus funds in our Treasury are considered an invitation to reckless and extravagant expenditures it certainly becomes the duty of Congress to pay to the uttermost a contract made in the hour of danger and ratified in the blood and wounds of thousands of our soldiers.

But the promise to public position and employment has not been faithfully kept. Yet we have it in our power to fulfill the other portion of the contract by rendering, in the payment by money, a partial compensation for the losses sustained.

The justice of this measure does not depend upon the money required or the number of soldiers on the pension-roll.

We need not urge that each recurring year will find the payments from the Treasury and the numbers on the pension-roll largely reduced by death.

C. H. VAN WYCK.
G. M. CHILCOTT.

The Acting Secretary read the views of a minority of the Committee on Pensions, submitted by Mr. BLAIR January 26, 1883, as follows:

The undersigned, members of the Committee on Pensions, to whom was referred House bill 1410, entitled "An act to amend the pension laws by increasing the pension of soldiers and sailors who have lost an arm or leg in the service," being unable to agree with the majority in the rejection of the bill if properly amended, beg leave to present their views, and recommend the passage of the accompanying substitute for the bill. The House bill provides for an increase of the existing rates of pensions for certain specific disabilities from $18, $24, $31.25, $36, $37.50 per month to $40 per month. It does not attempt to make any proportionate and equitable increase to each of the several classes, but practically makes $40 the minimum of a just and equitable increase as among those several classes, so that if the principle of the bill were properly applied the result would be as follows: Those now receiving pensions at $18 per month being increased to $40 per month, those now pensioned at $24 per month should, on the same principle, be pensioned at $53.32 per month. Those now receiving pension at the rate of $31.25 per month should receive $69.44 per month. Those receiving at the rate of $36 per month would receive $80 per month. Those receiving at the rate of $37.50 would receive $83.32 per month.

The highest rates of pension now paid on account of the worst form of disability, involving total permanent helplessness and requiring the habitual attendance of another person, is $72 per month. The same principle would apply to the equivalent disabilities provided for in the bill.

Although the bill does not provide for the increase of any pension beyond $40 per month, yet, as the minimum form of disability, to wit, by reason of the loss of a hand or foot, is by its terms rated at $40, which is all that is allowed for an amputation at the hip or shoulder joint—the most dangerous operations known to surgery—and most rarely successful, resulting when not fatal in the severest form of disability short of total helplessness, it can not be doubted that the passage of this bill would operate only as the logical and irresistible basis or major premise for future legislation, increasing correspondingly the rates of pension for all degrees of disability higher than that now rated at $18 per month. By the letter of the Commissioner of Pensions, transmitted by the Secretary of the Interior, in response to a resolution of the Senate, contained in Executive Document 21 of this session, it appears that the annual increase of the pension-roll, if this should become a law, on account of claims already allowed, would be $5,187,564. Disregarding applications yet to be made, the anticipated increase of the roll on account of cases now pending and likely to be allowed would be about $6,750,000.

House bill 1410 makes no provision for disabilities affecting sight or hearing, for which, by general consent, very inadequate provision is made by existing law. In recognition of the manifest relative injustice under which these two unfortunate classes have hitherto suffered, the House of Representatives has since passed a bill largely increasing the pensions hereafter to be paid to them. We estimate the necessary increase to the roll, by reason of the provision thus made for these two classes and which properly should have been included in bill 1410, at $1,200,000 per annum, and for injuries to eye and ear, increase of pending claims over what would be allowed by existing law, $1,000,000, so that it is a fair statement of the result of the legislation proposed in House bill 1410; and the subsidiary bill providing for increase for disabilities to sight and hearing, that the annual roll would be increased at least $17,000,000 on account of cases already allowed and pending applications likely to be favorably adjudicated.

Should subsequent legislation carry out the principles involved in bill 1410, this amount would be increased indefinitely. But it may safely be presumed that it would be not less than $30,000,000. These rates once implanted in the pension laws must remain a component part of our pension system in the future, and the increase of the public burden in this direction would become so great and oppressive as probably to result in the indignant abolition of the whole system or in a wholesale, indiscriminate, and inequitable reduction. That the minimum for specific disabilities in the future would, by the enactment of House bill 1410 into a law, be practically established at $40 per month, has been substantially admitted by advocates of the bill, and, so far as we know, is not seriously denied, or if denied, no one exercising common discretion in the case would give credence to the denial.

The inequalities which it would establish could not fail to rankle in the breasts of those who relatively would suffer injustice by its provisions, and the ordinary sense of fair play existing in the minds of the people at large would require the relative increase of all, from a minimum of $40, or a general reduction, which would leave all parties interested worse off than they now are. Nor would the evil be lessened, but, on the contrary, it would be greatly aggravated, by an amendment such as has been proposed to the bill, by striking out all increase to the equivalent disabilities, making its benefits applicable only to those who have suffered amputation of the hand or foot, the arm or leg. This would only increase the number of those who would feel that they had been unjustly dealt with, and in the next Congress we should be called upon to complete the justice denied in this.

The undersigned have, therefore, felt that either all legislation should be denied, or that the inherent difficulties of the subject should be dealt with comprehensively, immediately, and with a determination to do equal justice to all and to deny it to none. While we have felt that the soldiers suffering from specific disabilities, and their equivalents—although liberally provided for when our legislation is compared with that of other governments—have not hitherto received any more than they were entitled to receive from a rescued and grateful people; yet, assuming that until the present time their pensions have been fairly commensurate with their sufferings and disabilities, it must be conceded that with the increasing necessities resulting from failing constitutions and the unavoidable aggravation of their disabilities, with growing helplessness and incapacity to exercise their mental faculties, as well as such crippled physical powers as the ravages of war have spared to them, and with their lives shortening as the shadows lengthen, a very substantial increase of their pensions has become indispensable.

It should be remembered that all who suffer from these disabilities were soldiers, very seriously maimed or otherwise disabled in the actual conflicts of war. In almost every instance their lives have been greatly shortened, and as the years pass away the rate of mortality among them—fearful at the best—is rapidly accelerated. Those of them who have suffered the loss of hands, feet, or limbs, from successful operations, while oftentimes appealing most strongly to the eye for sympathy, are really subjected to less suffering and shortening of life than those whose equivalent disabilities are occasioned by disease or wounds in different portions of the body, by sores and fractures beyond healing, and often unnamed and horrible afflictions too shocking for statement here. Any bill which shall undertake to increase the pensions of one class, and at the same time should neglect the other, would be radically unjust.

Believing that for the general reasons we have stated some increase to all is imperatively required to meet their increasing necessities—necessities which will soon cease with most of them by their final discharge from the warfare of life—we have, after careful study of the subject, stimulated by great anxiety to master the complications and perplexities which surround it—difficulties which have been developing and increasing for years from the imperfect patchwork of legislation that has come down to us—prepared the accompanying substitute for the pending bill. It covers all known specific disabilities, their proportionates and equivalents. By existing legislation $18 is made the pension for the loss of a hand or foot. It is the lowest specific disability, and we have increased it to $24. The next higher grade, to wit, $24, the present pension for the loss of an arm or leg, we have increased to $30. The inability to perform manual labor, which may involve the necessity for the employment of an attendant most of the time, as well as medical aid, now receiving only $24, we have increased to $40; loss of hand and foot, and total disability in one hand and one foot, now receiving $36, we have increased to $40 per month; amputation at the hip-joint, now receiving $37.50, we have increased to $40; total deafness hitherto provided for with astonishing inadequacy—receiving only $13 per month—we have increased to $30.

We have also endeavored to provide what seemed to us just proportionate rates for lesser disabilities of hearing and sight. But we must refer to the bill itself for a minute statement of its provisions. There is now no rate of pension between $37.50, the amount allowed for amputation at the hip-joint, and the rate of $72, which is paid for the following disabilities, respectively: Loss of both hands, loss of both feet, loss of both eyes, loss of one eye, the other having been lost before enlistment; disability requiring regular aid and attention, and total disability in both hands. We have submitted the proposed substitute to the Commissioner of Pensions, and from memorandum furnished by him to Mr. BLAIR personally, not officially, make the following statement of the addition to the annual roll by reason of the increase of pensioners whose claims are already allowed. The total amount is $5,429,010.

Assuming the substantial correctness of this memorandum, the total increase to the pension-roll, when all pending cases are adjudicated, would amount in round numbers to about $9,000,000, but as the rate of mortality will nearly approach the annual increase, the amount annually paid out at any time will not, in our belief, exceed $5,000,000 or $7,000,000 under the provisions of this bill in addition to what would otherwise be paid under existing laws. As these pensioners themselves will soon pass away, we feel that this slight increase, so necessary and so just, ought not to be named as a burden to the overflowing coffers of the American people, whose contents were coined from the blood of these patriotic men. Even if it were a burden our people would joyfully take it up, and will rejoice at the opportunity to testify their gratitude to those by whose sufferings, which can cease only with death, they have themselves been saved.

The following is a copy of the proposed substitute for House bills 1410 and 1247:

A bill to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner shall have suffered amputation at or above the elbow or knee, at the rate of $30 per month; and all who shall in like manner have suffered amputation at the hip-joint or at the shoulder-joint, or who shall have lost one hand and one foot, or shall be totally disabled in one hand and one foot, or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another person, at the rate of $40 per month; and all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities, shall be entitled to receive a pension per month of the amount hereby granted to such disability; and in case of amputation below a joint, but with such effect as to produce a disability equal to that produced by amputation at or above the joint, pension shall be paid as for the disability actually resulting from such amputation; and all persons who in like manner shall have lost the sight of one eye shall receive a pension at the rate of $12 per month; and in cases in which the injury to the one eye manifestly affects injuriously the sight of the other eye, or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid, he shall be entitled to an equitable increase in his pension, not to exceed, when the loss of sight is less than total blindness, in the whole amount $40 per month; and all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted, shall have totally lost the hearing of both ears, shall be entitled to receive a pension of $30 per month; and for any loss of hearing less than total deafness, they shall receive an equitable portion thereof.

SEC. 2. That instead of the rate of $18 per month provided in section 4699 of the Revised Statutes, the rate of $24 per month may be proportionately divided for any degree of disability established for which neither the preceding section nor section 4695 of the Revised Statutes make provision: *Provided*, That nothing in this act shall be construed to reduce any pension now authorized by law; nor

shall any pensioner be entitled to increase under this section until an examination shall show an increase in his actual disability.

SEC. 3. That no applicant for pension whose claim shall be granted hereafter shall receive arrears or any allowance of pension for time prior to the passage of this act greater than he would be entitled to receive by virtue of existing laws; but from and after the passage of this act his pension shall be computed in accordance therewith, if his disability be such as is included in its provisions.

Memorandum from Commissioner of Pensions, referred to in views of minority, of net annual increase under provisions of the proposed Senate bill:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 24, 1883.

Memorandum.

Thirty-six hundred and thirty-one pensioners who have lost one hand or one foot, now receiving $18 per month, and to be increased to $24 per month. Net annual increase $261,432.

Fifty-three hundred and eighty who have suffered amputation at or above the knee, or the elbow, now receiving $24, and to be increased to $30 per month. Net annual increase, $419,760.

Sixty who have suffered amputation at the hip-joint, now receiving $37, and to be increased to $40 per month. Net annual increase, $180.

One hundred and fifty who have suffered amputation at the shoulder joint, now at $24, and to be increased to $40 per month (this number estimated). Net annual increase, $28,000.

Fifteen who have lost one hand and one foot, now receiving $36, and to be increased to $40 per month. Net annual increase, $720.

One hundred and twenty-five totally deaf, now receiving $13, and to be increased to $30 per month. Net annual increase, $25,500.

Two thousand who are pensioned for impaired hearing, less than total deafness, now receiving $1, $2, $4, and $6 per month, and to receive an equitable portion of $30 per month. Net annual increase (estimated), $312,000.

Two thousand who have lost one eye (estimated), now receiving $4 per month and to be increased to $12 per month. Net annual increase, $192,000.

Four thousand (estimated) who are receiving a pension for impaired sight, other than the loss of one eye or of total blindness, now receiving the several rates from $2 to $16 per month, and to receive an equitable proportion of $40 per month. The net annual increase is estimated at $700,000.

Nineteen thousand four hundred and twenty-three pensioners now receiving $10, $12, $14, $16 per month, who will be entitled to a proportion of $24 per month, and the net annual increase is $1,398,456.

Eighty-eight hundred and forty-seven who have a disability equivalent to loss of a hand or a foot, now receiving $18, and to be increased to $24, $30, and $40 per month. Net annual increase (estimated), $1,667,894.

Fifteen hundred and fifty-two now disabled for the performance of any manual labor, receiving $24 per month, and to be increased to $40 per month. Net annual increase, $287,908.

Two hundred and thirty-two now receiving $31.25, and to receive $40 per month. Net annual increase, $24,360.

Add $100,000 for commissioned officers and the addition to the roll since June 30, 1882, and the net annual increase for all classes is estimated at $5,429,010.

The Acting Secretary read the views of a minority of the Committee on Pensions, submitted by Mr. PLATT January 26, 1883, as follows:

The undersigned, a member of the Committee on Pensions, to whom was referred H. R. 1410, the same being "an act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service," being unable to agree with the majority of the committee in their recommendation that the bill be indefinitely postponed, herewith submits his reasons therefor and for the passage of an original bill introduced herewith.

The present law regulating the rate of pensions is inconsistent and incongruous, owing to the fact mainly that the rates for different degrees of disability have been fixed by separate statutes, passed at different times, for the benefit of particular classes of pensioners, and without reference to the pensions granted other classes. The attempts to equalize and adjust pension rates from time to time by statutes increasing pensions of certain classes has added to the inequality in pensions. H. R. 1410, in the opinion of the undersigned, would, if passed, result in still greater and more glaring inequalities and inconsistencies. It provides, in substance, that the rate of pension now paid for the loss of a hand or foot, or other disability equivalent thereto, to wit, $18 per month, shall be increased to $40 a month; that the rate paid for the loss of an arm at or above the elbow, or a leg at or above the knee, to wit, $24 per month, shall in like manner be increased to $40 per month; also that the rate paid to those "otherwise so disabled as to be incapacitated for performing any manual labor, but not so much so as to require regular personal aid and attendance," to wit, $24 per month, shall in like manner be increased to $40 per month.

It is obvious that the disability of the three classes referred to is not the same, and the inconsistency of fixing the same amount of pension for the three degrees of disability is the more obvious when we consider that those suffering the least degree of disability are to be increased by the bill $22 per month, while those suffering the greater degree of disability are only to be increased $16 per month. Again, the rate proposed to be fixed by the bill for those who have lost one hand or one foot only would be but $10 less per month than that now fixed for those who are totally and permanently disabled so as to require the regular personal aid and attendance of another person. Upon the supposition that the bill in the shape that it passed the House would increase the pension of those who have lost one hand and one foot, or are totally disabled in one hand and one foot, from $36 per month now paid them to $40 per month, it would be an increase of $4 per month only to that class, putting those who have simply lost one hand or one foot upon an equality with those who have lost both. Upon the supposition that it would increase from $31.25 per month to $40 per month the pensions of those who are totally disabled and require the aid and attendance of another person, but whose disability in this degree is not found to be permanent, the increase per month, $8.75, would be less than one-half the increase granted to those who having lost only a hand are still able in many instances to earn fair salaries.

The undersigned doubts very much the wisdom of attempting by any bill to increase the pensions of any particular class at this time. A large number of applications for arrears of pension are still pending. The total amount paid for arrears of pensions to December 1, 1882, amounts to $97,891,506.98. The Commissioner estimates that there will still be required to pay arrears of pension to those whose claims are now pending entitled to arrears the sum of $204,795,000. The amounts given above are for arrearages simply, and do not include anything for annual payments after the granting of pensions. The rates of the whole pension-list need to be revised and readjusted, due regard being had to comparative disability, and the undersigned inclines to the opinion that the wisest policy is to make no increase or change in the rate of pensions now allowed by law until after the pending arrearage cases are settled, when the whole subject of pension rating could and should be committed to an intelligent commission, upon which there should be at least one man eminent in medical science instructed to take the rate now paid for the highest degree of disability, to wit, $72 per month, for total and permanent disability requiring the regular aid and attendance of another person, and without reference to rank, fixing lesser rates of pension for all lesser degrees of disability. To do this it is probable that some pensions would need to be reduced and others increased; but it is difficult to see in what other manner justice can be done to different classes of pensioners and their respective disabilities.

To pass the present House bill increasing the pensions of all the classes embraced therein to a uniform rate of $40 per month would simply perpetuate and add to the present inconsistencies of the law, and would, it is believed, result in the near future in an increase of all pensions. There would be no logical answer to be made to the demand of those whose pensions are now rated below $18 per month, or between $24 and $72 per month for a corresponding increase of the pensions now paid to them.

The annual addition to the pension-roll, as it now exists, by the passage of House bill 1410, as it came from the House, would be $5,187,564. To this should be added $892,000 for the cases now pending which would be affected by the bill, making the annual cost by the passage of the bill, $6,079,564.

Recognizing, however, the force of the arguments used in behalf of the pensioners, whose pensions this bill proposes to increase, to the effect that the pensions now paid them are inadequate in view of their disabilities, and desiring to meet the demand for such increase by some present measure of relief reasonable in itself and not too disproportionate to the amount paid other pensioners, the undersigned has concluded that it would be well to increase the pensions of those who are now entitled to $18 per month to $24 per month, and of those who are entitled to $24 per month to $30 per month, and to that end recommends the passage of the following proposed bill in lieu of House bill 1410, which it is believed will add to the pension-roll annually an amount not exceeding $2,000,000:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month; that all persons now on the pension-roll, and all persons hereafter granted a pension, who, in like manner, shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Mr. VEST. Mr. President——

Mr. MITCHELL. I desire to make only a very brief statement.

The PRESIDING OFFICER. The Chair had recognized the Senator from Missouri [Mr. VEST].

Mr. MITCHELL. I supposed I was occupying the floor, as I called for the reading of the reports of the committee and I did not intend to yield.

Mr. VEST. I only want to offer an amendment to the bill.

Mr. MITCHELL. Very well.

Mr. VEST. I move to strike out, in line 7, "or shall have suffered disability equal thereto."

Mr. HOAR. I suggest to the gentlemen who have charge of this bill that any amendments which it is proposed to offer be presented now, so that they can be printed in the RECORD, and that the Senate then proceed to the consideration of executive business, and let my friend from Pennsylvania make his statement in the morning when the Senate will be full.

Mr. MITCHELL. That will be satisfactory to me. The question, however, before the Senate, I suppose, will be on the views presented by the majority, which favor an indefinite postponement of the bill. I suppose, therefore, strictly amendments are not in order; but the amendments proposed can be printed in the RECORD and so get the whole case before the Senate that they may examine it. I think that would be well.

Mr. HOAR. I ask that all proposed amendments be handed to the Secretary and be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Massachusetts that all amendments intended to be proposed to this bill shall be handed to the Secretary and printed in the RECORD?

Mr. VEST. I do not propose to hand my amendment to the Secretary. I have already offered it.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be read.

The ACTING SECRETARY. In line 7 of the bill, after the word "foot," it is moved to strike out "or shall have suffered disability equal thereto."

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the Senator will withdraw that motion a moment.

Mr. HOAR. I withdraw the motion.

Mr. BLAIR. I move to strike out all after the enacting clause and insert what I send to the desk now, in order that it may be printed in the RECORD, and also printed for distribution to Senators.

The PRESIDING OFFICER. The order to print amendments is already made generally.

The amendment intended to be proposed by Mr. BLAIR is as follows:

Amend the bill by striking out all after the enacting clause and inserting:

"That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner shall have suffered amputation at or above the elbow or knee, at the rate of $30 per month; and all who shall in like manner have suffered amputation at the hip-joint or at the shoulder-joint, or who shall have lost one hand and one foot, or shall be totally disabled in one hand and one foot, or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another per-

son, at the rate of $40 per month; and all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities, shall be entitled to receive a pension per month of the amount hereby granted to such disability; and in case of amputation below a joint, but with such effect as to produce a disability equal to that produced by amputation at or above the joint, pension shall be paid as for the disability actually resulting from such amputation; and all persons who in like manner shall have lost the sight of one eye shall receive a pension at the rate of $12 per month; and in cases in which the injury to the one eye manifestly affects injuriously the sight of the other eye, or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid, he shall be entitled to an equitable increase in his pension, not to exceed, when the loss of sight is less than total blindness, in the whole amount, $40 per month; and all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted, shall have totally lost the hearing of both ears, shall be entitled to receive a pension of $30 per month; and for any loss of hearing less than total deafness, they shall receive an equitable portion thereof.

"SEC. 2. That instead of the rate of $18 per month provided in section 4699 of the Revised Statues, the rate of $24 per month may be proportionately divided for any degree of disability established for which neither the preceding section of this act nor section 4695 of the Revised Statutes make provision: *Provided*, That nothing in this act shall be construed to reduce any pension now authorized by law; nor shall any pensioner be entitled to increase under this section until an examination shall show an increase in his actual disability, except when the evidence on file shows the disability to be permanent in a degree entitling to the rate of pension then received, or when the character of the disability would vary in a lesser degree.

"SEC. 3. That no applicant for pension whose claim shall be granted hereafter shall receive arrears or any allowance of pension for time prior to the passage of this act greater than he would be entitled to receive by virtue of existing laws; but from and after the passage of this act his pension shall be computed in accordance therewith if his disability be such as is included in its provisions."

Mr. PLATT. When the proper time shall arrive I will offer an amendment to this bill. I ask that the amendment as proposed may be printed in the RECORD, and also printed in the usual form.

The PRESIDING OFFICER. That order will be made if there be no objection.

The amendment intended to be proposed by Mr. PLATT is as follows:

Strike out all after the enacting clause and insert:

"That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month; that all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4699 makes no provision."

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. Pending the motion of the Senator from Massachusetts, I desire to make a report from the committee of conference on the Post-Office appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes if practicable, in order to secure the better protection of the interests of the Government and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered, which sum shall be immediately available."

And the Senate agree to the same.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. PLUMB. I desire to state that there seems to have been some little confusion as to the order of proceeding. The report was first made to the House by inadvertence, and the House disagreed to the report of the conference committee, and has asked the Senate to agree to a further conference. I will not make any motion that the Senate agree to the report of the conference committee, but going by that, I will move that the Senate further insist on its amendments and agree to the new conference asked for by the House.

Mr. DAVIS, of West Virginia. I desire to ask my colleague and the Committee on Appropriations what is the difference between the two Houses now?

Mr. PLUMB. The difference between the two Houses is practically on the special-mail facilities and the provision of the House amending the charters of the Pacific railway companies. There are other points of difference, but those can undoubtedly be accommodated. The disagreement is total on its face on these two points.

Mr. DAVIS, of West Virginia. As to the additional mail facilities, I would ask my colleague on the committee whether that is interfering much with a settlement, or is it the other point?

Mr. PLUMB. It is pretty hard to state what the action of the House is specially predicated upon. The committee agreed unanimously upon the accommodation of the points of difference, but the report on being submitted to the House was disagreed to by the House and the House has asked for a new conference.

Mr. DAVIS, of West Virginia. The course taken by the Senator is proper and should be adopted; but I wish to state at the same time that there was a division in the Senate on the $185,000 appropriated for additional mail service. It is believed by some of us at least that that amount is not sufficient for the general distribution that was intended by the Senate when it was originally voted; and if that should become a question dividing the two Houses, and there was nothing else, then I should feel it my duty, and somewhat a pleasure too, to move that the Senate recede.

Mr. PLUMB. I am not certain but that the proper motion should be that the Senate agree to the conference report, and that it further insist on its amendments and agree to the request of the House for a new conference.

The PRESIDING OFFICER. The first question is, Will the Senate agree to the report of the committee of conference?

Mr. COCKRELL. As I understand, the conference committee reported a disagreement.

Mr. PLUMB. Oh, no; an agreement this time. They reported a disagreement before and had a new conference. They have agreed now, but the House have disagreed to the report.

Mr. COCKRELL. What is the agreement of the committee?

Mr. PLUMB. The committee agreed that the amendment of the Senate appropriating $185,000 for special mail facilities should remain. They agreed also that the amendment of the Senate to the House bill which amended the Pacific railway charters should be concurred in. They agreed to fixing the 1st day of October for the time of taking effect of the 2 cents postage rate, and there were some agreements upon minor points which I do not now remember, the Senate yielding the additional amount which it added for steamboat mail transportation. There were some minor differences about the provision in regard to investigating the mail service of the United States and reporting a plan to further execute it.

Mr. COCKRELL. Then, as I understand, the conference committee agreed and that committee so reported to the House and the House overruled it.

Mr. PLUMB. Yes, sir; the House overruled it.

Mr. COCKRELL. Now, you do not report your conference report to be agreed to, but you are acting on the report from the House. That is what I want to get at.

Mr. PLUMB. I suppose as a matter of parliamentary propriety the report should have been first made to the Senate, but the House conferees made their report first, and the House thus having jurisdiction of the question disagreed to the report of the conference committee; but it is proper as a part of the history of the case to say that the report of the conference committee should be made to the Senate in order that it may appear in its record.

Mr. COCKRELL. All I have to say is, for I do not want to consume any time, that when the proper period comes that I can do so, I shall move that the Senate recede from the amendment of $185,000 for the fast-mail facilities, so called.

The PRESIDING OFFICER. The question is, Will the Senate agree to the report of the committee of conference?

Mr. DAVIS, of West Virginia. I should like to know what the effect of the agreement is. Does it come to the Senate?

Mr. PLUMB. Only a new conference.

Mr. DAVIS, of West Virginia. Has the House asked for a new conference?

Mr. PLUMB. Yes, sir.

Mr. DAVIS, of West Virginia. Then I should like to say to my friend that I hope he will not ask us to agree. I think the $185,000 appropriation very unequally and very unfairly distributed. I hope if we are to have another disagreement it will not be on that point.

Mr. PLUMB. I ask that the action of the House be read.

The Acting Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 26, 1883.

Resolved, That the House disagree to the report of the committee of conference on the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and that it further insist upon its disagreement to the amendments of the Senate to said bill and ask a further conference with the Senate upon the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CASWELL, Mr. ROBESON, and Mr. ELLIS be the conferees on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate further insist on its amendments and grant the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the committee of conference, and Messrs. PLUMB, ALLISON, and BECK were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes, with amendments in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of Illinois, favoring the passage of the bill pending before the Senate for an increase of the pensions of loyal soldiers who lost a leg or an arm in the military service of the United States to the sum of $40 per month; which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution of the Thirty-third General Assembly of the State of Illinois.

Whereas a bill is now pending before the Senate of the United States having for its object an increase of the pensions of all loyal soldiers who lost a leg or an arm in the military service of the United States to the sum of $40 per month: Therefore,

Be it resolved by the senate (the house of representatives concurring herein), That our Senators and Representatives in Congress be requested to use their influence to secure the passage of said bill, and that the secretary of the State of Illinois be requested to have printed and mailed to each member in Congress and each Senator from Illinois a copy of this resolution.

Adopted by the senate February 2, 1883.

WM. J. CAMPBELL,
President of the Senate.
L. F. WATSON, *Secretary.*

Concurred in by the house of representatives, February 6, 1883.

LORIN C. COLLINS, JR.,
Speaker of the House of Representatives.
JOHN A. REEVE, *Clerk.*

UNITED STATES OF AMERICA,
State of Illinois, ss:

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a preamble and joint resolution adopted by the Thirty-third General Assembly of the State of Illinois, and filed in this office February 20, A. D. 1883.

In witness whereof I hereunto set my hand and affix the great seal of State. Done at Springfield, this 22d day of February, in the year of our Lord 1883.

HENRY D. DEMENT,
Secretary of State.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of Illinois favoring the passage of an act to secure the placing of sheer-booms at the various bridges crossing the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution of the thirty-third General Assembly of the State of Illinois.

Whereas the piers of many of the railway bridges crossing the Mississippi River are a very serious hinderance to navigation; that steamers frequently collide with them and sometimes great loss of life is thereby occasioned, and that there is annually a great loss of property, and that they are constantly a great source of danger and dread to those who have business or who travel upon the river; and

Whereas in accordance with the act of Congress approved March 3, 1875, a board of United States engineers was convened in Saint Louis, and after an exhaustive examination of the subject, they submitted a report to the honorable the Secretary of War February 19, 1877, in which they recognized the great necessity for shear booms, and recommended plans for the same at the various bridges; and

Whereas in 1882 Major A. McKinzie, United States engineer in charge of the river improvements between Saint Anthony's Falls and the mouth of the Illinois River, constantly witnessing the great danger to life and property at the bridge piers, and the consequent necessity for protection thereat, submitted a report to the Chief of Engineers, United States Army, in which much important information was given upon the subject and the shear booms urgently recommended. Therefore your memorialists would respectfully but urgently suggest that the interest of commerce, the security of property, and the safety of life imperatively demand that, at the earliest possible moment, shear booms be placed at the various bridges in substantial accordance with the plans and recommendations above alluded to; Therefore,

Be it resolved by the senate of the State of Illinois (the house of representatives concurring therein), That our Senators in Congress be instructed and our Representatives requested to use their best efforts to secure the placing of shear booms at the various bridges crossing the Mississippi River.

Resolved, That a copy of these resolutions, duly signed by the president of the senate, the speaker of the house, and attested by the secretary of this body, be forwarded to each of the Illinois Senators and Representatives in Congress.

Adopted by the Senate February 9, 1883.

WILLIAM J. CAMPBELL,
President of the Senate.
L. F. WATSON, *Secretary.*

Concurred in by the house of representatives February 16, 1883.

LORIN C. COLLINS, JR.,
Speaker of the House of Representatives.
JOHN A. REEVE, *Clerk.*

UNITED STATES OF AMERICA,
State of Illinois, ss:

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a preamble and joint resolution adopted by the thirty-third General Assembly of the State of Illinois, and filed in this office February 22, A. D. 1883.

In witness whereof I hereunto set my hand and affix the great seal of State. Done at Springfield this 22d day of February, in the year of our Lord 1883.

[SEAL.] HENRY D. DEMENT,
Secretary of State.

Mr. LOGAN presented a petition of the Capitol police force, praying for an allowance of one month's extra pay; which was referred to the Committee on Appropriations.

Mr. JACKSON presented a memorial of the Nashville Merchants' Exchange, praying an appropriation for the continuance of the cotton-belt weather reports; which was referred to the Committee on Appropriations.

SOLDIERS' HOME AT WASHINGTON.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; which were referred to the Committee on Military Affairs.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads; and the joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876, was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. ANTHONY, Mr. FAIR, and Mr. GORMAN submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL, and Mr. JONES of Florida, submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. WINDOM. I ask the Senator to let us have a short executive session.

Mr. HOAR. I will substitute that motion, but I thought it was too late for that. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened.

Mr. RANSOM. I move that the Senate adjourn to meet to-morrow at 11 o'clock a. m.

Mr. ANTHONY called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 15; as follows:

YEAS—24.

Barrow,	Groome,	McMillan,	Sewell,
Beck,	Hale,	Maxey,	Tabor,
Brown,	Hampton,	Miller of N. Y.,	Vest,
Call,	Harris,	Pendleton,	Voorhees,
Coke,	Hoar,	Pugh,	Walker,
Gorman,	Jonas,	Ransom,	Williams.

NAYS—15.

Anthony,	Edmunds,	Hawley,	Plumb,
Blair,	Garland,	Morgan,	Rollins,
Cameron of Wis.,	George,	Morrill,	Sawyer.
Conger,	Harrison,	Platt,	

ABSENT—37.

Aldrich,	Fair,	Jones of Nevada,	Saulsbury,
Allison,	Farley,	Kellogg,	Saunders,
Bayard,	Ferry,	Lamar,	Sherman,
Butler,	Frye,	Lapham,	Slater,
Camden,	Grover,	Logan,	Vance,
Cameron of Pa.,	Hill,	McDill,	Van Wyck,
Cockrell,	Ingalls,	McPherson,	Windom.
Davis of Ill.,	Jackson,	Mahone,	
Davis of W. Va.,	Johnston,	Miller of Cal.,	
Dawes,	Jones of Florida,	Mitchell,	

So the motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned to meet on Tuesday at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 26, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. 7482) making appropriations for the legislative, execu-

tive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. KETCHAM, from the Committee on Appropriations, reported back the bill (H. R. 7181) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes, with the Senate amendments thereto, and moved that the amendments of the Senate be non-concurred in, and that a conference with the Senate be requested.

The motion was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. KETCHAM of New York, Mr. HISCOCK of New York, and Mr. FORNEY of Alabama.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I desire to submit a report from the Committee on Claims.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. Does the gentleman object to the report from the Committee on Claims by the gentleman from Ohio?

Mr. TOWNSHEND, of Illinois. I think the only way to proceed in order is to have the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I move to take from the Speaker's table the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, returned from the Senate with amendments, and that the bill, with the Senate amendments numbered, be printed. I am also instructed by the Committee on Appropriations to move to nonconcur in all the amendments of the Senate and to ask a conference.

There was no objection, and it was ordered accordingly.

The SPEAKER announced as the conferees on the part of the House Mr. CANNON of Illinois, Mr. O'NEILL of Pennsylvania, and Mr. ATKINS of Tennessee.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

Mr. CASWELL. I submit a report from the committee of conference on the Post-Office appropriation bill.

The report was as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government and the adjustment of the rates of compensation for the service required, and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered, which sum shall be immediately available."

And the Senate agree to the same.

L. B. CASWELL,
J. G. CANNON,
E. JNO. ELLIS,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

The accompanying statement was read, as follows:

The managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Post-Office appropriation bill submit the following written statement in explanation of the effect of the report, which is herewith submitted, if adopted:

On amendment numbered 2: Strikes out the following:

"*Provided*, That for the better accomplishment of the objects of the acts authorizing the construction of the railroads hereinafter referred to, and the better to secure to the Government the use and benefit of the same, the acts authorizing the building and construction of those railroads which have received, in addition to land grants, Government aid by the loan or guarantee of bonds by the United States, and all other acts, parts of acts, and provisions having relation thereto are hereby so altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transportation of the United States mails by such railroad companies, or their assigns or successors, shall be fixed by the Postmaster-General, at a rate not exceeding that fixed by him or allowed by law to other railway companies of the same class to which the United States have furnished aid by grant of land, right of way, or otherwise."

On amendments numbered 3 and 4: Appropriates $185,000 for necessary and special facilities on trunk lines and $600,000 for transportation by steamboat routes.

On amendments numbered 5 and 6: Provides that the reduction of rate of postage shall go into effect on and after October 1, 1883.

On amendment numbered 11: Makes section 3 of the act read as follows:

"SEC. 3. That the Postmaster-General is hereby directed to make a thorough investigation into the railway mail service of the United States and report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government, and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000, out of the appropriation for the transportation of mails, for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered; which sum shall be immediately available."

The total amount appropriated by the act, as agreed upon in conference, is $44,489,520, or $25,000 less than as it passed the Senate, and $260,000 more than as it was agreed to in the House; $154,380 less than the law for the current year, and $2,251,591.25 less than the estimates for 1884.

L. B. CASWELL,
J. G. CANNON,
E. JOHN ELLIS,
Managers on the part of the House.

Mr. CASWELL. I move that the report be adopted.

Mr. ANDERSON. I would like to make an inquiry.

Mr. BLACKBURN. I want to ask the gentleman from Wisconsin [Mr. CASWELL] a question. It is as to what this report of the committee of conference does with the special-facility fund of $185,000, which the House refused to put in the bill and which the Senate put in?

Mr. CASWELL. It has been agreed to by the conference and is left in the bill.

Mr. BLACKBURN. Then I hope the report will not be agreed to.

Mr. CASWELL. I now move the previous question on the adoption of the report.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. It is that in the midst of this confusion it is impossible to understand what is pending before the House upon which the previous qestion is called. I ask that the report be read.

The SPEAKER. It has just been read.

Mr. HOLMAN. I desire to have again stated as to what amendments of the Senate concurrence is recommended and what amendments non-concurrence.

Mr. CASWELL. If we can have order, if the gentleman from Indiana [Mr. HOLMAN] desires, I will make a brief statement in explanation.

Mr. HOLMAN. We are anxious to know what is the motion.

Mr. CASWELL. The motion is that the report of the committee of conference be adopted. The only point of difference I apprehend about which the gentleman from Indiana [Mr. HOLMAN] cares to hear anything is the one in relation to special mail facilities on railroads. The committee of conference have agreed to allow the Senate amendment appropriating $185,000 for that purpose to remain in the bill.

We have also agreed that the reduction of postage on letters shall take effect on the 1st of October instead of the 1st of January as originally in the House bill. We have agreed to omit the amendment which was offered in the House to attach to the bill a provision fixing the rate of compensation to land-grant railroads for carrying the mails; that provision is eliminated from the bill.

Mr. HOLMAN. You report to concur with the Senate in striking out that railroad feature?

Mr. CASWELL. We concur in the Senate proposition to strike that out.

Mr. HOLMAN. And also in the action of the Senate adding $185,000 for special facilities?

Mr. CASWELL. That is so.

Mr. HOLMAN. Then you concur in the two important Senate amendments.

Mr. ROBESON. I could not hear exactly what the gentleman from Indiana [Mr. HOLMAN] said, and I may repeat his question. I want to ask whether the conferees concur in the proposition of the Senate to strike out the provision of the House that the charters of those companies which receive bonds as well as land subsidies shall be so amended as to enable the Postmaster-General to reduce the rates of transportation for mails?

I understand that this provision was voted in in this House after a long and severe controversy by an overwhelming vote. I understand that the Senate has stricken it out. Now, I ask whether this conference committee agrees to the striking out.

Mr. CASWELL. I will say in reply to the gentleman from New Jersey [Mr. ROBESON] that the Senate in their amendments struck out that clause. They claim that this point as to what would be a reasonable compensation to these railroad companies for carrying the mails is now involved in a question pending before the Court of Claims, and that it would be unwise action on the part of Congress to wrest that subject from the court when it is perhaps fairly and fully presented. It is claimed that under these circumstances any attempt of Congress to settle the question would but add confusion to the embarrassed situation. The Senate was persistent in striking out this clause. We once reported back to the House our disagreement upon this subject, the House conferees having insisted upon the House provision with a view to carry out the wish of the House if possible. But when we found further resistance useless we yielded to the Senate proposition.

Mr. ROBESON. Do I understand the gentleman to say that the ground upon which the Senate stands is that this question is already in controversy in the courts?

Mr. CASWELL. That is one of the reasons given for striking the provision out.

Mr. ROBESON. Now, I will ask whether it is not in controversy in this way—whether the Court of Claims, when the question came before it, did not find that there was sufficient legislation to authorize Congress to reduce the rates, whether an appeal was not taken by the railroad companies from the decision of the Court of Claims to the Supreme Court, and whether the Supreme Court did not hold that this question could not be decided by the Court of Claims for one reason only, that Congress had not sufficiently legislated upon the point; and is not the provision in this bill a response to that decision by sufficiently legislating upon the point?

Mr. DUNN. In other words, this act does what the court says former acts omitted to do.

Mr. ROBESON. And what the court says is necessary to be done.

Mr. CASWELL. I will concede that the courts do decide Congress has not attempted by any act up to this time to change the charter.

Mr. ROBESON. I will ask the gentleman whether the court did not hold in effect that this question could not be decided by the courts until Congress should adopt further legislation; so that if we do not legislate the question will never be decided and these companies will never be limited to what is a fair and reasonable compensation under the circumstances.

Mr. CASWELL. I do not think the courts so held. That is a matter for us to determine. It is very true that nobody has yet claimed but that these companies ought to have what is reasonable and fair compensation for carrying the mails as provided in their original charter; and while the question is pending in the courts to determine what is reasonable and fair compensation, it seemed to be unwise that it should be taken from the courts.

I wish to say further that this amendment which was added to the bill in the House is so indefinite that it would be impossible for the Postmaster-General to execute it. For instance——

Mr. DUNN. How does he execute——

Mr. CASWELL. I insist that the gentleman shall let me complete my sentence. For instance, the amendment provides that the compensation shall be the same as that allowed to companies which have received aid from the Government by grant of lands or by right of way through the public domain. Now, the fact is that those companies which received aid by land grants receive 80 per cent. of the amount allowed to other roads, while those that received simply aid by right of way receive the full amount allowed to other roads. Now, I ask which will be the rule to govern in this case—the amount allowed to land-grant roads or the amount allowed to those roads which have received right of way? There is 20 per cent. difference in the allowance.

Mr. HOLMAN. The gentleman will allow me to ask him this question: If there is any ambiguity in the language of the House provision would it not be a very easy thing for the committee of conference, inasmuch as the subject was before them, to make the necessary amendment?

Mr. CASWELL. In view of the legislation upon this subject and the great confusion existing with regard to what is the correct rule and what is the law itself, I do not think it would be a very easy thing.

Mr. ANDERSON. Will the gentleman allow me a question?

Mr. CASWELL. Yes, sir.

Mr. ANDERSON. I wish to ask the gentleman this question, whether practically these companies are not now claiming the right to charge for the transportation of mail matter as if it were express matter; whether this amendment introduced by the gentleman from New Jersey was not for the purpose of regulating that charge bringing these companies down to ordinary and fair rates; and whether the United States Senate, in its refusal to accede to this amendment and its determination to defeat the Post-Office bill unless the House will recede, is not putting itself before the country in this position, that the people are to have no rights, so far as the Government is concerned, in the ordinary charges of ordinary rates, but these companies must be permitted to charge at express rates or the Senate will defeat the bill? It seems to me that if this committee of conference would stand firm the Senate would have to back down.

Mr. CASWELL. I regard the gentleman's "question" as a speech instead of a question, and it hardly demands reply.

Mr. DUNN. I would like to ask the gentleman from Wisconsin a question.

Mr. CASWELL. Very well.

Mr. DUNN. How was it that the committee could find out so easily how to fix the matter for the railroad companies and could not find out how to benefit the Government?

Mr. CASWELL. I do not think that is a fair question.

Mr. CANNON. I hope before the gentleman surrenders the floor he will yield me ten minutes.

Mr. CASWELL. I will move the previous question, and will then yield to the gentleman from Illinois.

Mr. ROBESON. I object. Unless we understand this thing and have a chance to discuss it I hope we will vote it down.

Mr. RYAN. Let us vote down the conference report.

Mr. REAGAN. Allow me a word before the gentleman from Wisconsin calls for the previous question.

Mr. CANNON. I want a moment or two.

Mr. ROBESON. We do not want the time for discussion given to one side and none to the other.

The SPEAKER. The question is on ordering the previous question.

The committee divided; and there were—ayes 92, noes 74.

Mr. REAGAN. I demand tellers on ordering the previous question.

Mr. CANNON. One word. I ask for unanimous consent to make a suggestion.

Mr. ROBESON. I wish to know whether the House is to yield everything to the Senate and we are not to have time to discuss it.

Mr. CANNON. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I believe if the members of the conference committee could have ten or fifteen minutes the House would be satisfied to order the previous question.

Mr. DUNN. Do you propose to give this side of the House ten or fifteen minutes?

Mr. CASWELL. Yes; half an hour.

Mr. DUNN. You have refused us any so far.

Mr. CANNON. I do not think there is any necessity for this contest. I appeal to the gentleman——

The SPEAKER. The Chair has nothing to do with it.

Mr. CANNON. I wish to appeal to my friend from Wisconsin. [Cries or "Regular order!"]

The SPEAKER. This is the regular order.

Mr. CASWELL. If I may be permitted, Mr. Speaker, I will withdraw the demand for the previous question.

Mr. CANNON. That is what I wished to appeal to my colleague to do.

Mr. CASWELL. If I may be permitted to withdraw the demand for the previous question I will yield for ten minutes to the gentleman from Illinois, a member of the conference committee.

The SPEAKER. If there be no objection the demand for the previous question will be considered as withdrawn.

There was no objection, and it was ordered accordingly.

Mr. CASWELL. I yield now for ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I will take the floor in my own right.

The SPEAKER. The gentleman can not do so, as the gentleman from Wisconsin holds the floor and now yields for ten minutes to the gentleman.

Mr. CANNON. Mr. Speaker, as a member of this conference committee I ask the attention of the House for a very few minutes while I refer to the points involved in the present discussion.

Touching the matter of special facilities the conference committee found the Senate firm. We yielded that point for the reason, it will be observed, there is legislation on the bill authorizing and requiring the Postmaster-General to submit to the next session of Congress a different scheme for the compensation of railways. It was believed this would be the last year this appropriation would have to be made; and as the Senate was firm to the extent of $185,000 service, the House conferees yielded.

Now, touching the principal matter in conference, and in reference to which the House conferees were compelled to yield to the Senate. After discussion the House put a clause on the bill providing land-grant and subsidy railroads should only receive 50 per cent. of what other land-grant railroads were paid for the transportation of the mails. There is no time now to go fully into the merits of the question, and the House, I apprehend, would not have the patience if I sought to do so.

We found the Senate conferees firm and decided. One disagreement had already been reported to the House, and we further ascertained the Senate conferees would not in any event yield on this point. Now, when general legislation is sought to be placed upon an appropriation bill changing existing law the body which seeks to legislate has under the ordinary rule and practice to yield in whole or in part rather than the bill shall fail. That, Mr. Speaker, is the ordinary practice. As other gentlemen on this conference committee I acted in good faith to secure the adoption of the views of the House without regard to any opinion I might have as to the propriety of this legislation or its necessity.

If I can have the attention of the gentleman from New Jersey [Mr. ROBESON] as well as of the gentleman from Indiana [Mr. HOLMAN], I will say, after investigation of the recommendation of the House, and on the merits and independent of anything else, in my judgment it is wise to strike out this proposed legislation.

I beg the attention of gentlemen for a moment to say that the method of compensation to these railroads is settled under their charters to be a fair and reasonable compensation, and not more than that paid by private individuals for a similar service. Now, it is alleged, however, that Congress has a power to change that act and modify this compensation. It has been stated by the gentleman from New Jersey that the courts have so decided. For my part I do not so understand that decision. I hold the decision of the Supreme Court reversing the Court of Claims in my hand, and in that I find the following language:

To what extent and upon what considerations Congress has the power to make such change under the reservations in the act in a case where it manifests an

intention to do so, is a question which does not arise in this suit and has not been considered.

But grant, if you please, that Congress has the power to change this mode of compensation, I say that in my opinion it is not politic to make the change, and for the following reasons: I hold in my hand the report of the Commissioner of Railways, in which he estimates that under the operation of the Thurman act, setting aside 25 per cent. of the net earnings of these companies, that when the bonds mature they will owe to the Government, after the sinking fund has been applied, the Union Pacific Railroad $70,000,000 and the Southern Pacific Railway $25,000,000; in other words, that if we have the whole of this transportation paid at the present rates or at any rate we may fix by litigation, and add to it the 5 per cent. of the net earnings sufficient to make 25 per cent. of the total net earnings, that when the bonds mature and the sinking fund is applied these roads will still owe the Government $70,000,000 in the one case and $25,000,000 in the other as I have just stated. Now, when Congress comes in and proposes to cut the allowances for transportation it will not affect the amount of the indebtedness when these bonds mature, because——

Mr. HOLMAN. Let me ask the gentleman a question right there.

Mr. CANNON. Oh, certainly.

Mr. HOLMAN. Is not my friend assuming that Congress will not modify or amend the sinking-fund act?

Mr. CANNON. I was just coming to that; the gentleman has anticipated by his question what I was just on the point of stating, that from my examination of this question and from all the decisions I doubt very much whether the proposed legislation in the House bill would be sustained by the courts, to begin with.

Now, then——

Mr. HOLMAN. But does not my friend know that the Supreme Court has almost expressly so decided in the sinking-fund case?

Mr. CANNON. Why, by no manner of means.

Mr. HOLMAN. They have unquestionably so decided.

Mr. CANNON. But if you please, continuing the point that I was about making, if you grant that Congress has the power to make this change, I say when you do make the change, when you have this legislation ingrafted as you have now upon the House bill, and compel the roads to conform to it, you gain nothing but a barren victory, a harvest without wheat, for if you pay them all they claim for transportation—which goes into the sinking fund—the roads will still after maturity of the bonds owe the Government $100,000,000. Now, the Supreme Court has sustained the Thurman act, namely, that we take 25 per cent. of the net earnings of these companies and apply it to the sinking fund. Now, what we should do is to so amend the Thurman act as to take 50 per cent. of the net earnings of these roads or a sufficient amount and carry it to the sinking fund, so that when their indebtedness to the United States matures the sinking fund will be large enough to pay every dollar of that indebtedness.

Mr. HOLMAN. But let me ask the gentleman would it not be a perfectly fair proposition to so amend the sinking-fund or Thurman act as to provide for the retirement of these bonds by saying that all of the net earnings of the roads—and I ask him if it would not be an act of justice and fairness to the companies themselves to say that every dollar of the net earnings should go into the sinkind fund except such amount as would realize fair dividends upon the stocks of the companies?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I hope the gentleman from Wisconsin will allow me time to answer this question.

Mr. CASWELL. Very well.

Mr. CANNON. When that case comes up, the case which the gentleman now submits, I will state to him that I am in favor of so extending the Thurman act as to take a sufficient amount of their net earnings and apply it to the sinking fund, so that at the maturity of the bonds there will be a fund adequate to meet them. The courts have decided that such an act is proper, and there can be no question about the power of Congress in the premises. That legislation would be efficacious when it is written upon the statute-books, and you would have a substantial harvest, something that you will never get by the legislation which is now proposed upon the House bill.

Mr. ROBESON. Will the gentleman from Illinois allow me to ask him a question before he sits down?

Mr. CANNON. Yes, sir.

Mr. ROBESON. I agree with the gentleman from Illinois that we ought to amend the sinking-fund act so as to put more money under it into the Treasury. Now, I ask the gentleman from Illinois and I ask this conference committee why, when they met these technical objections on the part of the conference committee of the Senate suggesting that this would be a barren victory, they did not agree to the Senate proposition with an amendment changing the sinking-fund act and putting that on? Then we would have had real legislation instead of the promise of it in the future. Now we are asked to give up the thing itself for the faint hope of getting some addition to the sinking-fund act in some future legislation through some other Congress. If that is the right thing to do, do it now and here and we will support you in it.

Mr. CANNON. In reply to the gentleman from New Jersey, I have to say that this is a Post-Office appropriation bill and this is a House amendment we had to deal with. The House conferees did present the request, and suggested the propriety of amending the Thurman act; and the reply was made that that would open up a question that could not be exhausted, and it was doubtful whether we had the power to exhaust it legitimately upon this bill.

In further reply to the gentleman from New Jersey as to why the House conferees did not seek so to amend this bill as he suggests, I will ask him why, when he moved this proposition in the House, he did not move an amendment to the Thurman act to increase the amount up to 50 per cent. so as to give the House conferees jurisdiction of a substantial amendment that would be efficacious when it was adopted?

Mr. HOLMAN. In answer to the question of the gentleman from Illinois I will say it was simply because it was not in order under that bill and that provision of the bill. Such an amendment was prepared, and I am confident would have been offered if it had been in order.

Mr. CANNON. Then, if it was not in order for the House to submit a matter of conference to its agents, the conferees, was it in order for the conferees to exceed the power of the principal? [Mr. CASWELL rose.] Just one word before I close. I ask the gentleman from Wisconsin to allow me another minute. I am as ready by proper and efficacious legislation as any man in this House or country to take these net earnings and set them aside sufficient to pay the indebtedness to the Government. I stand not here as the apologist or advocate of these roads, but I stand to defend them or anybody else, corporate or individual, in the United States in all their rights they are entitled to under the Constitution; and then I stand ready to ask when the time comes, by proper legislation, that the law be amended so that this much-desired object can be accomplished of taking from these roads enough money to pay the debt of the Government by the increase of the sinking fund.

Mr. KING. Will the gentleman from Illinois yield to me for a question?

Mr. CANNON. If I have any more time I will hear the gentleman's question.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that certain clerical errors existed in the engrossed copy of the Senate amendments to the bill (H. R. 5538) to reduce internal-revenue taxation, and requested the return to the Senate of said bill for the purpose of correcting said errors.

INTERNAL-REVENUE TAXATION.

The SPEAKER. The Chair lays before the House the message just received from the Senate, which the Clerk will read. This is a privileged matter.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 26, 1882.

Ordered, That the House of Representatives be informed that certain clerical errors existed in the engrossed copy of the amendments adopted by the Senate to House bill No. 5538, to reduce internal-revenue taxation; and that the House of Representatives be requested to return to the Senate the said bill, for the purpose of correcting said errors.

Mr. ROBESON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. That is a privileged matter undoubtedly——

The SPEAKER. It is.

Mr. ROBESON. But I desire to know if we are not discussing a privileged matter, the report of the conference committee?

The SPEAKER. That is a privileged matter. The matter under discussion is also a privileged matter.

Mr. ROBESON. I object to considering that until we get through with what the House is now engaged in discussing.

The SPEAKER. The Chair desires to state that it has been the uniform rule, so far as the Chair is aware, in the whole history of the Congress of the United States for one House to immediately comply with a request of this kind on the part of the other.

Mr. ANDERSON. That is right.

Mr. ROBESON. There will be no objection to it at the proper time——

Mr. ALDRICH. The proper time is now.

Mr. ROBESON. And after the pending matter is disposed of I shall make no objection.

The SPEAKER. This is the proper time.

Mr. ANDERSON. Yes; that is right.

Mr. HASKELL rose.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. HASKELL. I rise with reference to the communication received from the Senate, and I make the motion that the request of the Senate be agreed to by the House, and that the bill be returned. There is but one motion to be made, and I make it.

The SPEAKER. The Chair will submit the question. Is there objection to granting the request of the Senate for the return of the bill indicated?

Mr. COX, of New York. I should like to have it stated what the clerical errors are that the Senate desires to correct.

The SPEAKER. That is not material to the present question. If there be no objection, the bill will be taken from the Speaker's table and returned to the Senate in accordance with the request of that body.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I yield ten minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. I yield to the gentleman from Louisiana [Mr. KING] that he may ask the gentleman from Illinois a question.

Mr. KING. I ask the gentleman from Illinois [Mr. CANNON] if the effect of the amendment as to special mail facilities is not to grant to certain railroads from the city of New York privileges in regard to the carrying of fast mails from which other railroads and communities of the country are cut off?

Mr. CANNON. In reply to the gentleman I will say that how it will be expended hereafter I do not know; the gentleman knows how it is expended now. It is proposed to give the same amount for the next year as is being expended for the current year.

Mr. KING. Will the gentleman tell us how it is expended now?

Mr. CANNON. It is expended on the route from Boston to New York, from New York to Buffalo and on to Chicago, from New York to Washington, and from Washington down through Virginia, North and South Carolina, and into Florida.

Mr. KING. Is that all?

Mr. CANNON. Substantially all; there may perhaps be one or two minor expenditures.

Mr. KING. Does it reach to New Orleans and to Texas or to Saint Louis?

Mr. DUNN. No.

Mr. HAMMOND, of Georgia. Nor to Atlanta.

Mr. KING. Nor to San Francisco.

Mr. REAGAN. I have no speech to make and will occupy but little of the time of the House. I will not undertake to discuss that portion of the bill which refers to railroads; I will leave that to gentlemen who are more familiar with that branch of our legislation.

I feel, however, that there ought to be something done, if it can be done, to protect the people against the wrongs intended to be guarded against, and to secure the Government the rights intended to be secured to it by the action of the House heretofore. In regard to the $180,000 for fast mails, I take it that all the members of the House, if they have received the communications which a portion of the members have received, have learned from the portions of country interested in this matter that this proposed appropriation is an unnecessary gift to certain railroads; that their schedules of time already meet the very purpose which it is intended shall be accomplished by this $180,000.

Up to 1872 or 1873 the maximum pay of railroads for mail services was $300 per mile, with 25 per cent. added where night service was required. By an act passed perhaps in 1873, providing a different mode of ascertaining the amount which should be given to railroads—by that act and subsequent legislation the pay of these railroads has been increased to $800, $900, $1,000, and even $1,200 per mile, an increase to nearly four times what was before considered adequate compensation for the service.

The demands of these corporations go on, and here is a proposition to take $180,000 more from the Treasury and add it to their pay, when their ordinary schedules now provide for a service which would accommodate the country just as well, except as regards the matter of sending morning papers a short distance out from New York city; that is all. It is an unnecessary gift of the public money to these railroads. If we mean to represent the people and to protect their interest we ought to guard against such partial and unjust legislation as this.

The House expressed its judgment upon this subject. The conferees tell us that the Senate insisted upon their proposition and they had to yield. Perhaps the conferees felt that they were justified in yielding to the Senate. But this House should not yield both the important amendments which have been made by the Senate to this bill. It ought at least to insist upon a compromise, and not yield everything that the cormorants ask and save nothing to the people.

I hope that the House will refuse to concur in the report of the committee of conference and send it back, so that the will of the House, of the direct representatives of the people, can to some extent be represented in this legislation.

Mr. CASWELL. I now move the previous question.

Mr. ROBESON. One moment. I desire to be recognized before that motion is put.

Mr. CASWELL. Go ahead, then.

The SPEAKER. Does the gentleman from Wisconsin [Mr. CASWELL] yield?

Mr. ROBESON. I do not ask the gentleman to yield; I ask to be recognized.

The SPEAKER. The recognition would do no good.

Mr. ROBESON. Why not?

The SPEAKER. If the gentleman has time yielded to him he must take it now.

Mr. CASWELL. I must demand the previous question, unless the gentleman will now proceed.

Mr. CANNON. Will there not be an hour for debate after the question has been ordered?

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] has twenty minutes remaining.

Mr. CASWELL. I must demand the previous question, unless the gentleman from New Jersey is prepared to proceed in a part of my time.

Mr. ROBESON. As the previous question has not yet been ordered, may I not be recognized?

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] controls the hour.

Mr. ROBESON. When he moves the previous question he yields the floor.

The SPEAKER. The Chair will submit the question to the House, and will say that if the previous question is ordered there will be no further debate.

Mr ROBESON. Let me ask the gentleman from Wisconsin [Mr. CASWELL] a question. Do I understand that he proposes that we shall confine ourselves to such time as he may choose to yield us of the remaining twenty minutes, or to move the previous question and shut us off entirely?

Mr. CASWELL. My intention is at the close of the hour to demand the previous question. I am entirely willing to yield half of my remaining time to the gentleman from New Jersey [Mr. ROBESON], or more if he asks it, but I can not yield the floor.

Mr. ROBESON. There are other gentlemen who desire to speak on the same side as I do; I do not think it fair to claim all the time myself. If this House desires to close out all debate on this question and to yield both demands of the Senate without debate, then let gentlemen take the responsibility.

Mr. CASWELL. I do not think it right that I should be required to yield the floor before demanding the previous question.

Mr. DUNN. I rise to a parliamentary inquiry. What does the previous question include?

The SPEAKER. The conference report.

Mr. DUNN. As an entirety?

The SPEAKER. As an entirety.

Mr. DUNN. Is that divisible on the final vote?

The SPEAKER. It is not.

Mr. DUNN. I ask the gentleman from Wisconsin, then, to allow us to vote separately on these two propositions, the provision giving $185,000 for special facilities and the provision regulating rates for transportation of the mails by railroads.

Mr. CASWELL. I do not understand that a division of the question would be possible.

Mr. DUNN. The House does not want to yield everything to the railroad companies.

Mr. ROBESON. I suggest to gentlemen on the other side that it is not fair for them to come here and, after consuming forty minutes of the hour, say that we may have half of the remaining twenty minutes, and then ask the House on this question of giving up its rights to order the previous question.

Mr. CASWELL. I have yielded almost all my time to gentlemen on the other side.

The SPEAKER. The question is on ordering the previous question.

Mr. CANNON. I ask unanimous consent that forty minutes be allowed to the other side.

Mr. ROBESON. Thirty minutes will be enough.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that thirty minutes be allowed for discussion in opposition to the conference report. Is there objection? The Chair hears none.

Mr. CASWELL. Mr. Speaker, I reserve my twenty minutes.

The SPEAKER. The Chair will recognize the gentleman from New Jersey [Mr. ROBESON] to control the thirty minutes, and then the gentleman from Wisconsin [Mr. CASWELL] will be again recognized.

Mr. ROBESON. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I do not think I shall occupy five minutes. This is simply a case where the Union Pacific Railroad Company and the other Pacific companies are claiming the right to charge for transportation of mail matter at the rates which they charge for express matter, those rates being fixed by themselves, and where the House, after long discussion, declared by a strong vote that Congress has the right to say what is a reasonable rate of compensation. Now, the Senate is simply taking the position that it will defeat this Post-Office appropriation bill rather than let a little bit of God Almighty's justice flash down upon these railroad companies. That is the whole question; that is the exact issue—whether this House, at the beck of the Senate, shall say: "We will recede from our action in order that at some future time when, in the mysterious providence of God, there may happen to be a chance to amend the Thurman act as against the combined rail-

road power of the United States in Congress, we may take care of this question."

I hope most devoutly that the House will reject the report of this committee of conference and will tell these conferees to go back and say to the Senate conferees, "Gentlemen, we will take what we can get now, and you must either back down or else you shall not have the Post-Office appropriation bill." That is the right position for the House in this matter. All this talk about something in the future, about constitutional law, about what the Supreme Court might or might not decide, about not gathering our harvest, and all that sort of—I will not say what—does not affect this question at all. The question is whether we shall keep these companies from fixing their own rates on the scale of express-matter rates for carrying the United States mails, and whether this House will permit the Senate to compel us to back down from our defense of the rights of the Government and the rights of the people?

Mr. CANNON. Will the gentleman allow me a question?

Mr. ANDERSON. Yes, sir, although the gentleman would not allow me one.

Mr. CANNON. I will ask the gentleman whether he has read the opinion of the Supreme Court touching this very point of the rate of compensation of these railroads.

Mr. ANDERSON. Why, Mr. Speaker, what has that to do with the question? The point here is not what the Supreme Court has decided. I do not care a straw whether it has decided or not; everybody knows that Congress has the right to say what is a reasonable rate of compensation for these companies; that is a legislative, not a judicial question. Everybody knows perfectly well that the condition in the charter which the gentleman alleges to be a condition for the benefit of the companies is not so at all, but is a condition for the advantage of the Government. The gentleman whirls the question right around when he says that the condition is something defending the rights of the companies; it is a defense of the rights of the Government.

[Here the hammer fell.]

Mr. ROBESON. I yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, after the very careful consideration in this House not only as to the power but as to the policy of paying to railroad companies which have received subsidies in bonds or lands only 80 per cent. of the amount paid to other railroad corporations, it does seem to me that, without some very cogent reason being presented, the House, having acted so deliberately, should not recede from the position it has taken.

The ground assumed by my friend from Illinois [Mr. CANNON] is entirely untenable. It is clear my friend labors under a misapprehension. The Supreme Court simply decided that, in the absence of all legislation directly affecting the Union Pacific corporation, they were entitled to receive under the terms of the original grant of 1862-'64 nothing less and nothing more. They did not, but expressly avoided, and it is so declared, enter into the question of the power of Congress to amend the charters of those companies by adding to, altering, or amending the acts of incorporation. That was expressly avoided.

Now, Mr. Speaker, I hope the House will not overlook another fact, and that is the everlasting and persistent opposition to every measure seeking to impose reasonable restraints and limitations on those powerful corporations. It seems almost impossible to legislate in such manner as will secure to the Government that measure of justice which the people of this country, in my judgment, have a right to demand. We seem to have reached a point where the people of this country have no rights whatever, even in the exercise of legislative power, which this corporation created by us are bound to respect. I think the House proposition is a reasonable one, and it can not be met by the statement that the real remedy is by amendment of the sinking-fund law. It can not be met that way. To some extent the country under this provision now under consideration derives some incidental benefit from the millions of acres of land and millions of bonds invested by the Government in the construction of these great roads. Something is accomplished by it, but the opportunity to amend the sinking-fund law will not occur during this Congress. Every effort to bring that measure forward as yet has failed during the present Congress. It will undoubtedly receive attention hereafter, and Congress will be unmindful of its duty if it does not provide to the full extent suggested by the gentleman from Illinois [Mr. CANNON] that the net earnings of these roads shall be applied to the creation of a sinking fund sufficient to meet the enormous debt which is to come either on the corporations or the Government, and that, too, in a short period of time.

I trust, Mr. Speaker, that the House will not concur in this report as to both these questions; first, as to the right of the Government to have its mails transported over these land-grant and bond-subsidy railroads at a less rate than is paid to such corporations as obtained no such grants or subsidies; and secondly, in reference to the appropriation of $185,000, not simply as a "slush" fund, but for the benefit of a single locality, or rather the newspapers of a single locality, a measure which has been denounced and condemned by the press, outside of a single commercial center, all over the country ever since the Senate placed it on the bill. I think, sir, on both grounds this Congress should not concur in the conference report, but should ask another committee of conference to see whether or not some approach to justice can not be secured.

If there is ambiguity in the House provision touching these land-grant and bond-subsidy roads it is before the committee of conference and is easy of amendment. If it is true that provision applies as well to roads simply having the right of way as to those to which grants of land and bonds have been made, the whole subject is before the conference committee by the action of the two Houses and it can readily be amended and made clear.

[Here the hammer fell.]

Mr. ROBESON. I will yield now for five minutes to the gentleman from Arkansas.

Mr. DUNN. Is the gentleman from New Jersey satisfied he will have time enough left for himself?

Mr. ROBESON. I have fifteen minutes and that is as long as anybody ought to talk on this subject.

Mr. DUNN. Mr. Speaker, I have no desire to discuss this matter at length. It has been elaborately discussed heretofore in the House. But I do desire to express my surprise at the fact that matters which are plain and clear to the courts, matters which were clear and distinct enough to secure the favorable action of this House, in conference become suddenly shrouded in mystery, doubt, and uncertainty. The acts which were passed by a former Congress regulating the compensation that land-grant railroads should receive for transporting the United States mails were clear and distinct, and the courts understood them. This act places the Pacific land-grant and subsidy roads on exactly the same footing that the former acts placed the land-grant roads on.

Is there any uncertainty or ambiguity in that? That law is well understood and is being faithfully executed. This House distinctly stated that the Pacific roads should be allowed the same compensation for transporting mails that the land-grant roads received under those laws and under that adjudication. The Supreme Court in deciding on the right of the Pacific roads to larger compensation stated that they were not subject to the provisions of that act because it did not appear that Congress had expressed any legislative intention to change or amend the charter acts creating those corporations, which was necessary to be done in order to subject them to the law. There is a legislative intention expressed here as to those particular roads. Now this conference committee seems to clearly see their way to help the roads, but becomes suddenly shrouded in doubts, clouds, and uncertainty, as to how to help the Government and the people as against the roads.

I repeat the way to serve the railroads—and I do not mean any reflection upon any individual—but the way to serve the interests of the railroad companies seems plain, clear, and free from all doubt; but when it comes to serving the cause of this Government and the people a sudden mist of doubt and uncertainty rises, and gentlemen are lost and can not find the way to a solution of the question.

I sincerely hope that the head-light of the locomotive will not always continue to be "a lamp to the feet and a light to the path" of conference committees of this House, or the light to guide their action. I trust the time will soon come when the people of this country can have a Congress and committees who can find out how to serve the Government and the people. I do not mean, of course, any reflection upon any member of the committee. But it is strange, Mr. Speaker, that committees can get so suddenly lost in mystery and uncertainty, and can not find their way to serve the people, but do always find out just how to do the most good for the railroad corporations. Now, as to this $185,000 for special-facility service. How can this committee justify that sum? If there was in this bill eight or nine hundred thousand or a million of dollars for special mail facilities, that would serve all of the interests of all parts of this country over all of the great trunk lines of railways, there would be a possible reason for it. If special-facility appropriations can be justified at all there might be some reason if it was provided in sufficient amount and equally for all parts of the country. But a special facility which serves only two or three lines of railway to the exclusion of all the others can not be justified on any ground that I can imagine. No reason can be given for it except—well, I will not say what I was about to say. But no justification, certainly none consistent with public interests, can be given for any such action.

It is taking from the Treasury a large sum of money to serve certain private interests. A newspaper in New York says that it is to benefit a "newspaper syndicate," and that it is this syndicate that demands this $185,000. Here is an article from the Albany Argus which I will ask the Clerk to read, and so much as he can not read in the time allotted to me I will ask to have printed as a part of my remarks. That paper calls attention to the matter and shows that it is this newspaper syndicate which demands special facilities for the distribution of certain great newspapers of the country. I ask the Clerk to read the article.

The Clerk read as follows:

THE FAST-MAIL FRAUD IN ANOTHER LIGHT.

In 1875 what is known as the fast-mail fraud began. The beginning, however, showed a bad start. Congress had appropriated $150,000 to enable the Postmaster-General to make contracts with the Central-Hudson and Pennsylvania Railroad Companies for fast trains, to be composed, in part at least, of mail cars exclusively. The fast-mail train was to leave New York city at 4.15 a. m. It was

discontinued after a little while, because Congress reduced the appropriation 10 per cent.

The New York morning newspapers then made themselves virtually into a syndicate and demanded that Congress should renew and increase the appropriation and that the Post-Office Department should make contracts with the railroads which could "boom" their circulation at the expense of the Federal Treasury by fast trains. No contracts were to be made, or were made, or ever have been made with any other railroads. The project was strictly limited to giving the New York morning papers a monopoly at the expense of the taxpayers of the United States. Accordingly the Hudson-Central, running to Albany; the Pennsylvania Central, running through New Jersey to Philadelphia, and the New York, New Haven and Hartford road, running through New England, were the only roads with which contracts were meant to be made or ever have been made. The Chicago, Boston, Philadelphia, Baltimore, Cincinnati, Saint Louis, and New Orleans papers, and other papers of other great cities were not to have and never have had such a monopoly. It was to be and is the monopoly of the New York morning papers exclusively.

In its thrifty and special effort the newspaper syndicate of New York was successful. The fast-mail fraud was resumed. The appropriation was, in fact, increased from $150,000 to $450,000, in course of time, but the increase threatened to defeat the monopoly purpose for which the syndicate was formed. There was enough money to enable contracts to be made with roads running out of other great cities where other papers were printed. Accordingly, after shrewdly getting Congress to appropriate $600,000 last year—under the pretense of supplying every section with a fast mail and thereby abating opposition to it among members—the Post-Office Department, in the interest of the New York morning newspaper syndicate, made no contracts whatever with any roads except the three which could "boom" the circulation of the syndicate's newspapers. Only $185,000 of the $600,000 was spent, on the advice of a prominent member of the syndicate, "to keep the ring small."

Thus the intention of Congress was defeated. The scheme of the syndicate was effected. The syndicate and the Department have most beautiful reasons, however, to explain why the Western roads would not touch a cent of the $415,000 of the Government, which Congress ordered should be used up in contracts for fast-mail trains out there. The aversion of all railroads, especially of western railroads, to make or take any money of the United States Treasury, is so well known, that the marines at the Washington barracks have shed tears over the difficulty of the Postmaster-General and over his failure to force the Government money on those corporations. Nevertheless, the tax-payers continued to foot the bills for the monopoly which the syndicate of New York morning papers had out of the Treasury, and despite the heroic efforts of the Postmaster-General the papers of every other city "got left."

Convinced of the obduracy of those western railroads, the Post-Office Department, this year, ask only for the $185,000. It does not intend to expose itself to insult from those western roads any longer. It will deal only with the three roads which, by mere accident, can "boom" the circulation of the syndicate papers alone, and it will contract to pay them, by a like accident, only for the distance to which the papers of the syndicate can be profitably carried in the early morning. It is one of the most touching and encouraging signs of the exalted nobility of human nature that a reformer has ever witnessed to note that the syndicate newspapers are unanimously in favor of this unselfish course. Their unskilled talent warmly supports it in their ethical columns. Their skilled talent ably uses the customary arguments of its kind down in Washington for the same pure purpose.

The practice which they are now pressing the House to continue, by agreeing with the action of the Senate, is this: The transmission of three fast-mail-fraud trains from New York, each morning, as follows: For Albany at 4.35 a. m.; for New Haven, &c., at 5 a. m.; for Philadelphia, &c., at 4.30 a. m.

These trains are loaded up with the New York morning papers. The bundle for each station between the points of destination and New York is thrown off *en route*. A rate of nearly fifty miles an hour is kept up, until the distance traversed is such as reaches the limit of profit in the circulation "boom" of the syndicate's papers. Then these trains hitch on to slow locals and become humdrum way affairs. Now, to show the minimum of letter parcels and the maximum of the syndicate's paper parcels carried by this swindle train, look at the statistics from December 1 to December 6, inclusive, as confessed by the New York Herald itself and by "Superintendent" Jackson, to whom this job gives title and vocation:

	Sacks of syndicate's papers.	Pouches of letters.
Six days:		
To Albany, &c	2,181	199
To Philadelphia, &c	2,467	308
To New Haven, &c	959	58
Average each day:		
To Albany, &c	363	33
To Philadelphia, &c	411	51
To New Haven, &c	192	31¼

Total number of pouches for six days	565
Total number of sacks for six days	5,507
Average number of pouches each day	115
Average number of sacks each day	965
Number of pouches per year	41,975
Number of sacks per year	352,225

A pouch may have one or more letters in it. It is locked up, all the same. A sack must be full of papers to be carried—else the number of sacks is reduced by using just the quota which the papers will fill. This will enable Congressmen and tax-payers to see the proportion between the syndicate's New York morning newspapers and that of the public's letters, shown by these figures. Nothing more is needed to present the merits and demerits of the matter to public scrutiny. The fast-mail appropriation is a fraud on the Treasury exclusively for the New York morning papers. In view of the demonstration by facts, which proves it to be such, let Congressmen vote on it with reference to their duty, and with reference to their future account with the press and the taxpayers of the Union.

[Before the reading of the above article was concluded the hammer fell.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. DUNN. I ask permission to print the remainder of the article.

There was no objection.]

Mr. ROBESON. I now ask gentlemen on the other side if they are going to divide their twenty minutes to take some part of it now before I proceed.

Mr. CASWELL. Then I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I beg the gentleman's pardon. I think the gentlemen on the other side have the negative; and the committee on conference acting as the servant of this House under all of the ordinary rules of parliamentary procedure, has the right to be enlightened as to the points made by the other side. I certainly desire to hear the eloquent gentleman from New Jersey before I am called upon to reply to his opposition.

Mr. ROBESON. I do not ask gentlemen to take all of their time now; but they have twenty minutes and we have fifteen, and I hope they will take some portion of the time.

Mr. CANNON. I have so much respect for the gentleman from New Jersey that I would like to hear what he has to say, so that I may reply in the light of the wisdom of the argument which he is to submit in opposition to this report.

Mr. ROBESON. Do I understand that gentlemen decline to occupy any part of the time now?

Mr. CASWELL. I am perfectly willing that the gentleman from Illinois shall proceed now for a part of the time if he desires it.

Mr. CANNON. "The gentleman from Illinois" absolutely declines to proceed until he has had an opportunity of hearing what is said against this conference report.

Mr. ROBESON. Well, Mr. Speaker, I am sorry that the gentlemen think they must play this game with all the advantages. But still I desire to present the case fairly to the House; and in presenting it, I shall speak to my associates on my own side of the House, for with them and their principles and the position of their party I and my political views and interests must stand or fall.

The condition of this case is just this, and if I do not state the facts clearly I trust gentlemen will interrupt and correct me. Under the provisions of the law, as they used to stand, the Postmaster-General was authorized under certain regulations in the postal code to fix by weight and distance the price to be paid for carrying the United States mails. If he had authority to do that over railroads which were built by private capital and not affected by public grants he had certainly the legal right to do it when authorized by Congress to exercise similar control over roads which were chartered by the United States and which were affected by public interests. That proposition no man can deny. By an amendment to the postal code known as the "Holman amendment" it was provided some years ago that land-grant railroads should receive only 80 per cent. of what the other railroads who had not received land grants from the Government for this service received. It was supposed when that amendment was adopted that it would apply to all of the land-grant railroads. But it was found when the Postmaster-General attempted to apply it to the Pacific railroads that they claimed by a special provision in their charters that they were exempted from the enforcement of such a provision or condition on the part of the Postmaster-General unless their charter was amended. All of the ordinary roads built by private capital and private subscription submitted to the rate fixed by the Postmaster-General. But the land-grant roads declined. All of the other roads submitted to 80 per cent. of that rate, but the roads which received not only land grants, but also the guaranteed bonds of the General Government, and which now amount to an indebtedness of $103,000,000 in the way of subsidies to these land-grant roads said; "No; we will not accept this; roads that have received no bonds or no grants may submit; but we absolutely decline to accede to these conditions."

Is that true or false? Is that statement of fact right or wrong? When the Postmaster-General attempts to do it they go to the Court of Claims. And the Court of Claims finds against them. They appeal to the Supreme Court, and the Supreme Court in the opinion delivered by Mr. Justice Matthews says that they are right. Why? Because the Legislature has not shown any intention to repeal that clause in their charter which would authorize them to do it; because this question is not judicially before it. He does say that the court will not say what it would do if it were before it. But the decision and the ground of it is that we have not sufficiently legislated to bring that question before the court. I will read upon that point:

The legislation referred to furnishes, therefore, no evidence of any intention on the part of Congress to alter the relation between the appellant and the Government established by the sixth section of the act of 1862; and we are of the opinion that the company is entitled, under its provisions, for the services rendered during the period covered by the present claim to fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of services. To what extent and upon what considerations Congress has the power to make such change, under the reservations in the act, in a case where it manifests an intention to do so, is a question which does not arise in this suit, and has not been considered.

And further on he says:

The Revised Statutes referring to this provision, as we have found, do not apply to, and therefore do not alter, this case.

Now, then, in looking at that charter we find that the Congress which

granted it expressly reserved the right to amend and modify it in all its sections. The right of amendment is what? If they reserve the right to amend they reserve the right to do by amendment whatever they could have done in the original bill. Is that a legal proposition which any man will dispute? When Congress or a legislative body reserves the right to amend and modify an act they reserve the right to do by amendment whatever they might have done in the original bill, subject to rights of property acquired under it. But they reserve the right to alter and amend it as a rule of law.

Now, then, in this bill we give legislation which the court says we had not given before. And if we do not give it we must submit—to what? Why, that railroads which the Government has never benefited receive one rate from the Government; that railroads to which the Government has given hundreds of thousands of acres of land take 80 per cent. of that; that railroads to which the Government has given twice as much land and $103,000,000 of money charge express rates on the mails more than any other railroad and stand upon their rights under their charters. And then members of this House, as representing their sentiments, come in and ask us to say we will not give the courts a chance even to try this case in the interest of the people. That is all.

There were two provisions in this bill. One was for special facilities, or rather the Senate have put that in. My friend from Illinois [Mr. CANNON] says that the body originating legislation if it is not agreed to by the other body must yield. Why does not the Senate yield on that provision?

Mr. CANNON. Does the gentleman want a reply now?

Mr. ROBESON. Yes, sir.

Mr. CANNON. For the reason——

Mr. ROBESON. But not in my time. Why do they not yield? Why do you not say, "You should yield that; this is affirmative legislation which we do not agree to."

Mr. CANNON. I will yield the gentleman out of my time a quarter of a minute that I may answer his question now. The provision for special mail facilities is in the law for the current year, and is in harmony with existing legislation.

Mr. ROBESON. Yes; but it is not in the law for the next year, and it is not in the law which this House passed. And if the Senate passed it, it puts it in as affirmative legislation.

Here, Mr. Speaker, are two places where the House planted itself on the rights of the people as against the railroad company. In both of them, and on directly opposite principles, the railroad companies resisted; and the conference committee, permit me to say, yielded both of them on directly opposite principles.

I have only to say that the people of this country are loyal. They believe in the execution and not in the perversion of law. They believe the laws should be made for the benefit of all the people of the country. They do not believe they shall be made safeguards and fortifications behind which organized wrong shall shelter itself forever. And if that be so, they at least will ask their representatives to take such means as the laws and the Constitution provide them to legislate so that that question can be fairly presented to the courts in the rights of the people.

It is admitted that these rates are not reasonable because they are higher than the rates we pay to other railroad companies which have not received the same benefits. The question whether they are reasonable or not is a legislative and not a judicial question. And I think, as a representative of the interests of the people, we are bound to take notice of the situation. The American people, as I have said, are loyal. They stand by the law and all the rights that it guarantees. They are patient. They are forbearing. They are conciliatory. Let me say to my friend they feel like the Indian chieftain. "Metamora is like flint," exclaimed the old chieftain. "Grate on him and he will bear it; but strike too hard, he will burst and show his heart is fire."

[Here the hammer fell.]

Mr. CASWELL. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. In the five minutes which I have allowed me let me say that I have no self-consciousness of any necessity in this House or before the country for me to make any defense against any insinuation that may have come from the gentleman from Arkansas [Mr. DUNN] or from any other member touching the conferees of the House in presenting this report. I shall pay no further attention to that insinuation.

Mr. DUNN. I meant no insinuation against the gentleman.

Mr. CANNON. I stand here with my colleagues, as the servant of this House, reporting this agreement. I do not care whether the agreement be adopted or not. It will be your report if you adopt it. Your conferees have done the best they could to carry out your views and they could not do it. They were not ready to march up to the defeat of the Post-Office appropriation bill in order to strive to carry out the opinions of certain gentlemen in this House who profess to be constitutional lawyers and who have not yet read the law; who profess to instruct the House and the country as to what these railroad charters mean and what the courts have held that they mean, and yet stand here admitting that they have never even read what the courts have said.

This committee of conference reports this agreement, doing the best they could, doing all they could in good faith, to carry out the wishes of the House. We make this report in good faith for your consideration; that is all there is of it. I have no care whether you adopt or reject it.

The gentleman from New Jersey says that the question of the protection of the rights of the people is involved in this matter. That touches the merits of the question. I say that the question of the rights of the people are involved in this matter. What are they? What do these charters provide? They provide that these railroad companies shall transport the mails and the troops of the United States "for a reasonable price," not exceeding that paid by private individuals. I read from the act.

What is a reasonable price? The gentleman from New Jersey [Mr. ROBESON] says that one-half of what you pay to other land-grant railroads is a reasonable price. I deny that to be a reasonable compensation, and if it be law it is not justice. I stand here in my capacity as a legislator the advocate of every right under the law, whether it benefits a railroad company or an individual or the Government.

Now, let us see how far it is in the interest of the company. What are the facts? Give the railroad companies every cent that they claim for transportation and then the total amount under the Thurman act will leave these railroad companies, when the principal of their indebtedness to the Government shall mature, indebted to the United States over $100,000,000.

Now, it is doubtful whether we have the right to make this particular legislation, and if we have it, it amounts to comparatively nothing. What have we the right to do? The Thurman act has been sustained by the courts, taking 25 per cent. of the net earnings of these companies for the sinking fund. Now, if you can take 25 per cent. you can take 50 per cent. I am for doing that, for taking enough to go into the sinking fund to make provision for wiping out this indebtedness when the bonds shall mature. That lies along in the line of the interest of the people.

But I want to say to my friend from New Jersey [Mr. ROBESON]—and I say it with the greatest respect, for I respect him and his opinions—I want to say to him that this is not the first proposition I have seen involving legislation which by name ran in the interest of the people but in substance was nothing. It has the roar of water running over the dam, but there is no machinery turned by it, and if adopted it will be found that like the apples of Sodom it will turn to ashes on the lips. It is worse than useless, as it will tend to obstruct and defer legislation that will accomplish something.

[Here the hammer fell.]

Mr. CASWELL. I now yield five minutes to the gentleman from New York.

Mr. ROBESON. I wish to ask the gentleman from Illinois [Mr. CANNON] one question, for I know he does not wish to make a false statement.

Mr. CANNON. Not at all.

Mr. ROBESON. The gentleman has spoken of this provision as one which would reduce the rates of compensation to these roads to 50 per cent. of what other land-grant roads receive.

Mr. CANNON. Certainly.

Mr. ROBESON. That was the original proposition; but as amended on motion of the gentleman from Arkansas [Mr. DUNN] it reduced their compensation to exactly what other roads received.

Mr. DUNN. To 80 per cent. of what other than land-grant roads receive.

Mr. CANNON. Well, 80 per cent. let it be; the merit remains the same.

Mr. ROBESON. And the same as other land-grant roads receive.

Mr. HISCOCK. Mr. Speaker, I believe we have six more working days in this Congress. We put upon this appropriation bill a provision which certainly was new legislation. Under our rules it was competent to put such a provision on this bill. The Senate struck it off, for the reason that it was new legislation and the Senate was opposed to new legislation on an appropriation bill.

It is not a matter of appropriation which is involved in this. It is whether we shall insist upon new legislation upon an appropriation bill when the effect of so insisting will be to defeat the bill. I warn gentlemen on this side of the House and upon the other side of the House also that we have not much more time to work, and there is abundance of work which we must accomplish before Congress adjourns. I would always have been willing to have substituted for the provision which was reported in this bill and agreed to by the House a provision sending this question to the courts for them to determine what was just and reasonable compensation to railroads for mail services. And it has transpired that that question is now pending in the courts. It is true that the question before the courts is not whether the exact reduction which was made by former legislation should have been made or not, but the question as to what is just, fair, and reasonable compensation is now before the courts.

Shall we then attempt to take that question from the court; shall we attempt to settle and dispose of it here, when I apprehend the House in the first instance would have been willing to adopt upon this bill a provision of that kind? Mr. Speaker, shall we insist upon the provision of the bill in the face and eyes of the exhibit made here by the gentleman

from Illinois [Mr. CANNON] that under the law to-day this railroad company will be indebted to the United States for over $100,000,000, whether this provision be adopted or not? Why, sir, when gentlemen here talk about the conferees being influenced by the "light of the locomotives," I am almost tempted to retort that gentlemen favoring this provision, in the face and eyes of the statement which has been made, desire to precipitate a sale of these railroads and the crushing out of the stockholders in the interest of the bondholders. There are two sides to this question. There are stockholders and bondholders, and there is the indebtedness to the Government. Upon the statement which has been made and which can be verified it is at least an even question whether reducing the compensation to be paid these railroad companies, instead of being what the "railroad magnates" object to, is in their interest and at their invitation.

[Here the hammer fell.]

Mr. CASWELL. Mr. Speaker, in the few moments remaining for debate it will be utterly impossible for me to review all the arguments which have been presented here. But I wish to say to my friends on the other side that when they resort to the argument that some undue influence seems to have intervened to govern the minds of the conference committee or members on this floor, it shows conclusively to my mind that they have no other argument left.

The gentleman from Arkansas [Mr. DUNN] says that for some reason there has suddenly appeared a doubt upon this question of the right to control these railroad companies with reference to rates for Government transportation. I want to remind the gentleman that when this clause was under consideration in the House I objected at the very threshold to the proposition upon two grounds: first, that Congress had not the power to divest these corporations of the rights they had acquired; and second, that if we should do so it would be a fruitless victory, because whatever is earned by the transportation of the mails is simply credited on the enormous amount that is due to the Government of the United States from these companies.

The gentleman from New Jersey [Mr. ROBESON] says it can not be questioned that Congress has the right under these charters to adopt a provision of this kind; that the right to do so is reserved in the charters. Let me call attention to the exact language in which the grant was made to these companies. The charter is on the condition, among other things, that the companies shall transport the mails for a reasonable and fair compensation, not exceeding that paid by individuals for similar service. Now, the reservation referred to by the gentleman from New Jersey is this:

> And the better to accomplish the object of this act, namely, to promote the public interests and welfare by the construction of said railroads and telegraph lines and keeping the same in working order, and to secure to the Government at all times, and particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, and amend this act.

In the first place, in this provision Congress guarantees to these companies a reasonable compensation for all Government transportation. In the second place, Congress reserves the right to amend this charter, having due regard for the rights of the companies. The Supreme Court in its decision upon the funding act says that clauses of this nature are a contract between the Government and the railroad companies. Now, my friend from Indiana [Mr. HOLMAN] and my friend from Arkansas [Mr. DUNN] seemed to labor under the impression that the Supreme Court has decided something as bearing upon this question. I say to those gentlemen that the Supreme Court has not decided a solitary point involved here. It has decided with reference to the Thurman act that the laying aside of 25 per cent. for the sinking fund is in no way in conflict with a single right guaranteed to those companies under the charter, that it simply provides for a sinking fund and does not conflict in any manner with the charter which gave the companies their existence. In no case that I have examined can I find that the Supreme Court has decided that where a right is reserved, as in this case, that these companies shall have reasonable compensation for carrying the mails and for Government transportation, Congress has the power afterward to say to the companies, "You shall have only 60 per cent. or 80 per cent. of that rate." I can not see how gentlemen can claim for a moment, in view of the embarrassed condition of these companies, that it would be just and equitable for this great Government to repudiate this contract now and assume the ground that it will allow these companies for their services to the Government not a reasonable compensation, but one-half or 80 per cent. of that amount. Legislation of this kind, if proper, ought to be put in some general act, not in an appropriation bill, and that is one of the reasons I have opposed it from the very beginning. I do not wish to have incorporated upon this bill a general extension of the Thurman act or a revision of the laws governing the transportation of the mails.

Mr. Speaker, I now demand the previous question.

Mr. ROBESON. I would like to ask the gentleman a question before he sits down. If we vote down this conference report, can not the House conferees go back, and, taking these two things, one in one hand and one in the other, not letting their right hand know what their left hand does, obtain a compromise which will save a little for the House?

Mr. CASWELL. I have no intention in my action on this floor upon any business proposition to conceal from my right hand what my left hand is doing. I am here simply to do what I think is for the interest of the country. Whether the parties concerned are railroad corporations or individuals or the Government of the United States, I seek only to do justice between the parties.

Mr. CANNON. By consent let me answer that question. I think the House should do what it chooses on this proposition. I have no pride about it. It is your act—not mine—from beginning to end. I have sought to carry the House proposition, but the Senate said they would not recede. In good faith we tried to carry out the will of the House. It is with you, and if you send it back and risk the defeat of the Post-Office appropriation bill I have not a word to say.

Mr. ANDERSON. The Senate will back down.

Mr. ROBESON. I should like to say——

The SPEAKER. The gentleman from Wisconsin has demanded the previous question.

The previous question was ordered.

Mr. CASWELL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on the adoption of the conference report.

The House divided; and there were—ayes 82, noes 76.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 133, not voting 44; as follows:

YEAS—114.

Aiken,	Grout,	McLean, Jas. H.	Speer,
Aldrich,	Hall,	Miles,	Spooner,
Bingham,	Hammond, John	Money,	Stone,
Bisbee,	Harmer,	Moore,	Strait,
Bliss,	Harris, Benj. W.	Morey,	Taylor, Ezra B.
Briggs,	Heilman,	Morse,	Taylor, Joseph D.
Browne,	Henderson,	Norcross,	Thomas,
Buck,	Hepburn,	O'Neill,	Townsend, Amos
Burrows, Julius C.	Hill,	Parker,	Tyler,
Butterworth,	Hiscock,	Peirce,	Updegraff,
Calkins,	Hooker,	Pettibone,	Van Aernam,
Campbell,	Horr,	Phelps,	Van Horn,
Candler,	Hubbell,	Pound,	Van Voorhis,
Cannon,	Hubbs,	Ranney,	Wadsworth,
Carpenter,	Humphrey,	Ray,	Wait,
Cassidy,	Jones, Phineas	Rice, Wm. W.	Walker,
Caswell,	Jorgensen,	Rich,	Ward,
Chace,	Joyce,	Richardson, J. S.	Washburn,
Crapo,	Kasson,	Ritchie,	Watson,
De Motte,	Kelley,	Robinson, Geo. D.	Webber,
Dezendorf,	Ketcham,	Robinson, Jas. S.	West,
Dwight,	Lindsey,	Russell,	White,
Ellis,	Lord,	Scranton,	Whitthorne,
Errett,	Mackey,	Shallenberger,	Willits,
Evins,	Marsh,	Shultz,	Wilson,
Farwell, Chas. B.	Mason,	Singleton, Jas. W.	Wise, Morgan R.
Farwell, Sewell S.	McClure,	Smith, A. Herr	Wood, Walter A.
Fisher,	McCook,	Smith, J. Hyatt	
George,	McKinley,	Spaulding,	

NAYS—133.

Anderson,	Davis, George R.	Hoge,	Reagan,
Armfield,	Davis, Lowndes H.	Holman,	Reese,
Atherton,	Dawes,	House,	Rice, Theron M.
Atkins,	Deering,	Jacobs,	Richardson, D. P.
Bayne,	Deuster,	Jadwin,	Robertson,
Beach,	Dibrell,	Jones, George W.	Robeson,
Belmont,	Dingley,	Jones, James K.	Rosecrans,
Beltzhoover,	Dowd,	King,	Ross,
Berry,	Doxey,	Klotz,	Ryan,
Blackburn,	Dugro,	Lacey,	Scales,
Blanchard,	Dunn,	Ladd,	Scoville,
Bland,	Dunnell,	Leedom,	Sherwin,
Blount,	Ermentrout,	Le Fevre,	Simonton,
Bragg,	Flower,	Lewis,	Singleton, Otho R.
Brewer,	Ford,	Lynch,	Smalls,
Brumm,	Forney,	Manning,	Smith, Dietrich C.
Buchanan,	Frost,	Matson,	Sparks,
Buckner,	Fulkerson,	McCoid,	Steele,
Burrows, Jos. H.	Garrison,	McKenzie,	Stockslager,
Caldwell,	Geddes,	McMillin,	Talbott,
Carlisle,	Godshalk,	Miller,	Thompson, P. B.
Chapman,	Guenther,	Mills,	Townshend, R. W.
Clardy,	Gunter,	Morrison,	Tucker,
Clements,	Hammond, N. J.	Moulton,	Turner, Henry G.
Cobb,	Hardenbergh,	Muldrow,	Turner, Oscar
Colerick,	Hardy,	Murch,	Upson,
Converse,	Harris, Henry S.	Mutchler,	Vance,
Cook,	Haseltine,	Neal,	Warner,
Covington,	Haskell,	Oates,	Wheeler,
Cox, Samuel S.	Hatch,	Payson,	Williams, Thomas
Cox, William R.	Herbert,	Peelle,	Wise, George D.
Cravens,	Hewitt, G. W.	Phister,	
Culberson,	Hitt,	Prescott,	
Cullen,	Hoblitzell,	Randall,	

NOT VOTING—44.

Barbour,	Cutts,	Latham,	Shelley,
Barr,	Darrall,	Martin,	Skinner,
Belford,	Davidson,	McLane, Robt. M.	Springer,
Black,	Gibson,	Mosgrove,	Thompson, Wm. G.
Bowman,	Hazelton,	Nolan,	Urner,
Cabell,	Herndon,	Pacheco,	Valentine,
Camp,	Hewitt, Abram S.	Page,	Wellborn,
Clark,	Houk,	Paul,	Williams, Chas. G.
Cornell,	Hutchins,	Reed,	Willis,
Crowley,	Kenna,	Rice, John B.	Wood, Benjamin
Curtin,	Knott,	Robinson, Wm. E.	Young.

The report was rejected.

Mr. RICE, of Massachusetts. By instruction of the Committee on Foreign Affairs, I move to take from the Speaker's table Senate joint resolution 123, providing for the termination of articles numbered 18

SOLDIERS' HOME AT WASHINGTON, DISTRICT OF COLUMBIA.

The SPEAKER. The next committee in order is the Committee on Military Affairs.

The following pairs were announced from the Clerk's desk:
Mr. SKINNER with Mr. LATHAM.
Mr. PACHECO with Mr. CABELL.
Mr. HITT with Mr. SPRINGER.
Mr. THOMPSON, of Iowa, with Mr. HEWITT, of New York.
Mr. CORNELL with Mr. HERNDON.
Mr. URNER with Mr. MCLANE of Maryland.
Mr. HAZELTON with Mr. KENNA.
Mr. VALENTINE with Mr. DAVIDSON.
Mr. HOUK with Mr. MARTIN.
Mr. BELFORD with Mr. CURTIN.
Mr. CAMP with Mr. WELLBORN.

Mr. CURTIN. I am paired with Mr. BELFORD. If he were present, I would vote in the negative.

Mr. KENNA. If not paired, I would have voted "no."

On motion of Mr. BEACH, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the report was rejected; and also voted that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CASWELL. I move that the House ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of said conference on the part of the House Mr. CASWELL, Mr. CANNON, and Mr. ELLIS.

Mr. CANNON. I would prefer some other should be appointed than myself.

Mr. ROBESON. I hope the gentleman will not decline.

Mr. CASWELL. So do I.

Mr. ROBESON. The gentleman has told us he acts as the agent of the House.

Mr. CANNON. Under what I understand to be the precedents, I must decline.

The SPEAKER. The gentleman from Illinois declines. The Chair will fill the vacancy during the day.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The next business in order is the proceeding under the "Pound" rule.

Mr. TOWNSHEND, of Illinois. I wish to make a parliamentary inquiry. Is not the first thing in order the call of States for the introduction of bills?

The SPEAKER. The Pound rule provides in the body of it that the hour shall commence immediately after the reading of the Journal; and the call of States will follow.

Mr. TOWNSHEND, of Illinois. The rule reads that immediately after the reading of the Journal the call of States and Territories shall begin for the introduction of bills.

The SPEAKER. This is a special rule and takes precedence.

On last Saturday when the hour expired the Committee on Agriculture having been called had presented for consideration a bill creating an agricultural commission, which had been read and was ordered to be printed in the RECORD. It is now in order to resume the consideration of that bill at the point reached by the House at the expiration of the preceding hour.

Mr. HISCOCK. I rise to make a privileged report.

DEFICIENCY BILL.

Mr. HISCOCK, from the Committee on Appropriations, reported a bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. HOLMAN. I reserve all points of order upon this bill.

Mr. HISCOCK. I ask that the bill be referred to the Committee of the Whole House on the state of the Union.

Mr. ATKINS. I thought the gentleman intended to have this bill recommitted to the Committee on Appropriations.

Mr. HISCOCK. I am entirely indifferent as to whether it is recommitted or not.

Mr. ATKINS. That was the understanding in committee this morning.

Mr. HISCOCK. I never heard of it.

Mr. ATKINS. Why, the gentleman made it himself.

Mr. HISCOCK. The gentleman is entirely mistaken; he asked me if certain amendments were adopted to the bill if they would be moved as committee amendments, and I said they certainly would be. But I have no objection to the recommittal of the bill.

Mr. ATKINS. I did not suppose that we would consider amendments to a bill that was not before the committee.

Mr. HISCOCK. There is no need to have the bill before the committee for that purpose; these amendments can be offered as amendments of the committee. Still I have no objection to its recommittal if the gentleman prefers it.

The SPEAKER. Without objection, the bill which has been ordered to be printed will be recommitted to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate returned to the House the bill (H. R. 5538) to reduce internal-revenue taxation, recalled by the Senate to correct certain errors in the engrossment of the amendments to the same, said errors having been corrected.

AGRICULTURAL COMMISSION.

The SPEAKER. The Clerk will report the title of the bill which was pending when the hour under the Pound rule expired on Saturday last.

The Clerk read as follows:

A bill (H. R. 6920) to create an agricultural commission.

Mr. ANDERSON. In the temporary absence of the chairman of the Committee on Agriculture, whom I do not see in his seat, I call for the reading of the report accompanying that bill.

Mr. PAGE. Will that be read in the time allowed for discussion?

The SPEAKER. It may be read for five minutes under the rule. The bill was read on Saturday last.

Mr. ROBINSON, of Massachusetts. The Chair did not ask for objections to its consideration.

The SPEAKER. The time had not then come.

Mr. VALENTINE. I ask for the reading of the report.

The SPEAKER. It may be read before objection is asked for in lieu of a statement for five minutes.

The report was read, as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 6920) to create an agricultural commission, respectfully report the same to the House with amendment and recommend the early consideration and passage of the bill as amended.

It provides for the appointment by the President of a commission consisting of nine persons to investigate and report upon the transportation of the agricultural products of the United States from the point where produced to their final market, the actual cost of such transportation to the common carrier and his charge to the shipper together with such cognate matters as practically affect the difference between the price received by the farmer and that paid by the consumer. It contemplates the division of the commission into sub-committees of three persons each, who may visit such points in the United States as they shall deem expedient and take testimony which shall be distributed to members of Congress as was that of the Tariff Commission, and requires a final report December 3, 1883.

Thirty millions of our people are dependent upon profitable farming for support. In 1880 the value of all agricultural products was estimated at $9,000,000,000, and that of all manufactured products at $6,000,000,000, so that the farm yielded 60 per cent. of the aggregate product of these two great branches of national industry. These significant facts would alone not simply justify but imperatively demand such an investigation of transportation charges as may indicate any legislation that will protect the producer to tend to render the pursuit of agriculture more profitable than it has been heretofore, because the prosperity of the nation is but the aggregated prosperity of the individuals who compose it; and anything which tends to increase the wealth of three-fifths of our population tends to increase the prosperity of the nation. The action of many of the States in not only scrutinizing but regulating the charges made by common carriers and the widespread belief that an unjust proportion of the final price received for an agricultural product is withheld by the carrier from the farmer are fair evidences of the popular demand for such an investigation of the whole subject as shall place the exact facts before Congress and the country. If there was wisdom in the appointment of a tariff commission to investigate the protection that should be given to our manufacturing industries, then there is greater wisdom by one-half in availing ourselves of the labors of an agricultural commission, since the annual value of our agricultural products is one-half greater than that of manufactured articles.

An additional reason for the favorable recommendation of this bill by your committee exists in the important part which farm products play in our foreign commerce. So long as we sell more to other nations than we buy from them we shall grow rich, and when we buy more than we sell we shall grow poor as a nation.

During the last sixty years agricultural products have composed four-fifths of our exports, and in 1880 they constituted 83 per cent. of the total value of exports. Our imports will always be affected by exports, and as the chief source of national revenues is the import duty, Government has a peculiar interest in stimulating agriculture by making its practice profitable to the farmer, and hence in causing a thorough investigation of all charges now made from the time a product leaves the farm until it reaches the consumer.

Since the great transportation companies are usually carriers of passengers as well as of freight, and since the profits on their whole business must necessarily be affected by their profits on the passenger traffic, your committee have amended section 4 by inserting the following in line 7 after the word "products:" "And in order that full and adequate justice shall be had between said company or corporation and the people, said commission shall investigate and report upon all questions relating to the establishment and maintenance of reasonable and just interstate transportation tariffs; and said commission is empowered to issue subpœnas," &c.

The consideration of this subject, in connection with that of the transportation of agricultural products, is so evidently proper and necessary, both to the interests of the people and the carriers, as to require no further comment. We have amended the title of the bill accordingly, and earnestly recommend early and favorable action by the House.

The SPEAKER. The Chair will submit the question to the House whether or not the bill shall now be considered.

The question was submitted. Ten gentlemen rising in opposition, the bill was not considered.

FISHERIES TREATY.

The Committee on Foreign Affairs was called.

Mr. RICE, of Massachusetts. By instruction of the Committee on Foreign Affairs, I move to take from the Speaker's table Senate joint resolution 123, providing for the termination of articles numbered 18 to 25, inclusive, and article numbered 30 of the treaty between the United States of America and Her Britannic Majesty concluded at Washington, May 8, 1871, and put the same upon its passage.

The SPEAKER. The joint resolution will be read.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That in the judgment of Congress the provisions of articles numbered 18 to 25, inclusive, and of article 30 of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A. D. 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the government of Her Britannic Majesty such notice of such termination on the 1st day of July, A. D. 1883, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of the two years' time required by said treaty, that each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March 1, A. D. 1873, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," so far as it relates to the articles of the said treaty so to be terminated, shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Mr. RICE, of Massachusetts. I am instructed by the Committee on Foreign Affairs to move the adoption of the resolution; and I will ask the House to listen for a moment to a brief explanation of it.

Mr. WASHBURN. Before leave is given to consider this resolution I wish to ask my friend a question.

Mr. RICE, of Massachusetts. I think if the gentleman from Minnesota will hear the explanation which I will briefly give it may, perhaps, satisfy him on all points with reference to the propriety of the adoption of this measure. By the treaty of Washington certain sections were devoted to rights given in British waters to American fishermen. The amount that the United States was to pay for the privilege was to be settled by the Halifax commission. The sum that was to be awarded by that commission paid for that right for the term of twelve years and no longer. The sum awarded by the Halifax commission was five and one-half millions of dollars. We must now give notice by the 1st of next July of the abrogation of these clauses of that treaty, and provision is contained in the treaty for the abrogation of these clauses and nothing else. So that the matter stands by itself, or else we enter upon another term for which England may demand ample payment from the United States according to the enormous and unjust awards of the Halifax commission for privileges which nobody in the United States who has investigated the subject considers worth keeping. The Senate Committee on Foreign Affairs unanimously reported this resolution. It was adopted by the Senate without an objection; and the Committee on Foreign Affairs of this House, having fully examined the matter, unanimously instructed me to move the adoption of the resolution by the House, which I now do under that instruction.

With this explanation I trust that no objection will be made to the consideration of the resolution, which I am very sure I can satisfy everybody ought to be adopted, to avoid liability to further payment of an extortionate sum to Great Britain for that which is not considered worth anything to us by parties who are interested in the matter and who have examined into it.

Mr. WASHBURN. I ask the gentleman from Massachusetts whether the passage of this joint resolution will in any way interfere with section 2866 of the Revised Statutes which provides for the carrying of goods in transit through this country?

Mr. RICE, of Massachusetts. Those provisions are excepted from the operations of this resolution in terms in the resolution. This applies only to the fisheries.

Mr. WASHBURN. If that is the case, I have no objection to the passage of the resolution; otherwise I would have objection.

The SPEAKER. The Chair will submit the question whether there is objection to the present consideration of this joint resolution?

There was no objection.

The SPEAKER. The joint resolution is before the House for consideration. Does the gentleman from Massachusetts [Mr. RICE] desire to be heard on it?

Mr. RICE, of Massachusetts. I do not desire to occupy any time.

The SPEAKER. Does any gentleman desire to be heard in opposition? [After a pause.] The Chair does not observe any gentleman rising in opposition. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME AT WASHINGTON, DISTRICT OF COLUMBIA.

The SPEAKER. The next committee in order is the Committee on Military Affairs.

Mr. HENDERSON. I am instructed by the Committee on Military Affairs to move that the bill (S. 1821) prescribing the regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes, be taken from the House Calendar, and that it be passed with certain amendments recommended by the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That the Board of Commissioners of the Soldiers' Home shall every year report in writing to the Secretary of War, giving a full statement of all receipts and disbursements of money, of the manner in which the funds are invested, of any changes in the investments, and the reasons therefor, of all admissions and discharges, and generally of all facts that may be necessary to a full understanding of the condition and management of the home. The Secretary of War shall have power to call for and require any omitted facts which in his judgment should be stated to be added. This annual report shall be, by the Secretary of War, together with the report of the inspecting officer hereinafter provided for, transmitted to Congress at the first session thereafter, and he shall also cause the same to be published in orders to the Army, a copy thereof to be deposited in each garrison and post library.

SEC. 2. That the Secretary of War shall, once in each year, detail a suitable officer from the inspectors' corps of the Army, who shall thoroughly inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make.

SEC. 3. That no new buildings shall be erected or new grounds purchased, nor shall any expenditure of more than $5,000 be made, until the action of the board thereon shall be approved by the Secretary of War. All supplies that can be purchased upon contract shall be so purchased, after due notice by advertisement, of the lowest responsible bidder. Such bidder shall give bond, with proper security, for the performance of his contract.

SEC. 4. That any inmate of the home who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all who now are or shall hereafter become inmates of the home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the home. The money thus derived shall not become a part of the funds of the home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The board of commissioners may from time to time pay over to any inmate such part of his pension-money as they think best for his interest and consistent with the discipline and good order of the home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the home. In case of the death of any pensioner, any pension-money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the home.

SEC. 5. That a suitable uniform shall be furnished to every inmate of the home without cost to him.

SEC. 6. That the board of commissioners are authorized to aid persons who are entitled to admission to the home, by out-door relief, in such manner and to such an extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

SEC. 7. That the officers of the home shall be selected as now provided by law, except that they shall hereafter, upon expiration of present detail, be taken from the retired list of the Army; and preference shall be given to such as were disabled by wounds received in the line of duty. And the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty.

SEC. 8. That all funds of the home not needed for current use and which are now invested in United States registered bonds shall, as soon as received, or as soon as present investments can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the home as a permanent fund, and shall draw interest at the rate of 4 per cent. per annum, which shall be paid quarterly to the treasurer of the home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner. No part of the principal sum so deposited shall be withdrawn for use except upon a resolution of the board of commissioners stating the necessity, and approved by the Secretary of War.

SEC. 9. That no officers of the home shall borrow any money on the credit of the home for any purpose, nor shall any pledge of any of its property or securities for any purpose be valid.

SEC. 10. That the Board of Commissioners of the Soldiers' Home shall hereafter consist of the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, and the Inspector-General of the Army. Any three of them shall constitute a quorum for the transaction of business.

SEC. 11. That all laws and parts of laws relating to the Soldiers' Home now in force and not inconsistent with this act are continued in force, and such as are inconsistent herewith are to that extent repealed.

SEC. 12. That the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the employment of additional clerical force to be used in adjusting the accounts in the Second Auditor's Office of those funds which under the law belong to the Soldiers' Home.

Passed the Senate June 20, 1882.

Attest: F. E. SHOBER, *Acting Secretary.*

Mr. HENDERSON. I ask that the amendments proposed by the Committee on Military Affairs may be read.

The SPEAKER. Does the gentleman from Illinois [Mr. HENDERSON] desire to have the report read or to make an explanation?

Mr. HENDERSON. I ask that the amendments reported by the committee may be read.

The SPEAKER. The Chair will submit the question as to objections. Is there objection to the present consideration of this bill?

Mr. ANDERSON. I object.

The SPEAKER. Only one gentleman objecting, the bill is before the House for consideration.

Mr. HENDERSON. I am instructed by the Committee on Military Affairs to offer the following amendments:

In line 3, section 1, strike out the words "board of commissioners" and insert the word "governor;" and in line 4 insert the words "administer the affairs thereof, and shall;" so that it will read: "That the governor of the Soldiers'

Mr. BRAGG. I would like to inquire of the gentleman from Kansas [Mr. ANDERSON] if he has taken the trouble to read this bill?

Mr. ANDERSON. No, sir, I have not; I have not had the time. That is the magnificent beauty of this new rule; something is popped

did not contribute to them, I trust that no member of the House will object to this resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Home shall administer the affairs thereof, and shall every year report in writing," &c.

Mr. ANDERSON. I would like to be heard on that.

Mr. FLOWER. I desire to ask the gentleman from Illinois [Mr. HENDERSON] a question. In the sundry civil appropriation bill, passed on Saturday, there are some provisions in relation to soldiers in these soldiers' homes. Does this bill interfere with those provisions?

Mr. HENDERSON. No, sir; this is for the Soldiers' Home here, at the city of Washington, and I should like, if I can have unanimous consent to do so, to state that this bill has been prepared by the Senate committee, after a thorough investigation of the Soldiers' Home, and that the bill is approved by the Committee on Military Affairs of the House, with the amendments which are proposed by the committee.

Mr. BROWNE. Do I understand the gentleman to state that this bill simply applies to the Soldier's Home at Washington?

Mr. HENDERSON. That is all.

Mr. ANDERSON. Now, I would like to inquire of the gentleman from Illinois whether the government of that home at present is not in the hands of a commission; whether this bill as prepared by the Senate does not contemplate that it shall remain in the hands of the commission; and whether the amendment of the House committee is not to substitute the governor of the home for the commission? If that be the case, and I have no doubt it is, then it seems to me an unwise amendment to be made, with only a five minutes' debate, to take the conduct of that home out from under the control of the body in whose hands it is now vested by law and put it in the hands of the governor.

The SPEAKER. Does the gentleman from Illinois [Mr. HENDERSON] yield?

Mr. HENDERSON. I do not.

The SPEAKER. The time of the gentleman is rapidly running out.

Mr. SPARKS. I desire to say that the gentleman from Kansas [Mr. ANDERSON] is, I think, mistaken. The bill does not confer extravagant or undue power on the governor. It does, however, confer powers on the governor beyond those now authorized, and which the Committee on Military Affairs of the House thought it wise to confer.

Mr. BRAGG. This puts it on the same footing as all other homes.

Mr. SPARKS. The commission is abolished, but a board of visitors is provided for, increased by two members over the present board of commissioners.

The SPEAKER. Does the gentleman from Illinois [Mr. HENDERSON] desire to be heard?

Mr. HENDERSON. I would say this to the House. I think it has been found difficult, if not impracticable, to administer well the affairs of the Soldiers' Home by a board of commissioners, and the intention is to clothe the governor with authority to administer the affairs of the home subject to the approval of the Secretary of War, and subject to a board of visitors instead of a board of commissioners, who are required to visit the institution as often as once every three months, and to examine into and report the condition of the home, with such recommendations as they may deem necessary, to the Secretary of War.

Mr. ANDERSON. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. I will say that at present the governor, while nominally in charge of the home, has not the power to purchase anything whatever that may be necessary and proper for the home; it has to be done by this board of commissioners. The governor can not, as I understand it, even have a gate put up which has blown down or purchase a box of matches that may be necessary or put in a pane of glass that has been broken. But the commissioners must be hunted up for these purposes; so that while the governor is nominally responsible for the administration of the affairs of the home, he really has no authority.

The Committee on Military Affairs of the House believe it would be wiser and better to clothe the governor of the home with some powers and to make him responsible for the proper management of the same. They think it far better to do this, subject always to the approval of the Secretary of War, and to constitute a board of visitors, who shall, from time to time, visit the home and investigate the books and accounts and the management of the home, and report thereon to the Secretary of War, with such recommendations as they may deem necessary and proper.

Mr. ANDERSON. May I ask the gentleman a question?

Mr. HENDERSON. Certainly.

Mr. ANDERSON. If I understand the gentleman's statement, it is proposed to give the governor of this home the power to make whatever regulations he pleases?

Mr. HENDERSON. Not at all.

Mr. DAVIS, of Illinois. He is only the administrative officer to carry out the law.

Mr. HENDERSON. I only desire to say further, that the action of the committee in submitting these amendments was unanimous.

Mr. BRAGG. The difficulty with the gentleman from Kansas [Mr. ANDERSON] is the farm connected with the home; he seems to have got a little off on that farm. [Laughter.]

Mr. HENDERSON. There are various amendments recommended by the Committee on Military Affairs to this bill, which I ask may be now considered.

The SPEAKER. The Chair would suggest that the amendments be read consecutively through the bill, and unless some question is raised they will be considered as adopted. That will save time.

Mr. HENDERSON. Very well.

The Clerk read the several amendments to the bill; which were adopted.

Mr. HENDERSON moved to reconsider the various votes adopting the amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, is as follows:

Be it enacted, &c., That the governor of the Soldiers' Home shall administer the affairs thereof and shall every year report in writing to the Secretary of War, giving a full statement of all receipts and disbursements of money, of the manner in which the funds are invested, of any changes in the investments, and the reasons therefor, of all admissions and discharges, and generally of all facts that may be necessary to a full understanding of the condition and management of the home. The Secretary of War shall have power to call for and require any omitted facts, which in his judgment should be stated, to be added. This annual report shall be by the Secretary of War, together with the report of the inspecting officer hereinafter provided for, transmitted to Congress at the first session thereafter, and he shall also cause the same to be published in orders to the Army, a copy thereof to be deposited in each garrison and post library.

SEC. 2. That the Secretary of War shall, once in each year, detail a suitable officer from the inspectors' corps of the Army, who shall thoroughly inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make.

SEC. 3. That no new buildings shall be erected or new grounds purchased, nor shall any expenditure of more than $1,000 be made, until the action of the governor thereon shall be approved by the Secretary of War. All supplies that can be purchased upon contract shall be so purchased, after due notice by advertisement, of the lowest responsible bidder. Such bidder shall give bond, with proper security, for the performance of his contract.

SEC. 4. That any inmate of the home who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all who now are or shall hereafter become inmates of the home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the home. The money thus derived shall not become a part of the funds of the home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The governor may from time to time pay over to any inmate such part of his pension-money as he may think best for his interest and consistent with the discipline and good order of the home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the home. In case of the death of any pensioner, any pension-money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the home.

SEC. 5. That a suitable uniform shall be furnished to every inmate of the home without cost to him.

SEC. 6. That the governor is authorized to aid persons who are entitled to admission to the home by out-door relief, in such manner and to such an extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

SEC. 7. That the governor of the home shall be selected by the President of the United States, and all other officers of the home shall be selected by the Secretary of War, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty.

SEC. 8. That all funds of the home not needed for current use, and which are not now invested in United States registered bonds, shall, as soon as received, or as soon as present investments can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the home as a permanent fund, and shall draw interest at the rate of 3 per cent. per annum, which shall be paid quarterly to the treasurer of the home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner. No part of the principal sum so deposited shall be withdrawn for use except upon a warrant of the governor stating the necessity, and approved by the Secretary of War.

SEC. 9. That no officers of the home shall borrow any money on the credit of the home for any purpose, nor shall any pledge of its property or securities for any purpose be valid.

SEC. 10. That the Surgeon-General, the Commissary-General, the Adjutant-General, Quartermaster-General, and the Judge-Advocate-General of the Army shall constitute a board of visitors, whose duty it shall be to visit and inspect the home at least once in every three months, and examine into the condition and management of said home and the books and accounts of the treasurer, and report the same, with such recommendations as they may deem necessary and proper, to the Secretary of War. Any three of them shall constitute a quorum for the transaction of business.

SEC. 11. That all laws and parts of laws relating to the Soldiers' Home now in force and not inconsistent with this act are continued in force, and such as are inconsistent herewith are to that extent repealed.

The bill as amended was then ordered to a third reading and read the third time.

Mr. ANDERSON. Is there five minutes allowed in opposition to the bill?

The SPEAKER. The five minutes in opposition to the bill have not yet been taken.

Mr. ANDERSON. I would like to say one word. I am not conversant with the details of this bill, but I am inclined to think that the change proposed here is not a wise one. I only want to express with due deference my opinion in opposition to that of gentlemen who have examined into the subject more carefully.

I say this for the reason that I fear that the affairs of the home will not be subject to that supervision and close observation which ought to characterize the government of that institution. What I am afraid of is that in giving the governor of this home power to put in a pane of glass, which, of course, he ought to have, and the power to do some other little things, which of course he ought to have, you will after a while find out that you have given all the power over this home to him, and that I do not think ought to be done.

The SPEAKER. Is there objection to the present consideration of [illegible] resolution? [A pause.] No one rises to object, and the joint

and in consequence of the absence of proper instructions by this office. Under this state of facts the legislative relief desired by the parties interested is in pur-

Mr. BRAGG. I would like to inquire of the gentleman from Kansas [Mr. ANDERSON] if he has taken the trouble to read this bill?

Mr. ANDERSON. No, sir, I have not; I have not had the time. That is the magnificent beauty of this new rule; something is popped up here when you are not expecting it and can not examine it. Whether I have read the bill or not has nothing to do with this proposition; that is a question of fact. I do not believe this bill should pass.

Mr. McCOOK. Has the gentleman read the Senate report in regard to the management of this home?

Mr. ANDERSON. "The gentleman" has read a part of the report.

Mr. McCOOK. And yet the gentleman says, after reading that report, that this is a dangerous bill to pass.

Mr. ANDERSON. So far as I understand it, I think so.

Mr. McCOOK. I do not think so.

Mr. ANDERSON. I have not the information which the gentleman from New York [Mr. McCOOK] and other members of the committee have.

Mr. McCOOK. If you have read the report you have information enough.

Mr. ANDERSON. It is because of that report that I do not wish to see all power put into any one man's hands. That is all I have to say.

The bill was then passed.

Mr. HENDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLOR-BLINDNESS IN THE NAVY, ETC.

Mr. HARRIS, of Massachusetts. I am instructed by the Committee on Naval Affairs to call up from the Calendar of the Committee of the Whole on the state of the Union for consideration at this time the joint resolution (H. Res. 135) relating to color-blindness and visual acuteness in persons employed in the Navy and merchant marine.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Whereas it is important that definite and uniform standards of examination for color-blindness and tests for visual acuteness in persons employed in the Navy and merchant marine should be established which shall be in harmony with such standards and tests as are or may be established by other nations: Therefore,

Resolved, &c., That the President is hereby authorized and directed to appoint, by and with the advice and consent of the Senate, some suitable person qualified for such service, who, with one line officer of the Navy and one medical officer of the Navy, to be detailed or designated by the Secretary of the Navy, shall attend and represent the United States in any international congress or convention held by authority of law in any European nation to consider and act on said subject; and the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended, or so much thereof as may be needed, under the direction of the President, to compensate the person so appointed and defray the necessary expenses of the person so appointed and of the officers of the Navy so detailed or designated. And the person so appointed and the officers of the Navy so detailed or designated under the provisions of this act shall join in a report of the proceedings of such congress or convention, and of the conclusions reached thereby, if any, to the President, to be by him laid before Congress, to the end that an international system of examinations for color-blindness and tests for visual acuteness, and standards for colors for signals used at sea, may be established by law.

Mr. HARRIS, of Massachusetts. Without calling for the reading of the report, which is somewhat long, I will state in two or three minutes the purpose and scope of this bill. It was reported unanimously by the Committee on Naval Affairs to the last House of Representatives, but was not reached upon the Calendar, and therefore was not passed.

It is known, I suppose, to every member of the House that the subject of color-blindness of persons engaged in navigating vessels of the Navy and the merchant marine has been found to be of the very greatest importance affecting the safety of vessels at sea. This bill proposes, if foreign countries shall join with us, to establish an international congress to determine upon the tests of visual acuteness, and also to determine the necessity of uniform signals at sea in the navies and the merchant marine of different countries. Professor Holmgren, of Sweden, who started the inquiry into this subject, has induced his own government to recommend the adoption of a system such as that proposed in this bill; and the King of Sweden has announced his readiness to join the United States in organizing a commission. The English Government also has had the subject under consideration.

It must be manifest to every gentleman that it is of no use for the United States to establish tests as to color-blindness or to establish standards for lights and signals at sea unless the same system prevails in the marine service of other nations. If an American vessel be provided with men who have been thoroughly examined as to their visual acuteness, and if the lights and signals of our service can not be responded to by vessels of other countries, it is as if nothing had been done. This joint resolution provides simply for a commission on the part of our Government, to consist of three members, to unite with such persons as may be appointed by other governments, to examine and report upon this subject in the hope that all the commercial nations of the world may join in a uniform system which shall have the effect to make life upon the sea tolerably safe. In view of recent marine disasters, of which no man can say that the want of visual acuteness did not contribute to them, I trust that no member of the House will object to this resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. SPARKS. I think this is a measure in the right direction; but I wish to ask the gentleman from Massachusetts [Mr. HARRIS] why this commission on the part of our Government should not consist entirely of naval officers, thereby avoiding the creation of new offices?

Mr. HARRIS, of Massachusetts. I will answer the gentleman. In this country the subject was investigated first by gentlemen not connected with the Navy——

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I believe the question was put upon objecting to the resolution. A number of gentlemen have risen to object.

The SPEAKER. Eight members objecting, the resolution is not before the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2507) to punish the false personation of officers or employés of the service of the United States.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and

A bill (H. R. 7486) to prevent the importation of adulterated and spurious teas.

The message further announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

The message also announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate, Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

VALIDATION OF MAIL CONTRACTS.

The Committee on the Post-Office and Post-Roads being called,

Mr. BINGHAM said: By instruction of the Committee on the Post-Office and Post-Roads, I ask consent to have taken from the House Calendar for immediate consideration the joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the contracts executed by the Postmaster-General for routes numbered 6772, in the State of New York, under advertisement of February 10, 1881; 3266, in the State of Massachusetts, under advertisement of February 10, 1881; 23532, in the State of Illinois, under advertisement of June 20, 1879; 10295, in the District of Columbia, under advertisement of March 10, 1882, are hereby validated and declared to be in full force and effect, any omission in said contracts to conform to the requirements of the statute notwithstanding.

Mr. BINGHAM. I ask for the reading of the report, which is very brief.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred H. Res. 333, submit the following report:

The committee recommend the passage of H. Res. 333 for the reasons contained in the letter of the Postmaster-General herewith submitted:

POST-OFFICE DEPARTMENT,
Washington, D. C., January 31, 1883.

SIR: I have the honor to transmit herewith a draft of a resolution to validate contracts for star service on routes 3266, 6772, 10295, and 23532, in the States of Massachusetts, New York, the District of Columbia, and Illinois. These contracts are for service in the cities of Boston, New York, Washington, and Chicago, and were irregularly drawn, and did not conform to the advertisements for the service. The advertisements stipulated that all additional service required during the term of the contracts should be performed without additional compensation, and that there should be no decrease of compensation for decrease of service; and the contracts were irregularly drawn to pay pro rata for all additional service required, and to decrease compensation pro rata on all service dispensed with.

If these contracts should be now annulled, it would be impossible to obtain temporary service at the rates of pay authorized by law, while to continue them as mail-messenger service would be impossible, as the appropriation for that branch of the service would be inadequate to meet the expense. If the service could now be temporarily provided for without danger to the postal interests in the cities named, it could not be relet without large additional expense, for the reason that this kind of service can not be provided for without delay and a large outlay, and in some cases the term of the contracts has nearly expired.

I have the honor to request that early action may be taken on this proposed resolution.

Very respectfully, your obedient servant,

T. O. HOWE, *Postmaster-General.*

Hon. H. H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of this joint resolution? [A pause.] No one rises to object, and the joint resolution is before the House.

Mr. BINGHAM. Mr. Speaker [cries of "Vote!" "Vote!"], I am perfectly willing to rest this question upon the report.

Mr. REAGAN. I would like to ask the gentleman why these contracts need validating?

Mr. BINGHAM. The contracts were drawn in error. They have been examined at the Post-Office Department in consequence of the failure of a contractor, and it has been found that four contracts were erroneously drawn. Service is now being performed under them. The simple purpose of this measure is to validate them. The matter has been thoroughly investigated.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFIRMATION OF PUBLIC LAND ENTRIES.

Mr. POUND. Mr. Speaker, I desire, on behalf of the Committee on the Public Lands, to call up for present consideration the bill (H. R. 5543) to confirm certain entries on the public lands.

The bill was read, as follows:

Be it enacted, &c., That in all cases where lands reduced in price to $1.25 per acre by the act of June 15, 1880, but which have not been offered at public sale at such reduced price, were inadvertently sold at private entry by the officers of the Land Department between the date of the passage of said act and the date of the receipt at the local offices of the instructions of the Commissioner of the General Land Office relative thereto of October 10, 1881, the entries so inadvertently permitted to be made by innocent purchasers, and which are regular in all respects except as to time of entry, shall be confirmed as of the dates of entry, respectively: *Provided, however*, That no valid adverse claim to any of such lands had attached prior to the date of such entry: *And provided further*, That where lands have been entered since the approval of said act, and a greater price paid therefor than said reduced price, such excess shall be refunded to the purchaser or his legal representatives in the same manner as repayments of excess purchase-money are made in other cases under existing law.

Mr. HOLMAN. I ask for the reading of the report under the rule.

Mr. NEAL. The hour has expired.

Mr. POUND. I ask, by unanimous consent, the report and bill be printed in the RECORD.

Mr. HOLMAN. I wish the report read, and under the rule we have five minutes for that purpose.

The SPEAKER. The hour has expired, and the bill goes over.

Mr. POUND. I desire before the bill goes over to move an amendment to strike out the last proviso. Let the report be printed in the RECORD.

The SPEAKER. The Chair hears no objection.

It is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 3492) "relating to the public lands of the United States, and construing and amending the act entitled 'An act relating to the public lands of the United States,' approved June 15, 1880," report the same back with a substitute, the adoption and passage of which is recommended.

The third section of the act of June 15, 1880, reads as follows:

"SEC. 3. That the price of lands now subject to entry which were raised to $2.50 per acre and put in market prior to January, 1861, by reason of the grant of alternate sections for railroad purposes, is hereby reduced to $1.25 per acre."

After the passage of this act the local land agents in several districts, under direction and authority of the General Land Office, sold a quantity of lands of the class referred to in the above section at the price of $1.25 per acre. The instructions of the Commissioner of the General Land Office of date July 17, 1880, authorizing or recognizing the authority to make such sales, contained these words:

"The third section reduces to $1.25 per acre the price of any lands which were subject to ordinary private entry at $2.50 per acre at the date of the approval of the act, having been doubled in price by reason of the grant of alternate sections for railroad purposes, and which were put in market at that price prior to the 1st of January, 1861. Lands which have not been put in market for sale at ordinary private entry at $2.50 per acre, or which were so put in market subsequent to the 1st of January, 1861, are not changed in price by this section. You will carefully observe the rule, as to price, thus introduced. By reference to your official records, it will be in your power to ascertain the facts with regard to any lands from which to decide as to its applicability to them. In case of doubt you may correct your records to exhibit the facts by correspondence with this office."

These sales were made at private entry without a reoffering of the lands at public sale first being had. The parties purchasing acted in good faith, and in many instances have made improvements, begun operations on the land, and expended considerable sums on the faith of the purchase.

After the lapse of nearly a year, the officers of the local land offices were instructed to sell no more lands at the reduced price of $1.25 per acre, for the reason that the lands had not been offered at public sale at the reduced price, although the lands had been offered at $2.50 per acre, and had been in market at that price for over twenty years. Thereafter some lands were sold at $2.50 per acre, of the class reduced in price by the act of 1880. By later instructions the Department has held that the lands must first be reoffered at public sale, and has suspended the sales so made.

The action of the Department works a grievous hardship on the purchasers. If the sales are canceled they will in some instances lose all their improvements and expenses incurred on the faith of the purchases. In others, which have been made known to the committee, the purchasers have made contracts to convey and give title, and the cancellation of the sales to them will subject them to actions for breach of contract and onerous damages.

The substitute proposed is prepared by the Commissioner of the General Land Office, and is approved by him and by the Secretary of the Interior. The Commissioner, in a letter answering inquiries respecting the proposed legislation, says:

"Such entries were made, however, in good faith by the respective parties. They were allowed by the local officers through a misapprehension of the law, and in consequence of the absence of proper instructions by this office. Under this state of facts the legislative relief desired by the parties interested is, in my opinion, proper to be afforded."

In these views the Secretary of the Interior concurs, and recommends the passage of the substitute.

TARIFF BILL.

Mr. KELLEY. I move that the amended tariff bill from the Senate be printed.

Mr. HASKELL. I hope the gentleman will withdraw his motion, as that takes it out of the House.

Mr. KELLEY. No, it does not. My motion relates merely to the matter of printing. I do not propose to take it out of the House. It is merely to print it, in order that members may see what the Senate has or has not done in the way of amendment.

Mr. COX, of New York. Does the gentleman propose to call up the bill to-day?

Mr. KELLEY. I do not; but I do not know what other gentlemen may do.

Mr. KELLEY's motion was agreed to.

PRODUCTION OF GOLD AND SILVER.

Mr. VAN HORN, from the Committee on Printing, reported back the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives (the Senate concurring therein), That 9,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 4,000 copies for the use of the House, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXECUTIVE DEPARTMENTS' EXHIBIT AT THE CENTENNIAL.

Mr. VAN HORN also, from the Committee on Printing, reported joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That there be printed and bound, in continuation of the series of volumes heretofore published by Congress under joint resolution of June 20, 1879, containing the final report of the United States Centennial Commission on the International Exhibition of 1876, and uniform therewith, 5,000 copies of the report of the board on behalf of the United States Executive Departments at said exhibition, being the report which was submitted to Congress by the President of the United States by special message of February 9, 1877, and again in his annual message of December 3, 1877, of which number 3,000 copies shall be for the House, 1,000 copies for the Senate, 200 copies for the Smithsonian Institution for distribution to such foreign governments and others as made contributions from such exhibition to the National Museum, 300 copies for the late members of said board, and 500 copies for distribution by the late president of the Centennial Commission, the printing to be done by the Public Printer, under the supervision of the late chairman of said board, upon whose order may be allowed by the Public Printer to the late secretary of the board not exceeding $300 for services to be performed and incidental expenses to be incurred in connection therewith: *Provided*, That the photographic views of the Government exhibit accompanying the manuscript report shall not be printed or reproduced for the publication herein authorized.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VAN HORN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, this being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions, also resolutions calling for executive information, for printing and reference to their appropriate committees. Under this call resolutions and memorials of State and Territorial Legislatures are in order for reference to their appropriate committees.

Mr. PAGE. I move to dispense with the morning hour for the call of States for the introduction of bills and joint resolutions.

Mr. RANDALL. I object.

Mr. PAGE. I move to suspend the rules for that purpose.

The SPEAKER. It is not usual to dispense with the call of States for the introduction of bills and joint resolutions.

MEMPHIS, ATLANTA AND SAVANNAH RAILROAD.

Mr. WHEELER introduced a bill (H. R. 7638) to grant the right of way over the public lands in Alabama, and to grant lands to said State in aid of the Memphis, Atlanta and Savannah Railroad, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RETURN OF COTTON TAX.

Mr. WHEELER also introduced a bill (H. R. 7639) to provide for refunding to the several States certain sums of money which were collected from persons residing in said States as a tax upon cotton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. E. C. COWLES.

Mr. HERBERT introduced a bill (H. R. 7640) for the relief of Mrs. E. C. Cowles; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JAMES A. WARE, DECEASED.

Mr. HERBERT also introduced a bill (H. R. 7641) for the relief of the estate of James A. Ware, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. JUDKINS.

Mr. HERBERT also introduced a bill (H. R. 7642) for the relief of the estate of William T. Judkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. JUDKINS.

Mr. HERBERT also introduced a bill (H. R. 7643) for the relief of the estate of John C. Judkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. JUDKINS.

Mr. HERBERT also introduced a bill (H. R. 7644) for the relief of the estate of James H. Judkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLONEL GEORGE W. GETTY.

Mr. ROSECRANS introduced a bill (H. R. 7645) to reward the long, faithful, and distinguished services of Colonel George W. Getty, Fourth United States Artillery, and brevet major-general, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CARTE DEL MADERA DEL PRESIDIO.

Mr. BERRY introduced a resolution of inquiry relative to the private land claim in California known as the Carte del Madera del Presidio; which was referred to the Committee on Private Land-Claims.

PENSACOLA AND PERDIDO CANAL COMPANY.

Mr. BISBEE introduced a bill (H. R. 7646) to incorporate the Pensacola and Perdido Canal Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CALUMET RIVER, ILLINOIS.

Mr. ALDRICH introduced a bill (H. R. 7647) to preserve and prevent encroachment upon the excavated channel of the Calumet River, Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPORTATION OF GERMAN WINES.

Mr. TOWNSHEND, of Illinois, introduced a joint resolution (H. Res. 360) prohibiting importation of wines from Germany until some means can be provided by law to prevent the importation of deleterious wines from that country.

Mr. GUENTHER. I ask that this joint resolution be read for the information of the House.

The SPEAKER. Its reading does not necessarily take it into the RECORD. If the gentleman desires to have it read for information the Chair will order it to be read.

Mr. GUENTHER. I would like to have it read.

The joint resolution was read at length.

The SPEAKER. The joint resolution will be referred to the Committee on Ways and Means.

Mr. GUENTHER. That ought to go to the Committee on Commerce.

Mr. BRAGG. Civil Service Reform would be the proper committee. [Laughter.]

The SPEAKER. It will be referred to the Committee on Ways and Means.

Mr. BRAGG. The Committee on Ways and Means ought to find out how to get money into the Treasury, not to prevent its collection. It had better go to the Committee on Reform in the Civil Service.

The SPEAKER. The proper reference for the joint resolution is the Committee on Ways and Means.

Mr. GUENTHER. I ask that it be referred to the Committee on Commerce.

The SPEAKER. This is not a matter relating to commerce.

Mr. TOWNSHEND, of Illinois. I think it could be referred either to the Committee on Commerce or the Committee on Ways and Means. I have no objection, however, to the reference indicated by the Speaker.

The joint resolution was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. PAYSON presented joint resolutions of the Legislature of the State of Illinois relative to the increase of pensions in certain cases; which were referred to the Committee on Invalid Pensions.

BRIDGES ON THE MISSISSIPPI RIVER.

Mr. PAYSON also presented joint resolutions of the Legislature of the State of Illinois relative to the protection of bridges, &c., on the Mississippi River; which were referred to the Committee on Commerce.

TAX ON THE MANUFACTURE OF STILLS.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 7648) to amend section 3244 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN C. REED.

Mr. THOMAS introduced a bill (H. R. 7649) for the relief of John C. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH M. CARRIERE AND OTHERS.

Mr. HEPBURN (by request) introduced a bill (H. R. 7650) for the relief of certain persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH SEVOIS AND OTHERS.

Mr. HEPBURN also (by request) introduced a bill (H. R. 7651) for the relief of Joseph Sevois and certain persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WILBERDING AND OTHERS.

Mr. HEPBURN also (by request) introduced a bill (H. R. 7652) for the relief of John H. Wilberding and certain persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC LAND LAWS.

Mr. CARPENTER introduced a bill (H. R. 7653) to define the manner of settling controversies between settlers under the pre-emption and homestead laws and corporations claiming title under Congressional land grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIZABETH DAVIDSON.

Mr. BLANCHARD (by request) introduced a bill (H. R. 7654) to provide for the payment to Elizabeth Davidson of compensation due her late husband, Edward C. Davidson, of Louisiana, in the Forty-third Congress; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD P. BLACKISTONE.

Mr. CHAPMAN introduced a bill (H. R. 7655) for the relief of Richard P. Blackistone; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONTINGENT FUND OF HOUSE OF REPRESENTATIVES.

Mr. URNER introduced a bill (H. R. 7656) to regulate the use of the contingent fund of the House of Representatives in the payment of the funeral expenses of deceased members; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

RAILROAD GRANTS IN MINNESOTA.

Mr. STRAIT presented a joint resolution of the Legislature of the State of Minnesota, requesting that the land grants for the aid of railroad companies in said State be immediately adjusted, and that said land may be subject to taxation; which was referred to the Committee on the Public Lands.

JOHN FENSKE.

Mr. STRAIT also presented a joint resolution of the Legislature of the State of Minnesota, praying that a pension may be granted to John Fenske; which was referred to the Committee on Invalid Pensions.

FRANK BACKOF.

Mr. McLEAN, of Missouri, introduced a bill (H. R. 7657) for the relief of Frank Backof; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REFUND OF TAXES.

Mr. MONEY introduced a bill (H. R. 7658) to enable the Secretary of the Treasury to pay the balance due to various persons from whom certain illegal taxes were collected and to whom partial payments have been made; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SOLDIERS' REUNION AT HASTINGS, NEBRASKA.

Mr. VALENTINE introduced a joint resolution (H. Res. 361) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Hastings, Nebraska, in the month of September, 1883; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PREPAID MAIL MATTER.

Mr. HILL introduced a bill (H. R. 7659) to amend section 3940 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DOUBLE POSTAL CARD.

Mr. HILL also introduced a bill (H. R. 7660) to amend section 32

of the act of March 3, 1879, directing the Postmaster-General to introduce and furnish for use a double postal card; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALLEGED ARREST OF EMIGRANT ON BRITISH SHIP.

Mr. ROBINSON, of New York, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State inform this House whether the officers of the British steamship Republic within a few days past held an emigrant under arrest until they sent for the British consul and held a pretended trial before the British consul within the territory of the United States before allowing said emigrant to land.

RELIEF OF ENGLAND, ETC.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 362) for the relief of England, the benefit of Ireland, and the glory of the United States; which was read a first and second time.

Mr. ROBINSON, of New York. As that joint resolution is of some importance, I should like to have it read at length and published in the RECORD.

Mr. TOWNSHEND, of Illinois. Let it be referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, of New York. The joint resolution looks to the annexation of Ireland to the United States, thereby getting her out of her present thralldom. I should like to have it read and published in the RECORD. It simply recites the situation of Ireland, and declares that she can never be happy in that situation. It is for the relief of England I offer it.

Mr. TOWNSHEND, of Illinois. For the information of the House I think the joint resolution had better be read.

Mr. ROBINSON, of New York. It is principally for the benefit of England, which seems to be troubled with possessions she can not govern. There is nothing disrespectful in it.

The SPEAKER. The joint resolution will be read.

The joint resolution was read at length and was referred to the Committee on Foreign Affairs, and ordered to be printed.

ROSINA HEINEMAN.

Mr. SCOVILLE introduced a bill (H. R. 7661) for the relief of Rosina Heineman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. GLEASON.

Mr. COX, of New York, introduced a bill (H. R. 7662) granting a pension to John H. Gleason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ASHBY.

Mr. RICHARDSON, of New York, introduced a bill (H. R. 7663) for the relief of Mary Ashby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL DISTRICT IN BURKE COUNTY, NORTH CAROLINA.

Mr. VANCE introduced a joint resolution (H. Res. 363) for the relief of the committee of the first common-school district (colored) for Burke County, North Carolina; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MRS. M. E. SWEENEY.

Mr. MOREY introduced a bill (H. R. 7664) granting a pension to Mrs. M. E. Sweeney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON AND CANNON-BALLS.

Mr. MOREY also introduced a bill (H. R. 7665) donating two condemned cast-iron cannon and two cannon-balls to Strong Post, Grand Army of the Republic, Jamestown, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TARIFF LEGISLATION.

Mr. RANDALL presented a concurrent resolution of the Legislature of the State of Pennsylvania in reference to the speedy adoption of tariff legislation; which was referred to the Committee on Ways and Means.

INCREASE OF PENSIONS.

Mr. RANDALL also presented a concurrent resolution of the Legislature of the State of Pennsylvania in reference to the bill for the increase of pensions to soldiers of the Union who lost an arm or a leg in the war for the preservation of the Union; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

LEAGUE ISLAND NAVY-YARD.

Mr. RANDALL also presented a concurrent resolution of the Legislature of the State of Pennsylvania in reference to the navy-yard at League Island; which was referred to the Committee on Naval Affairs.

INDIAN POLICY.

Mr. RANDALL also presented a concurrent resolution of the Legislature of the State of Pennsylvania in reference to the proposed Indian policy of the Government; which was referred to the Committee on Indian Affairs.

LEAGUE ISLAND NAVY-YARD.

Mr. CURTIN presented a resolution of the Legislature of the State of Pennsylvania in reference to the navy-yard at League Island; which was referred to the Committee on Naval Affairs.

INCREASE OF PENSIONS.

Mr. CURTIN also presented a resolution of the Legislature of Pennsylvania in regard to the bill increasing to $40 a month the pensions of soldiers who lost a leg or arm in the late war; which was referred to the Committee on Invalid Pensions.

TARIFF LEGISLATION.

Mr. CURTIN also presented a resolution of the Legislature of Pennsylvania for legislation on the tariff; which was referred to the Committee on Ways and Means.

INDIAN POLICY.

Mr. CURTIN also presented a resolution of the Legislature of Pennsylvania in reference to the Indian policy proposed by the Government; which was referred to the Committee on Indian Affairs.

LEAGUE ISLAND NAVY-YARD.

Mr. WATSON presented a concurrent resolution of the Legislature of Pennsylvania in reference to the navy-yard at League Island; which was referred to the Committee on Naval Affairs.

INDIAN POLICY.

Mr. WATSON also presented a concurrent resolution of the Legislature of Pennsylvania in relation to the proposed Indian policy of the Government; which was referred to the Committee on Indian Affairs.

TARIFF LEGISLATION.

Mr. WATSON also presented a concurrent resolution of the Legislature of Pennsylvania in reference to the speedy adoption of tariff legislation; which was referred to the Committee on Ways and Means.

INCREASE OF PENSIONS.

Mr. WATSON also presented a concurrent resolution of the Legislature of Pennsylvania for an increase of pensions to soldiers who lost a leg or an arm in the war for the preservation of the Union; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

INDIAN POLICY.

Mr. WISE, of Pennsylvania, presented a resolution of the Legislature of Pennsylvania in reference to the Indian policy of the Government; which was referred to the Committee on Indian Affairs.

TARIFF LEGISLATION.

Mr. WISE, of Pennsylvania, also presented a resolution of the Legislature of Pennsylvania for the speedy adoption of tariff legislation; which was referred to the Committee on Ways and Means.

INCREASE OF PENSIONS.

Mr. WISE, of Pennsylvania, also presented a resolution of the Legislature of Pennsylvania in reference to an increase of pensions to soldiers of the Union who lost an arm or a leg in the war for the preservation of the Union; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

LEAGUE ISLAND NAVY-YARD.

Mr. WISE, of Pennsylvania, also presented a resolution of the Legislature of Pennsylvania in reference to the navy-yard at League Island; which was referred to the Committee on Naval Affairs.

Mr. TUCKER. Should not these resolutions go to the Committee on Rules? [Laughter.]

The SPEAKER. The Chair thinks there are so many of them they should be divided up among the committees.

Mr. TUCKER. I think it would be well to refer them to the Committee on Rules.

MYRON BARNES.

Mr. JADWIN introduced a bill (H. R. 7666) for the relief of Myron Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF LEGISLATION.

Mr. SMITH, of Pennsylvania, presented a resolution of the Legislative Assembly of Pennsylvania relative to tariff legislation; which was referred to the Committee on Ways and Means.

INDIAN POLICY.

Mr. SMITH, of Pennsylvania, also presented a resolution of the Legislative Assembly of Pennsylvania in regard to the Indian policy of the General Government; which was referred to the Committee on Indian Affairs.

INCREASE OF PENSIONS.

Mr. SMITH, of Pennsylvania, also presented a resolution of the Legislative Assembly of Pennsylvania for an increase of pensions to soldiers having lost an arm or a leg; which was referred to the Select Committee on the Payment of Pensions, Bounty and Back Pay.

SARAH D. PRENTISS.

Mr. WALKER (by request) introduced a bill (H. R. 7667) granting arrears of pension to Sarah D. Prentiss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAR CLAIMS.

Mr. MACKEY introduced a bill (H. R. 7668) for the relief of certain persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON STATE BANKS.

Mr. RICHARDSON, of South Carolina, presented a concurrent resolution of the Legislature of the State of South Carolina relating to the repeal of the 10 per cent. tax on State banks; which was referred to the Committee on Banking and Currency.

ROAD TO NATIONAL CEMETERY NEAR MEMPHIS.

Mr. SIMONTON (by request) introduced a bill (H. R. 7669) to enable the Secretary of War to purchase, build, or accept as a donation a macadamized road from the city of Memphis to the national cemetery located near said city; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ZERIAH BURKE.

Mr. GROUT introduced a bill (H. R. 7670) granting a pension to Zeriah Burke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. WHEELER.

Mr. GROUT also (by request) introduced a bill (H. R. 7671) for the relief of John A. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. FERDINAND AXT.

Mr. FULKERSON (by request) introduced a bill (H. R. 7672) for the relief of Dr. Ferdinand Axt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRISCILLA WOOD.

Mr. GUENTHER introduced a bill (H. R. 7673) granting a pension to Priscilla Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISEASE AMONG CATTLE.

Mr. GUENTHER also presented a joint resolution of the Legislature of the State of Wisconsin relating to the suppression of disease among cattle; which was referred to the Committee on Agriculture.

MAIL ROUTE IN WISCONSIN.

Mr. GUENTHER also presented a memorial of the Legislature of the State of Wisconsin for the establishment of a mail route between Esdaile and Herbert, Wisconsin; which was referred to the Committee on the Post-Office and Post-Roads.

EXTRA PAY FOR CAPITOL POLICE.

Mr. RAY introduced a joint resolution (H. Res. 364) to pay the Capitol police one month's extra pay; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MOUNT OLIVET METHODIST CHURCH.

Mr. TUCKER (by request) introduced a bill (H. R. 7674) for the relief of the Mount Olivet Methodist church; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAPAGO INDIAN RESERVATION, ARIZONA.

Mr. OURY (by Mr. AINSLIE) presented a memorial of the Legislature of the Territory of Arizona in reference to the Papago Indian reservation, in Arizona; which was referred to the Committee on Indian Affairs.

STANLEY J. MORROW.

Mr. PETTIGREW introduced a bill (H. R. 7675) for the relief of Stanley J. Morrow; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARTESIAN WELLS IN MONTANA.

Mr. MAGINNIS presented a memorial of the Legislature of the Territory of Montana, asking an appropriation for the construction of two artesian wells in Montana; which was referred to the Committee on Agriculture.

ADDITIONAL JUDGE FOR MONTANA.

Mr. MAGINNIS also presented a memorial of the Legislature of the Territory of Montana concerning the appointment of an additional justice of the supreme court of Montana; which was referred to the Committee on the Judiciary.

CUSTOM-HOUSE AT FORT BENTON, MONTANA.

Mr. MAGINNIS also presented a memorial of the Legislature of the Territory of Montana concerning the erection of a custom-house at Fort Benton, Montana; which was referred to the Committee on Public Buildings and Grounds.

EXPENSE OF GOVERNOR'S OFFICE.

Mr. MAGINNIS also presented a memorial of the Legislature of the Territory of Montana concerning the expense of the governor's office; which was referred to the Committee on Appropriations.

ALPHABETICAL LIST OF PRIVATE CLAIMS.

Mr. JACOB submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to continue the force who are engaged in preparing the alphabetical list of private claims in order to complete and include the second session of the Forty-seventh Congress. Also to prepare an alphabetical list of papers received from the late Commissioner of Claims, which shall contain such action as was had thereupon, and that he be authorized to employ not more than two additional clerks so that the work shall be completed on or before the meeting of Congress in December next; the expenses thereof to be paid out of the contingent fund of the House.

SHEAR-BOOMS.

Mr. ALDRICH presented joint resolution of the thirty-third General Assemby of the State of Illinois in favor of securing the placing of shear-booms at the various bridges crossing the Mississippi River; which was referred to the Committee on Commerce.

INCREASE OF PENSIONS.

Mr. ALDRICH also presented joint resolution of the thirty-third General Assembly of the State of Illinois in favor of the passage of the bill in the United States Senate for increase of pensions to loyal soldiers who lost a leg or an arm in the military service of the United States to $40 per month; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

DAVID H. BELL.

Mr. FORD introduced a bill (H. R. 7676) for the relief of David H. Bell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEVI PRICE.

Mr. URNER introduced a bill (H. R. 7677) for the relief of Levi Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELECTION OF OFFICERS IN UTAH.

Mr. CAINE introduced a bill (H. R. 7678) providing for the election of certain officers in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for bills and joint resolutions is now concluded.

Mr. NEAL. I demand the regular order of business.

The SPEAKER. The regular order is the call of committees for reports.

Mr. PAGE. I move to dispense with the regular order.

Mr. NEAL. To-day is set apart for the consideration of business coming from the Committee on the District of Columbia, and, Mr. Speaker, I will, by unanimous consent, state, on the part of that committee, we propose to call up only two Senate bills of minor importance. I do not think they will take more than a few minutes to pass them. I hope the gentleman from California will withhold any proposition he has to submit until those two bills have been considered and passed.

Mr. PAGE. I raise the question of consideration.

Mr. NEAL. I hope the gentleman will not raise it until I can dispose of these two bills.

Mr. WHITE. I ask for the regular order.

The SPEAKER. This is the regular order.

Mr. PAGE. How much time does the gentleman think the two bills he refers to will consume?

Mr. NEAL. Certainly not more than ten minutes.

Mr. RYAN. Will they provoke any debate?

Mr. NEAL. I do not think they will.

Mr. PAGE. Very well; I withdraw my motion for the present.

ISHERWOOD ESTATE.

Mr. NEAL. I move to take from the Speaker's table for present consideration Senate bill No. 1342, authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia.

There was no objection, and the bill was taken up and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the trustees of the Isherwood estate are hereby authorized to withdraw or annul so much of the plat or subdivision of said estate which has been approved and placed on file in the office of the surveyor of the District of Columbia as relates to squares thereon numbered 7 and 13 and the street between said squares, and are permitted to resubdivide the said squares and lines of street running through and between the same, and to place the new subdivision of the squares above named on file in the office of the surveyor of the District of Columbia; and upon filing said new subdivision the present street between said squares 7 and 13 is hereby vacated: *Provided*, That if the vested rights of any person or persons who have purchased land in said Isherwood estate from the trustees or their beneficiaries shall be injuriously affected by the

change as herein provided, the said trustees shall be liable in damages therefor: *And provided further*, That any action for damages hereunder shall be brought within one year from the date of the passage of this act.

Mr. NEAL. Just one word. The trustees of the Isherwood estate, and one of them is Mr. Clark, the Architect of the Capitol, caused to be surveyed a plat of that estate. Mr. Forsythe, the county surveyor, made a mistake and located a spring right in the middle of a street. They wish to vacate that street and to locate a street on each side of the spring. None of the lots have been sold, but out of abundant caution the Senate have put in a proviso authorizing anybody who might find themselves injured to bring suit to recover damages.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL BREED.

Mr. NEAL. I now move to take from the Speaker's table the bill (S. 2316) for the relief of Daniel Breed for present consideration.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the deed of conveyance executed by the trustees of public schools for the county of Washington, District of Columbia, to Daniel Breed, on the 6th day of February, 1873, of lots numbered 42 and 43, as numbered on plat-book numbered 1 and folio 62 of records of land surveys of said county, and recorded in liber numbered 702, folio 407, one of the land records for Washington County, District of Columbia, be, and the same is hereby, approved and the sale affirmed; and the commissioners of the District of Columbia are hereby authorized to make and execute any other deed of assurance in law for the more sure and effectual conveyance of the said premises in conformity to the terms of the said deed.

Mr. REAGAN. Why is it we are called upon to confirm private deeds?

Mr. NEAL. There was a small school lot out here near Mount Pleasant. The trustees of the school were not satisfied with the location. They bought another lot and built the school-house upon it. Under what they supposed was adequate authority in the premises, they sold the first lot for the sum of $1,100. There is some question as to whether the purchaser of the same secured a good title. In order that there should be no question about it a bill was introduced in the Senate, passed the Senate, and is now before the House, to settle the question of title. This bill, therefore, which I now present, is merely to confirm the title of this lot. I have prepared a report setting forth the facts which I shall ask to have printed in the RECORD. The attorneys of the District recommend the passage of this bill and there is no objection to it anywhere.

The report referred to by Mr. NEAL is as follows:

Mr. NEAL, from the Committee on the District of Columbia, submitted the following report:

That said committee have had under consideration said bill and do find that "prior to the year 1873 a small school-house had been built on the outskirts of the village of Mount Pleasant, in the District of Columbia, and located on lots numbered 42 and 43, as numbered on plat-book No. 1 and folio 62 of records of land surveys of said county, and recorded in book No. 702, folio 407, one of the land records for Washington County, District of Columbia. On account of its insufficient size and inconvenient location it was abandoned, and another and larger building erected in a more central location. On account of its abandonment and the improbability of its ever again being required for a school-house or school-house site, it was deemed advisable by the trustees of the public schools of the county of Washington, and so recommended by them to the then District government, to sell said property, and the sale was officially authorized by Governor Cooke, advertised over his official signature, and the property was sold to Daniel Breed for $1,110, the consideration paid therefor, and warranty deed was executed to him by the trustees, who, believing themselves under the act of the Legislature of August 21, 1871, the successors of the school commissioners created under the act of June 25, 1864, supposed they had the legal right to convey real estate, and Mr. Breed, the innocent purchaser, now finds himself threatened with litigation to perfect the title of his grantee." Upon the foregoing state of facts said committee report said bill favorably and do recommend the passage of the same.

The bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. NEAL. I hope the question of consideration will not be raised now in reference to certain House bills——

The SPEAKER. The Chair desires at this time to lay before the House certain executive communications.

VACANCIES UNITED STATES MILITARY ACADEMY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a tabular statement in regard to the number of vacancies that have occurred at the United States Military Academy for each year during the last five years preceding July 1, 1883; which was referred to the Committee on Military Affairs, and ordered to be printed.

MAIL CONTRACTS, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting the annual report of offers and contracts for carrying the mails, the report of land and water mails, report of allowance to contractors, and the report of curtailment in the service and pay of contractors; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONFERENCE ON POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The Chair will announce the appointment, as an additional conferee on the disagreeing votes of the two Houses on the amendments of the Senate to the post-office appropriation bill in place of the gentleman from Illinois [Mr. CANNON], excused by his own request, of the gentleman from New Jersey [Mr. ROBESON] as a member of that conference.

ORDER OF BUSINESS.

Mr. PAGE. I wish to make a privileged motion.

Mr. NEAL. I believe the special order is not yet exhausted.

The SPEAKER. The Chair did not understand that the gentleman from Ohio had anything else to present on behalf of the District Committee.

Mr. NEAL. I stated that I hoped the question of consideration would not be raised. There are a number of House bills which the committee would be glad to call up.

Several MEMBERS. Regular order.

Mr. REED. I desire to call up at this time the proposed amendment to the rules reported by the Committee on Rules and laid over.

Mr. PAGE. Pending that I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I rise to move that the House do now resolve itself into Committee of the Whole House on the state of the Union to consider the river and harbor appropriation bill.

The SPEAKER. The Chair will state, without deciding whether that is a privileged motion or not, that the right of the gentleman from Maine to call up the proposed amendment to the rules is a matter of high privilege.

Mr. CARLISLE. And against that I raise the question of consideration.

The SPEAKER. The Clerk will read the rule.

Mr. PAGE. Does the Speaker decide that I do not present a question of privilege?

The SPEAKER. The Chair only decides that it is not a question of higher privilege than the motion of the gentleman from Maine.

Mr. PAGE. I desire to submit to the Speaker whether it is not a question of higher privilege, this being a general appropriation bill.

The SPEAKER. The Chair decides that the motion of the gentleman from Maine is of higher privilege.

Mr. PAGE. Then, if I have the right to do so, I shall antagonize that motion with the motion which I have made, unless I understand the Chair to decide that I can not antagonize it.

The SPEAKER. The Chair does not so decide; the gentleman may antagonize the motion if he so desires.

The Clerk will read the rule reported by the Committee on Rules.

The Clerk read as follows:

During the remainder of this session it shall be in order at any time to move to suspend the rules, which motion shall be decided by a majority vote, to take from the Speaker's table House bill No. 5538, with the Senate amendment thereto, entitled "A bill to reduce internal-revenue taxation," and to declare a disagreement with the Senate amendment to the same, and to ask for a committee of conference thereon, to be composed of five members on the part of the House. If such motion shall fail, the bill shall remain upon the Speaker's table unaffected by the decision of the House upon said motion.

Mr. BLACKBURN. Upon that I raise the point of order. If it be the purpose of the gentleman from California, chairman of the Committee on Commerce, to antagonize the motion of the gentleman from Maine by raising the question of consideration I will content myself with reserving the point of order upon the resolution reported by the gentleman from Maine from the Committee on Rules, until that question of consideration may be determined.

Mr. CARLISLE. I raise the question of consideration.

The SPEAKER. The gentleman from Kentucky raises the question of consideration. The question is: Will the House——

Mr. BLACKBURN. The point of order is reserved?

The SPEAKER. It may be reserved. The question is: Will the House now proceed to consider the rule just read?

Mr. RANDALL. Upon that I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 126, not voting 31; as follows:

YEAS—134.

Aldrich,	Carpenter,	Farwell, Sewell S.	Hiscock,
Anderson,	Chace,	Fisher,	Horr,
Belford,	Crapo,	George,	Houk,
Bingham,	Cullen,	Godshalk,	Hubbell,
Bisbee,	Cutts,	Grout,	Hubbs,
Bowman,	Davis, George R.	Guenther,	Humphrey,
Brewer,	Dawes,	Hall,	Jacobs,
Briggs,	Deering,	Hammond, John	Jadwin,
Browne,	De Motte,	Harmer,	Jones, Phineas
Buck,	Dezendorf,	Harris, Benj. W.	Joyce,
Burrows, Julius C.	Dingley,	Haskell,	Kasson,
Butterworth,	Doxey,	Hazelton,	Kelley,
Calkins,	Dunnell,	Heilman,	Ketcham,
Campbell,	Dwight,	Henderson,	Lacey,
Candler,	Erret,	Hepburn,	Lewis,
Cannon,	Farwell, Chas. B.	Hill,	Lindsey,

Lord,	Peelle,	Shallenberger,	Van Aernam,
Lynch,	Peirce,	Sherwin,	Van Horn,
Mackey,	Pettibone,	Shultz,	Van Voorhis,
Marsh,	Pound,	Smalls,	Wadsworth,
Mason,	Ranney,	Smith, A. Herr	Wait,
McClure,	Ray,	Smith, Dietrich C.	Walker,
McCoid,	Reed,	Spaulding,	Ward,
McCook,	Rice, John B.	Spooner,	Washburn,
McKinley,	Rice, Wm. W.	Steele,	Watson,
McLean, Jas. H.	Rich,	Stone,	Webber,
Miles,	Richardson, D. P.	Strait,	West,
Moore,	Ritchie,	Taylor, Joseph D.	White,
Morey,	Robeson,	Townsend, Amos	Williams, Chas. G.
Neal,	Robinson, Geo. D.	Tucker,	Willits,
Norcross,	Robinson, Jas. S.	Tyler,	Wood, Walter A.
O'Neill,	Russell,	Updegraff,	Young.
Parker,	Ryan,	Urner,	
Payson,	Scranton,	Valentine,	

NAYS—126.

Aiken,	Curtin,	Hooker,	Reagan,
Armfield,	Darrall,	House,	Reese,
Atkins,	Davidson,	Hutchins,	Rice, Theron M.
Bayne,	Davis, Lowndes H.	Jones, Geo. W.	Richardson, J. S.
Beach,	Deuster,	Jones, James K.	Robertson,
Belmont,	Dibrell,	Jorgensen,	Rosecrans,
Beltzhoover,	Dowd,	Kenna,	Ross,
Berry,	Dugro,	King,	Scales,
Blackburn,	Dunn,	Klotz,	Scoville,
Bland,	Ellis,	Knott,	Shelley,
Bliss,	Ermentrout,	Ladd,	Simonton,
Blount,	Evins,	Leedom,	Singleton, Jas. W.
Bragg,	Flower,	Le Fevre,	Singleton, Otho R.
Brumm,	Ford,	Manning,	Sparks,
Buchanan,	Forney,	Matson,	Stockslager,
Buckner,	Frost,	McKenzie,	Talbott,
Burrows, Jos. H.	Fulkerson,	McLane, Robt. M.	Thompson, P. B.
Caldwell,	Garrison,	McMillin,	Townshend, R. W.
Carlisle,	Geddes,	Miller,	Turner, Henry G.
Cassidy,	Gibson,	Mills,	Turner, Oscar
Clardy,	Gunter,	Money,	Upson,
Clark,	Hammond, N. J.	Morrison,	Vance,
Clements,	Hardenbergh,	Moulton,	Warner,
Cobb,	Hardy,	Muldrow,	Wellborn,
Colerick,	Harris, Henry S.	Murch,	Wheeler,
Converse,	Haseltine,	Mutchler,	Whitthorne,
Cook,	Hatch,	Nolan,	Willis,
Covington,	Herbert,	Oates,	Wilson,
Cox, Samuel S.	Hewitt, G. W.	Phelps,	Wise, George D.
Cox, William R.	Hoblitzell,	Phister,	Wise, Morgan R.
Cravens,	Hoge,	Prescott,	
Culberson,	Holman,	Randall,	

NOT VOTING—31.

Atherton,	Chapman,	Morse,	Speer,
Barbour,	Cornell,	Mosgrove,	Springer,
Barr,	Crowley,	Pacheco,	Taylor, Ezra B.,
Black,	Herndon,	Page,	Thomas,
Blanchard,	Hewitt, Abram S.	Paul,	Thompson, Wm. G.
Cabell,	Hitt,	Robinson, Wm. E.	Williams, Thomas
Camp,	Latham,	Skinner,	Wood, Benjamin.
Caswell,	Martin,	Smith, J. Hyatt	

So the House agreed to consider the report of the Committee on Rules.

Mr. HITT. I desire to state I am paired with my colleague from Illinois [Mr. SPRINGER] on this question. If he were here, I should vote "ay."

Mr. TOWNSHEND, of Illinois. If Mr. SPRINGER were here, he would vote "no."

The following additional pairs were announced:

Mr. THOMAS with Mr. BARBOUR.

Mr. HITT with Mr. SPRINGER.

Mr. PAGE with Mr. BLANCHARD.

Mr. CROWLEY with Mr. WILLIAMS of Alabama.

Mr. URNER. I change my vote from "no" to "ay."

Mr. CAMPBELL. I change my vote from "no" to "ay."

Mr. SCRANTON. I change my vote from "no" to "ay."

Mr. ROBINSON, of Ohio. I change my vote from "no" to "ay."

Mr. JORGENSEN. I change my vote from "ay" to "no."

Mr. FISHER. I change my vote from "no" to "ay."

Mr. HARDENBERGH. I change my vote from "ay" to "no."

The names of members voting were then read.

Mr. TUCKER. I change my vote from "no" to "ay."

The result of the vote was then announced as above stated.

Mr. REED and Mr. TUCKER rose.

The SPEAKER. The gentleman from Maine is recognized.

Mr. TUCKER. I changed my vote for the purpose of moving a reconsideration.

The SPEAKER. The gentleman from Maine is recognized.

Mr. REED. I move to reconsider the vote just taken; and also move to lay the motion to reconsider on the table.

Mr. GIBSON and Mr. TUCKER called for the yeas and nays on the latter motion.

The yeas and nays were ordered.

Mr. McLANE, of Maryland. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 70, noes 104.

Mr. McLANE, of Maryland, and Mr. WISE, of Virginia, called for the yeas and nays.

The yeas and nays were ordered—42 members voting therefor.

The question was taken; and there were—yeas 81, nays 174, not voting 36; as follows:

YEAS—81.

Aiken,	Dibrell,	Jones, James K.	Scoville,
Armfield,	Dowd,	Kenna,	Shelley,
Atkins,	Dugro,	King,	Singleton, Otho R.
Barbour,	Dunn,	Knott,	Sparks,
Belmont,	Ellis,	Leedom,	Talbott,
Berry,	Evins,	Manning,	Thompson, P. B.
Blount,	Forney,	McLane, Robt. M.	Townshend, R. W.
Buchanan,	Fulkerson,	McMillin,	Tucker,
Buckner,	Garrison,	Mills,	Turner, Henry G.
Caldwell,	Gibson,	Money,	Turner, Oscar
Carlisle,	Gunter,	Morrison,	Vance,
Cassidy,	Hammond, N. J.	Moulton,	Warner,
Clardy,	Hardy,	Nolan,	Wellborn,
Clark,	Harris, Henry S.	Phister,	Wheeler,
Clements,	Hatch,	Randall,	Williams, Thomas
Cobb,	Herbert,	Reagan,	Willis,
Cook,	Hoblitzell,	Reese,	Wise, George D.
Cox, William R.	Hoge,	Richardson, J. S.	Wise, Morgan R.
Cravens,	Hooker,	Robertson,	
Davidson,	House,	Rosecrans,	
Davis, Lowndes H.	Hutchins,	Scales,	

NAYS—174.

Aldrich,	Ermentrout,	Lewis,	Russell,
Anderson,	Errett,	Lindsey,	Ryan,
Bayne,	Farwell, Chas. B.	Lord,	Scranton,
Beach,	Farwell, Sewell S.	Lynch,	Shallenberger,
Belford,	Fisher,	Mackey,	Sherwin,
Beltzhoover,	Flower,	Marsh,	Shultz,
Bingham,	Ford,	Mason,	Simonton,
Bisbee,	Geddes,	Matson,	Singleton, Jas. W.
Bowman,	George,	McClure,	Smalls,
Bragg,	Godshalk,	McCoid,	Smith, A. Herr
Brewer,	Grout,	McCook,	Smith, Dietrich C.
Briggs,	Guenther,	McKinley,	Spaulding,
Browne,	Hall,	McLean, Jas. H.	Spooner,
Brumm,	Hammond, John	Miles,	Steele,
Buck,	Hardenbergh,	Miller,	Stockslager,
Burrows, Julius C.	Harmer,	Moore,	Stone,
Burrows, Jos. H.	Harris, Benj. W.	Morey,	Strait,
Butterworth,	Haseltine,	Morse,	Taylor, Jos. D.
Calkins,	Haskell,	Muldrow,	Thomas,
Campbell,	Hazelton,	Mutchler,	Townsend, Amos
Candler,	Heilman,	Norcross,	Tyler,
Cannon,	Henderson,	Oates,	Updegraff,
Carpenter,	Hepburn,	O'Neill,	Urner,
Caswell,	Hewitt, G. W.	Page,	Valentine,
Chace,	Hill,	Parker,	Van Aernam,
Chapman,	Hiscock,	Payson,	Van Horn,
Colerick,	Holman,	Peelle,	Van Voorhis,
Converse,	Horr,	Peirce,	Wadsworth,
Covington,	Houk,	Pettibone,	Wait,
Cox, Samuel S.	Hubbs,	Phelps,	Walker,
Crapo,	Humphrey,	Pound,	Ward,
Culberson,	Jacobs,	Prescott,	Washburn,
Cullen,	Jadwin,	Ranney,	Watson,
Curtin,	Jones, George W.	Ray,	Webber,
Cutts,	Jones, Phineas	Reed,	West,
Darrall,	Jorgensen,	Rice, John B.	White,
Davis, George R.	Joyce,	Rice, Theron M.	Whitthorne,
Dawes,	Kasson,	Rice, Wm. W.	Williams, Chas. G.
Deering,	Kelley,	Rich,	Willits,
Dezendorf,	Ketcham,	Richardson, D. P.	Wilson,
Dingley,	Klotz,	Ritchie,	Wood, Walter A.
Doxey,	Lacey,	Robeson,	Young.
Dunnell,	Ladd,	Robinson, Geo. D.	
Dwight,	Le Fevre,	Robinson, Jas. S.	

NOT VOTING—36.

Atherton,	Cornell,	Latham,	Ross,
Barr,	Crowley,	Martin,	Skinner,
Black,	De Motte,	McKenzie,	Smith, J. Hyatt
Blackburn,	Deuster,	Mosgrove,	Speer,
Blanchard,	Frost,	Murch,	Springer,
Bland,	Herndon,	Neal,	Taylor, Ezra B.
Bliss,	Hewitt, Abram S.	Pacheco,	Thompson, Wm. G.
Cabell,	Hitt,	Paul,	Upson,
Camp,	Hubbell,	Robinson, Wm. E.	Wood, Benjamin.

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. HUBBELL with Mr. McKENZIE.

Mr. SMITH, of New York, with Mr. MARTIN.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to dispense with the reading of the names.

Mr. HOBLITZELL. I object.

The names of those voting were then read, and the result was announced as above stated.

The SPEAKER. The question now recurs upon the motion of the gentleman from Maine [Mr. REED] to lay on the table the motion to reconsider the vote by which the House decided to proceed with the consideration of the proposed rule. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 136, nays 122, not voting 33; as follows:

YEAS—136.

Aldrich,	Brewer,	Candler,	Cutts,
Anderson,	Briggs,	Cannon,	Davis, George R.
Barr,	Buck,	Carpenter,	Dawes,
Belford,	Burrows, Julius C.	Caswell,	Deering,
Bingham,	Butterworth,	Chace,	Dezendorf,
Bisbee,	Calkins,	Crapo,	Dingley,
Bowman,	Campbell,	Cullen,	Doxey,

Dunnell,	Jorgensen,	Peirce,	Spooner,
Errett,	Joyce,	Pettibone,	Steele,
Farwell, Chas. B.	Kasson,	Pound,	Stone,
Farwell, Sewell S.	Kelley,	Prescott,	Strait,
Fisher,	Ketcham,	Ranney,	Taylor, Jos. D.
Ford,	Lacey,	Ray,	Thomas,
George,	Lewis,	Reed,	Townsend, Amos
Godshalk,	Lindsey,	Rice, John B.	Tyler,
Grout,	Lord,	Rice, Theron M.	Updegraff,
Guenther,	Lynch,	Rice, Wm. W.	Urner,
Hall,	Mackey,	Rich,	Valentine,
Hammond, John	Marsh,	Richardson, D. P.	Van Aernam,
Harmer,	Mason,	Ritchie,	Van Horn,
Harris, Benj. W.	McClure,	Robeson,	Van Voorhis,
Haskell,	McCoid,	Robinson, Geo. D.	Wadsworth,
Heilman,	McCook,	Robinson, Jas. S.	Wait,
Henderson,	McKinley,	Russell,	Walker,
Hepburn,	McLean, Jas. H.	Ryan,	Ward,
Hill,	Miles,	Scranton,	Washburn,
Hiscock,	Moore,	Shallenberger,	Watson,
Horr,	Morey,	Sherwin,	Webber,
Houk,	Norcross,	Shultz,	West,
Hubbs,	O'Neill,	Smalls,	White,
Humphrey,	Page,	Smith, A. Herr	Williams, Chas. G.
Jacobs,	Parker,	Smith, Dietrich C.	Willits,
Jadwin,	Payson,	Smith, J. Hyatt	Wood, Walter A.
Jones, Phineas	Peelle,	Spaulding,	Young.

NAYS—122.

Aiken,	Cravens,	Holman,	Richardson, J. S.
Armfield,	Culberson,	Hooker,	Robertson,
Atkins,	Curtin,	House,	Robinson, Wm. E.
Barbour,	Davidson,	Hutchins,	Rosecrans,
Bayne,	Davis, Lowndes H.	Jones, Geo. W.	Ross,
Beach,	Deuster,	Jones, James K.	Scales,
Belmont,	Dibrell,	Kenna,	Scoville,
Beltzhoover,	Dowd,	King,	Shelley,
Berry,	Dugro,	Klotz,	Simonton,
Blackburn,	Dunn,	Knott,	Singleton, Jas. W.
Bland,	Ellis,	Ladd,	Singleton, Otho R.
Bliss,	Ermentrout,	Leedom,	Sparks,
Blount,	Evins,	Le Fevre,	Stockslager,
Bragg,	Flower,	Manning,	Talbott,
Buchanan,	Forney,	Matson,	Thompson, P. B.
Buckner,	Frost,	McLane, Robt. M.	Townshend, R. W.
Burrows, Jos. H.	Fulkerson,	McMillin,	Tucker,
Caldwell,	Garrison,	Miller,	Turner, Henry G.
Carlisle,	Geddes,	Mills,	Turner, Oscar
Cassidy,	Gibson,	Money,	Upson,
Chapman,	Gunter,	Morrison,	Vance,
Clardy,	Hammond, N. J.	Morse,	Warner,
Clark,	Hardenbergh,	Moulton,	Wellborn,
Clements,	Hardy,	Muldrow,	Wheeler,
Cobb,	Harris, Henry S.	Murch,	Whitthorne,
Colerick,	Haseltine,	Mutchler,	Williams, Thomas
Converse,	Hatch,	Oates,	Willis,
Cook,	Herbert,	Phelps,	Wise, George D.
Covington,	Hewitt, G. W.	Randall,	Wise, Morgan R.
Cox, Samuel S.	Hoblitzell,	Reagan,	
Cox, William R.	Hoge,	Reese,	

NOT VOTING—33.

Atherton,	Darrall,	Martin,	Speer,
Black,	De Motte,	McKenzie,	Springer,
Blanchard,	Dwight,	Mosgrove,	Taylor, Ezra B.
Browne,	Hazelton,	Neal,	Thompson, Wm. G.
Brumm,	Herndon,	Nolan,	Wilson,
Cabell,	Hewitt, Abram S.	Pacheco,	Wood, Benjamin.
Camp,	Hitt,	Paul,	
Cornell,	Hubbell,	Phister,	
Crowley,	Latham,	Skinner,	

So the motion to lay on the table the motion to reconsider was agreed to.

The following additional pairs were announced:

Mr. DWIGHT with Mr. PHISTER.

Mr. EZRA B. TAYLOR with Mr. BLANCHARD.

Mr. BARR with Mr. ATHERTON.

The result of the vote was then announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary, who also informed the House that the President had approved and signed a bill and joint resolutions of the House of the following titles:

An act (H. R. 6957) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes;

Joint resolution (H. Res. 337) to provide for the admission free of duty of articles intended for a special exhibition of machinery, tools, implements, apparatus, &c., for the generation of electricity, to be used in Philadelphia by the Franklin Institute;

Joint resolution (H. Res. 346) to print certain eulogies delivered in Congress upon the late William M. Lowe;

Joint resolution (H. Res. 347) for the printing of certain eulogies delivered in Congress upon the late Godlove S. Orth;

Joint resolution (H. Res. 348) to provide for the publication of the memorial addresses delivered in Congress upon the late Jonathan T. Updegraff;

Joint resolution (H. Res. 349) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. R. M. A. Hawk, of Illinois; and

Joint resolution (H. Res. 356) accepting the invitation of the Regents of the Smithsonian Institution to attend the inauguration of the statute of Joseph Henry.

AMENDMENT OF RULES.

The House resumed the consideration of the report from the Committee on Rules.

Mr. REED. If there is no objection, I will now call the previous question.

Mr. BLACKBURN. A point of order has been submitted.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] stated, before the vote was taken on the question of consideration, that he reserved a point of order, but no point of order was disclosed to the Chair.

Mr. BLACKBURN. I am ready to submit it now.

The SPEAKER. The Chair will hear it.

Mr. BLACKBURN. The point of order I make against the proposed rule submitted by the gentleman from Maine [Mr. REED] is that it does not constitute and is not a rule.

I do not, at this stage, undertake to discuss the scope and effect of the proposition under consideration. I certainly will waste no time in a futile effort to describe and fitly characterize the method which the majority of the Committee on Rules have seen fit to embody in this proposition, to accomplish the purpose to which their desperate strait has driven them. That will come up if this point of order be not sustained, and if the majority side of this House sees fit in its oft-employed magnanimity to allow a discussion on a proposition so radical and revolutionary as this.

At that time I will ask to be heard upon the merits, if merit there be in the arbitrary proposal to which the attention of this House is now invited. I will endeavor to confine myself legitimately and fairly to a discussion of the point of order; and I promise in advance that it shall be my best effort (and I feel sure that I shall succeed) to keep so close to a discussion of the point of order technically considered that no gentleman upon the other side shall have reason to complain.

The proposition submitted to this House is in these words:

> During the remainder of this session it shall be in order at any time to move to suspend the rules, which motion shall be decided by a majority vote.

That surely changes the existing rule of this House. We are now within the last six days of the session, and under the rules at present existing you may at any time move to suspend all rules; but in order to carry your proposition the rule requires that you shall show a two-thirds vote. The first clause or sentence of the proposition here is to accomplish that purpose by a bare majority vote. It goes on defining the purpose for which this motion may be made:

> To take from the Speaker's table House bill No. 5538, with the Senate amendment thereto, entitled "a bill to reduce internal-revenue taxation," and to declare a disagreement with the Senate amendment to the same, and to ask for a committee of conference thereon to be composed of five members on the part of the House.

The proposition is to limit and restrict the power to suspend the rules by a majority vote for the remainder of this session, and make it applicable to one bill and none other. Not only that, but you are limited and ruled down to one motion upon that bill, and that a motion to disagree with the amendment submitted by the Senate. Not only that; it goes on to declare that you shall have the power to ask for a conference—a conference upon what? Upon a bill not one sentence or line or syllable of which was ever in this House before. The bill which you sent to the Senate was an internal-revenue taxation bill. The bill which is sent back to you carries one hundred and ten pages of printed matter, not one word or syllable of which was in the bill when you sent it from this Chamber. The Senate has even changed the title—has left not an atom of your bill except the enacting clause. "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled" is every atom of these one hundred and ten printed pages that you sent to the Senate Chamber.

Now, you are proposing here to do—what? To let a bare majority of this House suspend all rules and take up that bill for but a single motion, not to agree to the amendment of the Senate, not to consider the amendment of the Senate, but to disagree and ask for a conference, under the operation of the previous question, which the gentleman from Maine [Mr. REED] a moment ago indicated his purpose to demand, on a great internal revenue taxation and tariff bill originating, in the face of the Constitution and against its express limitations, in the other wing of this Capitol. The gag law is to be applied to the representatives of the people, and they are to be stripped of their right to originate all bills for raising revenue.

That is not all. The proposition is that the only motion you shall make is to non-concur; that you shall not have the right to move to concur; you are limited to the motion to non-concur.

More. Unwilling to trust to a count which, if common rumor is to be credited, has been carefully made—a count made upon a written agreement signed by members on the other side binding and obligating themselves to stand for this report and to stand for the motion of non-concurrence—though with care and particularity, as rumor has it (and I doubt not correctly) you have taken time since the Kasson resolution was sent to the Committee on Rules, two weeks ago, to marshal your forces, to obligate them in every manner that is binding, unless it be in an open bond with "good and approved securities," for the performance of the contract—in the face of all this the majority side of the House

dare not allow a motion which is admitted under every parliamentary law or parliamentary rule or parliamentary practice ever known among civilized men. You dare not allow a vote to be taken to concur in the Senate amendments to the text of the bill. You go further and say that when you have made your motion to non-concur—mark the last sentence of your resolution as you propose it—

If such motion shall fail, the bill shall remain upon the Speaker's table unaffected by the decision of the House upon said motion.

Now, Mr. Speaker, I come to the question whether the resolution submitted can be construed as a rule of this House. What is a rule? I admit that this House as a deliberative body has the constitutional power to adopt rules under which it will conduct its business. I admit that this body has the power to change those rules in its discretion from time to time at its pleasure. But I deny that the proposition submitted here can be construed or denominated a rule. If you adopt it what happens? It goes into your Manual and list of rules as a standing rule of this House (to become in all probability *functus officio* within thirty minutes after its enactment) that for the rest of this session you may have this unknown, unprecedented right and power applying to a single motion upon a single bill which is no longer pending as a measure of legislation in the Congress of the United States. It is an absurdity upon its face. A rule is not a provision or a declaration that reaches to a separate, distinct, specific measure. Go back to the very authors from whom we draw all definitions, all conclusions, all accurate judgments in such matters. You will find the greatest English commentator and law-giver civilization has furnished to the world, Mr. Justice Blackstone, declares, when he comes to define a rule, as follows:

Municipal law thus understood is properly defined to be "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong." (i.) Let us endeavor to explain its several properties as they arise out of this definition. And, first, it is a rule, not a transient, sudden order from a superior to or concerning a particular person; but something permanent, uniform, and universal. Therefore a particular act of the Legislature to confiscate the goods of Titius, or to attaint him of high treason, does not enter into the idea of a municipal law, for the operation of this act is spent upon Titius only and has no relation to the community in general; it is rather a sentence than a law. But an act to declare that the crime of which Titius is accused shall be deemed high treason, this has permanency, uniformity, and universality, and therefore is properly a rule. It is also called a rule to distinguish it from advice or counsel, which we are at liberty to follow or not as we see proper, and to judge upon the reasonableness or unreasonableness of the thing advised.

He says further "upon these accounts law is defined to be a 'rule.'" And so all the authors have held.

I ask you, Mr. Speaker, to look at the effect if that resolution shall be adopted. Tell me whether it constitutes in any just sense of the term a rule of the House of Representatives? Does it not practically constitute legislation itself? Answer he who will and tell me what is the difference between the proposition submitted by the gentleman from Maine [Mr. REED] and the motion made by any member of this House when he asks unanimous consent to take up a certain bill and pass it? Or, to make the analogy closer, and I think identical, answer and tell me what is the difference between the proposition here submitted and that of a member of a committee who comes in when he has authority and by its instruction upon a call of committees on suspension Monday and moves to suspend the rules and pass a bill that his committee has designated and indicated? What is this but an order from the Committee on Rules to move a suspension, in order that a particular bill may be reached? And the limitations applied rule you down to a single motion and deny to this House every other right in connection with that legislation.

Mr. HOUSE. I should like to ask the gentleman a question for information?

Mr. BLACKBURN. Certainly.

Mr. HOUSE. I understand under this resolution that a motion to non-concur in the Senate amendment may be made.

Mr. BLACKBURN. Yes, sir; that is the only motion under this rule which can be made.

Mr. HOUSE. Suppose one member of this House votes for the motion to non-concur and two hundred vote against it, do you mean to say the one man overrules the two hundred?

Mr. BLACKBURN. I do mean to say that, and nothing more or less. I mean to say when that motion to non-concur is made, if there be not a single member in this House to vote for it, if the mover of the motion refuses to support it, if two hundred and ninety-two members vote against it, their vote is not counted, simply because the gag feature of this resolution refuses to allow it to be considered. It is what Blackstone has denominated, not a rule, not a law, but a sentence pronounced and that without a hearing.

Now, Mr. Speaker, I do not know I have authority, or even the semblance of authority, to express an opinion as to what is or may be the purpose of any member of this House except my own, but I do sincerely declare that I have no purpose of offering any obstruction or interposing any improper difficulties in the pathway of this House if it means to make an effort toward tax or tariff legislation.

We do not want to make threats, for we have no purpose of putting them into execution so far as I know or believe. We have come to ask what every deliberative body in this and every other country on earth has in every age of the world's history had without being forced to demand it. We have come to ask that this House if it is to be stripped of its constitutional prerogative to originate tariff legislation shall at least have the opportunity of concurring in that which the Senate may originate if it shall commend itself to our best judgment.

I do not believe, Mr. Speaker, if we could lay aside all partisan prejudices, by which, I doubt not, to a degree at least we are all influenced and controlled, if we could for the instant forget the necessities of party and come to consider the proposition here reported from the Committee on Rules, I can not but believe that the unbiased judgment of every intelligent man on this floor would force him to the conclusion that it is a makeshift under party exigency and can not be fairly incorporated into the system of rules of this House. It is not a rule; it will not be a rule the day after you pass it, if indeed you pass it. You will have accomplished a specific purpose, and you will have done it—and I speak the word not with the intention of being offensive—you will have done it by a process of indirection, by a parliamentary twist of the wrist. You will have reached legislation that you can not reach inside the present limitations of the law.

The SPEAKER. The point of order made by the gentleman from Kentucky the Chair would hold was made too late if it were not for the fact that the gentleman would have the right to claim that he reserved the right to make it before the question of the consideration of that rule was submitted to the House. The Chair was not advised of the nature of the point of order reserved by the gentleman; and the Chair is clearly of the opinion that it ought to have been stated before the House decided to go forward with the consideration of the resolution; for that is now the action of the House, and the Chair does not very well see how his decision now would affect that order or override the action of the House, even if it should be held that the point of order was good. The Chair, however, will take no advantage——

Mr. BRAGG. Let me inquire, Mr. Speaker, if the Chair did not state to the gentleman from Kentucky that the point of order could be reserved?

The SPEAKER. The Chair does not intend or propose to take any advantage of the condition in which this resolution has been placed by the action of the House. But at the time that this reservation of the point of order was made of course it could not be foreseen what action the House would take on the question of consideration.

Mr. BRAGG. But the Chair expressly stated that the reservation of the point of order would be observed.

The SPEAKER. The Chair repeats that it has no intention of taking advantage of the situation, and remembers very well all that took place.

It is proper for the Chair to say that with the question of the constitutional prerogatives of the House, in the matter of originating revenue bills, the Chair now at least has nothing to do. That question does not enter into the decision of the point of order made by the gentleman from Kentucky. The gentleman from Kentucky makes the point of order and rests his point solely upon the claim that this resolution, if adopted, would not be a rule of the House. It would be rather early for the Chair to undertake to decide on that which is not before the House. It is reported as a rule from the Committee on Rules.

But passing that, it is perfectly competent, as the Chair thinks, for this House, when the subject is properly brought before it, to change every rule of the House and all of the rules that have been adopted by the House. And early in this session a resolution of the House was adopted authorizing the Committee on Rules to report at any time any change or modification of the rules or any new rules. That right of the committee has been exercised perhaps in this case. But in this case the Committee on Rules has reported this rule as a substitute for various propositions of a similar character that have been introduced in the House and referred to the committee. This comes from the committee as a substitute for them all.

Its effect, if the Chair is to look to that, may be, in this exceptional case named, to put aside other rules which would prevent the motion that the rule proposes to allow. But the greater certainly includes the lesser. It was in the power of the committee to report a rule to suspend the whole of Rule XX, which would require an amendment of the Senate, on the point of order being made, to go to the Committee of the Whole House on the state of the Union. It is in the power of the committee to report to the House a proposition to suspend the rule that authorizes the suspension of the rules by a two-thirds vote. In other words, a rule might have been reported from the committee, and properly, which would suspend or repeal or annul or set aside every rule of this House, standing or special; and if the House so decided to affirm that report by a majority vote it could do so. In this case, though it may apply to a single great and important measure now pending before Congress, it seems perfectly clear to the Chair that it would be a rule to the extent that it goes; and perhaps gentlemen, on consideration, may see that in this particular case it goes far enough.

The Chair overrules the point of order.

Mr. BLACKBURN. With all proper deference to the opinion of the Chair I beg leave respectfully to appeal from that decision.

Mr. ROBESON. I wish to ask unanimous consent, as we are now

within ten minutes of the time fixed for the recess, to revoke the order for a recess this evening so that we may go on and dispose of this matter. [Cries of "No!" No!"]

Mr. BLACKBURN. Let me understand the proposition of my friend from New Jersey.

The SPEAKER. The Chair will state it. The gentleman from New Jersey asks unanimous consent to dispense with the special order for this evening, which requires the House to take a recess from half past 5 until half past 7 o'clock. [Cries of "Regular order!"]

Mr. ROBESON. I withdraw the request.

Mr. BLACKBURN. How long does the gentleman propose to continue in session to-night if that order is revoked?

Mr. McLANE, of Maryland. The gentleman from New Jersey has withdrawn the request. I ask unanimous consent to dispense with the order providing for a night session.

Mr. ROBESON. That was my intention.

Mr. McLANE, of Maryland. I make that request.

Mr. ERMENTROUT, Mr. MILLS, Mr. SPARKS, and others objected. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Kentucky appeals from the decision of the Chair.

Mr. REED. I move that the appeal be laid upon the table.

Mr. BLACKBURN. And upon that I call the yeas and nays.

The SPEAKER. The question is, Shall the decision of the Chair upon the point of order made by the gentleman from Kentucky stand as the judgment of the House?

Mr. BLACKBURN. I understand that the gentleman from Maine moves to lay that appeal on the table.

The SPEAKER. That is the pending question. The gentleman from Maine moves to lay the appeal from the decision of the Chair on the table; and on that motion to lay the appeal upon the table the gentleman from Kentucky demands the yeas and nays.

Mr. BLACKBURN. Now, I want to ask if we can not agree by common consent to revoke the order for the night session and go on until 6 or 6.30 o'clock, or such reasonable hour as gentlemen on the other side may deem proper?

Mr. KASSON. Let us go on until we have finished this subject.

Mr. ROBESON. My idea was that as we are all present now, we might be able to get through with this matter without the necessity of returning to-night; but I understand objection is made on all sides to dispensing with the special order, and I have therefore withdrawn the request.

Mr. BLACKBURN. If there is objection, I withdraw it.

The SPEAKER. The Chair will submit the matter to the judgment of the House, if desired, again.

Mr. TALBOTT. Would it be in order to move now that the House take a recess till half past 7 o'clock?

The SPEAKER. The House in the course of a few minutes will have to take a recess in pursuance of its own order.

Mr. BLACKBURN. Is there objection to my proposition?

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] renews the request that the special order requiring a recess to be taken from half past 5 o'clock till half past 7 o'clock be rescinded for this day.

Mr. MILLS, Mr. HAZELTON, and others objected.

The SPEAKER. The question is on the motion to lay on the table the appeal from the decision of the Chair. On that question the gentleman from Kentucky [Mr. BLACKBURN] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will state that there is sufficient business perhaps on the Speaker's table, Presidential messages and other matters, to occupy the time till half past 5; and if there be no objection, the yeas and nays having been ordered, those matters will be submitted and the roll-call will not be commenced before the hour for taking a recess.

Mr. ROBESON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. If the roll-call is commenced before the hour fixed for the recess, will the roll-call stop when that hour arrives? Or what will be the situation?

The SPEAKER. Unless it was on the motion to adjourn the Chair is inclined to hold the roll-call would stop at the hour of recess. That has been held to be a motion of a different character from other business. But if a roll-call was proceeding on other business, no matter what, there would have to be a recess declared.

Mr. ROBESON. A recess declared interrupting the call of the roll?

The SPEAKER. Yes; except on a motion to adjourn. That is the Chair's understanding of the rule.

Mr. ROBESON. May I ask unanimous consent that the roll-call be postponed? Or if it be necessary to bring it about I will call for tellers on the yeas and nays.

The SPEAKER. The yeas and nays have been ordered.

Mr. RANDALL. I would suggest a motion that would accomplish this. I move that the House now take a recess till half past 7.

The SPEAKER. That would not be now in order.

Mr. RANDALL. It could be done by unanimous consent.

Mr. BLACKBURN rose.

The SPEAKER. The gentleman from Kentucky desires to submit his proposition again.

Mr. BLACKBURN. Objection being withdrawn on this side I now ask if we can not agree to revoke the order for a recess at half past 5, with the understanding that we will go on now till 6, or half past 6, or whatever time you please?

Mr. McLANE, of Maryland. That is, we will go right on and finish it.

The SPEAKER. The Chair will submit the question. The gentleman from Kentucky [Mr. BLACKBURN] renews his request that the special order requiring a recesss to be taken at half past 5 until half past 7 shall be set aside for this day.

Mr. HASELTINE and others objected.

Mr. TOWNSHEND, of Illinois. Is there any special order for to-night?

The SPEAKER. The Chair does not so understand.

Mr. ROBESON. I would like to make a privileged motion. I move that the House concur in the recommendation of the Committee on Appropriations to disagree to the Senate's amendments to the naval appropriation bill and ask for a committee of conference.

Mr. ATKINS. I suggest to the gentleman from New Jersey to allow the Speaker to submit to the House the various matters here referred to, and in that way we will reach the hour of recess.

Mr. RANDALL. I would suggest to the gentleman from New Jersey there might be some amendments of the Senate in which we want to concur.

Mr. MILLER. I move that the House do now adjourn.

The SPEAKER. That motion could not now be disposed of before the hour for recess arrives. [Cries of "Regular order!"]

The SPEAKER. The regular order can not be proceeded with unless the House is in order.

Mr. MILLER. I insist on my motion that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that the House do now adjourn.

The question being taken on a *viva voce* vote, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. MILLER. I call for a division.

The House divided; and there were—ayes 86, noes 96.

Mr. MILLS and others called for tellers.

Mr. MILLER. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, the Speaker said that evidently a sufficient number had voted in the affirmative.

Mr. ROBESON. I demand tellers on the yeas and nays.

The SPEAKER. The Chair will state that the hour of half past 5 having arrived, the House in pursuance of its order is now in recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half-past 7 o'clock p. m., the Speaker in the chair.

ADDITIONAL MEMBERS OF COMMITTEE ON ENROLLED BILLS.

The SPEAKER. The Chair desires to state that the members of the Committee on Enrolled Bills report that the labors of that committee at this period of the session are so great that they are unable to get through their work without further assistance. The Chair therefore asks unanimous consent of the House to be allowed to appoint two additional members on that committee.

There was no objection, and leave was granted accordingly.

The SPEAKER. The Chair appoints as additional members of the Committee on Enrolled Bills Mr. SPAULDING of Michigan and Mr. HARDY of New York.

LEAVE TO PRINT.

Mr. WHEELER. I ask unanimous consent to print in the RECORD some remarks which I failed to make on the Congressional Library bill.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. BELMONT asked and obtained leave to print in the RECORD some remarks prepared by him relative to the bill (H. R. 7417) for the free importation of works of art. [See Appendix.]

Mr. BLANCHARD asked and obtained unanimous consent to print in the RECORD some remarks prepared by him on the educational bill. [See Appendix.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MATSON, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. HASELTINE. I ask unanimous consent to take up for present consideration a bill reported unanimously from the Committee on the Judiciary.

The SPEAKER. The yeas and nays have been ordered on a proposition which is now pending, and which is the first business in order.

Mr. HASELTINE. If unanimous consent is granted there can be no objection, can there?

The SPEAKER. The gentleman from Missouri [Mr. HASELTINE]

asks unanimous consent to take up for present consideration the bill (H. R. 6391) to amend an act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, and to prescribe the times and places for holding court therein, and for other purposes.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection, and the bill is not before the House.

UNION PACIFIC RAILWAY COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of the annual report of the Government directors of the Union Pacific Railway Company, under date of the 19th instant.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, D. C., February 26, 1883.*

DAMAGE BY FLOODS ON THE MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, in further response to the House resolution of February 17, 1883, relative to damages by flood or otherwise to the works of channel improvement at or near Plum Point, Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of War, in further response to the House resolution of the 17th instant calling for information as to the damage done to the works for channel improvement at or near Plum Point and at or near Lake Providence in the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

PENSIONS FOR SOLDIERS OF THE MEXICAN WAR.

The SPEAKER also laid before the House the following; which was referred to the Committee on Pensions:

RICHMOND, KY., *February 22, 1883.*

To the Speaker of the House of Representatives, Washington, D. C.:

The Kentucky Mexican veterans, on the anniversary of the battle of Buena Vista and the birthday of the Father of his Country, send greeting to the Forty-seventh Congress, and hope that it will not adjourn without showing its appreciation of the services of the men who added an empire to the national domain.

SPEED S. FRY,
President of the Association.

NAVAL APPROPRIATION BILL.

Mr. ROBESON, from the Committee on Appropriations, reported back with the Senate amendments thereto the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes, and moved that the amendments of the Senate be non-concurrred in and that a conference be requested of that body.

There was no objection, and it was so ordered.

The SPEAKER announced as the conferees on the part of the House, Mr. ROBESON of New Jersey, Mr. KETCHAM of New York, and Mr. ATKINS of Tennessee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate further insisted upon its amendments disagreed to by the House to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 361) granting a pension to Wellington V. Heusted;
A bill (H. R. 507) granting a pension to Mrs. Maria Worthington;
A bill (H. R. 984) for the relief of Ralph P. Ford;
A bill (H. R. 1188) granting a pension to Thomas Allcock;
A bill (H. R. 1291) granting a pension to D. D. Edwards;
A bill (H. R. 1341) granting a pension to James B. White;
A bill (H. R. 1581) granting a pension to Mary A. Conken;
A bill (H. R. 2095) granting a pension to Esther M. Carey;
A bill (H. R. 2877) for the relief of William M. Meredith;
A bill (H. R. 2912) granting relief to the heirs of Kunigunda A. Miller, deceased;
A bill (H. R. 3106) restoring the name of Mary J. Stover to the pension-roll;
A bill (H. R. 4387) granting a pension to Anthony B. Graves;
A bill (H. R. 4562) for the relief of Julia A. Stimers;
A bill (H. R. 5118) granting a pension to Elizabeth Weinstein;
A bill (H. R. 5384) restoring the name of James M. Akin to the pension-roll;
A bill (H. R. 5808) to rerate the pension of Frank S. Sowers;
A bill (H. R. 5906) granting a pension to Harriet N. Abbott;
A bill (H. R. 6400) granting a pension to Mrs. Orpah Meechum;
A bill (H. R. 6425) to increase the pension of Robert Henne;
A bill (H. R. 6524) granting a pension to George C. Rust;
A bill (H. R. 6833) granting a pension to Kate Quilligan; and
A bill (H. R. 6943) granting a pension to the widow of the late Major-General G. K. Warren.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872; and
A bill (H. R. 6181) to increase the pension of Richard Jobes.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 276) granting a pension to John C. Hargrave;
A bill (S. 319) granting an increase of pension to Mrs. Virginia Zeilen;
A bill (S. 1356) for the relief of Betsey A. Mower;
A bill (S. 1530) restoring to the pension-roll the name of Major D. Williams;
A bill (S. 1546) to increase the pension of George W. Bousman;
A bill (S. 2139) granting a pension to A. M. Wilson;
A bill (S. 2218) for the relief of Mary L. Walker and Ella Walker;
A bill (S. 2367) granting a pension to Fannie S. Beaumont; and
A bill (S. 2478) granting a pension to James P. F. Toby.

AMENDMENT OF RULES.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. At the time the House took a recess this afternoon the pending question was upon the call of the gentleman from Pennsylvania [Mr. MILLER] for the yeas and nays on the motion to adjourn. The Chair does not know whether that motion should be regarded as pending or not. If not insisted upon, the Chair will treat it as withdrawn.

Mr. BRAGG. I do not understand the question to be in the form put by the Speaker. The yeas and nays by a *viva voce* vote had been ordered, thereupon the gentleman from New Jersey called for tellers on the yeas and nays.

The SPEAKER. That call was pending at the time the House took the recess.

Mr. BRAGG. Yes, sir.

Mr. TUCKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TUCKER. I wish to know whether it is in order to withdraw the motion of a gentlemen who is not present?

The SPEAKER. A recess was taken, and the Chair does not understand that the motion is insisted upon; but if it is, the question will be proceeded with.

Mr. TUCKER. I understood merely that the Speaker had said that in the absence of objection the motion would be considered as withdrawn. The gentleman who made the motion was not here. I thought perhaps he ought to be consulted in the matter.

The SPEAKER. If all the members of the House who are present consent, the Chair thinks no harm can be done by treating the motion as withdrawn, although the gentleman is not here. If there be no objection the motion will be considered as withdrawn by unanimous consent. The Chair hears no objection. The question recurs on the motion of the gentleman from Maine [Mr. REED] to lay on the table the appeal taken by the gentleman from Kentucky [Mr. BLACKBURN] from the decision of the Chair. On that question the yeas and nays had been ordered.

Mr. WHITE. I ask unanimous consent to make a report at this time from the Committee on Woman Suffrage. [Laughter, and cries of "Regular order!"]

The question was taken; and there were—yeas 116, nays 97, not voting 78; as follows:

YEAS—116.

Anderson,	Godshalk,	Lord,	Robinson, Jas. S.
Bisbee,	Grout,	Lynch,	Russell,
Brewer,	Guenther,	Mackey,	Shallenberger,
Briggs,	Hall,	Mason,	Sherwin,
Browne,	Hammond, John	McCoid,	Shultz,
Brumm,	Harmer,	McCook,	Smalls,
Buck,	Harris, Benj. W.	McKinley,	Smith, A. Herr
Burrows, Julius C.	Haskell,	McLean, Jas. H.	Smith, J. Hyatt
Calkins,	Hazelton,	Moore,	Spaulding,
Candler,	Heilman,	Morey,	Spooner,
Cannon,	Henderson,	Norcross,	Steele,
Carpenter,	Hepburn,	O'Neill,	Stone,
Caswell,	Hill,	Page,	Strait,
Chace,	Hiscock,	Parker,	Taylor, Ezra B.
Cullen,	Horr,	Payson,	Taylor, Joseph D.
Cutts,	Hubbell,	Peelle,	Townsend, Amos
Davis, George R.	Hubbs,	Peirce,	Tyler,
Dawes,	Humphrey,	Pettibone,	Valentine,
Deering,	Jacobs,	Pound,	Van Aernam,
De Motte,	Jadwin,	Prescott,	Van Voorhis,
Dezendorf,	Jones, Phineas	Ranney,	Wadsworth,
Dingley,	Jorgensen,	Ray,	Walker,
Doxey,	Joyce,	Reed,	Ward,
Dunnell,	Kasson,	Rice, John B.	Washburn,
Errett,	Kelley,	Rice, Wm. W.	Webber,
Farwell, Chas. B.	Ketcham,	Rich,	West,
Farwell, Sewell S.	Lacey,	Ritchie,	White,
Fisher,	Lewis,	Robeson,	Williams, Chas. G.
George,	Lindsey,	Robinson, Geo. D.	Willits.

NAYS—97.

Aiken,	Cox, William R.	House,	Rosecrans,
Armfield,	Cravens,	Hutchins,	Ross,
Atkins,	Culberson,	Jones, James K.	Scales,
Bayne,	Davis, Lowndes H.	Kenna,	Simonton,
Beach,	Dowd,	Klotz,	Singleton, Otho R.
Berry,	Dugro,	Knott,	Sparks,
Blackburn,	Dunn,	Ladd,	Speer,
Blanchard,	Ellis,	Leedom,	Stockslager,
Bland,	Ermentrout,	Le Fevre,	Talbott,
Bliss,	Evins,	Manning,	Thompson, P. B.
Blount,	Flower,	McKenzie,	Townshend, R. W.
Bragg,	Forney,	McLane, Robt. M.	Tucker,
Buchanan,	Fulkerson,	McMillin,	Turner, Henry G.
Caldwell,	Garrison,	Miller,	Turner, Oscar
Carlisle,	Geddes,	Mills,	Upson,
Cassidy,	Gunter,	Money,	Vance,
Chapman,	Hammond, N. J.	Morse,	Warner,
Clardy,	Hardenbergh,	Muldrow,	Wheeler,
Clark,	Hardy,	Mutchler,	Williams, Thomas
Clements,	Harris, Henry S.	Nolan,	Willis,
Colerick,	Hatch,	Oates,	Wise, George D.
Converse,	Herbert,	Randall,	Wise, Morgan R.
Cook,	Hewitt, G. W.	Reagan,	
Covington,	Holman,	Reese,	
Cox, Samuel S.	Hooker,	Richardson, J. S.	

NOT VOTING—78.

Aldrich,	Curtin,	Martin,	Shelley,
Atherton,	Darrall,	Matson,	Singleton, J. W.
Barbour,	Davidson,	McClure,	Skinner,
Barr,	Deuster,	Miles,	Smith, Dietrich C.
Belford,	Dibrell,	Morrison,	Springer,
Belmont,	Dwight,	Mosgrove,	Thomas,
Beltzhoover,	Ford,	Moulton,	Thompson, Wm. G.
Bingham,	Frost,	Murch,	Updegraff,
Black,	Gibson,	Neal,	Urner,
Bowman,	Haseltine,	Pacheco,	Van Horn,
Buckner,	Herndon,	Paul,	Wait,
Burrows, Jos. H.	Hewitt, Abram S.	Phelps,	Watson,
Butterworth,	Hitt,	Phister,	Wellborn,
Cabell,	Hoblitzell,	Rice, Theron M.	Whitthorne,
Camp,	Hoge,	Richardson, D. P.	Wilson,
Campbell,	Houk,	Robertson,	Wood, Benjamin
Cobb,	Jones, George W.	Robinson, Wm. E.	Wood, Walter A.
Cornell,	King,	Ryan,	Young.
Crapo,	Latham,	Scoville,	
Crowley,	Marsh,	Scranton,	

So the motion to lay the appeal on the table was agreed to.

The following additional pairs were announced:

Mr. ALDRICH with Mr. FROST.

Mr. MARSH with Mr. DIBRELL.

Mr. CRAPO with Mr. DAVIDSON.

Mr. HOUK with Mr. WHITTHORNE.

Mr. URNER with Mr. HOBLITZELL.

Mr. SMITH of Illinois with Mr. MOULTON.

Mr. WAIT with Mr. SHELLEY.

Mr. VAN HORN with Mr. SINGLETON of Illinois.

Mr. RYAN with Mr. MARTIN.

Mr. SCRANTON with Mr. ROBINSON of New York.

Mr. CORNELL with Mr. BUCKNER.

Mr. BUTTERWORTH with Mr. BARBOUR.

Mr. MILES with Mr. SCOVILLE.

Mr. BOWMAN with Mr. ATHERTON.

Mr. BELFORD with Mr. CURTIN.

Mr. ALDRICH. I have voted, supposing my vote might be necessary for a quorum; if not, I withdraw it.

The SPEAKER. The gentleman's vote will be withdrawn.

The result of the vote was announced as above stated.

Mr. REED. Mr. Speaker, as there seems to be but little prospect of debate on this subject, I will call for the previous question.

Mr. CARLISLE. I desire to ask the gentleman from Maine [Mr. REED] whether he will allow an amendment to be offered to this proposition, so that the House may have an opportunity to vote either to concur or to non-concur in the Senate amendment to the bill of the House?

Mr. REED. No, sir.

Mr. CARLISLE. Then, Mr. Speaker——

The SPEAKER. The gentleman from Maine demands the previous question.

Mr. UPSON. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 105, not voting 65; as follows:

YEAS—121.

Aldrich,	Chace,	George,	Hubbell,
Anderson,	Cullen,	Godshalk,	Hubbs,
Bayne,	Cutts,	Grout,	Humphrey,
Bingham,	Darrall,	Guenther,	Jacobs,
Bisbee,	Davis, George R.	Hall,	Jadwin,
Bowman,	Dawes,	Hammond, John	Jones, Phineas
Brewer,	Deering,	Harmer,	Jorgensen,
Briggs,	De Motte,	Harris, Benj. W.	Joyce,
Browne,	Dezendorf,	Haskell,	Kasson,
Buck,	Dingley,	Hazelton,	Kelley,
Burrows, Julius C.	Doxey,	Heilman,	Ketcham,
Calkins,	Dunnell,	Henderson,	Lacey,
Candler,	Errett,	Hepburn,	Lewis,
Cannon,	Farwell, Chas. B.	Hill,	Lindsey,
Carpenter,	Farwell, Sewell S.	Hiscock,	Lord,
Caswell,	Fisher,	Horr,	Lynch,
Mackey,	Pettibone,	Shultz,	Van Aernam,
Mason,	Pound,	Smalls,	Van Voorhis,
McClure,	Ranney,	Smith, A. Herr	Wadsworth,
McCoid,	Ray,	Smith, J. Hyatt	Walker,
McCook,	Reed,	Spaulding,	Ward,
McKinley,	Rice, John B.	Spooner,	Washburn,
McLean, Jas. H.	Rice, Wm. W.	Steele,	Watson,
Moore,	Rich,	Stone,	Webber,
Morey,	Richardson, D. P.	Straight,	West,
Norcross,	Ritchie,	Taylor, Ezra B.	White,
O'Neill,	Robeson,	Taylor, Joseph D.	Williams, Chas. G.
Parker,	Robinson, Geo. D.	Thomas,	Willits.
Payson,	Robinson, Jas. S.	Townsend, Amos	
Peelle,	Shallenberger,	Tyler,	
Peirce,	Sherwin,	Valentine,	

NAYS—105.

Aiken,	Cox, Samuel S.	Hoge,	Reagan,
Armfield,	Cox, William R.	Holman,	Reese,
Atherton,	Cravens,	Hooker,	Rice, Theron M.
Atkins,	Culberson,	House,	Richardson, J. S.
Barbour,	Curtin,	Hutchins,	Rosecrans,
Beach,	Davis, Lowndes H.	Jones, James K.	Ross,
Berry,	Dowd,	Kenna,	Scales,
Blackburn,	Dugro,	King,	Simonton,
Blanchard,	Dunn,	Klotz,	Singleton, Otho R.
Bland,	Ellis,	Knott,	Sparks,
Bliss,	Ermentrout,	Ladd,	Stockslager,
Blount,	Evins,	Leedom,	Talbott,
Bragg,	Flower,	Le Fevre,	Townshend, R. W.
Brumm,	Ford,	Manning,	Tucker,
Buchanan,	Forney,	McKenzie,	Turner, Henry G.
Caldwell,	Fulkerson,	McLane, Robt. M.	Turner, Oscar
Carlisle,	Garrison,	McMillin,	Upson,
Cassidy,	Geddes,	Miller,	Vance,
Chapman,	Gunter,	Mills,	Wheeler,
Clardy,	Hammond, N. J.	Money,	Williams, Thomas
Clark,	Hardenbergh,	Morrison,	Willis,
Clements,	Hardy,	Morse,	Wilson,
Cobb,	Harris, Henry S.	Muldrow,	Wise, George D.
Colerick,	Haseltine,	Mutchler,	Wise, Morgan R.
Converse,	Hatch,	Nolan,	
Cook,	Herbert,	Oates,	
Covington,	Hewitt, G. W.	Randall,	

NOT VOTING—65.

Barr,	Dwight,	Neal,	Speer,
Belford,	Frost,	Pacheco,	Springer,
Belmont,	Gibson,	Page,	Thompson, P. B.
Beltzhoover,	Herndon,	Paul,	Thompson, Wm. G.
Black,	Hewitt, Abram S.	Phelps,	Updegraff,
Buckner,	Hitt,	Phister,	Urner,
Burrows, Jos. H.	Hoblitzell,	Prescott,	Van Horn,
Butterworth,	Houk,	Robertson,	Wait,
Cabell,	Jones, Geo. W.	Robinson, Wm. E.	Warner,
Camp,	Latham,	Russell,	Wellborn,
Campbell,	Marsh,	Ryan,	Whitthorne,
Cornell,	Martin,	Scoville,	Wood, Benjamin
Crapo,	Matson,	Scranton,	Wood, Walter A.
Crowley,	Miles,	Shelley,	Young.
Davidson,	Mosgrove,	Singleton, Jas. W.	
Deuster,	Moulton,	Skinner,	
Dibrell,	Murch,	Smith, Dietrich C.	

So the previous question was ordered.

The following additional pairs were announced from the Clerk's desk:

Mr. BUTTERWORTH with Mr. THOMPSON of Kentucky.

Mr. CROWLEY with Mr. MATSON.

Mr. BARR with Mr. FROST.

Mr. SINGLETON, of Illinois. I am paired with Mr. VAN HORN, and the pair was not announced.

Mr. STOCKSLAGER. Mr. MATSON by advice of his physician is confined to his room.

Mr. TOWNSHEND, of Illinois. Mr. SPRINGER is paired with Mr. HITT.

On motion of Mr. MCCOOK, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. REED. I suppose we have now one-half hour of debate, and the gentleman from Kentucky [Mr. BLACKBURN] would have charge of the time in opposition.

The SPEAKER. Under the rule fifteen minutes is allowed in support and fifteen minutes in opposition.

Mr. CARLISLE. My colleague does not appear to be in the House at this moment, and I presume there will be no objection to gentlemen on this side occupying the time. For myself I wish to be heard only a few minutes, simply to say that in my judgment——

Several MEMBERS. Let us have order, so we may hear what is said.

The SPEAKER. The Chair recognizes the gentleman from Kentucky, and members will resume their seats and observe order.

Mr. CARLISLE. I do not suppose any amount of debate or any form of argument which might be submitted to the House will change the final result on this proposition. In my opinion it is a most monstrous proposition. It is one which for a particular purpose and to meet a particular exigency sets aside or proposes to set aside all the rules of this House and permit a majority to do just as it pleases with this one measure. It was correctly argued by my colleague this afternoon that this is not a rule but simply an order to be made for this one purpose, an order which will cease to be operative the moment the occasion passes.

But, sir, if it be the purpose of this House to set this example, then it seems to me that the friends of the measure ought at least to accord to gentlemen who differ from them the poor privilege of casting their

votes according to their honest convictions and have them counted. With that view I propose to recommit the resolution with instruction that if it shall be again reported to the House it shall be so amended that the House may be permitted to vote either to concur or to non-concur in the Senate amendments. And on that at the proper time I shall ask for the yeas and nays.

The SPEAKER. Does the gentleman propose to submit this at the present time?

Mr. BLACKBURN. I yield five minutes of my time to the gentleman from New York [Mr. COX].

Mr. CARLISLE. It may be read now as a part of my speech.

The SPEAKER. Is it proposed now?

Mr. CARLISLE. I propose it.

The SPEAKER. Does the gentleman offer it now?

Mr. CARLISLE. I do.

Mr. REED. If it is offered now I may desire to make a point of order on it.

Mr. CARLISLE. I send it up to be read with the full understanding that it can not be voted upon under the practice of the House until the debate is ended.

The SPEAKER. The Chair wants to understand whether it is offered now or whether it is merely read as a part of the gentleman's remarks. The Chair desires it to be understood clearly. Is it sent up to be read as a part of the remarks of the gentleman from Kentucky?

Mr. CARLISLE. I offer that to be voted upon at the proper time.

The SPEAKER. The Clerk will read the proposed resolution.

The Clerk read as follows:

Resolved, That the proposition now under consideration be recommitted to the Committee on Rules, with instructions that if the same shall be again reported it shall be so amended as to permit the House to vote upon a motion either to concur or to non-concur in the amendment of the Senate to the bill of the House No. 5538, entitled "An act to reduce internal-revenue taxation."

Mr. REED. I make the point of order——

Mr. BLACKBURN. I was going to ask whether this comes out of the fifteen minutes allowed for debate on this side?

The SPEAKER. Only that part that relates to the remarks of the gentleman from Kentucky comes out.

Mr. BLACKBURN. Very well.

Mr. REED. I desire to make the point of order upon that motion of the gentleman from Kentucky.

The SPEAKER. The gentleman will state it.

Mr. REED. The point of order I make is this: that there is no rule of the House, there is nothing in our system of parliamentary procedure, which permits an amendment of that kind to be offered after the previous question has been ordered by the House upon the adoption of a new rule. And in order to make the point clear, and to more fully explain the objection which I have to the proposition of the gentleman from Kentucky, I shall call his attention to the seventeenth rule of the House, which is the only rule that we have permitting a motion to recommit with or without instruction. If he will examine the terms of that rule he will observe that there is no allusion whatever made to a proceeding of the nature of this upon which we are engaged to-night.

Mr. CARLISLE. I have no doubt of that.

Mr. TUCKER. There never was anything of the kind.

Mr. REED. The gentleman may make a very easy catch on that statement; but if he had attended to what I have been saying he would have observed that his criticism would be more suitable and proper if he had addressed it to his own side, and by them it would be more likely to be appreciated.

The language of the rule is as follows:

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rule, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill—

And I call attention particularly to this language—

the bill to its engrossment and third reading, and then on renewal of said motion to its passage—

That is the passage of the bill—

or rejection. It shall be in order pending the motion for or after the previous question shall have been ordered on its passage—

To wit, the bill—

for the Speaker to entertain and submit a motion to commit—

That is the bill—

with or without instructions, &c.

That is the clear and explicit language of the rule.

Mr. CARLISLE. Does the gentleman from Maine claim that this rule has no application?

Mr. REED. It has no application to the pending proposition.

Mr. CARLISLE. In other words, we are to understand the remarks of the gentleman from Maine to be to the effect that he holds it is not possible to apply this rule to anything except to a bill, and that it does not apply to a motion of any kind or to any other object unless it begins "be it enacted," &c.

Mr. REED. I hold that it does not apply to a motion to insert a new rule.

Mr. CARLISLE. That is to say, the gentleman holds that the term "bill" as used in the rule is not a generic term and that the rule can apply to no motion or proposition that is not in the form of a bill.

Now, Mr. Speaker, the practice of this House has been always, ever since the adoption of our present rules, and the practice of all parliamentary bodies as far as I have ever had any knowledge of them is also to apply their general rules to any proposition pending before it, and upon which the House is called to vote after the previous question has been ordered. There have been propositions made here in the House to recommit resolutions; the gentleman from Texas made a similar motion.

Mr. MILLS. I made a motion to recommit the resolution creating the Tariff Commission.

The SPEAKER. That was a joint resolution.

Mr. MILLS. It was a resolution nevertheless.

The SPEAKER. But it was in the form of a bill, and required engrossment and third reading.

Mr. REED. I think the gentleman will find that it is entirely in accord with the statement I have made.

The SPEAKER. The Chair would like to have any precedent that the gentleman from Kentucky can cite. The recollection of the Chair is that the question has been decided frequently and by himself at least once and in this session. But if there is any precedent the Chair would like his attention called to it.

Mr. CARLISLE. I am not aware of the case to which the Chair refers. I never have heard it contended before that this does not apply to resolutions as well as to bills.

The SPEAKER. The question is not a new one; it has been decided before.

Mr. RANDALL. Mr. Speaker, this rule to which attention has been called allows the previous question on what? The language of the rule is this:

The previous question may be asked and ordered upon a single motion.

Now, this proposition is a single motion, and either before or after the previous question has been ordered on that single motion it is entirely competent for any one to move to recommit this single motion with or without instructions. The very object of the rule, the very object of using the expression "a single motion," or "a series of motions allowable under the rule," or "an amendment," is to make it applicable to all. The operation of that rule has been—what? We have been permitted to call the previous question on a single amendment, and having obtained it in that way it shows plainly that that rule meant there should be these distinct propositions upon which the previous question could be called, and when that single motion embraced an entire subject, as it does in this case, that it was competent to make and entertain the motion to recommit with instructions.

Mr. ROBINSON, of Massachusetts. Will my friend from Pennsylvania allow me to make a suggestion?

Mr. RANDALL. I would be glad to hear the suggestion of the gentleman.

Mr. ROBINSON, of Massachusetts. The gentleman's question in regard to the previous question operating upon a single motion is undoubtedly pertinent and correct. But he will see, and his recollection will accord with the result of an examination of the rule, that this motion to commit with instructions or without instructions only follows upon the motion leading to the final passage of the bill.

Mr. RANDALL. This is an entirety.

Mr. ROBINSON, of Massachusetts. The gentleman from Pennsylvania must of course know the present Speaker has again and again ruled, and so I think has his predecessor, the gentleman from Pennsylvania, that that motion can not be made except on the final passage.

Mr. RANDALL. Why, sir, this is on the final passage.

Mr. ROBINSON, of Massachusetts. To wit, the final passage of a bill, not the single motion my friend from Pennsylvania speaks of.

Mr. HASKELL. Mr. Speaker, following the line of the suggestion of the gentleman from Maine that Rule XVII by its language refers to bills or joint resolutions or resolutions of that character, and to show that the rules continually from beginning to end make distinctions between motions, resolutions, and bills, I desire to call the attention of the Chair to clause 3 of Rule XVI:

When any motion or proposition is made the question is, Will the House now consider it, &c.

Over on the next page, in clause 2 of Rule XVIII:

No bill, petition, memorial, or resolution, &c.

And scattered through the rules are many places where bills and resolutions are spoken of and other places where motions are spoken of.

The gentleman from Pennsylvania [Mr. RANDALL] says that we have the right to move the previous question on a single motion or a collection of them. There is no doubt about that. The right to move the previous question is not called in question by anybody on this side. The right to move the previous question upon a motion is not denied. The right to move it upon a bill is not denied, because it is clearly set forth. But the gentleman from Pennsylvania would have us believe that because we can call the previous question upon a motion we could recommit the motion to a committee—a manifest absurdity not contemplated by the rule. And hence when he undertakes to make the word "motion"

in this place cut the same figure as a "bill" by calling our attention to a right we have to move the previous question upon a motion, and makes that argument when we stand here discussing the question of the right to recommit, then he impliedly would make an argument to show that we have a right to recommit with instructions a motion to a committee. The gentleman from Pennsylvania is too old a parliamentarian——

Mr. RANDALL. Let me ask the gentleman a question there, whether a motion would not be in order to lay this proposition on the table?

Mr. HASKELL. I will not raise that question; if raised I will be glad to debate it.

Mr. RANDALL. I ask if it would not be in order?

Mr. HASKELL. I will be glad to debate that question when raised.

Mr. ROBINSON, of Massachusetts. I would like to answer the question now. I say that is in order under another rule, clause 4 of Rule XVI.

Mr. RANDALL. And it is in order also under this rule. By clause 1 of Rule XVII a motion to lay upon the table is in order on the second and third reading.

Mr. REED. Of a bill. Will the gentleman from Pennsylvania read the last words of the sentence? He began to quote the clause, but did not read the last words. The rule provides:

A motion to lay upon the table shall be in order on the second and third readings of a bill.

Mr. RANDALL. I say, this subject being before the House in its entirety, it is competent under that rule—and there never has been, I think, a contrary decision—for the Chair to entertain a motion to commit with or without instructions.

Mr. ROBINSON, of Massachusetts. And does the gentleman not see that the proposition to lay on the table is in order specifically under clause 4 of Rule XVI?

Mr. RANDALL. It is in order there too as well; but it is in order here on the second or third reading.

Mr. ROBINSON, of Massachusetts. Not at all; because this applies to the second and third readings of a bill and the other does not.

Mr. CARLISLE. I desire to call the attention of the Chair to the proceedings of the House on the 19th day of January, 1882, being in the first session of the present Congress, when the House had under consideration certain proposed amendments to the rules, reported by the Committee on Rules. On page 338 of the Journal will be found these proceedings:

Mr. ROBESON demanded the previous question, which was ordered.

Here we have the previous question demanded and ordered by the House on the report made by the Committee on Rules.

The question being on agreeing to a motion submitted by Mr. WILLIS to the amendment submitted by Mr. PAGE;

Pending which,

Mr. JOYCE moved that the report of the Committee on Rules and all amendments pending thereto be recommitted to the Committee on Rules.

Pending which, after further debate,

Mr. SPRINGER moved to amend the motion of Mr. JOYCE by adding the following instructions, to wit:

"That the report of the Committee on Rules be recommitted with instructions to report to the House within one week an amendment to Rule X which shall provide for the appointment of the committees of the House by the House instead of by the Speaker, and that the minority of the House shall be represented on the committees as nearly in proportion to their numbers in the House as possible, and that the appointment of the minority members on each committee shall be under the control of the minority in the House, but not to affect the committees of the House as now constituted.

Mr. CALKINS made the point of order that the said amendment of Mr. SPRINGER was not in order, the House having by a yea-and-nay vote on yesterday ruled out of order a kindred proposition submitted by Mr. Orth.

That proposition had been ruled out of order the day before upon the ground that it was not germane to the proposition pending before the House.

The Speaker sustained the point of order, and the said amendment was not received.

The question then recurred on Mr. JOYCE's motion to recommit, and it was adopted.

Mr. CALKINS rose.

Mr. CARLISLE. The gentleman will wait a moment. We have here a plain case in which the Speaker entertained and the House voted upon the proposition of the gentleman from Vermont [Mr. JOYCE] to recommit that report to the Committee on Rules. The gentleman from Illinois [Mr. SPRINGER] undertook to amend the motion to recommit by giving to the Committee on Rules certain instructions, and the Speaker very properly ruled that the motion of the gentleman from Illinois was out of order because the House on the day before had decided substantially the same proposition to be out of order. But the clear substantive fact that appears on the face of this Journal, that after the previous question had been demanded and ordered on a report made by the Committee on Rules to amend the rules, the gentleman from Vermont moved to recommit, the Speaker entertained the motion and put it to the House, and on a vote by yeas and nays the yeas were 159, the nays 90, not voting 49. So the proposition was sustained by the House, and the report of the Committee on Rules was recommitted upon the motion of the gentleman from Vermont. [Applause on the Democratic side.] And that was a ruling of the present occupant of the chair.

Mr. CALKINS. I wish to call the attention of the gentleman from Kentucky to the fact that no point of order was made in that case against the motion to recommit, and consequently the question which now arises was not then presented.

Mr. CARLISLE. I said a while ago that such a point of order had never been made in this House so far as I knew.

Mr. CALKINS. But, Mr. Speaker, if the point of order was not made in that case so that it was not decided by the Speaker or by the House, does my friend from Kentucky say that that is a precedent bearing upon the present case, the point of order being now made?

Mr. CARLISLE. I do so understand, because I say in the first place that independently of this precedent the rules of this House were intended fairly to cover every proposition coming before the House upon which you may move the previous question, and were intended upon every such proposition to give the right to make the motion to recommit.

Mr. CALKINS. The gentleman will allow me to put a case. We have another rule providing that amendments changing existing law shall not be in order upon general appropriation bills unless such amendments retrench expenditures. Now, suppose an amendment had been offered and no person had made a point of order upon it, would the gentleman quote that case as a precedent against the enforcement of the rule with respect to an amendment on which the point of order was made?

Mr. CARLISLE. Not at all.

Mr. CALKINS. The gentleman might as well do so; that is the logic of his position.

Mr. REAGAN. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Texas, although this whole debate is running on in violation of the rule.

Mr. REAGAN. I hope the Chair will hear me.

The SPEAKER. The Chair will hear the gentleman.

Mr. REAGAN. I desire to call attention specially to the language of Rule XVII, under which this decision must be made. I think this rule ought to go into the RECORD upon this question:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

There is nothing here about a bill or resolution. The language is "question or questions."

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules—

Not a bill or resolution, but a motion or motions—

or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

This all relates to a motion or motions, to a question or questions not to a bill or resolution. Now, the last clause of the rule, separated by a semicolon from the balance of the sentence, is this:

And a motion to lay upon the table shall be in order on the second and third reading of a bill.

The only place in which the word bill or the idea of a bill is presented in Rule XVII is with reference to the motion to lay on the table—not in relation to the motion to commit with or without instructions.

Mr. Speaker, almost anywhere on earth but here I should feel like making an apology for reading this rule and calling attention to its unquestionable effect.

Mr. ROBESON. Mr. Speaker, I believe that under the general system of parliamentary law and under the rules which governed this House before the adoption of the present code no motion to commit with or without instructions was in order after the previous question had been ordered. If this motion to recommit be in order now, it must be so under some rule of the House. What is that rule? It is said to be Rule XVII. If the proposition that this motion is in order is founded upon that rule it can not apply to anything but bills, for this reason: when we undertake to construe a rule altering a general provision or rule of law we must construe the exception strictly. That is the first general principle. The second general principle is that if any authority for an exception be found in the rule, it must be found without doubt in the language of the rule construed according to the ordinary acceptation and meaning of language and according to the rules of grammatical construction. If these propositions are true they make the basis of my conclusion. Now let me read this provision:

It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage—

Observe the pronoun "its." I read the whole paragraph before I state it. I commence at the period before "its" and I read the whole paragraph on this subject: "After the previous question shall have been ordered on its passage." What substantive noun does that pronoun "its" refer to? There is none other in that passage except "the bill." "It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to en-

tertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on a second and third reading of a bill." Of a bill! That is all there is in it. Its passage? Why, the passage of the bill, and the bill is the only noun substantive there to which that provision can possibly refer. Is it anything else? Is it a motion? Is it a rule? Is it anything else except the passage of a bill? There is in all that clause nothing else to which that pronoun "its" relates.

Mr. HERBERT. If the gentleman will allow me, I will point him to something else.

Mr. ROBESON. I do not hear the gentleman from Alabama.

Mr. HERBERT. Let me point out to the gentleman from New Jersey the first clause of that Rule XVII.

Mr. ROBESON. I am not dealing with the first clause.

Mr. HERBERT. I know that you are not, and I want you to deal with it.

Mr. ROBESON. Then comes a new proposition, a new paragraph, which might have been a new clause, which has but one noun substantive and one pronoun. [Cries of "Rule!" "Rule!"]

Mr. HAMMOND, of Georgia. Mr. Speaker, it seems to me the construction of this rule by the other side is very narrow.

Mr. ROBESON. Of course it is.

Mr. HAMMOND, of Georgia. They stick in the letter possibly, but certainly they stick in the bark. I think the letter is against them.

Let us look at this rule to see what it embraces before I criticise its language. The first sentence covers the effect of the previous question when ordered. The second sentence covers the compass of its operation. The third sentence covers the time when other motions may be made before or after the previous question. The last clause is the motion to lay upon the table a bill. Of course there can be no application of the last clause of this rule to anything but a bill, because a resolution to change the rule can not get on the table. That motion to lay on the table is a proposition wholly distinct from the previous question added to the other. Let me read the rule in the light of this exposition as I understand it. And that I may do it as I understand it I will for the time leave out the second sentence. And then it would read as follows:

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

Now, if the words "question or questions" do not embrace an amendment of a rule, or the making of a new rule, pray tell me where the gentleman from Maine [Mr. REED] found his authority for calling the previous question on this rule? I do not know any authority but that. He has applied the previous question to a proposition to change the rules because that is the pending question.

Now, that being the effect of the rule, I come to the next sentence:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage—

That is, the passage of the question, whatever it is—

for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

Can it be true now that that second sentence in the rule does not relate to the "question or questions" in the first sentence? If we must stickle on words does not the pronoun "its" refer to question?

Now comes the compass of the rule in the second sentence:

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

Now make it read as the gentleman from Maine [Mr. REED] wishes it read, that it shall apply to nothing but a bill, and let us see how absurd will be the language. The previous question may be asked and ordered on a single "motion to a bill." Who ever heard of a "motion to a bill?" Or a "series of motions to a bill?" And yet that is what it must mean unless the gentleman from Maine is grossly in error.

We had a like question with this the other day when the gentleman from Kansas [Mr. HASKELL] proposed to take up the whole section of very many pages of the House tariff bill.

Under that rule which provided for the consideration of the bill by paragraphs an effort was made to limit debate upon the whole; and they insisted that technically the word "section" could possibly, by one construction, cover the whole bill. And yet it is a fact known to the House and to the country that the gentleman from Kansas did not dare to let the Speaker decide that question; and your opinion of it, Mr. Speaker, remains to-day a secret, because your own side did not dare to ask you to decide upon such a technicality. They believed that you could not stand such miserable pleading as that.

Mr. HASKELL. Will the gentleman from Georgia yield to me a moment?

Mr. HAMMOND, of Georgia. With pleasure.

Mr. HASKELL. I want to state for the information of the gentleman from Georgia that the motion I made the other day was a motion in order under the rules of the House, and if I thought——

Mr. HAMMOND, of Georgia. That is what the gentleman said the other day; but we denied it, and he has never submitted it to the decision of the Chair. I repeat, sir, that he dare not submit it.

Mr. HASKELL. I want to say that if that motion would succeed in securing tariff legislation I would force it to-night.

Mr. HAMMOND, of Georgia. Where is that bill? Why do you not bring up that motion, if it was a proper one, to the attention of the Chair and demand a ruling?

Mr. HASKELL. I repeat, if it would result in tariff legislation I would insist upon it to-night.

The SPEAKER. The Chair calls both gentlemen to order. This debate has been allowed to run by consent, and the Chair thinks it is time now to check it. The Chair has indulged gentlemen in this discussion for a long time, and will now rule on the point of order.

Having promised to recognize the gentleman from Indiana, he will now do so, however, if the gentleman desires to be heard.

Mr. HOLMAN. I am entirely satisfied with the argument submitted by the gentleman from Georgia [Mr. HAMMOND] and do not desire to be heard.

The SPEAKER. The Chair will hear no further debate, then.

Mr. CONVERSE. I would like to have a clause in the Manual read before the Speaker rules.

The SPEAKER. If the gentleman will indicate what he refers to the Chair will cause it to be read.

Mr. CONVERSE. I desire the Clerk to read a clause on page 330, covering this point.

The SPEAKER. If the gentleman will send it up the Chair will have it read.

Mr. CONVERSE. I will read it myself:

In the "revision of the rules" in the second session Forty-sixth Congress the rule was changed in several important respects. But one vote is now required to accomplish what formerly required two, *i. e.*, one vote to second the demand for the previous question and another to order the main question—an unnecessary proceeding, as debate and amendment were precluded by a second. It is now in order to demand the previous question on a motion or series of motions allowable under the rules, and it may be called upon a section or sections of a pending bill or only an amendment or amendments pending. It is also in order to submit one motion, pending the motion for or after the previous question is ordered, to commit the pending proposition to a standing or select committee with or without instruction, but this motion is of course not debatable.

The SPEAKER. The Chair is ready to decide the point of order.

Mr. McLANE, of Maryland. I would trespass upon the courtesy of the Chair for a moment——

The SPEAKER. The Chair is ready to rule upon the point of order and will hear no further debate upon it.

Mr. McLANE, of Maryland. I do not desire to debate the proposition; I only wish the Chair to allow Rule XXIV to be read before deciding.

The SPEAKER. The Chair thinks that rule has no reference to the pending proposition. It includes two pages, and unless the gentleman from Maryland will refer specially to that part of the rule he desires to have read, the Chair thinks it will be a useless consumption of time.

Mr. McLANE, of Maryland. I am sure the Chair will observe the application of the rule, if the House does not.

The SPEAKER. With reference to that part of the Digest which has just been read by the gentleman from Ohio [Mr. CONVERSE] the Chair desires to say that it follows the precise language of the rule, Rule XVII, until it comes to state that the motion to recommit may be made upon any proposition, and there it diverges.

Mr. McLANE, of Maryland. The Chair is so considerate I hope that he will permit me to have this rule read.

The SPEAKER. If the gentleman from Maryland claims that Rule XXIV relates to this subject the Chair will stop the business of the House and have it read.

Mr. McLANE, of Maryland. I think it does refer to it.

The SPEAKER. The Chair will then cause the rule to be read if the gentleman insists upon it.

Mr. McLANE, of Maryland. It contemplates a proceeding which is not with reference to a bill, but a simple resolution, showing that the motion to recommit is in order.

The SPEAKER. The rule covers two pages, and the Chair hopes the gentleman from Maryland will indicate that part of the rule which he thinks bears on the question. The Chair believes that the rule has no application whatever.

Mr. McLANE, of Maryland. I do not desire to trespass upon the Chair or the House, but this debate has been going on on the assumption that a bill alone is referred to in this seventeenth rule. Now, the twenty-fourth rule provides that a resolution of inquiry, a simple resolution, shall go to a committee and come back in one week, and when it comes back it is in order to move to recommit it.

The SPEAKER. That has nothing to do with the operation of the previous question, which is now the pending proposition.

The Chair will state that thus far no precedent has been cited that sustains the right to recommit in the present instance. The Chair will state further with reference to the case cited by the gentleman from Kentucky [Mr. CARLISLE] that it turns out on examination of that precedent that is not a precedent in support of the right to recommit as cited here for two reasons. First, that when that motion was made to recommit the previous question had not first been ordered.

Mr. CARLISLE. But, Mr. Speaker——

The SPEAKER. One moment, if the gentleman pleases. The motion to recommit was made on the 18th day of January, 1882, and ac-

cording to the RECORD it appears that it was arranged between the gentleman from New Jersey on the one part and the gentleman from Vermont [Mr. JOYCE] that he should have that right after the time had arrived (January 19, 1882), when the previous question was ordered, as stated by the Chair at the time the motion was made. The Chair will quote the exact language used:

The SPEAKER. Under the arrangement made between the gentleman from Vermont and the gentleman from New Jersey there has been a motion made to recommit.

That was made upon the previous day. So that for that reason it is not a precedent. And for the further reason that the Chair would have entertained the motion to recommit now as it did then if no member had made the point of order. The language of Rule XVII was not called to the attention of the Chair, and no member made a point of order. For that reason the case cited is not a precedent.

Now, the difficulty seems to be in there not being time to look up the precedents. The Chair feels quite certain that the motion was made by the gentleman from Indiana [Mr. HOLMAN] to recommit a proposition that was presented here. The point was made and decided in this session or in this Congress—the Chair thinks in this session, but it may have been in the last. And there the Chair decided according to its then opinion of the fair reading of this rule.

Mr. HAMMOND, of Georgia. Will the Chair permit me to suggest, as it is late, that he yield to a motion to adjourn and have the precedents to-morrow. It is now after 9, and this is a very important matter.

The SPEAKER. The Chair understands its importance and does not desire to be hasty about it. If there be any general disposition on the part of the House to adjourn the Chair will not proceed. [Cries of "No!" "No!"]

Mr. HAMMOND, of Georgia. To test the sense of the House on that point I make the motion that the House do now adjourn.

Mr. KASSON. I make the point of order that while the Chair is addressing the House a motion to adjourn is not in order.

The SPEAKER. The gentleman from Georgia asked permission of the Chair to make the suggestion. But the Chair does not feel inclined to yield unless such is the general desire of the House.

Mr. HAMMOND, of Georgia. I am sorry the Chair retracts its permission. How can we ascertain whether the sentiment be general or not unless by a vote?

The SPEAKER. Gentlemen indicated what was the sense of the House by cries of "no," &c. The Chair does not say the gentleman from Georgia interrupted the Chair improperly.

The effect of the motion for the previous question is very clearly stated in the first paragraph of Rule XVII:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

There can be no doubt but what the previous question can be asked and ordered upon a single motion, whether in writing or orally, or upon a series of motions, or upon an amendment or amendments; and it may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading.

The principal purpose of the previous question is to bring the House to a direct vote upon the pending question, and if other things intervene to delay such vote it must be by virtue of a plain provision of the rule.

And then—

The rule goes on to say—

on renewal and second of said motion—

After the previous question has been ordered on a bill, before engrossment and after it has been engrossed and read a third time, which is only usual with bills or joint resolutions, which under the Constitution of the United States have the effect of bills and are treated as bills for all purposes of legislation—the rule then provides that—

on renewal and second of said motion—

The previous question on the passage or rejection may be ordered. Now, the plain reading of this part of the rule is that it is dealing with the passage of a bill. Then the rule further provides:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

It would be wholly unnecessary to use any such language in a rule if it were not for the fact that a bill has several stages through which it must pass before it can be brought to its passage. This refers, in the opinion of the Chair, to the passage of a bill and only a bill.

Then the motion to commit with or without instructions, in the opinion of the Chair, can only be made pending or after the previous question has been ordered on the passage of the bill, and it is only by virtue of the rule that that motion can be entertained.

The latter clause of this same paragraph seems to make this perfectly clear. It states that—

A motion to lay upon the table shall be in order on the second and third reading of a bill.

The Chair is of opinion that but for that clause, after the previous question was ordered a motion to lay upon the table would not be in order. It is only such motions as are expressly authorized to be made by this rule after the previous question is ordered that can be made at all, and a motion to recommit a single proposition, a single verbal motion, or a written motion can not be made, because in no stage of it can it be said, within the contemplation of the rule, to be on its passage. But on a bill which goes through its various stages to its final passage, the rule provides for a motion after the previous question has been ordered on its passage to recommit with or without instructions.

In the opinion of the Chair the point of order made by the gentleman from Maine [Mr. REED] is well taken, and it is therefore sustained.

Mr. CARLISLE. I take an appeal from the decision of the Chair.

Mr. REED. I move to lay that appeal on the table.

Mr. CARLISLE. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 102, not voting 64; as follows:

YEAS—125.

Aldrich,	Farwell, Sewell S.	Lynch,	Russell,
Anderson,	Fisher,	Mackey,	Shallenberger,
Bayne,	George,	Mason,	Sherwin,
Bingham,	Godshalk,	McClure,	Shultz,
Bisbee,	Grout,	McCoid,	Smalls,
Brewer,	Hall,	McCook,	Smith, A. Herr
Briggs,	Hammond, John	McKinley,	Smith, J. Hyatt
Browne,	Harmer,	McLean, Jas. H.	Spaulding,
Brumm,	Harris, Benj. W.	Miller,	Spooner,
Buck,	Haskell,	Moore,	Steele,
Burrows, Julius C.	Hazelton,	Morey,	Stone,
Butterworth,	Heilman,	Neal,	Strait,
Calkins,	Henderson,	Norcross,	Taylor, Joseph D.
Campbell,	Hepburn,	O'Neill,	Thomas,
Candler,	Hill,	Parker,	Townsend, Amos
Cannon,	Hiscock,	Payson,	Tyler,
Carpenter,	Horr,	Peelle,	Valentine,
Caswell,	Hubbell,	Peirce,	Van Aernam,
Chace,	Hubbs,	Pettibone,	Van Voorhis,
Cullen,	Humphrey,	Pound,	Walker,
Cutts,	Jacobs,	Prescott,	Ward,
Darrall,	Jadwin,	Ranney,	Washburn,
Davis, George R.	Jones, Phineas	Ray,	Watson,
Dawes,	Jorgensen,	Reed,	Webber,
Deering,	Joyce,	Rice, John B.	West,
De Motte,	Kasson,	Rice, Wm. W.	White,
Dezendorf,	Kelley,	Rich,	Williams, Chas. G.
Dingley,	Ketcham,	Richardson, D. P.	Willits,
Doxey,	Lacey,	Ritchie,	Wood, Walter A.
Dunnell,	Lewis,	Robeson,	
Errett,	Lindsey,	Robinson, Geo. D.	
Farwell, Chas. B.	Lord,	Robinson, Jas. S.	

NAYS—102.

Aiken,	Cox, Samuel S.	Hoge,	Richardson, J. S.
Armfield,	Cox, William R.	Holman,	Robertson,
Atherton,	Cravens,	Hooker,	Rosecrans,
Atkins,	Culberson,	House,	Ross,
Barbour,	Davis, Lowndes H.	Jones, James K.	Scales,
Beach,	Dowd,	Kenna,	Simonton,
Belmont,	Dugro,	King,	Singleton, Otho R.
Berry,	Dunn,	Klotz,	Sparks,
Blackburn,	Ellis,	Knott,	Speer,
Blanchard,	Ermentrout,	Ladd,	Stockslager,
Bland,	Evins,	Leedom,	Talbott,
Bliss,	Flower,	Manning,	Thompson, P. B.
Blount,	Ford,	McKenzie,	Townshend, R. W.
Bragg,	Forney,	McMillin,	Tucker,
Buchanan,	Fulkerson,	Mills,	Turner, Henry G.
Caldwell,	Garrison,	Money,	Turner, Oscar,
Carlisle,	Gibson,	Morrison,	Upson,
Cassidy,	Gunter,	Morse,	Vance,
Chapman,	Hammond, N. J.	Muldrow,	Warner,
Clardy,	Hardenbergh,	Murch,	Wheeler,
Clark,	Hardy,	Mutchler,	Williams, Thomas
Clements,	Harris, Henry S.	Oates,	Willis,
Colerick,	Haseltine,	Randall,	Wilson,
Converse,	Hatch,	Reagan,	Wise, George D.
Cook,	Herbert,	Reese,	
Covington,	Hewitt, G. W.	Rice, Theron M.	

NOT VOTING—64.

Barr,	Dibrell,	Matson,	Singleton, J. W.
Belford,	Dwight,	McLane, Robt. M.	Skinner,
Beltzhoover,	Frost,	Miles,	Smith, Dietrich C.
Black,	Geddes,	Mosgrove,	Springer,
Bowman,	Guenther,	Moulton,	Taylor, Ezra B.
Buckner,	Herndon,	Nolan,	Thompson, Wm. G.
Burrows, Jos. H.	Hewitt, Abram S.	Pacheco,	Updegraff,
Cabell,	Hitt,	Page,	Urner,
Camp,	Hoblitzell,	Paul,	Van Horn,
Cobb,	Houk,	Phelps,	Wadsworth,
Cornell,	Hutchins,	Phister,	Wait,
Crapo,	Jones, George W.	Robinson, Wm. E.	Wellborn,
Crowley,	Latham,	Ryan,	Whitthorne,
Curtin,	Le Fevre,	Scoville,	Wise, Morgan R.
Davidson,	Marsh,	Scranton,	Wood, Benjamin
Deuster,	Martin,	Shelley,	Young.

So the appeal from the decision of the Chair was laid upon the table.

The following additional pairs were announced:

Mr. BARR with Mr. FROST.

Mr. BUTTERWORTH with Mr. THOMPSON of Kentucky.

Mr. CROWLEY with Mr. MATSON.

Mr. BOWMAN with Mr. COBB.

Mr. WADSWORTH with Mr. MCLANE of Maryland.

Mr. EZRA B. TAYLOR with Mr. GEDDES.

Mr. LE FEVRE. I desire to inquire if the gentleman from Massachusetts [Mr. CRAPO] is paired?

The SPEAKER. The Chair is informed that no such announcement has been filed with the Clerk.

Mr. LE FEVRE. I agreed to pair with that gentleman for to-morrow. As he is not here to-night, I will withdraw my vote and consider the pair as beginning to-night.

The result of the vote was then announced as above stated.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] will now be recognized to control the remainder of the time for debate in opposition to the resolution. The gentleman has thirteen minutes' time remaining.

Mr. BLACKBURN. I yield five minutes of that time to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, after the rulings which have been made by the Chair on the points of order which have been submitted, I think it would be wise in a few sentences to clear away the *débris* in order that we may see what is the proposition which gentlemen are forcing, to use the language of my friend from Kansas [Mr. HASKELL], "on the attention of the American people."

We have here a bill from the Senate upon which there is a desire for a fair, ordinary vote. Gentlemen on the other side desire an unfair extraordinary vote on it. We desire a vote to non-concur. Gentlemen on the other side avoid that vote and say that they desire only a vote for non-concurrence.

There is a proposition submitted here which outrages every principle of parliamentary procedure. It is a sinister mode of conducting our proceedings. Why should I say so? On the authority of our rule, which says:

> The question which first arises on a resolution, amendment, or conference report is on concurrence. As the negative of concurrence amounts to the affirmative of non-concurrence, no question is afterward put on the latter motion.

It being the object of all votes of this character to bring the two Houses, if possible, into agreement.

It is a part of the very science of legislation—the refinement of legislation—that we should, if possible, concur with what has been done in the other House.

Gentlemen come here and say to us: You shall have a vote to non-concur; you shall not have a vote to concur. And therefore we are to have no debate on the propositions submitted to us from the Senate; therefore every principle of parliamentary law, all the traditions belonging to the popular branch of the Legislature, to the popular representation, are outraged by this lopsided proposition of gentlemen on the other side.

For one I am opposed to making general rules for specific cases; it is neither reasonable nor just nor parliamentary. You propose to make a case for a single bill here, and call it a rule. Why, sir, it is no rule. A rule is something uniform; a regulation; a rule of conduct; a law unto the House. This is not any rule, except a gag rule.

I am therefore opposed to giving up the "privileges of the commons" to gentlemen on the other side who do not any more represent the people of this country on this question. For myself, if I stand alone here, I will not vote on this matter simply to give you non-concurrence. [Applause on the Democratic side.] I will vote for the old rule, first to concur and then to non-concur; but never one vote of mine shall be given here on this mode of procedure. [Renewed applause on the Democratic side.] It is a fraud on parliamentary law; a fraud on all that is just and fair in our politics; it is revolutionary. [Continued applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BLACKBURN. I now yield four minutes of my time to the gentleman from Tennessee [Mr. HOUSE].

Mr. HOUSE. "Whom the gods wish to destroy they first make mad." The animus and the object of this extraordinary proceeding is well understood in this House, and it will be equally well understood by the country. The report made from the Committee on Rules is a crime against the American people, who will hold the party responsible that dares to commit it. It is an open, unblushing attempt to concoct in the secret chamber of a packed conference committee a tariff bill which the promoters of this movement know can not be passed upon the floor of this House under the rules which govern it. It is an attempt by an indefensible, arbitrary, revolutionary act, to wrest from the representatives of the people the right of legislation—to tie their hands and to deny them even the poor privilege of lifting their voices in protest against it.

When before, Mr. Speaker, in the legislative halls of a free people was such an outrageous effort ever made? One single bill, designated by name and number, the proposition being applicable to no other bill and no other occasion, has been selected here; and a majority of this House virtually say to us, "We will make a motion to non-concur in the Senate amendments. If that prevails, all right; we will have our conference committee. If a majority shall vote against the proposition to non-concur, then the vote shall not be counted; it shall go for naught."

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Speaker, I ask now that the gentleman from Maine [Mr. REED], who is controlling the time on the other side, will go on and leave the minute or two, whatever it is, remaining to this side to be employed at a later stage of the debate.

Mr. REED. I yield now five minutes to the gentleman from Iowa [Mr. KASSON], and will then yield to the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. I ask the Speaker to hold in reserve whatever time I may have.

Mr. KASSON. Mr. Speaker, "a crime against the American people!" "An outrage upon the American people!" What is this "crime" we are about to commit? What is this "outrage" by which the people are about to suffer? Taking off from $60,000,000 to $75,000,000 of taxation from their backs and restoring freedom to the business of the country. [Applause on the Republican side]. "A crime against the American people" to hear the voice of their President, that has been sounding to us for two years in favor of diminishing the burdens that afflict the business of the country, and giving satisfaction to the demands of the people. This is the "crime" that we are charged with attempting to perpetrate. God grant the Republican party may never attempt to perpetrate a worse crime than this!

Mr. Speaker, why do we want this rule? We want to reach the bill by which alone this relief can be furnished to our people. Some rule of this kind has been no sudden thought. For nearly three weeks it has been under consideration on both sides of this House; and, sir, if we were disposed to leave its propriety to rest upon the inconsistencies of its opponents we might safely do so. The gentleman from Kentucky [Mr. BLACKBURN] who first spoke told us that by this rule we are attempting to secure a vote of non-concurrence and send the bill to a conference committee before it has been considered by the House; that one hundred pages of the bill have not been considered by the House, and therefore he is opposed to the adoption of a rule which shall secure its consideration by a legitimate committee of this and the other House. The two gentlemen who last spoke complain because we do not give them an opportunity to vote at once to concur in the bill and make it a law before a committee of the House or the House itself has read these one hundred pages. One objects to any action because it enables us to consider what is in the bill; the others object to any action because we do not allow them to pass the bill and make it a law without consideration. That is the attitude of the opposition on this floor.

Now, is it necessary to have the bill considered? I have here a few words which I think will be regarded as authority by gentlemen on the other side of the House. What I am about to read has appeared in print within a day or two, and was received by me in a letter today. I will give the name of the writer presently:

To the editor of the Evening Post:

> SIR: Looking over the Senate bill passed and now before the House, I must say that the passage of the bill as it now reads would, in my opinion, be almost a commercial calamity. By that I mean to say that its absurdity of language and numerous contradictory provisos are of a nature that will throw the importing business into endless litigation. The effect would be that importation, especially of iron, steel, and its manufactures, will be hampered and duties will be paid under protests. The reason for all this confusion can only be found in the numerous interests that clamored for some advantage, and the frequent amendments that were made without a proper knowledge of the cost or quality of the article legislated on.

[Here the hammer fell.]

Mr. KASSON. This, with more of the same sort—— [Cries of "Order!"]

Mr. REED. I yield one minute more to the gentleman.

Mr. KASSON. This, with more of the same sort, is written by the man known as the "Parsee Merchant," who has, in the view of the other side of the House, furnished more information to the opponents of tariff legislation than any other man, American or English. That is his declaration about this bill, which we on this side say should be revised before we are asked to vote ay or no on its passage. Let this bill be considered; let the reductions which are proper be made; let its clauses be harmonized; let the merchants of this country know what duties they have to pay. Instead of this mixture of provisos and innuendoes, let us have a clear, intelligible law; let us make a reduction of as many millions as can be taken off with safety to the interests of the country; and then happy shall we be to let gentlemen on the other side vote to concur or non-concur in the conference report.

Mr. REED. I yield five minutes to the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. Mr. Speaker, does the gentleman from Iowa [Mr. KASSON] claim credit for relieving the people of this country of $75,000,000 annually in the shape of taxation by refusing to the Representatives of this House the right to vote a concurrence in that legislation of relief? Does he appeal to the author of anti-tariff information and quote him on the House and at the same time tell us that he dare not go into Committee of the Whole to consider and perfect the legislation in progress?

Mr. KASSON. In the last six days of the session.

Mr. BLACKBURN. Mr. Speaker, the founders of this Government were so jealous of that taxing power they declared by a provision of their fundamental law that nowhere on this broad continent should a revenue bill find its origin except in the American house of commons, among the representatives of the people. They declared it must origi-

nate and come from the representatives of sovereigns, and not from the representatives of sovereignties. They refused to allow the American house of lords to have that important power in their keeping, removed as they were from all popular expression of opinion. And yet we find this rule, or proposed rule, by which we are confronted virtually gives over to the other wing of the Capitol not only the power of origination of revenue bills, but the right under the manipulations to which it is subjected here to strip the representatives of the people of any right to consider, to debate, or to amend.

Now, sir, I do declare, and I believe that the sober judgment of this House will sustain the declaration, that nothing but partisan necessity, nothing but dire strait of political danger, could ever have suggested or driven the majority to a resort as revolutionary as this.

In the English Parliament the House of Lords is not permitted to amend a revenue bill. It must take it as it comes from the Commons, and dare not offer to change it. For one I will never agree to surrender here in an American Republic to a representative body that does not come directly from the people a power that is deemed in monarchical England too valuable and too sacred for the people to abandon. You may pass this rule, if rule it be, and I say now, and I speak but for myself, for I disclaim the authority to speak for any other, you will never do it by my assistance either by an affirmative or a negative vote on this proposition, for they mean the same thing. You have got your majority in your seats—you may not have a constitutional majority to pass it.

Other gentlemen may do as they deem best, but for one, in the face of the vote upon the passage of your rule, I wipe my hands of all responsibility and tell you that if this revolution is to be accomplished, if this outrage, repeating the expression that seems to have stirred up, if not to offend, my friend from Iowa [Mr. KASSON]—if this outrage is to be effected, for me your side shall be alone responsible; I will have none of it. [Applause on the Democratic side.]

Mr. REED. Mr. Speaker, I think it eminently suitable in closing this discussion, if I happen to do so, that there should be some plain statement of the actual situation of affairs. And I trust I may be able to show, in what I have to say, somewhat more consistency of idea than that presented by the gentleman from Kentucky [Mr. BLACKBURN], who with one breath blames us for not giving him a chance to vote for the Senate bill without consideration, and at the next breath proclaims it a constitutional outrage to take a vote upon the subject of the Senate bill at all. [Laughter and applause on the Republican side.]

I admit that the proceedings here to-night are unusual in their nature and very forcible in their character. I admit that unless there was a great emergency I should not be in favor of the passage of this rule. And it therefore becomes us carefully to consider whether or not the state of legislation and of the country is such as to justify our action.

At the beginning of this session it was understood that there should be a revision of the tariff. We had submitted the question to a commission for information; and judging from the readings of the testimony taken by them made on the other side, they evidently furnished that side with about all the information that they had on the subject. [Laughter.]

Having, therefore, determined and announced to the country that we would undertake to accomplish a revision of the tariff gentlemen upon the other side of the Chamber began, from the very first word and line of the schedules, a systematic course of determined obstruction. Will gentlemen tell me they were interested in glue and crude soda and chemicals to the extent that their talk would indicate? Every man in this House, whether on the floor or in the galleries, knew that that talk was for the purpose of defeating any consideration of the serious and important schedules of the tariff. And there was witnessed day by day a race between this House and the other as to who should finish its work first.

And hence we find ourselves face to face to-day with a bill which in my judgment was got up without due reference to the principles which should govern under our Constitution. Why is it that the question is not raised here to-day? Why is it that the gentleman from Kentucky contents himself with language upon the subject, instead of a resolution bringing that subject directly before the House and complaining of the violation of the Constitution which he alleges has taken place? Why is it that no one else brings it up? It is because the country so earnestly desires of us a revision of the tariff, if a proper revision can be made, that it would be impatient of any mere legal objections. And why is it that they so desire it in the last days of a session and in the face of a constitutional objection? I will tell you, Mr. Speaker. It is because the business men of this country dread to fall into the hands of the Democratic party which in a moment of mistake they have elected. [Applause on the Republican side.] It is because they know that the business interests of this country are in danger from the gentlemen on the other side. That is the true origin of the clamor that is pressing upon us to-day.

But on the other hand it is our duty like men to stand up against any clamor which may be unreasonable. While we desire a revision of the tariff we desire an honest and careful revision of it. We do not desire to silence the clamor, which may be merely temporary, at the expense of the destruction of the business interests, which destruction will be permanent. These are the reasons why we believe that this bill should go into a committee of conference, and why this bill ought not to be passed by the House without considering its schedules.

Whenever gentlemen complain against us and say that this rule is a violation of the ordinary principles of parliamentary law, I say to them it is true that the ordinary principles of parliamentary law look toward an agreement and not a disagreement between the two Houses. But in a bill like this, in a bill containing as many items and carrying as many business interests as this does, it is the universal custom, it has been always the custom, to have the voice of difference settled in the quiet of a conference committee [derisive laughter on the Democratic side], where the various interests can be laid before them, and then finally be laid before the two Houses for their deliberate judgment. I repeat, it has been the universal custom. I defy any man to point to anything else or show a contrary practice. And even gentlemen who smile out loud know what I say is the truth; and it is the truth that they raise their clamor upon.

Mr. BLACKBURN. May I ask the gentleman from Maine a single question.

Mr. REED. Oh, yes; of course.

Mr. BLACKBURN. I wish to ask the gentleman from Maine how he knows that there is any point of difference between the two Houses on this question?

Mr. REED. How do I know it? Why, every man knows it; the instructor of the gentleman whose language has been read on the floor by the gentleman from Iowa has shown that it is plain there is a difference. [Applause on the Republican side.]

Mr. BLACKBURN. To whom does the gentleman refer when he speaks of my "instructor?"

Mr. REED. Oh; I beg the gentleman's pardon; I referred to the other gentleman from Kentucky; one who is instructed on this subject. [Laughter and applause on the Republican side.]

The SPEAKER. The time allowed for debate has expired. The question is on agreeing to the resolution reported by the Committee on Rules.

Mr. CARLISLE. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 20, not voting 151; as follows:

YEAS—120.

Aldrich,	Godshalk,	Lynch,	Robinson, Jas. S.
Anderson,	Grout,	Mackey,	Russell,
Barr,	Guenther,	McClure,	Shallenberger,
Bingham,	Hall,	McCold,	Sherwin,
Bisbee,	Hammond, John	McCook,	Shultz,
Brewer,	Harris, Benj. W.	McKinley,	Smalls,
Briggs,	Haskell,	McLean, Jas. H.	Smith, A. Herr
Buck,	Hazelton,	Miles,	Smith, J. Hyatt
Burrows, Julius C.	Heilman,	Moore,	Spaulding,
Butterworth,	Henderson,	Morey,	Spooner,
Calkins,	Hepburn,	Neal,	Steele,
Candler,	Hill,	Norcross,	Stone,
Cannon,	Hiscock,	O'Neill,	Strait,
Carpenter,	Hitt,	Page,	Taylor, Joseph D.
Caswell,	Horr,	Parker,	Thomas,
Chace,	Hubbell,	Payson,	Townsend, Amos
Cullen,	Hubbs,	Peelle,	Tyler,
Cutts,	Humphrey,	Peirce,	Urner,
Davis, George R.	Jacobs,	Pettibone,	Valentine,
Dawes,	Jadwin,	Pound,	Van Aernam,
Deering,	Jones, Phineas	Prescott,	Van Voorhis,
De Motte,	Jorgensen,	Ranney,	Ward,
Dezendorf,	Joyce,	Ray,	Washburn,
Dingley,	Kasson,	Reed,	Watson,
Doxey,	Kelley,	Rice, John B.	Webber,
Dunnell,	Ketcham,	Rice, Wm. W.	West,
Errett,	Lacey,	Rich,	White,
Farwell, Chas. B.	Lewis,	Richardson, D. P.	Williams, Chas. G.
Farwell, Sewell S.	Lindsey,	Robeson,	Willits,
George,	Lord,	Robinson, Geo. D.	Wood, Walter A.

NAYS—20.

Bayne,	Fisher,	Ladd,	Speer,
Beach,	Ford,	Miller,	Walker,
Campbell,	Hardenbergh,	Morse,	Whitthorne,
Darrall,	Harmer,	Rice, Theron M.	Wilson,
Ermentrout,	Haseltine,	Ritchie,	Wise, Morgan R.

NOT VOTING—151.

Aiken,	Buckner,	Cravens,	Gibson,
Armfield,	Burrows, Jos. H.	Crowley,	Gunter,
Atherton,	Cabell,	Culberson,	Hammond, N. J.
Atkins,	Caldwell,	Curtin,	Hardy,
Barbour,	Camp,	Davidson,	Harris, Henry S.
Belford,	Carlisle,	Davis, Lowndes H.	Hatch,
Belmont,	Cassidy,	Deuster,	Herbert,
Beltzhoover,	Chapman,	Dibrell,	Herndon,
Berry,	Clardy,	Dowd,	Hewitt, Abram S.
Black,	Clark,	Dugro,	Hewitt, G. W.
Blackburn,	Clements,	Dunn,	Hoblitzell,
Blanchard,	Cobb,	Dwight,	Hoge,
Bland,	Colerick,	Ellis,	Holman,
Bliss,	Converse,	Evins,	Hooker,
Blount,	Cook,	Flower,	Houk,
Bowman,	Cornell,	Forney,	House,
Bragg,	Covington,	Frost,	Hutchins,
Browne,	Cox, Samuel S.	Fulkerson,	Jones, Geo. W.
Brumm,	Cox, William R.	Garrison,	Jones, James K.
Buchanan,	Crapo,	Geddes,	Kenna,

King,	Moulton,	Ryan,	Tucker,
Klotz,	Muldrow,	Scales,	Turner, Henry G.
Knott,	Murch,	Scoville,	Turner, Oscar
Latham,	Mutchler,	Scranton,	Updegraff,
Leedom,	Nolan,	Shelley,	Upson,
Le Fevre,	Oates,	Simonton,	Vance,
Manning,	Pacheco,	Singleton, Jas. W.	Van Horn,
Marsh,	Paul,	Singleton, Otho R.	Wadsworth,
Martin,	Phelps,	Skinner,	Wait,
Mason,	Phister,	Smith, Dietrich C.	Warner,
Matson,	Randall,	Sparks,	Wellborn,
McKenzie.	Reagan,	Springer,	Wheeler,
McLane, Robt. M.	Reese,	Stockslager,	Williams, Thomas
McMillin,	Richardson, J. S.	Talbott,	Willis,
Mills,	Robertson,	Taylor, Ezra B.	Wise, George D.
Money,	Robinson, Wm. E.	Thompson, P. B.	Wood, Benj.
Morrison,	Rosecrans,	Thompson, Wm. G.	Young.
Mosgrove,	Ross,	Townshend, R. W	

During the roll-call,

Mr. HITT said: I am paired with my colleague from Illinois, Mr. SPRINGER, on political questions, but with the condition that I should be permitted to vote to make a quorum. Therefore I now cast my vote and vote "ay."

Mr. NEAL. I am paired with the gentleman from Missouri, Mr. BLAND, but it was understood I should vote if necessary to make a quorum. I therefore vote "ay."

The following additional pairs were announced:

Mr. VALENTINE with Mr. CLARDY.

Mr. NEAL with Mr. BLAND.

Mr. MASON with Mr. RICHARDSON of South Carolina.

Mr. BROWNE with Mr. ATKINS.

Mr. CURTIN with Mr. BELFORD.

Mr. ROBESON. I move to dispense with the reading of the names.

Mr. BLACKBURN. I object.

The names of members voting were read.

The SPEAKER. On this vote the ayes are 120, the noes are 20.

Mr. BLACKBURN. On a matter so important as this I feel bound to make the point that a quorum has not voted.

Mr. ROBESON. A quorum not having voted on this roll-call I move that there be a call of the House. There is evidently a quorum here.

Mr. BLACKBURN. The record does not show it.

The SPEAKER. The point of order is made by the gentleman from Kentucky [Mr. BLACKBURN] that no quorum has voted. The gentleman from New Jersey [Mr. ROBESON] moves a call of the House.

The motion of Mr. ROBESON was agreed to, and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Atkins,	Dwight,	Mason,	Scranton,
Beltzhoover,	Frost,	Matson,	Shelley,
Black,	Geddes,	McLane, Robt. M.	Singleton, Jas. W.
Bland,	Herndon,	Money,	Skinner,
Bowman,	Hewitt, Abram S.	Mosgrove,	Smith, Dietrich C.
Buckner,	Hoblitzell,	Moulton,	Springer,
Burrows, Jos. H.	Houk,	Pacheco,	Taylor, Ezra B.
Cabell,	Jones, Geo. W.	Paul,	Thompson, W. G.
Camp,	Ketcham,	Phelps,	Updegraff,
Cobb,	Latham,	Phister,	Wait,
Cornell,	Mackey,	Richardson, J. S.	Wood, Benjamin
Crapo,	Marsh,	Robinson, Wm. E.	Wood, Walter A.
Davidson,	Martin,	Ryan,	Young.

During the call of the roll the following announcements were made:

Mr. MOORE. My colleague from Tennessee, Mr. HOUK, was compelled to leave the House on account of sickness.

Mr. MCKINLEY. My colleague from Ohio, Mr. EZRA B. TAYLOR, is absent on account of sickness. He remained in the House as long as he possibly could.

Mr. BINGHAM. The gentleman from Mississippi, Mr. MONEY, came to me and said he had to leave the House as he was feeling very ill, and asked me to secure him a pair.

Mr. ROBESON. I beg to inquire of the Chair, does the roll-call reveal a quorum?

The SPEAKER. It does.

Mr. ROBESON. Then I move to dispense with all further proceedings under the call.

The SPEAKER. The roll-call shows 237 members present. The gentleman from New Jersey [Mr. ROBESON] moves to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. HASELTINE. I move that the House do now adjourn.

The question being taken on a *viva voce* vote, the Speaker stated that the "ayes" seemed to have it.

Mr. BLACKBURN. I call for a division.

The House divided; and there were—ayes 78, noes 86.

Mr. BLACKBURN. I call for tellers.

Tellers were ordered.

The SPEAKER. The Chair appoints as tellers the gentleman from New Jersey, Mr. ROBESON, and the gentleman from Kentucky, Mr. BLACKBURN.

The House again divided; and the tellers reported that there were—ayes 97, noes 96.

Before the result of this vote was announced,

Mr. HASKELL and Mr. CANDLER called for the yeas and nays.

The yeas and nays were not ordered, there being but 17 in the affirmative—not one-fifth of the last vote.

So the motion was agreed to; and accordingly (at 10 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of 25 citizens of the third Congressional district of Virginia, for the repeal of the arrears-of-pensions act—to the Committee on Invalid Pensions.

Also, memorial of the Legislature of Wisconsin, for the establishment of a mail route—to the Committee on the Post-Office and Post-Roads.

Also, the resolution of the Legislature of Wisconsin, in relation to suppressing disease among cattle—to the Committee on Agriculture.

By Mr. AIKEN: The resolutions of the Legislature of South Carolina, relating to the repeal of the tax on State banks—to the Committee on Ways and Means.

By Mr. AINSLIE: Two petitions of citizens of North Idaho Territory, for the establishment of a post-route—severally to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOOVER: The resolutions of the Legislature of Pennsylvania, in reference to increase of pensions of soldiers of the late war who lost an arm or a leg—to the Committee on Invalid Pensions.

Also, the resolutions of the Legislature of Pennsylvania, in reference to an Indian policy—to the Committee on Indian Affairs.

Also, the resolutions of the Legislature of Pennsylvania, relative to League Island navy-yard—to the Committee on Naval Affairs.

Also, the petition of ship-owners and shipping merchants of the port of New York, relative to the bill to remove certain burdens on American merchant marine—to the same committee.

Also, the resolutions of the American Seamen's Friend Society, protesting against the passage of the bill relating to the American merchant marine—to the same committee.

By Mr. BINGHAM: The concurrent resolutions passed by the senate and house of representatives of the State of Pennsylvania, in favor of speedy adoption of tariff legislation—to the Committee on Ways and Means.

Also, in favor of increase of pensions for soldiers who lost a leg or an arm in the late war—to the Committee on Invalid Pensions.

Also, in favor of the retention of League Island navy-yard—to the Committee on Naval Affairs.

Also, in relation to the proposed Indian policy—to the committee on Indian Affairs.

By Mr. COBB: The resolutions of the Legislature of Indiana, for repeal of the arrears-of-pensions act—to the Committee on Invalid Pensions.

By Mr. W. R. COX: The petition of F. Wert and others, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: The petition of Freeman Sitler, for relief—to the Committee on War Claims.

By Mr. G. R. DAVIS: The resolutions of the Chicago Stock Exchange, recommending the passage of a joint resolution making provision for the repeal of article 11 of amendments to the Constitution, and for enforcement of State contracts—to the Committee on the Judiciary.

By Mr. DEZENDORF: The petition of George Juenemann, for relief—to the Committee on the District of Columbia.

By Mr. DUNNELL: Paper relating to the pension claim of Kelsey Curtis—to the Committee on Ways and Means.

By Mr. EVINS: The resolutions adopted by the Legislature of South Carolina, in favor of the repeal of the 10 per cent. tax on State banks—to the same committee.

By Mr. GUENTHER: The resolutions adopted by the Chamber of Commerce of Milwaukee, Wisconsin, relative to the repeal of article 11 of the amendments to the Constitution—to the Committee on the Judiciary.

By Mr. HARMER: Concurrent resolutions passed by the Senate and house of representatives of the State of Pennsylvania in favor of speedy adoption of tariff legislation—to the Committee on Ways and Means.

Also, in favor of increase of pension for soldiers of the Union who lost an arm or a leg in the war for the preservation of the Union—to the Committee on Invalid Pensions.

Also, in favor of the retention of League Island yard—to the Committee on Naval Affairs.

Also, in relation to the proposed Indian policy—to the Committee on Indian Affairs.

By Mr. JADWIN: The resolutions of the Legislature of Pennsylvania in reference to an increase of pension to the soldiers of the late war who lost an arm or a leg—to the Committee on Invalid Pensions.

Also, the resolution of the Legislature of Pennsylvania in relation to the proposed Indian policy—to the Committee on Indian Affairs.

Also, the resolution adopted by the Legislature of Pennsylvania in reference to the navy-yard at League Island—to the Committee on Naval Affairs.

By Mr. LEWIS: The resolution of the Legislature of Illinois relating to bridges crossing the Mississippi River—to the Committee on Commerce.

Also, the resolution of the Legislature of Illinois asking for increase of pensions for soldiers of the late war who lost an arm or a leg—to the Committee on Invalid Pensions.

By Mr. LORD: The petition of 100 citizens of Michigan, protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

By Mr. MORRISON: Memorial of the Illinois Legislature for increase of pension to soldiers of the late war who lost a leg or an arm—to the Committee on Invalid Pensions.

Also, memorial of the Legislature of Illinois in relation to bridges across the Mississippi River—to the Committee on Commerce.

By Mr. O'NEILL: The following concurrent resolutions adopted by the Legislature of Pennsylvania:

In favor of speedy adoption of tariff legislation—to the Committee on Ways and Means.

Also, in favor of increase of pensions for soldiers who lost a leg or an arm in the late war—to the Committee on Invalid Pensions.

Also, in favor of the retention of League Island yard—to the Committee on Naval Affairs.

Also, in relation to the proposed Indian policy—to the Committee on Indian Affairs.

By Mr. J. L. RICHARDSON: The petition of citizens of Georgetown, South Carolina, protesting against the transfer of revenue-marine service to the Navy Department—to the Committee on Commerce

By Mr. ROSECRANS: The petition of citizens of California, protesting against the transfer of the revenue-marine service to the Navy Department—to the same committee.

By Mr. SHALLENBERGER: The following concurrent resolutions adopted by the Legislature of Pennsylvania:

In favor of speedy adoption of tariff legislation—to the Committee on Ways and Means.

Also, in favor of increase of pensions of certain soldiers—to the Committee on Invalid Pensions.

Also, in favor of the retention of League Island yard—to the Committee on Naval Affairs.

Also, in relation to the proposed Indian policy—to the Committee on Indian Affairs.

By Mr. SHERWIN: The resolution of the Legislature of Illinois relating to railway bridges crossing the Mississippi River—to the Committee on Commerce.

Also, the resolution of the Legislature of Illinois, asking for an increase of pension for all soldiers of the late war who lost a leg or an arm in the service—to the Committee on Invalid Pensions.

By Mr. SMALLS: The petition of citizens of Beaufort, South Carolina, relative to the revenue marine—to the Committee on Commerce.

By Mr. A. H. SMITH: The resolutions of the Legislature of Pennsylvania relative to the navy-yard at League Island—to the Committee on Naval Affairs.

By Mr. SPEER: The petition of Rufus E. Lester and others, of the president and 33 members of the Savannah Cotton Exchange, W. A. Fuller, and 27 others, protesting against the transfer of the revenue-marine service to the Navy Department—severally to the Committee on Commerce.

By Mr. WHITTHORNE. The petition of Samuel Edmondson, of Tennessee, for compensation for stores and supplies taken for use of the United States Army—to the Committee on War Claims.

The following memorials and petitions relating to tariff legislation were presented, and referred to the Committee on Ways and Means:

By the SPEAKER: Of the Bronze Powder Manufacturing Company of Verona, New Jersey.

By Mr. BELMONT: Of Fred. Church and 108 others, artists and art students, and of 104 art students, sculptors, and patrons of art, of New York.

By Mr. BELTZHOOVER: Of resolutions of the Book Trade Association of Philadelphia, Pennsylvania.

Also, resolutions of the Legislature of Pennsylvania.

By Mr. BUTTERWORTH: Resolutions of the Cincinnati Board of Trade.

Also, of Samuel J. Hale & Co., of Cincinnati, Ohio.

By Mr. G. R. DAVIS: Resolutions adopted by the Chicago Shoe and Leather Association.

By Mr. S. S. FARWELL: Of J. H. C. Peterson & Sons and others, of Davenport, Iowa.

By Mr. JADWIN: Resolutions adopted by the Legislature of Pennsylvania.

By Mr. KELLEY: Resolutions of the Legislature of Pennsylvania.

By Mr. MANNING: Of Mitchell Blanton, Nathan Stuart, and 150 others, colored laborers of De Soto County, Mississippi.

By Mr. O'NEILL: Resolutions of the Book Trade Association of Philadelphia, Pennsylvania.

By Mr. PEELLE: Resolutions of the Board of Trade of Indianapolis, Indiana.

By Mr. SHALLENBERGER: Of Frederick Mitchell and 51 others, employés of McKee, Anderson & Co.; of Hartman Steel Company, of McKee, Anderson & Co., and of J. H. McMahon, Beaver Falls; of W. D. Wood & Co, of Cunningham & Co., and of Thomas Wightman & Co., of Pittsburgh; and of Conrad D. Waldie & Co., of New Brighton, Pennsylvania.

By Mr. VALENTINE: Of John S. Benjamin and 400 others, residents of Broken Bow, Nebraska.

SENATE.

TUESDAY, *February* 27, 1883.

The Senate met at 11 o'clock a. m. Prayer by Rev. MOSES D. HOGE, D. D., of Richmond, Virginia.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR and by unanimous consent, the further reading was dispensed with.

NOTICE OF RESIGNATION OF THE PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication, which will be read.

The Acting Secretary read as follows:

VICE-PRESIDENT'S CHAMBER, *February* 26, 1883.

To the Senate:

In view of possible exigencies that might affect the public service, I deem it proper to give notice of my intention to resign the office with which the Senate honored me, at noon on Saturday the 3d of March proximo.

DAVID DAVIS.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Railroads, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a copy of the annual report of the Government directors of the Union Pacific Railway Company under date of the 19th instant.

The copy of the report referred to accompanies the message to the House of Representatives.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 26, 1883.

REPORT OF DIRECTOR OF THE MINT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That 9,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Montana; which was read, and ordered to lie on the table, as follows:

House joint memorial concerning pleuro-pneumonia in cattle.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memoralists, the council and house of representatives, composing the Legislative Assembly of the Territory of Montana, most respectfully represent:

That one of the chief industries of this Territory is the growing of neat-cattle for export and sale, and many of our citizens have large sums of money invested in that business. We hear with alarm that contagious pleuro-pneumonia is prevalent among cattle in the States of New York, New Jersey, Pennsylvania, Virginia, Maryland, and the District of Columbia, and that it is a disease exceedingly difficult to cure, if it is not wholly incurable; that the raising of neat-cattle for export and sale on the pasture lands of the Western States and Territories is yearly growing in importance, and that herds of cattle kept entirely for milking and dairy purposes are not uncommon with those who are engaged in these industries; a laudable spirit of improvement is manifest, and every year a large number of thoroughbred cattle are brought from the older States to the grazing ranges of the West; that the great transcontinental lines of railways and their network of branches are rapidly penetrating to all the valleys and grazing ranges of the West; that there is imminent danger of the importation of diseased cattle into these grazing ranges, while the possibility of spreading the direful contagion all over the United States and Territories by the indiscriminate use of cattle-cars that may have been used in the transportation of diseased cattle, and thereby become infected, is deemed a serious cause of alarm; that the system of breeding and rearing cattle on the great grazing ranges of the far West is such that if the contagion is once inoculated into the herds in these ranges it would be a matter of utter impossibility to take any precautionary measures to check the ravages of the disease, and it would of a necessity have to be allowed to run its devastating course until it had swept the country from the Rio Grande to the British line, and every hillside and valley, every spring and water-course, all the shady groves and natural places of resort for cattle, would be contaminated by the carcasses of animals that had fallen by the disease, where, from the very nature of the surroundings, circumstances, and conditions, they must lie unburied, to spread the germs of contagion until nature shall counteract their effect. The efforts thus far put forth by the States where it exists for its suppression have proven wholly ineffectual, and the prevalence and spread of the disease is damaging our export trade in live cattle to the amount of many millions of dollars annually. In our judgment the disease is so widespread, so virulent, and so damaging to the cattle-growing interests as to become a matter of national importance, well deserving your immediate action. We, your memorialists, therefore respectfully request the passage of some measure by your honorable body which will tend to effectually eradicate this fearful disease, and if no better or surer method is offered we would beg leave to suggest the purchase by the Government of all cattle affected by the disease, and their immediate destruction. Trusting that you will appreciate

the vital importance of this matter to the business of cattle-growing, we, your memorialists, as in duty bound, will ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART,
President of the Council.

Mr. COKE. I present five several memorials, signed by a large number of citizens of Texas, protesting against any increase of tax upon iron ties and bands used in baling cotton. I move that the memorials lie on the table.

The motion was agreed to.

Mr. COKE presented a petition of Patrons of Husbandry, Dodge Grange, No. 58, Walker County, Texas, praying that the House bill creating the office of Secretary of Agriculture may be taken up and passed; which was ordered to lie on the table.

Mr. JONAS. At the request of the Senator from California [Mr. FARLEY], who is detained from his seat by sickness, I present a memorial of the Legislative Assembly of Arizona, which I ask may be printed in the RECORD, and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Memorial to the honorable the Senate and House of Representatives, and honorable Secretary of the Interior, asking for a commissioner to investigate matters at Papago reservation.

To the honorable the Senate and House of Representatives, in Congress assembled, and the honorable Secretary of the Interior:

Your memorialist, the Legislature of the Territory of Arizona, respectfully represents: That in the year 1873 the President of the United States issued an order setting aside a large tract of land situated in the county of Pima, in this Territory, to be used as a reservation for the Papago indians. That the setting aside of said lands encroached upon one of the most important settlements in our Territory, the lines of said reservation reaching to within five miles of the city of Tucson, and embracing fully one-third of the arable and irrigable land within said county; that prior to the setting apart of said lands and up to the present time the Indians have made no use of said lands but simply withheld it from public use and occupation.

That years before the President ordered these lands to be set apart a large number of families had settled thereon and were engaged in the occupation of farming and stock-raising; that these settlers continued to live upon and occupy their lands without molestation whatsoever till the 1st day of January, 1882. Upon that day a certain Roswell G. Wheeler, who at the time was United States Indian agent for the Pima and Maricopa Indians, accompanied by a force of fifty armed Papago Indians, visited the farms of the above-mentioned settlers and, without having given them any former notification, drove them from their homes, burned and razed their houses to the ground, and drove their herds to the hills, where they were slaughtered indiscriminately by his Indian allies; that the citizens who were thus driven from their homes were of the most peaceable and law-abiding of our Territory; that the act of said Indian agent, Roswell G. Wheeler, in destroying the property was uncalled for, unjustifiable, and grossly wanton; that the said settlers have been unable to obtain redress in the courts of the Territory, the judges claiming they have no jurisdiction in the premises.

Wherefore your petitioners pray that a commissioner or board of commissioners be appointed to investigate the matter set forth in this memorial with a view to the revoking of the President's order of 1873, remunerating said settlers for their loss of property, and restoring them their lands for use and occupation: Therefore,

Be it resolved, That the secretary of the Territory be, and he is hereby, requested to transmit at once a copy of the foregoing memorial to the honorable the Senate and House of Representatives of the United States, the honorable Secretary of the Interior, and to our Delegate in Congress, and that our Delegate in Congress be, and he is hereby, requested to use all honorable means to bring this matter to their earnest and favorable consideration.

Mr. MILLER, of New York, presented a memorial of a committee of the Chamber of Commerce of the State of New York in favor of an appropriation by Congress to continue the work on the improvements in Charleston Harbor; which was referred to the Committee on Commerce.

Mr. MILLER, of New York. I present a memorial in the form of a telegram, protesting against the passage of an act to prevent the employment of members of the typographical union at the Government Printing Office, signed by Samuel Gompers, chairman legislative committee of Organized Trade and Labor Union of the United States; one signed by Richard Lyon, president of the Buffalo Type Union, and several others, all of the same nature and all of which are requested to be entered as memorials. I send them to the Secretary's desk, and ask their reference to the appropriate committee.

The PRESIDENT *pro tempore*. The telegrams will lie on the table for the present.

Mr. VOORHEES. I have a telegram in the nature of a petition, which I present. At a meeting of the Trades and Labor Assembly of Indianapolis, representing the organized labor of that city and vicinity, they passed a resolution and forwarded it to me to be presented to the Senate, which I do. I ask that it may be read.

The PRESIDENT *pro tempore*. It will be read, if there be no objection.

The Acting Secretary read as follows:

Resolved, That the Trades and Labor Assembly of Indianapolis, representing the organized labor of this city and vicinity, earnestly protest through Senators against any action forbidding employment of members of typographical union in Government Printing Office.

STEVE. A. BEDEL,
President Trades Assembly.

Mr. VOORHEES. I move that it lie on the table.

The motion was agreed to.

Mr. SHERMAN. I have a paper signed by Mr. A. W. Thompson, president of the typographical union of Cleveland, and a similar one from Cincinnati, stating that a bill is pending here disqualifying union printers from holding situations in the Government Printing Office. I am not aware of any such bill or proposition being made here.

Mr. ANTHONY. There is no such bill and no such proposition, and no such intimation has been made in the Senate, or, to my knowledge, in the other branch of Congress.

Mr. SHERMAN. Still I present the memorial. The persons who send these dispatches must be under a misapprehension, for I do not know of any such proposition as they describe as having been made here.

Mr. ANTHONY. Nobody proposes to proscribe the members of the typographical union.

Mr. VOORHEES. I am very glad to have the assurance of the Senator from Rhode Island. I did not know that he intended to make such a statement, and it was not with the view of an intention of that kind on his part that I presented the resolutions. It is possible, however, that the trades union at Indianapolis have got such an impression at that distance.

Mr. ANTHONY. The impression is wholly unfounded from anything that I know of. All that has been proposed is that the Government Printer may be allowed to employ non-union compositors as well as union compositors.

Mr. LAPHAM. I desire to state that I received several telegrams yesterday to the same import, and I answered the parties that there were no such propositions pending.

Mr. HAWLEY. Perhaps as others are doing so I ought to acknowledge the receipt of two or three dispatches, but I took them as being directed to myself personally rather than to be intended for presentation to the Senate.

Mr. DAWES. I am in receipt of a telegram addressed to my colleague and myself from the printers' union to the same purport; and I hope the statement of the Senator from Rhode Island will be the answer which ought to be made to that telegram and will be noticed by the senders.

Mr. PENDLETON. I have a similar dispatch from the typographical union of Cincinnati pertaining to the same subject, and I ask that it lie on the table.

The PRESIDENT *pro tempore*. It will lie on the table.

Mr. PENDLETON. I present also a memorial of the Soldiers and Sailors' Memorial Association of Cincinnati, protesting against the consideration by the Senate of the House bill affecting the present pre-emption, homestead, and timber-culture laws. "It is ordered that the action be telegraphed to you that it may be laid before the Senate." I move that the memorial lie on the table.

The motion was agreed to.

Mr. JACKSON. I have a resolution from the typographical union of Memphis, Tennessee, addressed to myself and colleague, on the subject just referred to about the Printing Office. I move that it lie on the table.

The motion was agreed to.

Mr. BLAIR. I have received a telegram from the Philadelphia Typographical Union, in which they protest against action of which they are apprehensive.

Mr. ANTHONY. What is the action.

Mr. BLAIR. Action hostile to the typographical union. I do not propose to lay the telegram upon the table. I merely call attention to the fact that I have received the telegram. I do not think it is in a form which makes it proper to be laid on the table of the Senate.

Mr. CAMERON, of Wisconsin. I present a resolution adopted by the Chamber of Commerce of Milwaukee, Wisconsin, to this effect:

The chamber of commerce heartily approving of the joint resolution proposed in Congress by Hon. WILLIAM R. MOORE, of Tennessee, making provision for rescinding the eleventh article of the amendments to the Constitution of the United States, and for the legal enforcement of the obligations of contracts entered into by any of the States of the Union, respectfully request the Senators and Representatives in Congress from Wisconsin to support and vote for said joint resolution, as the best way now open to bring the States in default on their public obligations back to credit and their former good name.

I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GROOME. I present to the Senate certain documentary evidence relating to the application for the relief of Eliza J. Yarnell, and move that it be referred to the Committee on Pensions, before which a bill is pending for her relief.

The motion was agreed to.

Mr. LOGAN. I present the petition of quite a number of professors and officers of colleges, which I will read:

ILLINOIS WESLEYAN UNIVERSITY,
Bloomington, February 12, 1883.

To the Senate and House of Representatives of the United States:

The National Observatory by its efficiency in the past has proved that its existence and maintenance are demanded by the highest interests of the country, both general and scientific.

Its efficiency in the past has been the result of its superintendency being under the immediate control of men of marked scientific attainments.

Believing that the present management of the observatory is inefficient and detrimental to the highest interests of science, we petition as follows:

1. That Congress take immediate steps to place the control of the National Ob-

servatory solely in the hands of a skilled scientific corps who will maintain its reputation and subserve the highest ends of its existence.

2. That the building of the proposed new observatory be placed under the control of the Secretary of the Navy, aided by a commission of scientific men who know practically the needs of such an institution.

W. H. H. ADAMS,
President Illinois Wesleyan University.
H. H. DE MOTTE,
Vice-President and Professor Mathematics.
SUE M. D. FRY,
Professor Belles Lettres.
CHAS. M. MOSS,
Professor of Greek.
ALBERT J. NAST,
Professor of Latin and German.
LUCIEN M. UNDERWOOD,
Professor Geology and Botany.

I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. LOGAN. I present resolutions adopted by the Chicago Stock Exchange approving of the joint resolution introduced in the House of Representatives by Hon. W. R. MOORE, of Tennessee, making provision for the repeal of article 11 of the amendments to the Constitution of the United States. I move that these resolutions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GARLAND. The eleventh amendment prohibits suits against a State by citizens of another State in United States courts; and its repeal is a very important and grave question. Of course I do not suppose the committee will be able to consider the question at this session, but I should like to hear the resolutions read.

The PRESIDENT *pro tempore*. The resolutions will be read.

The resolutions were read, as follows.

Resolutions adopted by the Chicago Stock Exchange and ordered presented to the Congress of the United States.

Whereas article 11 of the amendments to the Constitution of the United States has taken from the citizen all redress in the courts for injustice done him by a State, and for loss sustained by reason of a State passing a bill or law impairing the obligation of its contract with him: Therefore,

Be it resolved, That this exchange heartily approves of the joint resolution introduced in Congress by Hon. W. R. MOORE, of Tennessee, making provision for the repeal of article 11 of the amendments to the Constitution of the United States, and for the legal enforcement of contracts entered into by any of the States of the Union.

Resolved, That copies of these resolutions be forwarded to the Senators and Representatives in Congress from this State, with a request that they do everything in their power to facilitate the early passage of the joint resolution proposed by Hon. WILLIAM R. MOORE, of Tennessee.

A copy from the records of the exchange.
Attest:
WM. C. NICHOLS, *Secretary.*

CHICAGO, *February* 21, 1883.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE M. ROBESON of New Jersey, Mr. J. H. KETCHAM of New York, and Mr. J. D. C. ATKINS of Tennessee managers at the conference on the part of the House.

REPORTS OF COMMITTEES.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell, to report it without amendment, and I ask for its present consideration. This bill has passed the Senate at a former Congress; it has also passed the House previously, and now has passed the House again. In two minutes it can become a law.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Acting Secretary read the bill.

Mr. COCKRELL. I am perfectly willing to pass this bill; but we have eight or ten House bills now on the Calendar reported at the last session, and others reported at the beginning of this session, reported favorably from the committees of the Senate.

They are entitled to equal precedence with this bill just reported. It is not fair, it is not right that a committee shall come in near the close of the session and insist that its bills shall be taken up when reported. We have time, if we will join in it, to take up and pass all the House bills and do equal and exact justice to others. Those of us who have heretofore made reports of House bills favorably from committees are placed in a condition to be censured all over the country, inasmuch as we neglect to attend to those cases upon the Calendar. I must ask that this bill take its place on the Calendar. I have a motion pending, the Senator from Ohio [Mr. SHERMAN] has a motion pending, to proceed to the consideration of the House cases reported favorably on the Calendar; if that is done, equal and exact justice will be done to all of us, and none of us will be placed in a condition to be censured and reprimanded for not calling up the House bills we have reported. I have House bills on the Calendar to-day, and I am getting letters from half the States in this Union urging me to have them taken up and passed upon. I have no excuse in the world, no pretense if I let every bill that comes here from a committee go through unless the others shall be taken up by unanimous consent and passed.

Mr. MORRILL. A single objection defeats action on the bill?

The PRESIDENT *pro tempore*. It takes it over.

Mr. MORRILL. I ask leave to submit a report from the Committee on Finance of another House bill, the bill (H. R. 6308) for the relief of C. H. Miller. I do not ask to have the report printed, because it was not printed by the House. It is a mere informality in the transfer and assignment, a technical objection in the Department being raised so that relief cannot be granted under present law. The bill ought to be passed, but I do not ask for its present consideration.

Mr. COCKRELL. Just as soon as we get through the morning business I am willing to take up the House cases and pass them all. We can do it in thirty minutes.

The PRESIDENT *pro tempore*. The bill reported by the Senator from Vermont [Mr. MORRILL] will be placed on the Calendar.

Mr. BAYARD. May I ask the Chair was the bill for the relief of Montell before the Senate, or was it merely read for information?

The PRESIDENT *pro tempore*. It was read for information. That is always done.

Mr. BAYARD. Does a single objection prevent its consideration?

The PRESIDENT *pro tempore*. Of course.

Mr. BAYARD. I regret it was made, simply because the bill would have passed but for the objection of the Senator from Missouri in less time than he took to object to it. Every one knows that it is after all a practical question. I think we ought to do all that can be done for both public and private interest here; but because all can not be done, I do not understand the policy that objects to anything being done.

The PRESIDENT *pro tempore*. One objection takes the bill over.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to report back a message from the President of the United States, with the report of Mr. George Earl Church on Ecuador. I ask to have it printed for the use of the Senate.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. BECK. I should like to hear it read.

The PRESIDENT *pro tempore*. It is impossible that it should be read; it is too long.

Mr. BECK. I should like to know what it is.

Mr. WINDOM. It is a report made by Mr. Church in compliance with the direction of the Secretary of State in 1881 upon the condition of Ecuador, covering its agricultural, its commercial, and all other interests, so far as I know.

Mr. BECK. I only wanted to know what it was.

Mr. WINDOM. It is simply giving information in reference to that country. The Committee on Foreign Relations examined it somewhat.

Mr. BUTLER. I wish to offer a resolution of inquiry.

The PRESIDENT *pro tempore*. That is not in order at this time.

Mr. CAMDEN. Mr. President——

Mr. HAWLEY. Is the matter regarding Ecuador disposed of yet?

The PRESIDENT *pro tempore*. Yes, sir. The Senator from West Virginia [Mr. CAMDEN] has the floor.

Mr. HAWLEY. I refer to the Ecuador matter.

The PRESIDENT *pro tempore*. The order to print was made; that was all.

Mr. HAWLEY. I will waive any objection. It is a large document and one of those things that swell the expenses of the Printing Office. I do not know that it is necessary. It is probably a very useful essay upon Ecuador, two years old.

Mr. MILLER, of California. It is full of information.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut object to printing the paper?

Mr. HAWLEY. I make no objection.

The PRESIDENT *pro tempore*. The Chair had asked if there were any objection.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5558) granting a pension to Mrs. Susan Bayard, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BARROW, from the Committee on Pensions, to whom was referred the bill (H. R. 5103) granting a pension to Margery Nightengale, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. 1443) granting a pension to Edgar B. Lamphier, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. TABOR, from the Committee on Pensions, to whom was referred the bill (H. R. 1860) granting a pension to Daniel M. Morley, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. 3743) granting a pension to Miss Amanda Stokes, reported it

without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MORRILL, from the Joint Select Committee on Additional Accommodations for the Library of Congress, reported an amendment intended to be proposed to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 4926) for the relief of Charles Kortzenborn, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6189) donating cannon to the White Haven (Pennsylvania) Soldiers' Monument Association, reported it adversely, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 5735) donating condemned cannon to the city of Lynn, Massachusetts, reported it adversely, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2460) to authorize the Secretary of War to turn over to J. A. Mower Post, No. 59, of the Grand Army of the Republic, at Stromsburgh, Nebraska, one condemned cannon and forty stands of condemned muskets, reported it adversely, and moved its indefinite postponement; which was agreed to.

Mr. COCKRELL. These bills are reported adversely for the reasons heretofore given in the printed reports made by the same committee. I am also directed by the same committee, to whom was referred the joint resolution (S. R. 140) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Hastings, Nebraska, in the month of September, 1883, to report it adversely; and I move its indefinite postponement.

The motion was agreed to.

Mr. COCKRELL. By direction of the same committee I am authorized to report back adversely the joint resolution (H. Res. 357) authorizing the Secretary of War to loan tents to the Ex-Soldiers and Sailors' Association at Columbus, Ohio, and to the Grand Army of the Republic at Denver, Colorado, recommending that it be indefinitely postponed for the reasons heretofore given in the reports presented from the same committee.

The report was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR. I am directed by the Committee on Pensions to report adversely the bill (H. R. 4992) for the relief of John R. Smith. I ask that it be placed on the Calendar, and I call the attention of both the Senators from Indiana to the case. Both of them have spoken to me in regard to it.

Mr. HARRISON. What is the case?

Mr. BLAIR. It is the case of John R. Smith, where it is claimed there has been a mistake in rating by the Pension Office and that he should have a corresponding increase for a certain period of time.

Mr. HARRISON. How is it reported?

Mr. BLAIR. It is reported adversely by the committee.

Mr. HARRISON. I ask that it go on the Calendar.

Mr. VOORHEES. What is the bill?

Mr. BLAIR. It is the case of John R. Smith, of which the Senator has spoken to me.

Mr. VOORHEES. I join in the request that it go on the Calendar so that we may have time to consider it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. I have drawn no formal report, but the action of the committee is adverse.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry, in lieu of Pembina, in the Territory of Dakota, reported it without amendment.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 6501) granting a pension to Patrick Horan, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 306) for the relief of Abbie Sharp, reported it without recommendation.

He also, from the same committee, to whom was referred the bill (H. R. 2324) for the relief of Drusilla H. Swanger, reported it without recommendation.

Mr. HARRIS, from the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases, reported an amendment intended to be proposed to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General, reported it without amendment.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

On motion of Mr. HALE, it was

Ordered, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia.

HAWAIIAN RECIPROCITY TREATY.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (S. R. 122) providing for the termination of the reciprocity treaty of January 30, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands, reported it with an amendment, and submitted a report theron, which was ordered to be printed.

He also, from the same committee, to whom were referred the bill (S. 742) to repeal an act entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875," approved on the 15th day of August, 1876, and the joint resolution (S. R. 20) as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands, asked that the committee be discharged from their further consideration and that they be indefinitely postponed.

Mr. WINDOM. I tried to get the floor before the order of the Senate was made.

The PRESIDENT *pro tempore*. There was no order made. The joint resolution was simply placed on the Calendar.

Mr. WINDOM. I desire to move to refer both joint resolutions and the bill to the Committee on Foreign Relations. It is a question which I think belongs to the Committee on Foreign Relations rather than to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks to refer the bill and joint resolutions to the Committee on Foreign Relations.

Mr. MORRILL. I trust that will not be done. This matter after full consideration was referred by the Senate to the Committee on Finance. It has been carefully considered by that committee and the report made. It will be open for the consideration of the Committee on Foreign Relations or any member of it. I trust therefore that it will not at this late hour be referred to any other committee.

Mr. WINDOM. It is a very remarkable order it seems to me for the Senate to take upon a proposition to abrogate a treaty without permitting the Committee on Foreign Relations to consider it. I think it never has been done before in the history of the Senate. We simply ask that the Committee on Foreign Relations may have an opportunity to consider it. The Senator from Vermont says that after full consideration it was referred to the Committee on Finance. I think many Senators voted to refer it because they expected that both committees would consider it. It does seem to me that it is in violation of all the rules and courtesies of the Senate to act upon a proposition abrogating a treaty without permitting the Committee on Foreign Relations to consider it.

Mr. MILLER, of California. The Senator from Vermont stated when the reference was made to the Committee on Finance that he would offer no objection when he made the report to having it referred to the Committee on Foreign Relations.

Mr. MORRILL. I think the Senator from California is correct, and I withdraw the objection. I also remember that I stated at the same time that the Committee on Foreign Relations would be understood to be under obligation to report back the measure either adversely or favorably so that we could have action upon it by the present Congress.

The PRESIDENT *pro tempore*. He made that statement.

Mr. WINDOM. Has the subject passed from the consideration of the Senate?

The PRESIDENT *pro tempore*. The question is on referring the joint resolutions and the bill to the Committee on Foreign Relations.

Mr. SHERMAN. That is agreed to. The Senator from Vermont agrees that that shall be done.

The PRESIDENT *pro tempore*. Does the Senator from Vermont agree to that?

Mr. MORRILL. I do not object to the reference; but I still insist, as I did on a former occasion, that the Committee on Foreign Relations

are not to bury this proposition so that the Senate can not have some control of it.

The PRESIDENT *pro tempore*. The bill and the joint resolutions with the accompanying papers will be referred to the Committee on Foreign Relations.

Mr. MORRILL. They will be printed.

The PRESIDENT *pro tempore*. They will be printed, of course.

SOLDIERS' HOME AT WASHINGTON.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom were referred the amendments of the House of Representatives to the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes, to report a recommendation that the Senate non-concur in the amendments. I move that the Senate non-concur and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. LOGAN, Mr. SEWELL, and Mr. HAMPTON were appointed.

AGRICULTURAL REPORT FOR 1883.

Mr. ANTHONY. Mr. President, I rise to perform the melancholy duty of reporting a joint resolution, on which I suppose our committee will be voted down. The Committee on Printing, to which was referred the joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883, have instructed me to report it with amendments. The resolution as it came from the House provides for the printing of 300,000 copies, at an expense of $220,000. The Committee on Printing have taken the liberty to recommend that the number be cut down one-third, which will reduce the expense to about $150,000. I ask for the present consideration of the joint resolution. The proposition of the committee might as well be voted down this morning as at any time.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The joint resolution was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Printing with amendments, in line 3, to strike out "three," before "hundred," and insert "two;" in line 5, to strike out "two," before "hundred," and insert "one;" in line 6, to strike out "fourteen," before "thousand," and insert "forty;" in line 7, to strike out "fifty-six," before "thousand," and insert "forty;" and in line 8, to strike out "thirty," before "thousand," and insert "twenty;" so as to read:

That there be printed 200,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1883; 140,000 copies for the use of members of the House of Representatives, 40,000 for the use of members of the Senate, and 20,000 copies for the use of the Department of Agriculture.

Mr. COCKRELL. As I understand 300,000 is the usual number.

Mr. ANTHONY. That was the number last year.

Mr. COCKRELL. And has been for a number of years.

Mr. ANTHONY. The number has been constantly increasing until it has got up to 300,000.

Mr. COCKRELL. I understand it has been 300,000 for four or five years.

Mr. ANTHONY. It was 300,000 last year. I do not remember what it was the year before.

Mr. COCKRELL. It was 300,000 the year before and the year before that.

Mr. ANTHONY. I dare say. The Senate has always voted for the largest number.

Mr. COCKRELL. I hope the Senate will not agree to the amendment of the Committee on Printing.

Mr. HAWLEY. I would not say a word about it except that you can buy all you want for about 5 cents a copy. You can buy a cart-load for about 5 or 10 cents a volume. It shows how much they are needed.

Mr. ANTHONY. A year or two ago there was a deficiency, owing to some mistake in the Printing Office, in the number of copies printed, and instead of reprinting the report the Public Printer bought the needed copies at second-hand bookstores at very much less than the cost of printing.

Mr. COCKRELL. How are they bought? They have to be first printed, and those Senators and Representatives who happen to be from States and districts not agricultural I suppose let them pass from their hands in some way or other, and they thereby get into the hands of the second-hand book-sellers. Those who represent agricultural States can not supply the demand that is made for them when we get 711 copies each under the 300,000 printed.

Mr. ANTHONY. There would not be enough if every Senator had a million copies. There is no limit to the demand for books that are given away.

Mr. COCKRELL. You can buy at the second-hand bookstores public documents of which Senators get only three or four copies, documents that are exceedingly valuable. You can go to a second-hand bookstore and generally get such a document before it is delivered here at the document-room.

Mr. BLAIR. I will say that I long represented a rural district, agricultural almost wholly, and I never saw a farmer yet who was not glad and thankful to get a copy of this report. If there are copies wasted it is because they are not properly sent to the agricultural population. I think the report improves from year to year, and I do not believe the farmers are likely to get any larger number than they ought to have. There may be frauds in the distribution; I know not.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Printing.

Mr. VOORHEES. What is that?

The PRESIDENT *pro tempore*. It reduces the number of copies from 300,000 to 200,000.

Mr. VOORHEES. Mr. President, I want to say a word on this subject. There has certainly been an abuse in connection with the matter of public documents. Who is responsible for it I do not pretend to say. I do not wish to reflect upon anybody, but there has been a great abuse in regard to furnishing Agricultural Reports. The Senator from New Hampshire [Mr. BLAIR] says that he represents an agricultural country and they are sought after. I know that is pre-eminently true. There is no book for which Congress spends money that is so much sought after or so welcome in the farming communities as this work on agriculture. Whether all of it is valuable or not—there is not a publication but what contains something of value, some new suggestion, some thought that practical and experienced agriculturists take up and improve their work upon.

I do not think that I have had my quota as a Senator in three years, nor scarcely any portion of what I am entitled to of that work. I doubt if I have a book of the kind at my command now, and I can hardly remember when I had. I do not know why it is, but I know it ought not to be this way. The reports are back, I do not know how long. I ask the chairman of the committee how far they are behind in the publication of the Agricultural Reports?

Mr. ANTHONY. The Commissioner of Agriculture has adopted a new system in regard to the reports by which they will be furnished to members of Congress a year earlier. This is the report of 1883, which generally has not been ordered until December of that year. But I am surprised at the Senator saying he does not get his quota. They are printed and they are sent here, and I am quite sure that the officers of the Senate must fulfill their duties in distributing them to Senators according to their quota.

Mr. VOORHEES. I ask the Senator what is the last year for which they have been published and distributed to Senators?

Mr. ANTHONY. For 1881 and 1882. The Commissioner put 1881 and 1882 in one volume so as to bring it up to the level chronologically, including eighteen months in the last report.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Printing.

Mr. VOORHEES. Let me speak a moment to the amendment. I am opposed to cutting down this publication a single volume, and I call attention now to this proposition.

Mr. ANTHONY. Cutting down how?

Mr. VOORHEES. I understand the amendment is to reduce the number to be published.

Mr. ANTHONY. The last one that is already printed has been furnished. The Commissioner brought it up to the time of the publication, putting in eighteen months instead of one year.

The PRESIDENT *pro tempore*. The Senator from Indiana is speaking about the number.

Mr. ANTHONY. I misunderstood the Senator.

Mr. VOORHEES. I desire to know what number of the reports it is proposed that we are to have.

Mr. ANTHONY. The committee propose to reduce the number from 300,000 to 200,000.

Mr. VOORHEES. I am opposed to that, and in the interest of the agriculturists of this country, who get less benefit from the money that is spent here than any other class, I shall stand by their right at least to have a full supply of agricultural information. I hope that this amendment will not be adopted. Economy is a nice thing; I like it; but when it becomes a question of saving a drop and wasting a bucketful at some other place it is not so attractive to me.

A class of persons come here in public life who seem to think that they will incur great favor at home by causing the clerks in the Departments to work an hour more in a day, and they call that economy. Others come here and propose in the interest of economy to take a few books away from the old farmer's fireside, and waste millions upon millions upon unfinished and impossible ironclads in private ship-yards. That is not my kind of economy. I would commence upon the large things and then the small things would take care of themselves. I stand here for a book a piece for all the farmers in this country if necessary. We spend money on every other interest most freely, but when it comes to an interest like this it seems that a spasm of economy seizes upon certain Senators and affects the action of Congress in a very small way.

I do not believe that the people appreciate this kind of saving. I do not believe the farmers of this country will applaud the action of Congress in limiting and curtailing the publication of information of value

to them. I do not believe they will think better of this Congress in its closing hours when we economize at the expense of their information.

For that reason, Mr. President, I shall vote against this amendment, and I hope it will be voted down. I ask for the yeas and nays on agreeing to the amendment. ["No! No!"] Let us have the yeas and nays.

Mr. ANTHONY. Yes, let us have the yeas and nays. I want to see the economical Senators put their names on the record.

Mr. VOORHEES. Those who do not want the yeas and nays need not call for them; I do.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Printing, on which the yeas and nays are demanded.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The amendments of the committee already read are really one amendment, the subsequent ones depending on reducing the number named in the first amendment from 300,000 to 200,000. The question will be taken on all together.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote on this proposition, and I withhold my vote.

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. McDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. McDILL. Understanding from his colleague [Mr. GEORGE] that the other Senator from Mississippi [Mr. LAMAR] would vote "nay" if here, I vote "nay."

Mr. ROLLINS. I am paired with the Senator from Florida [Mr. JONES].

The result was announced—yeas 12, nays 42; as follows:

YEAS—12.

Anthony,	Frye,	Hoar,	Sawyer,
Cameron of Wis.,	Gorman,	Morrill,	Sherman,
Edmunds,	Hawley,	Platt,	Van Wyck.

NAYS—42.

Barrow,	Garland,	Jonas,	Pendleton,
Bayard,	George,	Lapham,	Pugh,
Beck,	Groome,	Logan,	Ransom,
Blair,	Grover,	McDill,	Slater,
Brown,	Hampton,	McMillan,	Tabor,
Call,	Harris,	McPherson,	Vest,
Camden,	Harrison,	Maxey,	Voorhees,
Cockrell,	Hill,	Miller of Cal.,	Walker,
Coke,	Ingalls,	Miller of N. Y.,	Windom.
Davis of Ill.,	Jackson,	Mitchell,	
Davis of W. Va.,	Johnston,	Morgan,	

ABSENT—22.

Aldrich,	Fair,	Kellogg,	Saunders,
Allison,	Farley,	Lamar,	Sewell,
Butler,	Ferry,	Mahone,	Vance,
Cameron of Pa.,	Hale,	Plumb,	Williams.
Conger,	Jones of Florida,	Rollins,	
Dawes,	Jones of Nevada,	Saulsbury,	

So the amendment was rejected.

Mr. ANTHONY. Now I wish my friend from Indiana would make the motion to carry out what he indicated as his desire to have a book apiece for every farmer. I think it would be likely to pass in the present temper of the Senate. [Laughter.]

Mr. VOORHEES. There are a great many good things in this world that I wish for that I can not expect Congress to carry out. I should be glad to have every farmer have a book of this kind for himself and one for his wife and children, but I am not going to ask Congress to furnish it.

Mr. ANTHONY. The remaining numerical amendments fall with the first one, but there is another amendment making an appropriation for this printing. We are in the habit of ordering printing to be done and not making appropriation for it, and then condemning the Printing Bureau for its extravagance. There is an amendment making an appropriation. It was put at $150,000. Let that be made $220,000. It was fixed at $150,000 for the reduced number.

The PRESIDENT *pro tempore*. The amendment is to add to the bill:

And the sum of $220,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of publication.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I ask the Senator whether that is the estimate of the cost? It appears to me larger than usual.

Mr. ANTHONY. That is the cost of last year's publication. This resolution is passed in advance of the publication in order that the book may be out at the next assembling of Congress.

Mr. DAVIS, of West Virginia. Was not the report for two years included in the last appropriation? This is for one year.

Mr. ANTHONY. It was eighteen months in the last report, but the number of pages was the same. It will take that amount of money undoubtedly.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. ANTHONY and Mr. MORGAN submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations.

Mr. CAMDEN submitted an amendment intended to be proposed by him to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was referred to the Committee on Appropriations.

IMPROVEMENT OF CHARLESTON HARBOR.

The PRESIDENT *pro tempore*. The morning hour has expired, and unless some Senator objects to the introduction of further morning business the Chair will receive it.

Mr. BUTLER. I have a resolution of inquiry to offer which I have been trying to get in for an hour.

The PRESIDENT *pro tempore*. The first order is "the introduction of bills and joint resolutions." If there are no bills or joint resolutions to be introduced, "concurrent and other resolutions" are in order.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with any information, recently received, he may have in regard to the condition and progress of the work for the improvement of Charleston Harbor in addition to that transmitted with his letter of January 3, 1883, in response to the Senate resolution of December 13, 1882.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Committee on Public Lands be directed to ascertain whether the land grant to the Atlantic and Pacific Railroad Company under the act approved July 27, 1866, has not been forfeited, and what further proceedings are necessary to subject said lands to disposal as a part of the public domain of the United States; and that said committee report by bill or otherwise.

Mr. MORGAN. I ask for the present consideration of the resolution.

Mr. INGALLS. Let that go over until to-morrow.

Mr. MORGAN. Then let it be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

ORDER OF BUSINESS.

Mr. WINDOM. If the morning business is closed, I wish to move an executive session.

Mr. SHERMAN. I desire to ask for a vote on the resolution I offered yesterday in regard to the order of business.

Mr. WINDOM. I want to make my motion as soon as morning business is closed.

Mr. SHERMAN. I desire to modify the order so that after the pending pension bill is disposed of we proceed to consider House bills favorably reported. That is the substance of it.

The PRESIDENT *pro tempore*. The resolution will be read.

The Acting Secretary read as follows:

Ordered, That the Senate proceed to the consideration of pension bills reported favorably; second, to House bills reported favorably.

Mr. SHERMAN. I modify the first clause so as to proceed to the consideration of the pending pension bill, and then to House bills reported favorably.

Mr. FRYE. There were some pension bills reported this morning.

The PRESIDENT *pro tempore*. A pension bill is the unfinished business.

Mr. SHERMAN. I am told there are some pension bills reported to-day.

Mr. COCKRELL. They will be reached as House bills.

The PRESIDENT *pro tempore*. House bill 1410 is the unfinished business, and the Chair would simply suggest that perhaps the order had better be modified so as to read that after the disposition of the unfinished business the Senate proceed to the consideration of pension bills and House bills.

Mr. MORGAN. The present unfinished business will come up after the morning business is completed, under the Anthony rule.

The PRESIDENT *pro tempore*. That bill was left as unfinished business yesterday, as the Chair is told.

Mr. EDMUNDS. The pension bill was the unfinished business when we adjourned. It will come up at 1 o'clock.

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The Acting Secretary read as follows:

Ordered, That the Senate proceed to the consideration of pending pension bills; second, House bills reported favorably.

The PRESIDENT *pro tempore*. That is not correct. "After the unfinished business is disposed of," the Senator from Ohio wants it.

Mr. BECK. Is that agreed to?

The PRESIDENT *pro tempore*. Not yet.

Mr. BECK. I desire to make a request as soon as that is agreed to.

Mr. EDMUNDS. I wish to have the Senator who offered the proposition explain it. Does he mean that this is to be a standing order, or only for to-day?

Mr. SHERMAN. I believe we can get through to-day, but whether to-day or to-morrow I have no doubt this will be the most rapid and beneficent way of disposing of our time, to consider the House bills that are favorably reported from committees. We can do it rapidly. I would be willing to confine it to those reported at this session, but there are some bills reported at the last session not yet disposed of. I would commence at the place we left off on the Calendar and take up the House bills favorably reported.

Mr. EDMUNDS. That would not be right, because a single objection has carried over a good many House bills that ought to be acted on. If we are to pass any more Senate bills at all, it seems clear to my mind that we ought now to give them a preference. If we are going to have a division of work as to the bills of the two Houses, instead of taking them as they come, we ought to begin with the Senate bills, so as to send them over to the House as early as possible, because they will require action of the House. The House bills that are passed without amendment will require no further action in that body, and consequently we can pass them down to the last moment of time. Therefore it appears to me that this proposition as offered is to put a quietus upon the passage of any Senate bills, because by just as much as hour by hour we delay the passage of a Senate bill, by so much we delay the opportunity of the House of Representatives considering it at all. So I should think, if we are to try to go on with the Senate bills at all, that we should proceed to-day to consider Senate bills favorably reported that are on the Calendar.

Mr. MITCHELL. It was the intention of the Pension Committee to propose to the Senate to consider, first, Senate bills favorably reported, and second, House bills favorably reported, for the reason stated by the Senator from Vermont. My judgment is that that would be the best way of proceeding now, to go through with Senate bills reported from the committee where there are minority reports, where the cases are contested; there are a number of those cases on the Calendar, and we desire action upon them. There are no Senate pension bills unacted on where there are not minority reports, except those presented this morning, which are not yet on the Calendar.

I suggest, therefore, that the Senator from Ohio modify his resolution, so that the Senate after the disposition of the unfinished business proceed to the consideration of Senate bills reported favorably, and secondly to House bills.

Mr. SHERMAN. I wish now during the few hours that are left, which will not be appropriated by the Appropriations Committee, to do the largest amount of business that will be effective. If we commence at the point reached when the Calendar was last under consideration we can go through with great rapidity the House bills that have been sent to us and have been on our Calendar and require our concurrence. In that way we can dispose of the greater number of bills, taking up only those that are reported favorably. We should waste no time about contested matters. I believe that is the best way. We formerly acted in that way, though I do not know whether it has been so in the last few years. If we have any time left after disposing of House bills we can take up Senate bills, and if there is any bill of special importance that in the opinion of a majority of the Senate ought to have precedence that can be taken up on the motion of any Senator at the proper time and considered. I think if there are no special cases of that kind the best way to dispose of our time is to devote ourselves to considering the House bills favorably reported.

Mr. EDMUNDS. There are several special cases. There is one bill, the Utah bill that we have had under consideration and partly finished, that is of great public importance to anybody who cares anything about making an end of the polygamy of Utah. Therefore it appears to me that the better way is, as I said before, to go on for to-day with the Senate bills and then we can take up in time to dispose of them the House bills which will not need further action on the part of the House.

So I move to amend the order proposed by the Senator from Ohio by striking out the word "House"—if that is the word there—and insert "Senate," so as to go on now with the Senate bills favorably reported. That will test the judgment of the Senate as to which we had better begin with.

Mr. PLATT. May I inquire precisely what is the question before the Senate, and whether it refers to anything beyond the morning hour?

The PRESIDENT *pro tempore*. It refers to all day.

Mr. EDMUNDS. It becomes a standing order of the Senate.

Mr. FRYE. The hour will be consumed in talk.

Mr. PLATT. I do not know whether I can make the motion I propose to make, though I think it will be in order. First, I should like to inquire if the pension matter which was under consideration yesterday is not the unfinished business?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. PLATT. Then I move to take up now House bill No. 6018.

The PRESIDENT *pro tempore*. There is a resolution of the Senator from Ohio before the Senate.

Mr. PLATT. Then I should like to state why I hope it will not pass. I ask to have it read first.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read as follows:

Ordered, That the Senate proceed to the consideration of the pending pension bills after the unfinished business is disposed of; second, House bills reported favorably.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont [Mr. EDMUNDS] is to strike out "House" and insert "Senate" before "bills" in the second clause.

Mr. PLATT. I hope that will not pass, for this reason: The House of Representatives passed a bill, which is far down on the Calendar, No. 6018, which relates to the recovery of damages for the infringement of patents, and I think I know that a majority of the Senate desire to act upon it. It has been reported from the Committee on Patents unfavorably, substituting in place of it Senate bill 1238, which was reported some time ago by the Senate Committee on Patents. I hope that this resolution will not pass, and if it does not I will move to take up this bill.

Mr. HARRISON. May I ask the Senator from Connecticut whether there is not a better prospect of reaching this bill under the resolution as a House bill which has not been unfavorably reported, because it has been reported favorably with an amendment in the nature of a substitute? Is there not a greater likelihood of reaching the bill, in which I feel great interest, as a House bill?

Mr. COCKRELL. Certainly; I think there is no question of it.

Mr. HARRISON. Than there would be by attempting to make it a special order?

Mr. COCKRELL. I hope that we can reach the bill and pass it, but I shall vote against taking it up now.

Mr. PLATT. I simply give my opinion about it, that if we wait to reach it on the Calendar as a House bill it will not pass in time to become a law at this session.

Mr. COCKRELL. I think it will.

Mr. INGALLS. The only sensible thing to do is to keep on talking about what we shall do until the time is all gone, and then nothing can be done!

Mr. BECK. I rise to make a request; I do not know if the Senate will grant it. There are now two House bills on the table of the Senate, and which passed the House unanimously, which were examined by the Committee on Finance and there agreed to, relative to allowing articles to be brought in free of duty for the Louisville exposition and the Denver exposition. I hope they will be allowed to pass. They are exactly in language of similar acts for the centennial exposition, and I believe they are approved by all.

Mr. SHERMAN. I am in favor of those bills, but I believe the only just and fair way is to take up the House bills and act upon them in order. I think we shall reach those cases.

Mr. BECK. The Senator from Ohio will allow me a word. I was not able to be in the Senate all day yesterday, and shall not be to-day and perhaps to-morrow, being engaged in the Appropriations Committee. If the Senator from Ohio will take charge of those bills and call them up I will not ask for their consideration now.

Mr. SHERMAN. I will take charge of those two bills when they come up in their order, and see that at least they have a fair chance.

Mr. BECK. That is all I care about.

Mr. FRYE and others. Let us have a vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to strike out "House" and insert "Senate," so that Senate bills shall be first considered after pension bills instead of House bills.

The amendment was not agreed to; there being on a division—ayes 13, noes 27.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the resolution of the Senator from Ohio [Mr. SHERMAN]. The Chair would ask whether it is the intention to go back to the commencement of the Calendar, or to the point last reached in its consideration.

Mr. EDMUNDS. The intention must be according to the written order of the Senate. We must take that for our guide.

Mr. SHERMAN. In order to avoid all misapprehension, I propose to commence at the point reached when the Calendar was last under consideration under the Anthony rule.

Mr. ALDRICH. I hope that will not be done, because there are some bills which were passed over without prejudice owing to the absence of Senators interested in them and for other causes. We certainly ought not to exclude such bills. They are entitled to preference, if anything.

Mr. SHERMAN. They have had their call; and I think it would be better to commence at the point reached when the Calendar was last under consideration.

The PRESIDENT *pro tempore*. The Senator from Ohio modifies his resolution.

Mr. BLAIR. I should like to have clearly stated the existing order of the Senate.

The PRESIDENT *pro tempore*. The resolution of the Senator from Ohio will be read as modified.

The Acting Secretary read as follows:

Ordered, That the Senate proceed to the consideration of the pending pension bills after the unfinished business it disposed of; second, House bills reported favorably, commencing at the point reached when the Calendar was last under consideration.

Mr. BLAIR. Before the question is taken I should like to have the existing order stated.

Mr. VOORHEES. The existing order is House bill No. 1410.

Mr. BLAIR. But there was an order yesterday in regard to what cases should be taken up. Are not the pension cases now in order?

Mr. EDMUNDS. Yes.

Mr. BLAIR. They are enough to keep us at work a day or two.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution as modified by the Senator from Ohio [Mr. SHERMAN].

Mr. EDMUNDS. On that I call for the yeas and nays. It is a very important order, which cuts off all action on Senate bills.

Mr. SLATER. I desire to ask a question in relation to the resolution now proposed, whether the wording of it prevents the consideration of cases on the Calendar prior to the point that we last reached?

The PRESIDENT *pro tempore*. It commences at the point where the Senate last left off when the Calendar was under consideration.

Mr. SLATER. Suppose prior cases were passed over without prejudice?

The PRESIDENT *pro tempore*. That point was raised by the Senator from Rhode Island [Mr. ALDRICH] a few moments ago. The Chair can not tell what is meant by it.

Mr. ALDRICH. I understand the present order excludes all bills passed over without prejudice.

Mr. EDMUNDS. That is clear.

Mr. SLATER. That would be manifestly unjust. There are a number of cases passed over simply without prejudice because of some momentary objection. Those cases ought not to be excluded.

Mr. INGALLS. Does the Senator refer to House bills that have been passed over?

Mr. SLATER. House bills or Senate bills.

Mr. INGALLS. There are not three House bills passed over in that way.

Mr. VOORHEES. We shall be wasting our time on matters that will come to nothing if we go on considering Senate bills, for the House will pay no attention to them. We had better take the Calendar up at the point indicated by the Senator from Ohio and pass on the House bills. I hope the order will be made.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MCDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]; but I understand that if present he would vote "yea" on this question, and I vote "yea."

Mr. SLATER (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. KELLOGG].

The roll-call having been concluded, the result was announced—yeas 37, nays 16; as follows:

YEAS—37.

Barrow,	Davis of W. Va.,	Johnston,	Saulsbury,
Bayard,	Garland,	Jonas,	Sawyer,
Brown,	George,	McDill,	Sewell,
Butler,	Gorman,	McMillan,	Sherman,
Call,	Grover,	Maxey,	Voorhees,
Camden,	Hampton,	Mitchell,	Walker,
Cameron of Wis.,	Harris,	Morgan,	Windom.
Cockrell,	Harrison,	Pendleton,	
Coke,	Hill,	Pugh,	
Conger,	Ingalls,	Rollins,	

NAYS—16.

Aldrich,	Edmunds,	Mahone,	Plumb,
Anthony,	Frye,	Miller of Cal.,	Ransom,
Blair,	Hawley,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Lapham,	Platt,	Vest.

ABSENT—23.

Allison,	Ferry,	Jones of Nevada,	Saunders,
Beck,	Groome,	Kellogg,	Slater,
Cameron of Pa.,	Hale,	Lamar,	Tabor,
Dawes,	Hoar,	Logan,	Vance,
Fair,	Jackson,	McPherson,	Williams.
Farley,	Jones of Florida,	Morrill,	

So the order was agreed to.

STATUE TO GENERAL W. H. LYTLE.

Mr. PENDLETON. I ask unanimous consent to reconsider the action of the Senate last Saturday on the bill (H. R. 6408) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio. The report was made by the Military Committee, and the bill was indefinitely postponed. I have consulted with the gentleman who made the report, and it is entirely agreeable to him that that order should be reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration? The Chair hears none, and the vote by which the bill was indefinitely postponed will be regarded as reconsidered and the bill placed on the Calendar.

DEPARTMENT OF JUSTICE ATTORNEYS.

Mr. VAN WYCK. I desire to call up for consideration and passage the resolution I offered on the 14th of February, asking for certain information.

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate copies of vouchers and items audited by the First Auditor of the Treasury on account of expenses incurred by the Department of Justice since January 1, 1882, with the names of special or assistant attorneys, and by what authority in law he audited the bills and accounts of said special or assistant attorneys.

MAJOR WILLIAM LUDLOW.

Mr. HAWLEY. I ask unanimous consent to pass a joint resolution giving Major Ludlow leave of absence because Philadelphia wants him on the 1st of March, and it is an exception to the rule, I think. I do not know of anybody who objects to the merits of the resolution.

Mr. EDMUNDS. I object to the merits, but I do not make any objection to taking it up. The Senator from Ohio [Mr. SHERMAN] is the objector now.

Mr. SHERMAN. I think we ought to go through and see if we can not make some progress under the order just made.

Mr. HAWLEY. I hope this will be allowed to go through.

Mr. SHERMAN. I have no objection if others have none. It is not for me to regulate the order of business; but the Senate have adopted an order and I hope they will stick to it.

The PRESIDENT *pro tempore*. If any Senator asks unanimous consent, of course the Chair does not interpose.

Mr. HAWLEY. This is a great public service to which I think there is no objection.

Mr. SHERMAN. It is to accommodate one private gentleman.

Mr. HAWLEY. No, sir; it is to accommodate one million of people.

The Acting Secretary read the joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

It permits Major William Ludlow, Corps of Engineers, United States Army, to accept a civil position in the service of the city of Philadelphia, without a forfeiture of his military commission. This permission is to terminate on the 1st day of April, 1885, and Ludlow is not to receive from the United States any pay or allowance whatsoever during the period of his absence from the military service.

Mr. HAWLEY. The resolution is unanimously reported by the Military Committee. The Secretary of War approves it. The city of Philadelphia by its councils, a majority of both parties, and by a memorial of leading citizens, say they want Major Ludlow, and they want him to commence on the 1st of March for the management of the new waterworks, involving millions of dollars. They have looked around and found him about the only man they could get.

Mr. EDMUNDS. Is the resolution before the Senate?

The PRESIDENT *pro tempore*. Yes, sir; there was no objection, and it is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the letter of the Secretary of War read.

Mr. HAWLEY. Here it is. It is a short letter, and I send it to the desk to be read.

The Acting Secretary read as follows:

WAR DEPARTMENT, *Washington City, February* 19, 1883.

SIR: I have to acknowledge the receipt of your letter of the 17th instant in reference to Major Ludlow, Corps of Engineers, asking whether the granting by Congress of permission to Major Ludlow to accept a civil appointment as chief engineer of the water department of the city of Philadelphia, with a leave of absence for two years, without pay, would, in my judgment, impair the service or militate against the discipline of the Army.

I have the honor to state that Major Ludlow has been nearly nineteen years in service, and I am advised that he has devoted himself during that time assiduously to his duties, having only had a little more than five months' leave of absence, while under the regulations he would have been entitled to nearly fourteen months more, with full pay. It is understood that it is Major Ludlow's purpose to resign from the Army on or before the expiration of the proposed leave if he should find his new occupation congenial. If an officer of his rank and services desired to enter civil life and should make application for a leave of absence of twelve months, accompanied by his resignation, to take effect on the expiration of such leave, it would be granted. Four months of that leave would be on full pay and the remainder on half pay. I am advised by the Chief of Engineers that the proposed leave to Major Ludlow can probably in no way prejudice the interests of any other officer in the way of promotion or otherwise, and inasmuch as Major Ludlow wishes to waive all pay during the leave, I see no objection to his application being granted.

I inclose to you a statement of the military service of Major Ludlow.

I am, very respectfully, yours,

ROBERT T. LINCOLN,
Secretary of War.

Hon. WILLIAM D. KELLEY, *M. C.*,
Washington, D. C.

Mr. EDMUNDS. I wish to put in my earnest but unavailing opposition to this measure; not because Major Ludlow is not a very fine officer—that is one of the reasons why it ought not to pass I think—but because it does disturb the order of the Army and it is unequal and unfair to other officers. Casualties naturally occur which may entitle Major Ludlow to promotion while he is rendering no service; or else it

will stop all promotion during this period of two years. The general law of the United States prohibits officers of the Army from taking office under any other prince, power, potentate, state, or sovereignty whatever, or being employed by them. Now we come to personal and special legislation for one gentleman and for one city because that city has peculiar confidence in his capacity as an engineer to build a water-works. Major Ludlow is unwilling to resign his place in the Army for the purpose of taking this civil appointment, but wishes to hold the opportunity to return to the Army at or before the expiration of the two years. Therefore, it is special and personal legislation, against the general intent, effect, policy, purpose, and fairness of the statutes of the United States.

In the next place, if this be a civil appointment, as the resolution says it is, that he is to take, it is directly in the face of the constitution of Pennsylvania, which like the constitution of Vermont and the constitution of nearly every State, if not every State, absolutely prohibits any person from holding any office or appointment under the authority of the State while he holds one under the United States. My friend from Connecticut says that he has discovered or is informed that this is not a civil appointment, but it is only a private employment that the city of Philadelphia under its municipal charter is authorized to make, making this gentleman a municipal officer and that the Philadelphia lawyers hold that such a municipal officer does not come within the prohibition of the constitution of Pennsylvania.

That is all I have to say. I think it is a wrong principle; it is special and personal legislation against the statutes of the United States and it is bad in every way of principle and policy that I can think of. My duty is done.

Mr. HAWLEY. Only one word. The legal point is decided. I have shown it to the Senator and can show it to others. It has been decided in favor of his right.

Mr. EDMUNDS. Not as this resolution states it.

The joint resolution was reported to the Senate.

Mr. EDMUNDS. I ask for the yeas and nays on the third reading of the joint resolution.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. SLATER (when his name was called). I am paired with the Senator from Louisiana [Mr. KELLOGG].

The roll-call having been concluded, the result was announced—yeas 48, nays 6; as follows.

YEAS—48.

Aldrich,	Davis of Ill.,	Hawley,	Platt,
Anthony,	Dawes,	Hill,	Plumb,
Barrow,	Frye,	Hoar,	Rollins,
Bayard,	Garland,	Jonas,	Saulsbury,
Beck,	George,	Lapham,	Sawyer,
Butler,	Gorman,	McPherson,	Sewell,
Call,	Groome,	Mahone,	Sherman,
Camden,	Grover,	Maxey,	Tabor,
Cameron of Wis.,	Hale,	Mitchell,	Van Wyck,
Cockrell,	Hampton,	Morgan,	Vest,
Coke,	Harris,	Morrill,	Voorhees,
Conger,	Harrison,	Pendleton,	Windom.

NAYS—6.

Brown,	Johnston,	Pugh,	Walker.
Jackson,	McMillan,		

ABSENT—22.

Allison,	Farley,	Lamar,	Saunders,
Blair,	Ferry,	Logan,	Slater,
Cameron of Pa.,	Ingalls,	McDill,	Vance,
Davis of W. Va.,	Jones of Florida,	Miller of Cal.,	Williams.
Edmunds,	Jones of Nevada,	Miller of N. Y.,	
Fair,	Kellogg,	Ransom,	

So the joint resolution was ordered to a third reading.

It was read the third time, and passed.

EXECUTIVE SESSION.

Mr. WINDOM. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. Before that question is put, as the chairman of the Committee on Foreign Relations is on his feet, I should like to ask him if his committee have reported the resolution in regard to international arbitration.

Mr. WINDOM. It has not been reported yet.

Mr. HOAR. I hope the committee will be able to report that resolution before the Senate adjourns. It attracts the interest and attention of a large number of our philanthropists.

Mr. WINDOM. We hope to have another meeting, and may possibly get time to consider that subject.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. WINDOM] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-seven minutes spent in executive session the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 361) granting a pension to Wellington V. Heusted;
A bill (H. R. 507) granting a pension to Mrs. Maria Worthington;
A bill (H. R. 984) for the relief of Ralph P. Ford;
A bill (H. R. 1188) granting a pension to Thomas Allcock;
A bill (H. R. 1291) granting a pension to D. D. Edwards;
A bill (H. R. 1341) granting a pension to James B. White.
A bill (H. R. 1581) granting a pension to Mary A. Conken;
A bill (H. R. 2095) granting a pension to Esther M. Carey;
A bill (H. R. 2877) for the relief of William M. Meredith;
A bill (H. R. 2912) granting relief to the heirs of Kunigunda A. Miller;
A bill (H. R. 3106) restoring the name of Mary J. Stover to the pension-roll;
A bill (H. R. 4387) granting a pension to Anthony B. Graves;
A bill (H. R. 4562) for the relief of Julia A. Stimers:
A bill (H. R. 5118) granting a pension to Elizabeth Weinstein;
A bill (H. R. 5384) restoring the name of James M. Akin to the pension-roll;
A bill (H. R. 5808) to rerate the pension of Frank S. Sowers;
A bill (H. R. 5906) granting a pension to Harriet N. Abbott;
A bill (H. R. 6400) granting a pension to Mrs. Orpah Meacham;
A bill (H. R. 6425) to increase the pension of Robert Henne;
A bill (H. R. 6524) granting a pension to George C. Rust;
A bill (H. R. 6833) granting a pension to Kate Quilligan;
A bill (H. R. 6943) granting a pension to the widow of the late Major-General G. K. Warren;
A bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and
A bill (H. R. 7486) to prevent the importation of adulterated and spurious teas.

RATES OF PENSION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is House bill No. 1410.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Missouri [Mr. VEST], in line 7, to strike out the words "or shall have suffered disability equal thereto."

Mr. BLAIR. I suppose perhaps as the reports stand in the Senate the first question may be upon the indefinite postponement of the bill. But I rise in the absence of the chairman of the committee, assuming charge of the bill only during his temporary absence. I do not know but that he may be in the room now.

Several Senators desire that the consideration of the bill shall go over until to-morrow morning, and that the Senate shall now or very soon adjourn. I do not think that that action should be taken unless it can be the unanimous understanding that the bill be taken up immediately after the conclusion of the morning business to-morrow, and that when the Senate adjourn it adjourn to meet at 10 o'clock in the morning. We have been here for many hours shut up in this close room, this box, in this fetid atmosphere, and if it is thought generally that it would be better to adjourn, I think as a friend of the bill I would make no objection; but we ought to commence upon it immediately after the conclusion of the morning business to-morrow, and to meet at 10 o'clock in the morning.

Mr. ANTHONY. I think it would be utter nonsense to adjourn to meet at any hour before 11 o'clock. We can not get a quorum before 11 o'clock and several committees must meet in the morning. The committees can not meet so early as 9 o'clock. I think it would be much better to spend an hour longer here now than to come here so early in the morning as 10.

Mr. VEST. What is the motion of the Senator from New Hampshire?

Mr. BLAIR. I have made no motion; I have simply made a suggestion, in the absence of the chairman of the Committee on Pensions, taking charge of the bill temporarily. I expect him in the room every moment. Many Senators express a desire to adjourn at this time, and I was not objecting to that if there can be a unanimous understanding that we shall take the bill up immediately after the conclusion of morning business to-morrow, and that when we do adjourn it be to meet at 10 o'clock.

Mr. MORGAN. We can not get that understanding.

Mr. VEST. I suggest that we had better go on with this bill for a little while, anyhow. I understand that some Senators wish to address the Senate upon it. We can listen to one or two speeches this evening.

Mr. BLAIR. I wish to make a parliamentary inquiry. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST] striking out the words "or shall have suffered disability equal thereto," in line 7. That is the only motion that has been made.

Mr. HOAR. I rise to a parliamentary inquiry. Is it not the stand-

ing order of the Senate to meet at 10 o'clock, unless otherwise ordered?

The PRESIDENT *pro tempore*. It is.

Mr. HOAR. So that it requires no unanimous consent to meet at 10 o'clock.

Mr. BLAIR. It would require an understanding with reference to taking up the bill immediately after the conclusion of the morning business to-morrow.

Mr. HOAR. The Senator is quite certain that will be done.

Mr. BLAIR. I hardly think that will be done if there is not a unanimous agreement for the purpose.

Mr. ROLLINS. I wish to suggest that if there is any real purpose to act on the bill, it seems to me that it would be proper to continue the consideration of it at this time.

Mr. PLATT. This bill was reported to the Senate, as I understand, adversely by a majority of the committee. How does the Senate get charge of the bill to consider it unless a vote is first taken on the indefinite postponement of the bill?

The PRESIDENT *pro tempore*. If anybody moves to postpone the bill indefinitely, that takes precedence.

Mr. HARRIS. No motion has been made to indefinitely postpone. The majority report recommended that the bill be indefinitely postponed, but that is not a motion.

Mr. PLATT. I do desire that vote, but I did not know but that it was necessary to vote on that question.

Mr. GARLAND. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate adjourn.

Mr. BLAIR. I hope the Senator will not insist on that motion just at present.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

The motion was not agreed to, there being on a division—ayes 20, noes 22.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, to be composed on the part of the House of five members.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia;

A bill (S. 2316) for the relief of Daniel Breed;

Joint resolution (S. R. 123) providing for the termination of articles numbered 18 to 25, inclusive, and article numbered 30 of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington May 8, 1871; and

Joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I move that the Senate insist on its amendments on the bill (H. R. 5538) to reduce internal-revenue taxation.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the message of the House of Representatives returning the bill.

The Acting Secretary read the message, as follows.

IN THE HOUSE OF REPRESENTATIVES,
February 27, 1883.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, to be composed on the part of this House of five members.

Mr. MORRILL. I move that the Senate insist on its amendments and agree to the conference asked for on the part of the House.

Mr. MORGAN. The first question is, Will the Senate take up the bill for consideration?

The PRESIDENT *pro tempore*. Will the Senate at the present time consider this motion?

Mr. MORGAN. On that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. It is not a conference report. The Chair begs pardon. The matter is before the Senate now, and the question is on the motion of the Senator from Vermont [Mr. MORRILL].

Mr. HARRIS. Before that question is put I should like to ask the Senator from Vermont, as the action of the House is somewhat unusual in the fact that it appoints five conferees on this bill, if that action is to be acquiesced in; that is, if we grant the conference is it his purpose that we appoint the usual number of conferees on the part of the Senate?

Mr. MORRILL. No; it is my purpose to ask the Senate to appoint the same number of conferees on the part of the Senate that the House have already appointed on their part. We have no joint rule on this subject, and there may be appointed whatever number each House may see fit.

Mr. HARRIS. So I understand.

Mr. INGALLS. I should like to ask the Senator how it is intended to select the conferees on the part of the Senate?

Mr. MORRILL. If I could have any voice about it I would have the Chair appoint them, and I would advise the Chair to select three from the Republican side and two from the Democratic side.

Mr. INGALLS. Irrespective of their views about the particular features of the bill?

Mr. MORRILL. I do not think we can select them exactly with particular reference to their views.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL] that the Senate insist on its amendments to the revenue bill and agree to the conference asked for by the House of Representatives.

Mr. MORGAN. I wish to inquire whether the bill in the shape that it is now before the Senate is a privileged question; whether it presents a question of privilege, and whether the Senate is now bound to suspend the regular order and take this bill up?

The PRSIDENT *pro tempore*. It is done usually, and the Chair would say it is a privileged question. It is done always.

Mr. MORGAN. I know that a report of a conference committee is always in order, but this is not a conference report.

The PRESIDENT *pro tempore*. It is submitting to the Senate a bill from the House. The Chair always submits to the Senate bills from the House and always where a committee of conference is asked for it is either granted or refused at once.

Mr. HARRIS. This seems to me to be simply a message from the House as all other messages from the House, to be dealt with by the Senate as we deal with every other message from the other branch of Congress.

The PRESIDENT *pro tempore*. Certainly.

Mr. MORRILL. But it has always been regarded as a privileged question.

Mr. HARRIS. There is no privilege about it.

The PRESIDENT *pro tempore*. There is no privilege, but it is always considered.

Mr. MORGAN. I can not help what is always done outside of the rules of the Senate.

The PRESIDENT *pro tempore*. A majority of the Senate can determine.

Mr. MORGAN. The rules ought to prevail here, and no mere custom ought to set them aside; no courtesy or anything of that sort. If this bill is now entitled to the right of way before the Senate, under the rules of the Senate, of course I have no right to object; but I insist that it is not a privileged question and it will not become such until it comes back from the hands of the conference committee. It is then a privileged question and can demand the attention of the Senate at any time. I therefore call for the regular order.

Mr. HOAR. It seems to me that the Senator from Alabama is too late with his suggestion. The rule of course requires bills from the House and amendments from the House to be laid before the Senate the first thing in the morning after the morning business, but the custom of the Senate is otherwise. The Chair did that, and the Senate received it and heard the announcement. Then the Senator from Vermont [Mr. MORRILL] rose and made a motion which was put from the Chair, and not only was it put, but one Senator certainly who has addressed the Senate inquired of the Senator from Vermont of his intention as to the proper number of conferees. That was given. Now, it seems to me, it is altogether too late, when the Senate has progressed in the debate, to say that the original laying of this matter before the Senate was out of time.

Mr. MORGAN. The Chair, as I understand it, has the right at any time when some Senator is not on the floor to lay the action of the House before the Senate, but the question as to whether the Senate must proceed to the consideration of it is a question to be submitted to the body and to be determined by a vote. It is not a question of privilege.

The PRESIDENT *pro tempore*. Of course it has to be determined by a vote whether this motion of the Senator from Vermont shall be adopted.

Mr. BUTLER. May I ask to have the report read again?

The PRESIDENT *pro tempore*. The message of the House will be read.

The Acting Secretary again read the message.

Mr. BUTLER. Are the names of the conferees mentioned?

The PRESIDENT *pro tempore*. They are not. The Secretary has read the entire message.

Mr. BUTLER. I should like then to inquire, not being very familiar with these matters, if it is not customary that the names of the House conferees should be mentioned when a committee of conference is asked for by the other House?

The PRESIDENT *pro tempore*. The Chair believes it is. It is not necessary, but it is nearly always done. The Chair supposes it is not done in this case because the House has asked for an unusual number.

Mr. VOORHEES. Is there any reason why they should not name those they have appointed as well as the number? They ask for an unusual number, and that is an additional reason why they should name whom they appoint.

Mr. INGALLS. It is impossible to hear, owing to the confusion.

The PRESIDENT *pro tempore*. The Senator from South Carolina was asking whether it was not usual to name the conferees. The Chair supposes the reason is that the House wanted to get the consent of the Senate to a committee of conference of five members on the part of each House.

Mr. MORRILL. Is not that the motion now pending?

Mr. BUTLER. I was simply inquiring whether it is not customary to name the conferees on the part of the House on a conference committee before asking the Senate to agree to the conference. I see it is omitted in this particular instance.

Mr. MORRILL. That is not invariably the usage. They may be named at any time after the conference is agreed to.

Mr. BUTLER. Perhaps the Senator from Vermont will be able to answer, is it not usually done? Has it not been the invariable custom?

Mr. MORRILL. It is not the invariable custom, but it is frequently done.

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary that it is usually done.

Mr. EDMUNDS. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Vermont [Mr. MORRILL].

Mr. MORGAN. I called for the regular order. I understand that the Chair——

The PRESIDENT *pro tempore*. The Chair decides that this matter must be disposed of; that it is too late to call for the regular order after the Chair has laid before the Senate the bill. The Senate can do as they please about the motion.

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Vermont [Mr. MORRILL] that the Senate insist on its amendments to the revenue bill and consent to the conference asked by the House of Representatives.

Mr. MORGAN. I object to the consideration of that resolution today.

Mr. INGALLS. Before voting on the question I should like to hear read the names of the conferees who have been selected on the part of the Senate. [Laughter.] I understand they have been sent to the Chair already. I ask that they may be read by the Secretary. [Laughter.] It will control my action in this matter very much.

Mr. BUTLER. Mr. President——

Mr. INGALLS. One moment. Let us hear who has been selected.

Mr. EDMUNDS. I rise to a question of order. It is impossible to hear this discussion at all, there is so much confusion in the Chamber.

The PRESIDENT *pro tempore*. Senators will please be seated, and those who are here by the courtesy of the Senate will sit down.

Mr. INGALLS. I ask for the reading of the names of the conferees who are to be selected.

Mr. HAWLEY. I call the Senator from Kansas to order. It seems to me, in my ignorance, that that is a sort of discourteous reflection on the Chair that ought not to be allowed.

Mr. INGALLS. Before this thing is voted on, I propose to know into what hands this bill is to be confided.

Mr. EDMUNDS. That is impossible.

Mr. INGALLS. But as I understand that the names of the conferees have been selected and written down and sent to the desk of the Presiding Officer, I want to know who they are, and I shall not take any lessons in courtesy from the Senator from Connecticut. I know what my rights are, and I have a right to ask, inasmuch as a designation has been made, that we may know who it is.

Mr. HAWLEY. The Senator from Connecticut may offer some valuable lessons to the Senator from Kansas. Whether he chooses to avail himself of them is another question. I have no doubt about the tendency of his inquiry.

Mr. HOAR. I understand that the Senate has not yet even agreed to a conference, and still less has it yet authorized the Chair to appoint the committee.

The PRESIDENT *pro tempore*. No, sir.

Mr. HOAR. Now, if any Senator, as every Senator on the floor might properly do, had made a suggestion to the Chair as to the persons to be appointed in case the Senate should take those two steps, it would be a private communication between two Senators which no other Senator would have any right to ask for; or if he has a right to ask, the Senate has no right to inquire into.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is right about that. The Chair would answer the Senator from Kansas in this wise: that ever since he has been in the chair, where there has been occasion for a committee of conference on a revenue bill, members of the Finance Committee have been selected.

Mr. INGALLS. There was no intentional discourtesy about my observation. I had no desire of offering any affront either to the Presiding Officer or the Senator from Vermont.

The PRESIDENT *pro tempore*. The Presiding Officer did not consider it so.

Mr. INGALLS. But it is a matter of very great importance to know into whose hands this bill is to go as conferees on the part of the Senate; and inasmuch as the designation had confessedly been made and the list was in the hands of the Presiding Officer, which was admitted by everybody and was soon to be announced to us, that that is a private and confidential communication between two Senators is a laughable travesty.

Now, Mr. President, it appears to me that the Senator from Vermont could have no reasonable objection to advising the Senate who the conferees are who are to be selected, and I again ask that it may be announced.

Mr. DAWES. Mr. President, if any Senator has not confidence enough in the Chair to intrust him with the appointment of this conference committee, of course that Senator will vote against the motion; but there is no motion before the Senate that the Senator from Vermont shall appoint this committee. Whenever that motion is made I dare say the Senator from Kansas will vote against it; the Senator from Kansas will vote against the Chair being authorized to make this appointment if he has not confidence in the Chair.

Mr. VOORHEES. Mr. President, the Chair is a Senator from Illinois, and every other Senator is a Senator from some other State except his own colleague; and there is no information coming from the House of Representatives on this subject or any other to the Senate of the United States to which the Chair is more entitled than the rest of us. This is all wrong. The Senator from Kansas is right. The Chair knows I am utterly incapable of the slightest feeling or tinge of discourtesy to him; but if the Chair has knowledge of and in its possession the names of those who have been appointed by the House as conferees on this great question, it is the duty of the Chair to so announce.

Several SENATORS. It is the Senate committee that is referred to.

Mr. VOORHEES. Still more so then as between members of this body and the Chair. The Senator from Vermont and the Senator from Illinois occupying the chair can take no close corporate possession of a question of this kind. I ask that the Senate may be advised as much as the Chair is; that is all.

The PRESIDENT *pro tempore*. A paper was handed to the Chair; but——

Mr. VOORHEES. Will the Chair be kind enough to advise us——

The PRESIDENT *pro tempore*. The Chair has not got it now.

Mr. VOORHEES. Will the Chair be good enough to advise us whether the conferees on the part of the House were announced?

The PRESIDENT *pro tempore*. They are not named in the message.

Mr. VOORHEES. This is very unusual, and I have a few words to say on that. I do not remember a single instance where a conference has been asked by the House where the request has not been accompanied by the names of the conferees on the part of the House. I do not remember a single instance; I doubt if Senators about me do. It is well known that very unusual, not to say revolutionary, proceedings have taken place in the House. A request is sent here for a conference, withholding the names of the conferees on the part of the House. I understand the House sends here a request for a conference. I understand the House non-concurs in the amendments made by the Senate and asks for a conference, and in asking for a conference has asked us to agree to that blindly without knowing whom it appoints as conferees. Am I right about that?

The PRESIDENT *pro tempore*. The message does not mention any' names.

Mr. VOORHEES. They do not mention their conferees?

The PRESIDENT *pro tempore*. They ask for a conference of five members, three being the usual number.

Mr. VOORHEES. I insist that the bill ought to be sent back with a request for the House to name the conferees they appoint; or else, if we agree to their request for a conference, we should withhold the names of our conferees until they name theirs. Should we appoint our committee of conference before they appoint theirs? It is our right to see the names of the men they select, and select ours in accordance therewith.

Mr. HOAR. Mr. President, this is a very simple matter. There is no rule fixing the number of conferees to be appointed by either branch. The custom of the two Houses is to have a committee of three from each, two persons in favor of the bill or other matter in dispute and one of the minority in each branch. But here is a bill which involves very large and various public interests, and the House have proposed under the circumstances (and as it seems to me very properly) an unusual number. They have also, as the number is unusual, very properly withheld their appointment of their conferees till they see whether the Senate assents to that unusual number. If they had appointed five, and the Senate had said, "We prefer to have the usual number, the three, and no more," the House would have been left and the Senate would have been left in a very awkward condition. Therefore it was out of abundant courtesy to the Senate that the House refrained from appointing its conferees until it learned whether the Senate agreed with it in the opinion that there should be this extra number.

Mr. LAPHAM. Will the Senator pardon me for a suggestion? If

they had sent here five names as their conferees they could change all of them to-morrow?

Mr. HOAR. Of course they could; they can always do that.

Mr. LAPHAM. Therefore there is nothing in the point.

Mr. HOAR. It seems to me, with great deference to the Senator from Indiana [Mr. VOORHEES], that the matter which he has criticised is a mark of especial courtesy on the part of the House to the Senate. I do not understand that the Presiding Officer of this body can have possibly, or that anybody else can have, any knowledge as to who the House conferees are to be, because they are not yet announced, very likely not yet determined upon by the presiding officer of that body.

It is always customary that the committee who have reported a bill signify, make suggestions, to the Presiding Officer of the persons whom they deem suitable for conferees, and the Presiding Officer of this body accepts or rejects such propositions at his discretion. I remember a case very well where the present Presiding Officer of the body did not take originally as its conferees the persons suggested by the committee who had the matter in charge, but took other persons. I have the right to suggest to the President of the Senate at this moment, either in writing or orally, the names of the persons who I think should be appointed on this conference, and so has every other Senator; and it is a private communication of mine to the Chair which I should not think the Chair had a right to make known to any other Senator if he thought I would not consent to it.

Mr. EDMUNDS. I should like to hear the message from the House of Representatives read.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read as follows:

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, to be composed on the part of this House of five members.

Mr. EDMUNDS. That is perfectly simple and straight. The House of Representatives has informed the Senate that it disagrees to our amendments and asks a conference. It has informed us, which it was not obliged to do, that it proposes to have five gentlemen of that House compose its committee. We have a perfect right to agree to that conference and inform the House that we have appointed twenty members or two members or three members or five, because the two Houses meet in conference as equals and each House has a right to choose its own delegates and its own number of delegates. But the House of Representatives, as the Senator from Massachusetts has said, departing from the ordinary practice in this matter, has informed us that it proposes to be represented by five of its members. We have no right to know who they are until they are selected, and it is none of our affair whether they are good men or bad men; they are supposed to represent the House of Representatives and nobody else. And they have no right to know who or how or why we choose ours until we inform them of what we have agreed upon.

Now, Mr. President, the Chair has no power of appointing these conferees unless the Senate agree that he may, and the common and the customary phrase in putting the question is, after the question is put on agreeing to the conference, "How shall this committee be appointed on the part of the Senate?" If no motion as to numbers is made, of course the Chair would take the usual course, and if everybody said, as we always do, "by the Chair," by unanimous consent he would make the appointment; for every committee, whether of conference or other, must be appointed by the Senate except by general consent. We have a right to suggest to the Chair "make it five," and we can make it ten or any other number. So the question is perfectly simple and perfectly free of difficulty.

The first and only question now is, will the Senate insist upon its amendments, or will it recede, which is a motion perfectly in order; and having said that we will insist and agree to the conference, then the question is, how is the committee to be appointed and of how many shall it consist? That is entirely a subsequent question; and after we have agreed to the conference and insisted upon our amendments, the Chair will then submit to the Senate, "How shall this committee be appointed and of how many shall it consist?" Ordinarily that question would not be put to the Senate, because it is a matter of course to have three; but in this case the Chair would ask, "Of how many shall this committee consist, and how shall it be appointed?" A motion may then instantly be made that it consist of ten, if you please, and that it shall not be appointed by the Chair. That part of the motion is unnecessary, because then the Senate would have to ballot for the committee; but the common course would be, and it will be now, of course, that it shall be appointed by the Chair after we have fixed the number; but that is an entirely subsequent question. The simple question now is, will the Senate insist upon its amendments and agree to the conference?

Mr. MORGAN. I submit that the question is not before the Senate whether the Senate will now insist upon its amendments and agree to a conference. To-day we established by a vote of the Senate, taken by yeas and nays, what the order of business should be, and the first business in order is that to which the Senator from New Hampshire [Mr. BLAIR] called the attention of the Senate, the unfinished pension bill. That also came over from yesterday as the unfinished business, and when a suggestion was made by him before this report came from the House that he would ask unanimous consent that that should go over I objected, and that kept it the business before the Senate. Thereupon the message arrived from the House of Representatives stating that they had non-concurred in the amendments of the Senate to this revenue bill and agreed to appoint a committee of conference, and invited us to a similar course of action. The Chair stated the question to the Senate to be upon concurrence in the request of the House for a conference. I raised the question of consideration immediately; the RECORD will show it. The Senate has not taken any vote; the regular order stands in the way of this order. I raised the question that this was not a privileged matter. The rules of the Senate bear me out in it. There is nothing that is privileged in connection with this subject at all except the report of a conference committee. This business coming here comes as any matter of business from the House, as any bill that the House might pass, or any other business whatsoever. It has no right of way until the Senate of the United States has voted to give it the right of way, and to do that it must postpone the existing order.

I therefore insist that my call for the regular order is a call that is in order, and that the question to be put to the Senate is the regular order; and upon a motion to postpone it, that of course the Senate can determine.

Mr. MORRILL. I desire to say that after the message had been read I made the motion that the Senate should insist upon its amendments and agree to the conference asked for, and then the Senator from Alabama rose and interposed an objection.

Mr. MORGAN. Of course I did. I could not object to the motion before it was made. I insisted, as I now insist, that the regular order of business must be moved out of the way by a vote of the Senate before the Senator from Vermont has a right to call the attention of the Senate to the message from the House. That is my point of order.

Mr. INGALLS. There have been so many precedents in this matter that I think it can no longer be regarded as unsettled that when a message of this character comes from the House the proper course is to act upon it immediately. I do not remember that there has ever been any exception to this rule.

It appears to me, obviously, therefore, that under the precedents, whether it is the written law of the Senate or not, this message has the right of way and ought to be acted upon at once.

I should like very much indeed if the Senate could agree to that portion of the motion of the Senator from Vermont stating that the Senate insists upon its amendments and agrees to the conference asked for by the House, leaving the question of the appointment of the conferees to be provided for after the selection has been made by the House, which ordinarily should first have been done. It seems to me if the Senator can assure us that the motion to be taken now would be limited to that there would be no trouble; but I understood that the purpose was to follow that immediately by the customary motion that the conferees on the part of the Senate be designated by the President *pro tempore*. Having reason to believe that in that event great interests might be periled, and that the entire aspect of the bill might be changed, it occurred to me that it would be wise, inasmuch as we did not know what the action of the House had been, that we should first be advised what the action of the Senate would be upon the *personnel* of the committee of conference. I should like, as I say, very much if the action of the Senate could be confined to the single question.

Mr. EDMUNDS. That is certainly the first question.

Mr. INGALLS. I agree to that.

Mr. MORRILL. There is no doubt that the questions will have to be taken separately. I will say to the Senator from Kansas that the only advantage in having them taken now is to enable the conference committee to meet at once in order to proceed with the business, and that their report may be made in time so that the Senate can either accept or reject it. It is for the purpose of having ample time to consider this subject that I desire early action upon the question.

The PRESIDENT *pro tempore*. In reply to the Senator from Alabama the Chair will state that it is the universal practice that all business has been interrupted when a message from the House of this kind came; and when the Chair has received it, it has been customary to dispose of it at once. Inasmuch as no objection was made when the Chair laid before the Senate the message of the House, and the Senator from Vermont made his motion, the Chair is of the opinion, from all the precedents, that it ought to be considered now. The question, then, is upon the motion of the Senator from Vermont [Mr. MORRILL], that the Senate insist upon its amendments to the revenue bill which has been returned from the House.

Mr. EDMUNDS. And agree to the conference asked for by the House.

The PRESIDENT *pro tempore*. And agree to the conference asked for.

Mr. MORGAN. I will not appeal from the decision of the Chair upon this subject, for the reason that I suppose the Senate on the next occasion, when a majority desire it, will reverse this ruling immediately, and that all the rules of the Senate are to be made subservient entirely to the accommodation and convenience of the powers that be, the majority, without reference to the rights of the minority.

I shall therefore address myself for a few moments only to the question of agreeing to a conference upon this bill.

This revenue bill has been a very peculiar measure from the beginning. It is the first bill on the subject of the tariff that ever originated in the Senate of the United States. There has been a constitutional as well as a traditional policy in this country that bills for the raising of revenue should originate in the House of Representatives.

We borrowed that from our English ancestry, who for a great many years past have declined to permit the House of Lords to originate bills of revenue. Thus power has been confined to the immediate and direct representatives of the people. Our fathers in the adoption of that principle found it necessary, as they supposed, for the protection of the people who had the taxes to pay, that it should be incorporated in positive terms in the Constitution of the United States.

This bill when it went to the House of Representatives was a very voluminous one, that occupied the attention of the Senate of the United States, bestowed with extreme industry, from the 9th day of January until within a few days past. Yesterday the Senate by its resolution recalled the bill from the House, finding that it had sent a copy to the House of the action of the Senate which was incorrect. That error was here corrected; and now this afternoon we find the bill back before the Senate of the United States. I have no right, I believe, to refer to anything that has been done in the House of Representatives except that which is laid before us; but I will say that this is the most miraculous performance in the way of legislation that any country has ever yet witnessed. How could the House so speedily consider a bill that disposes of taxation over thousands and thousands of articles, that interests the people of every section of the whole country—immediately and directly interests them; a bill that has given rise to more of deep concern, and searching debate, and thought, and, it is said, of agitation among the people of the United States than any other bill that ever appeared in this legislative Hall or elsewhere on the subject of taxation?

It has been more thoroughly investigated in the Senate and discussed more in detail than any tax law that was ever debated in a parliament in the world. It went to the House of Representatives, and the House instantly rejected every word and every amendment that the Senate has put upon it. Are we to infer that this act of peremptory rejection has been one of due and reflective consideration by those men who stand next to the people, and who under the Constitution are the immediate guardians of their rights in respect of taxation? Are we to shut our eyes to what everybody in the country knows, that this bill has never received one moment of consideration in the House, that it has never been read in that body?

Mr. EDMUNDS. It is not in order to refer to what has or has not been done in the other House.

The PRESIDENT *pro tempore*. No, sir; it is not.

Mr. MORGAN. I ask the question whether we are to shut our eyes to what everybody knows? I do not state what has taken place there; but everybody knows that the bill could not have been read in the House of Representatives since we sent it back there.

The PRESIDENT *pro tempore*. The Senator can make a hypothetical case.

Mr. MORGAN. I am making a hypothetical case upon every proposition to which I allude. I have stated nothing here except as to the fact of the Senator from Vermont having his eyes shut if he has not seen what everybody knows. His eyes are always open. I doubt if he does not sleep with them wide open. But whatever the Senator from Vermont may have seen or may not have seen, this country has seen something about the bill which I think I have a right to refer to; that is, that the representatives of the people of the United States, charged by the Constitution with the duty of raising taxation by law, could not have read this bill, could not have considered it.

There are Senators here now who claim to be Democrats who, forgetting their responsibilities to the Constitution and the laws of the people, are willing to send the bill into the hands of those self-constituted manufacturers of the laws, of whom it was predicted early in this controversy that they at last would be the men who would enact a tariff for the people of the United States—five, it appears, to be chosen in the House and five chosen in the Senate. We do not know yet who they are to be.

The House of Representatives, contrary to the usual practice, violating every precedent, so far as I have witnessed the proceedings, that has ever yet obtained in the United States or in the other House, has sent a blank message to us, naming none of the conferees; and the people of the United States, represented on this floor by Senators sent from the respective States, are now in the deepest doubt and under great apprehension as to who are to become the legislators to make this bill. The House takes the bill and before it has had time to read it sends it back. Whether I may speak of the actual fact or not I predict that history will show, when the records of the action of the House go before the world, that not one line or syllable of this bill has ever been read in that body.

Mr. President, under ordinary circumstances this matter could not occur. The majority of the Senate of the United States in the action which it is about to take now bows a suppliant knee to the lashings of the party whip. It is doing that which no Senator here, when the party pressure is removed, would find himself at liberty to do, consulting his own manhood, the independence of his own thoughts and feelings, and the great responsibilities which bear upon him. Acting thus he would say to the House, "If I confer with you it must be after you have understood that which we are to confer about. I can not go into conference with you when your House has instructed you about nothing, when there has not been a word of debate expressive of the opinions of any man in the House of Representatives; not a word of debate, or the reading of the bill, by the assistance of which we can compare our thoughts and wishes together and find the best means of bringing the Houses together through consultation upon this matter."

Sir, this is not the Houses coming together; it is only the meeting of a committee fixed up by each body in the interests, and on the suggestion, and at the request of certain individuals in each body to devise and send to us for ratification a law which they shall dictate to us upon which intelligent and legislative action has never yet been taken and has been rendered impossible. The country will stand aghast when they are informed that, after all, the taxing power of this land is not in the House of Representatives or in the Senate through the power of amendment to constitutional action of the House, but that the real taxing power of this land is in the hands of a select committee picked out by party leaders, and that, too, after a conference had been first agreed to. When imposing this tyranical measure upon the people of the United States they might at least have had the grace to have named the tyrants through whose agency it is to be perpetrated.

These usurpers of power might have done the people of the United States at least the honor of having informed them, when they came to the Senate to ask for our assistance, who it was that had been selected by the House to conduct the manufacture of a law to suit themselves. But, sir, they have not done it. They have resolved that those names shall not be known to us until we have first resolved that we will confer with them upon this bill. They have resolved to keep matters in their own hands and in the dark until they have first obtained from us the authority under which this star-chamber commission, created to make a tariff, is to be formed. Never before has so flagrant an attempt been made to make a law in the name of Congress and by its authority, of which one of the Houses is necessarily ignorant—totally ignorant.

It is well for this country, well for its honor, and for its peace, and for the confidence of the people of the United States and the Government in Washington city, that the history of our legislation has never before recorded an act so tyrannical and so entirely out of the reach of the restraints of order, duty, and right. It is well for this country that the people have been heretofore left in ignorance of the fact that they can be taxed, not by the intelligent voice of their representatives sent here, but through the operation of a gag rule which takes a bill and rushes it into a conference committee, there to receive its first reading, without ever giving it a reading or a moment of consideration on the part of the House of Representatives.

These are not idle or unmeaning remarks, nor are they trifling questions. These are not matters that the people can turn their backs upon and flatter themselves that they still possess constitutional liberty. These are not subjects that can be put under foot, in the presence of an intelligent, thoughtful, and powerful people. Sir, they will spurn us, and they will spurn the House of Representatives, when they find out that we have abdicated the duties of legislators and have remitted the whole of the power that we possess upon this great question into the hands of a select committee of the two Houses, shut up in the secrecy of the committee-room, there to be legislated upon by only ten men.

More than a month ago warnings were given and often repeated before the Senate, and through the Senate to the people, as to this desperate purpose. The people were told then that there was no intention or expectation of the majority party to accomplish the passage of a tariff law in accordance with parliamentary usage and the Constitution. They were told that this measure would be taken into a conference committee and it would be there coopered and doctored up to suit the men who have had the control of the subject on the Finance Committee and the Ways and Means Committee all the time, and have resolved that their will should become law. They have been told that there was to be no liberty of action or of speech on this bill. While Senators were quarreling with us on this floor for consuming time in laying before the country the facts in reference to the tariff, the struggling minority were mapping out in advance, as with the tongue of prophecy, exactly what would occur. We then knew, as the country now knows, that after all we would come to the point where the Senate and the House would abdicate their powers under the Constitution to legislate upon the subject of taxation, and would relegate the whole matter into the hands of a select committee of conference, to be there disposed of as it might please them.

The country will no longer be deceived upon this question. Your committee of conference will meet; you will vote your power into their hands, for you are afraid to allow this session of Congress to adjourn without some pretense of legislation on the subject. You are afraid to

go before the country with the bill that was voted here by a strong majority in which both political parties participated. You are afraid to stand on the solemn judgment, given as under oath, in favor of a bill which you yourselves brought into this body, amended and adjusted in all of its bearings, so that you were at last willing to give it the sanction of your votes, and you send it to a conference committee that they may reverse your votes and so save you from responsibility.

The Senate of the United States will ingloriously retire from the ground that it has taken, will allow this subject to be drawn into the secret conferences of this committee and permit it to be there treated to suit the purposes of those who have been determined from the outset to control the entire subject for the benefit of the special interests which they represent on this floor. And when your conference committee's report comes back, you will be prepared to adopt it, and I fear it will be found that some Democrats here will be prepared to adopt it also. There are men on this floor who would recall everything they have voted, every speech they have made, every announcement they have put before the world, showing the least consideration for the people in order to get a chance to put into the statute-books a law which will cripple the prosperity of the whole country for the sake of building up certain special industries.

This vast mass of laboring and groaning men who bear the heavy burdens of life, the real body of the people of this country, the great agricultural and producing industries of this country, are here to-night to be plucked. They are here to be victimized. The onslaught is now to be made upon them. Whatever change is made in this tariff will be a change to the disadvantage of the agriculturists and the other toilers who feed and clothe the human family.

They supply the taxes, they supply the power of the Government with the ballot and the bayonet, and what they are able to supply is to be made a fund into which these gentlemen will dip their hands and draw to their hearts' content for the purpose of lavishing it upon their pets, their patrons, and their favorites. That is to be the result of this strange action this evening by the majority; and yet the Senate hurries forward to do this, violates its own rules, breaks down the very organization of the body, sets at defiance all parliamentary law, sets aside a pension bill pending here, which is the regular order now, for the benefit of the wounded soldiers of the war, throws it aside without consideration, and rushes headlong to seize upon the power that they think they have got to ride down the people of this country with illegitimate, partial, and unconstitutional taxation.

Sir, I got my consent, after a painful effort, to vote for the bill we sent to the House in order that something might be done which would give rest and relief to the people of this country, something that looked in the right direction. Perhaps there was scarcely a man on this floor to whom that bill was more objectionable than it was to myself; but I yielded to it or would have done so but for a pair with the honorable Senator from New York [Mr. LAPHAM], the support of the power of the State which I have the honor to represent in company with my distinguished colleague, against whose judgment I reluctantly voted. And yet, sir, when I gave that vote, I felt perfectly sure that the House of Representatives never intended to consider that bill; and they have not, but I supposed they would read it.

This will be the first bill that ever found its way upon the statute-books of the United States which was never read in one of the two Houses. That fact will stand monumental in history through the coming cycles of time; and no man need think that he can ever force it down. The greatest tariff bill in the breadth of its provisions that was ever enacted in the country, spreading itself over every industry and every human being in the United States, if it becomes a law, will find its way upon the statute-book without ever having been read in one of the Houses.

That is the attitude in which men place themselves when they rush headlong to do such things at the bidding of party and on the demand of great monopolies. God grant that the day may come when men who are brave enough to face death upon the battlefield will be bold enough to refuse to obey the demands of their party or of their supporters when they are made in this desperate way; when Senators will be bold enough to say to any party who may undertake to hold them in its leash, "You can not lead us to violate all the principles of legislation and the Constitution of the United States and to depart from the traditions of every free government by putting that upon the statute-book which has never received a moment's consideration in one of the Houses and is sent to the other as a measure upon which it has acted."

Until that time shall arrive the Senate of the United States will not meet the expectations of the people of a great republic.

Having said this, sir, I leave this subject in the hands of the Senate to do with it as you will; but remember that the people of the United States are not all asleep; they are not all indifferent to their rights, and they will hold this Senate to a reckoning for what they are now doing, which will have its marked effect upon this body for a half century of time to come.

Mr. MITCHELL. What is the question before the Senate, Mr. President?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL] that the Senate insist on its amendments to the revenue bill and agree to the conference asked by the House.

Mr. MITCHELL. Is that question divisible? Can I ask for a division of the question so that the first question shall be upon insisting on the Senate amendments?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. MITCHELL. I do that.

The PRESIDENT *pro tempore*. The question then is, first, Will the Senate insist on its amendments to the revenue bill which has been returned from the House of Representatives?

The motion to insist was agreed to.

The PRESIDENT *pro tempore*. The next question is, Will the Senate agree to the conference asked by the House?

Mr. SAULSBURY. Before that vote is taken I wish to say a word. It is customary of course to appoint a committee of conference, but I desire to say that I apprehend the gentlemen who shall compose the committee in this case will have a very responsible duty devolving upon them. It has been intimated by the Senator from Alabama that this bill has not been considered by the other body of Congress. There has been an announcement made that they have disagreed to the amendments of the Senate and have asked for a conference committee. If the intimation of the Senator from Alabama is true that the questions involved in our amendments have not been considered in the other House, it may be that the only point which the conference committee will consider will be the right of the Senate to have attached the amendments to the original bill that the House sent to us.

Now, it seems to me that the honor of the Senate, if that is the question presented, is somewhat involved. While I have no doubt that the gentlemen who shall compose the committee will endeavor to vindicate the rights of the Senate in the action it has taken, yet I say in advance that I should be very sorry if there were any recession by the conference committee from the position which the Senate has assumed that it had the right to attach these amendments, and if they should come back with a report agreeing simply to the House bill that was sent to us at the last session.

I make these remarks because I know I shall not be a member of the committee, and have no disposition to be; but I think the gentlemen composing it will have devolved upon them a very responsible duty to perform. I do not hesitate to say in addition that if such action should be taken as in any way to impeach the right of the Senate to make the amendments, involving, as I think it would, the character and honor of this body, I would oppose any report which might be made by such a committee.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the conference asked for by the House of Representatives consisting of five members?

The question being put, was determined in the affirmative.

The PRESIDENT *pro tempore*. How shall this committee be appointed?

Mr. EDMUNDS and others. By the Chair.

Mr. COCKRELL. It has been intimated here that the chairman of the Finance Committee as a matter of course furnishes the names to the Chair. That is always understood in such a case; but I ask if the programme and proposition is for the committee to abandon this tariff bill and bring in an internal-revenue bill alone? If we can not get some information on that point I object to the Chair appointing the committee. If we can get any information about whether we propose to stand by the work of the Senate, then I am willing for the Chair to appoint so far as I am concerned; but if we can not do so, if it is a mockery and this whole tariff legislation is to be abandoned and we are to have a bill brought in here repealing all the internal-revenue taxes, I want to know it.

Mr. DAWES. It would not be a very free or full conference if the Senator from Missouri should have an indication from the Senate under what instructions the committee should act.

Mr. EDMUNDS. Is there objection, I should like to ask, to the Chair appointing the committee?

The PRESIDENT *pro tempore*. There seems to be objection to the Chair appointing the committee.

Mr. DAWES. We must trust the conferees on the part of this body to confer with the conferees on the part of the House and report to this body what in their opinion ought to be done.

Mr. EDMUNDS. Is there objection, Mr. President, to the Chair appointing the committee?

Mr. INGALLS. I have discovered who they are to be, and I have no objection, Mr. President. [Laughter.]

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri [Mr. COCKRELL] to object.

Mr. EDMUNDS. Let us understand that. I wish the Chair would put the question, "Is there objection?"

Mr. DAWES. The Senator from Kansas announcing that he has no objection, I suppose the Senate will consider that the thing is done.

Mr. EDMUNDS. Will the Chair ask if there be objection?

Mr. VEST. On this side of the Chamber we have not the information of the Senator from Kansas, and we should like to have it publicly announced who the conferees are to be——

The PRESIDENT *pro tempore*. The Chair does not know.

Mr. VEST. The Senator from Kansas seems to know, and I wish he would give us that information.

Mr. INGALLS. Having received it in strict confidence, I do not propose to impart it.

Mr. VEST. There can hardly be any confidence in regard to a public matter of this sort.

The PRESIDENT *pro tempore*. The Chair usually appoints from the committee having charge of a bill; for instance, on a bill of this kind from the Committee on Finance, and the names are almost always submitted to him.

Mr. VEST. There is a very great choice in the *personnel* of the Committee on Finance, able as that committee is. I should like to know what members of that committee have been selected.

Mr. EDMUNDS. I wish to know if there is objection to the Chair appointing this committee. Will the Chair ask if there be any?

The PRESIDENT *pro tempore*. The Chair will not interrupt Senators.

Mr. VEST. If the fact exists as stated by the Senator from Kansas, that this appointment has already been made, we are entitled to know it. It has been publicly stated here by a Senator upon the opposite side of the Chamber that this appointment has been made.

The PRESIDENT *pro tempore*. It has not been made by the Chair. It may have been agreed to by the committee.

Mr. VEST. The Senator from Kansas has stated here, that having ascertained who the conferees were he would withdraw his objection.

Mr. INGALLS. Who they were to be; not who they were.

Mr. VEST. We are certainly entitled to know before we vote on this question.

Mr. FRYE. Let us vote.

Mr. VEST. I am as anxious to go home as the Senator from Maine, but I desire to have that information.

Mr. INGALLS. If the Senator from Missouri will draw near me I shall be glad to tell him.

Mr. VEST. I want no confidence of that sort, much as I respect the Senator from Kansas. This is a public matter, entirely a public matter, and this subject has been brought up by a member of the dominant party.

Now, Mr. President, I do not propose to say anything in regard to the action of the House of Representatives; but, putting a hypothetical case, suppose this state of the case to exist: that after two months here of elaborate discussion of this tariff question a bill has been perfected and sent to the House of Representatives of the Congress of the United States, and the House of Representatives refuse to read the bill or to know what the Senate has done, so that not only does the House refuse to read the bill but the House further declares by resolution that the Senate has exceeded its constitutional power and has passed a bill which it had no right to consider or to originate at all. Suppose, further, that the House of Representatives after making this declaration sends us a request for a committee of conference in regard to a bill that violated the Constitution of the United States; having stated in one breath that no such bill exists because it was unconstitutional it then asks the Senate of the United States for a committee of conference in regard to a bill that is null and void.

A member of the dominant party in this Senate has declared that the appointment has already been made. He first rose in his place and declared that he was not prepared to vote upon the question of a conference until he knew what the Chair knew, as he said, who the members of this conference committee were to be, and now he says that he is prepared to vote, knowing who they are to be, and the rest of us in the minority are required to vote without that information. Then after, in the imaginary case which I have put, the Senate has been slapped in the face by the House of Representatives and told that its members have violated their oaths, trampled upon the Constitution of the country, still they are willing, without telling us what conferees they have appointed, to confer with us in regard to this unconstitutional measure. After the country has known that, I shall be satisfied with the result, whatever it may be.

Mr. EDMUNDS. Mr. President, I repeat my inquiry, is there objection to the Chair appointing this committee?

The PRESIDENT *pro tempore*. Is there objection to the committee of conference being appointed by the Chair?

Mr. VEST. I object, Mr. President, not to the Chair appointing, but to the Chair appointing until we have the information which the Senator from Kansas has publicly announced that he has.

Mr. EDMUNDS. That is an objection. I move that the Chair appoint the committee.

Mr. LOGAN. In order to ease the mind of the Senator from Missouri I will say, as the Senator from Kansas asked him to draw near, that I was sitting here and I whispered to the Senator from Kansas who the appointees would be, without any knowledge whatever on my part, but merely in a jest, and I guess that is the information the Senator from Kansas has.

Mr. INGALLS. It has been corroborated from an entirely authoritative source. [Laughter.]

Mr. VOORHEES. Mr. President, under no circumstances would I object to the present occupant of the chair appointing any committee that the Senate authorized to be appointed; but the Chair and the Senate need not be mistaken about the facts surrounding this matter, as it now appears to be an affair of jugglery. The country will take notice of it. I am a member of the Finance Committee, and it seems that other persons knew a great deal more about the selection of the conference committee than I do. I know nothing whatever. I would not serve as a member of the conference committee if I were appointed, and I am quite sure that I am not one of those who will be designated. Why there should be any mystery, why there should be any secrecy, why this talk should arise at all, is beyond my comprehension, and it is not for the best interests or the reputation of those who are engaged in it. I repeat that I am a member of the Committee on Finance, and have been ever since I have been in the Senate, and I sit here in silence and hear gentlemen not connected with the committee at all announce their readiness to accept the appointment of the Chair because they know what it will be. I do not care who it is; I care nothing about it personally.

I repeat that the *personnel* of the conference on the part of the Senate is a matter of entire indifference to me. I know that it will be composed of able, conscientious, faithful men. There can be no selection from the Committee on Finance that would not fill the description which I have just given. I take it of course the chairman [Mr. MORRILL] will be one of the committee, and it is right that he should be. I know that the Senator from Ohio [Mr. SHERMAN], with his great ability and his wise experience and knowledge in affairs, will be one of them. Without being informed at all who is going to be upon the committee, I can not tell who is going to be, for I am not on the inside, as some other Senators, the Senator from Illinois and the Senator from Kansas, seem to be. I think the Senator from Rhode Island [Mr. ALDRICH], who largely represents the manufacturing industries——

Mr. LOGAN. I will say that I am not on any "inside."

Mr. VOORHEES. I understood that the Senator from Illinois whispered something to the Senator from Kansas.

Mr. LOGAN. I will state to the Senator that what I was doing he has just been doing, guessing. I just whispered to the Senator from Kansas the names of five men in a joke. I do not know anything about who will be on the committee.

Mr. VOORHEES. The Senator from Illinois was guessing privately and I am guessing publicly.

Mr. LOGAN. Very well.

Mr. VOORHEES. I guess that the three Senators whom I have named will compose the conference on the other side, and I think that is right; I think those are the men who should be on it. Then when we come to this side of the Chamber, length of service, experience, and ability would indicate the Senator from Delaware [Mr. BAYARD] as one of the conference committee; and then the zeal, the industry, the attention which was given to the whole subject from beginning to end would point out the Senator from Kentucky [Mr. BECK] as the other. Everybody will see directly how nearly I have guessed this list and how trifling and worthless it was to try to conceal the whole thing. That is the committee that ought to be appointed, and I should be willing to risk something that that is the committee that will be appointed.

Mr. LOGAN. Inasmuch as the Senator has referred to me and he is guessing at that committee, I ask him is he not guessing at the committee from this standpoint, that if he was the Chair himself those are the men he would appoint?

Mr. VOORHEES. I have no more doubt of it than the Senator had when he whispered the names.

Mr. LOGAN. The Senator does not understand me. I only say that inasmuch as he has named five men, he has named five men whom he thinks ought to be appointed. Is not that the fact?

Mr. VOORHEES. I am guessing that they will be appointed, and expressing my entire approbation of their appointment.

Mr. LOGAN. If they should be, there would be no objection.

Mr. VOORHEES. I do not quarrel with the Senator from Illinois; he was guessing who would be appointed, and so was the Senator from Kansas, without the slightest information. I thought I would indicate my guess because of my knowledge of the fitness of things, so that there should be no mystery and no nonsense about this matter at all.

I may have misunderstood the question as it first came before the Senate, but the only matter that concerned me was this, that the House of Representatives disagreeing to our work asked for a committee of conference, they initiating the question of a committee, and they should in asking for a committee of conference have indicated and appointed their own, and then we should have treated with them. I call the attention of Senators on the other side to the fitness of this kind of a proceeding. When one body of Congress asks for a conference committee it should first appoint and indicate its own, then ask us to agree to their request and to appoint our members to fill up that committee. This comes here wrong end foremost. They ask for a committee of conference, and ask us to appoint our committee first. That is not in accordance with the usage of the two Houses, as I well know, and it is not fair to us. It puts us in the attitude of naming our committee first.

We are not asking for a committee of conference; we are not asking anything of the House. We have done our work. They disagree to it and ask for a committee, and instead of appointing their committee and asking us to fill it, they ask us to appoint first and let them fill it. That

is the point that concerns me. What ought to be done, Mr. President—and I presume it will not be done perhaps for that very reason—is this: The Senate ought to insist upon its amendments and agree to the conference without naming the members of that committee, and send the question back to the House with an agreement to their request to appoint a committee of conference and let them then name their committee, and when it comes back here let us name ours. That is the regular order for this kind of business. I have no fear or concern about the *personnel* of the committee of conference of this body—not the slightest in the world.

Mr. HARRIS. Mr. President——

Mr. HOAR. I rise to a question of order. The Senator from Vermont [Mr. EDMUNDS] made a motion which was in order, and it has not yet been stated from the chair. I desire before my friend from Tennessee [Mr. HARRIS] proceeds that the motion shall be stated, so as to be pending.

The PRESIDENT *pro tempore*. The question is, Will the Senate——

Mr. HOAR. I refer to the motion made by the Senator from Vermont [Mr. EDMUNDS] that the Chair be authorized to appoint the committee.

The PRESIDENT *pro tempore*. The question is, Shall the Chair appoint the committee? The Chair stated it plainly, but Senators have risen to speak.

Mr. HARRIS. This whole debate strikes me as very singular, Mr. President. The questions addressed to the Chair according to the invariable usage of the Senate should have been addressed to the Senator from Vermont [Mr. MORRILL] in charge of the bill. I presume that no Senator on this floor expects him to make terms with the Presiding Officer of this body; nor do I know any reason why the Presiding Officer should be asked to indicate the appointment of the committee that he will make, because the invariable practice of the Senate is that the Chair appoints the conferees indicated by the Senator in charge of the bill.

I take for granted that the guess of the Senator from Indiana [Mr. VOORHEES], certainly so far as this side is concerned, is a very shrewd and correct guess, and I am inclined to think his guess is a good one as to the other side. Certainly the appointments indicated by the Senator from Indiana ought to be indicated by the chairman of the Committee on Finance so far as this side of the Chamber is concerned, and I take for granted will be indicated by the Senator in charge of the bill if the Chair is authorized to appoint. But why these questions should be propounded to the Chair, I can not quite understand.

I hope that the order may be made that the Chair may appoint the committee of conference, and I suppose when the order is made the rule which has invariably controlled the appointment will be recognized by the Chair, and the appointment will be as suggested by the chairman of the committee.

The PRESIDENT *pro tempore*. The question is, Shall the conference committee be appointed by the Chair?

Mr. EDMUNDS. To the number of five. I propose that.

The PRESIDENT *pro tempore*. To the number of five, being similar to the one appointed by the House.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], the Senator from Rhode Island [Mr. ALDRICH] (the Senator from Iowa [Mr. ALLISON] having declined serving on the committee), the Senator from Delaware [Mr. BAYARD], and the Senator from Kentucky [Mr. BECK].

Mr. VOORHEES. I call attention to the prophecy I uttered a few minutes ago. [Laughter.]

Mr. EDMUNDS. It was a very good guess.

Mr. BECK. Mr. President, I am compelled to decline this appointment, if the Chair will allow me. ["No!" "No!"]

Mr. HARRIS. I beg the Senator from Kentucky to allow me one minute.

Mr. BECK. Let me state why first. I have not been able to be in this Chamber since yesterday morning until a few moments ago, and have heard none of this debate, and I hardly know what has been done. I am on the Committee on Appropriations and was selected at the beginning of the session to take charge with the Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE] of the sundry civil bill. We worked on that sub-committee of three till 11 o'clock last night, we began this morning early, and expect to be at work until midnight to-night. The whole committee will meet to-morrow morning and we expect to report the bill to-morrow and take it up on Thursday. It is one of the most difficult bills even for a sundry civil bill that I have had anything to do with and as the term of the Senate expires on next Saturday night or Sunday at noon, it will be utterly impossible for any new member of the committee on this side of the Chamber to learn the facts and details of that sundry civil bill and if that bill is lost of course an extra session will be had. I do not claim any particular ability more than anybody else, but I have had forty-eight hours of work on that bill and learned in that time things that no one else can now learn, and I must be on the floor when that bill is up. So the Senator from Iowa thinks, so I think myself. The Senate can appoint from two or three other members of the Finance Committee some one to take my place on this conference.

Mr. VOORHEES. Now let me say a word to the Senator from Kentucky. There is nobody on the Finance Committee who can take his place on the tariff question.

Mr. BECK. I beg pardon.

Mr. VOORHEES. I beg pardon. But there is a Senator here who can take the Senator's place on the sub-committee of the Committee on Appropriations.

Mr. BECK. There are many who could have done so; any other Senator on the Appropriations Committee could have done so just as well as if we had known that this entanglement would have arisen, but now I have done forty-eight hours' work on the sundry civil bill that no other Senator can possibly learn. I ought not to be required to leave it.

Mr. VOORHEES. I am going to make a motion directly. I know the Senator from West Virginia [Mr. DAVIS] has had long and large experience as a member of the Committee on Appropriations and he can take the place of the Senator from Kentucky on the sundry civil bill, and I know that nobody on this side of the Chamber can take his place on this committee of conference. I say that, being a member of the Finance Committee myself, and if it is in order, I would move that the Senator from Kentucky be not excused from service.

Mr. BECK. It does not require any motion. If the Senate will not excuse me on my own statement, I shall serve.

Mr. HARRIS. If the Senator from Indiana will allow me, I desire to say that important as is the sundry civil appropriation bill, and important as I know to be the services of the Senator from Kentucky in the management of that bill, there is no question, there are no ten questions combined pending before this body of equal importance to the one in respect to which he has just been appointed as a conferee. He can only be excused by vote of the Senate from serving upon that committee, having been appointed as one of the conferees, and I very earnestly hope that a majority of the Senate will never consent to excuse him from service upon that committee, however much it may require him to neglect his duties in respect to the sundry civil appropriation bill.

Mr. VOORHEES. Let us supply his place there.

Mr. HARRIS. His place is already supplied there, because the Committee on Appropriations is full; he chances to be on the sub-committee having in charge the sundry civil bill, but there are other members on the committee who can represent him to some extent at least, if not fully. I know that there are some advantages in the attention he has already given to it, but we can get along with the sundry civil appropriation bill with such aid as the Senator from Kentucky is able to give us while he is yet performing whatever duties he may have to perform as one of the conferees of the Senate, and I for one will never consent to his going off that committee.

Mr. MORRILL. I desire to say that I should be very unwilling to have the Senator from Kentucky excused from service on this conference committee. He knows the bill by heart, and if he is on the committee we can get through with the conference report at a much earlier day than we can by taking any one who is not as familiar as the Senator from Kentucky confessedly is. I agree with the Senator from Tennessee that it is vastly more important than the sundry civil bill, even if there should be some things in it that he does not agree to.

Mr. BECK. I have stated the whole case, and as to the suggestion of the Senator from Tennessee and the Senator from Indiana I suppose they can take my place in the conference; but they seem to have objections to serving. The Senator from New Jersey [Mr. MCPHERSON] is not here. In this condition of affairs I shall serve wherever I am placed, but I ought not to be required to do so. ["All right."]

Mr. EDMUNDS. The Senator from Kentucky withdraws his request.

Mr. BECK. I withdraw it.

AMENDMENTS TO BILLS.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, reported an amendment to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GROOME submitted an amendment intended to be proposed by him to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. MCMILLAN, it was

Ordered, That the claimant have leave to withdraw from the files of the Senate the papers filed with Senate bill No. 1326, first session Forty-seventh Congress.

RATES OF PENSION.

Mr. PLATT. I ask that the unfinished business be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business is the bill

(H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

Mr. EDMUNDS. It is necessary about getting on with the business in the time that is left that we should have a short executive session. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I offer an amendment to the pending bill to be printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened; and on motion of Mr. EDMUNDS (at 6 o'clock and 57 minutes p. m.) the Senate adjourned to meet to-morrow at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 27, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

ALEXANDER FRANCESCO.

Mr. WHEELER, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 1278) for the correction of the military record of Alexander Francisco, deceased; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN FRASER.

Mr. BREWER. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 862 for the relief of John Fraser, and to substitute it for House bill No. 5680 of the same tenor.

Mr. HAMMOND, of Georgia. I think we had better have the regular order.

The SPEAKER. The regular order being called for, the bill is not before the House.

LEAVENWORTH, PAWNEE AND WESTERN RAILROAD COMPANY.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting, in response to House resolution of the 2d instant, a report of the Commissioner of the General Land Office concerning the Leavenworth, Pawnee and Western Railroad Company; which was referred to the Committee on the Judiciary, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the president of the Washington and Georgetown Railroad Company, transmitting the annual report of the treasurer of that company for the fiscal year ending December 31, 1882; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PLEURO-PNEUMONIA.

The SPEAKER also laid before the House a memorial of the Legislative Assembly of the Territory of Montana concerning pleuro-pneumonia in cattle; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE TO PRINT.

Mr. MCCLURE asked and obtained consent to have printed in the RECORD some remarks prepared by him upon the subject of the tariff. [See Appendix.]

AMENDMENT OF RULES.

The SPEAKER. The regular order is called for by the gentleman from Georgia [Mr. HAMMOND] and is the further vote upon the resolution reported from the Committee on Rules by the gentleman from Maine [Mr. REED]. Upon that resolution the previous question has already been ordered, and the yeas and nays have been ordered.

Mr. DUNN. I would inquire of the Chair what is the question we are now to vote on?

The SPEAKER. The Chair will again state it. The question is on agreeing to the resolution reported from the Committee on Rules by the gentleman from Maine.

Mr. DUNN. Is it in order to move to lay that resolution on the table?

The SPEAKER. The House is dividing; the yeas and nays have been ordered on the proposition.

Mr. DUNN. I make the motion to lay the whole subject on the table, if that is in order.

Mr. HASKELL. I raise the point of order on that motion.

Mr. REED. I make the point of order that it is not competent to do that now.

Mr. DUNN. Why not?

Mr. REED. We are in the midst of a roll-call.

The SPEAKER. The Chair thinks that after the yeas and nays have been ordered that motion would not be in order.

Mr. DUNN. But the roll-call on the yeas and nays has never begun.

Mr. REED. Yes, it has begun.

The SPEAKER. There was a vote taken by yeas and nays yesterday.

Mr. DUNN. Does the Chair rule the motion out of order?

The SPEAKER. At this time; the Chair will not go any further at present.

Mr. DUNN. Then this vote will settle the whole thing, and there will be no stage at which the motion to lay on the table can be made.

The SPEAKER. The gentleman obtained the floor to make an inquiry as to what was before the House, and the Chair stated it. The question now is on agreeing to the resolution reported by the gentleman from Maine [Mr. REED], and the Clerk will call the roll.

The question was taken; and there were—yeas 129, nays 22, not voting 140; as follows:

YEAS—129.

Aldrich,	Godshalk,	Marsh,	Sherwin,
Anderson,	Grout,	Mason,	Shultz,
Barr,	Guenther,	McCoid,	Smalls,
Belford,	Hall,	McCook,	Smith, A. Herr
Bingham,	Hammond, John	McKinley,	Smith, Dietrich C.
Bisbee,	Harmer,	McLean, Jas. H.	Smith, J. Hyatt
Bowman,	Harris, Benj. W.	Miles,	Spaulding,
Brewer,	Haskell,	Moore,	Spooner,
Briggs,	Hazelton,	Morey,	Steele,
Browne,	Heilman,	Neal,	Stone,
Buck,	Henderson,	Norcross,	Strait,
Burrows, Julius C.	Hepburn,	O'Neill,	Taylor, Ezra B.
Butterworth,	Hill,	Page,	Taylor, Joseph D.
Calkins,	Hiscock,	Parker,	Thomas,
Candler,	Hitt,	Paul,	Townsend, Amos
Cannon,	Horr,	Payson,	Tyler,
Carpenter,	Hubbell,	Peelle,	Urner,
Caswell,	Hubbs,	Peirce,	Valentine,
Chace,	Humphrey,	Pettibone,	Van Aernam,
Crapo,	Jacobs,	Pound,	Van Horn,
Cullen,	Jadwin,	Prescott,	Wait,
Cutts,	Jones, Phineas	Ranney,	Ward,
Davis, George R.	Jorgensen,	Ray,	Washburn,
Dawes,	Joyce,	Reed,	Watson,
Deering,	Kasson,	Rice, Wm. W.	Webber,
Dezendorf,	Kelley,	Rich,	West,
Dingley,	Ketcham,	Richardson, D. P.	Williams, Chas. G.
Dunnell,	Lacey,	Robeson,	Willits,
Dwight,	Lewis,	Robinson, Geo. D.	Wood, Walter A.
Errett,	Lindsey,	Robinson, Jas. S.	Young.
Farwell, Chas. B.	Lord,	Russell,	
Farwell, Sewell S.	Lynch,	Ryan,	
Fisher,	Mackey,	Shallenberger,	

NAYS—22.

Atherton,	Ford,	Ladd,	Walker,
Bayne,	Geddes,	Phelps,	Whitthorne,
Burrows, Jos. H.	Hardenbergh,	Rice, Theron M.	Wilson,
Campbell,	Haseltine,	Ritchie,	Wise, Morgan R.
Converse,	Hutchins,	Singleton, Jas. W.	
Ermentrout,	Jones, Geo. W.	Speer,	

NOT VOTING—140.

Aiken,	Crowley,	Houk,	Richardson, J. S.
Armfield,	Culberson,	House,	Robertson,
Atkins,	Curtin,	Jones, James K.	Robinson, Wm. E.
Barbour,	Darrall,	Kenna,	Rosecrans,
Beach,	Davidson,	King,	Ross,
Belmont,	Davis, Lowndes H.	Klotz,	Scales,
Beltzhoover,	De Motte,	Knott,	Scoville,
Berry,	Deuster,	Latham,	Scranton,
Black,	Dibrell,	Leedom,	Shelley,
Blackburn,	Dowd,	Le Fevre,	Simonton,
Blanchard,	Doxey,	Manning,	Singleton, Otho R.
Bland,	Dugro,	Martin,	Skinner,
Bliss,	Dunn,	Matson,	Sparks,
Blount,	Ellis,	McClure,	Springer,
Bragg,	Evins,	McKenzie,	Stocklager,
Brumm,	Flower,	McLane, Robt. M.	Talbott,
Buchanan,	Forney,	McMillan,	Thompson, P. B.
Buckner,	Frost,	Miller,	Thompson, Wm. G.
Cabell,	Fulkerson,	Mills,	Townshend, R. W.
Caldwell,	Garrison,	Money,	Tucker,
Camp,	George,	Morrison,	Turner, Henry G.
Carlisle,	Gibson,	Morse,	Turner, Oscar
Cassidy,	Gunter,	Mosgrove,	Updegraff,
Chapman,	Hammond, N. J.	Moulton,	Upson,
Clardy,	Hardy,	Muldrow,	Vance,
Clark,	Harris, Henry S.	Murch,	Van Voorhis,
Clements,	Hatch,	Mutchler,	Wadsworth,
Cobb,	Herbert,	Nolan,	Warner,
Colerick,	Herndon,	Oates,	Wellborn,
Cook,	Hewitt, Abram S.	Pacheco,	Wheeler,
Cornell,	Hewitt, G. W.	Phister,	White,
Covington,	Hoblitzell,	Randall,	Williams, Thomas
Cox, William R.	Hoge,	Reagan,	Willis,
Cox, Samuel S.	Holman,	Reese,	Wise, George D.
Cravens,	Hooker,	Rice, John B.	Wood, Benjamin.

So the proposed rule was adopted.

The following pairs were announced:

Mr. SKINNER with Mr. LATHAM.

Mr. PACHECO with Mr. CABELL.

Mr. THOMPSON, of Iowa, with Mr. HEWITT, of New York.
Mr. CORNELL with Mr. HERNDON.
Mr. VAN VOORHIS with Mr. MARTIN.
Mr. WHITE with Mr. WELLBORN.
Mr. HOUK with Mr. BARBOUR.
Mr. WADSWORTH with Mr. DUNN.
The result of the vote was announced as above stated.
Mr. REED moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia.
The message also announced that the Senate had non-concurred in the amendments of the House to the bill (S. No. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. SEWELL, and Mr. HAMPTON.

QUESTION OF PRIVILEGE—ORIGINATION OF REVENUE BILLS.

Mr. HAMMOND, of Georgia. I rise to a question of privilege.
The SPEAKER. The gentleman will state it.
Mr. HAMMOND, of Georgia. I offer the resolution which I send to the desk.
The SPEAKER. The gentleman from Georgia states that he rises to a question of privilege, and offers the resolution which the Clerk will read.
The Clerk read as follows:

Resolved, That the substitute of the Senate (H. R. 5538) entitled "An act to reduce internal-revenue taxation, and for other purposes," under the form of an amendment to the bill of the House (H. R. 5538) entitled "An act to reduce internal-revenue taxation," containing a general revision and repeal of laws imposing both import duties and internal taxes, is in conflict with the true intent and purposes of that clause of the Constitution which requires "all bills for raising revenue shall originate in the House of Representatives;" and that therefore said bill so amended do lie upon the table.
And be it further resolved, That the Clerk of the House be, and is hereby, directed to notify the Senate of the passage of the foregoing resolution.

Mr. CALKINS. I make a point of order on that resolution. My point of order is that the resolution can not be offered or considered until the bill to which it refers is first called up in the House for action.
Mr. KASSON. That is right; the bill is not before the House.
Mr. HAMMOND, of Georgia. The House is officially informed that the bill is here by the resolution which has just been passed and by two messages of the Senate on that subject. Last evening when the gentleman from Kentucky inquired of the gentleman from Maine [Mr. REED] how the House knew what was in this bill he replied tauntingly that everybody knew what was in it, and he said truthfully. Now, it is perfectly plain, that is, it has been announced in the debates, that the object of this rule is to pass if possible a tariff bill the name of which is given, the number of which is given. On the other side it was said that it violated the Constitution of the United States but that no one on that side raised the question, and the suggestion was made that as yet nobody had raised it on this side of the House.
The SPEAKER. Will the gentleman from Georgia allow the Chair to make a suggestion? Without any desire to cut the gentleman off, the Chair would like to hear from the other side on the point of order. The gentleman from Georgia, if he desires to be heard, will be heard afterward.
Mr. HAMMOND, of Georgia. I will be heard, if the Chair desires me to be heard, afterward.
The SPEAKER. The gentleman from Indiana [Mr. CALKINS] makes the point of order that the resolution submitted by the gentleman from Georgia is prematurely submitted. The Chair would like to hear the gentleman on that proposition.
Mr. TOWNSHEND, of Illinois. My friend from Indiana will allow me to suggest that the vote just taken by the House is evidence of the fact that the bill is before us.
Mr. CALKINS. Mr. Speaker, I do not care to enter into any elaborate discussion of the point of order, but simply to state that in all the precedents in all the cases which I have examined (and I have been giving some attention to this matter for the last two weeks) not a case is to be found in which a resolution of this kind has ever been offered until the bill itself in some way came before the House for action. The bill can not be said to be before the House as an amendment to the rules, for that simply forms a means or method by which the bill can be reached.
Mr. TOWNSHEND, of Illinois. If the bill was not before the House, how could we recognize its existence in adoping a change of the rules? We have adopted a rule recognizing the existence of the bill and the fact that it is before the House.
Mr. CALKINS. The fact that a bill of this kind is upon the Speaker's table forms no basis for the resolution of the gentleman from Georgia, because the bill may lie upon the Speaker's table until this House adjourns *sine die*.
The fact a rule has been passed, which is extraordinary of itself perhaps, in order that the bill may be reached, forms no reason why a resolution may not be introduced at this point raising the constitutional question, for the House may never act under the rule. In all the cases I have examined there is not a single one where the point has been heard until the bill has been up and the House acted on it. It was so on the bill reducing the revenue taxes introduced by Mr. Hooper of Massachusetts. It was so in the Thirty-seventh Congress on a bill on which the same question was raised after the bill had passed through several stages and had gone into the Committee of the Whole. So, in all the cases from the First Congress where the point was first raised up to the present time, the point has been made when the bill was in order, and the Speaker can not rule on a question of that kind until the bill is before the House for action.
I had all the precedents collected here, but some gentleman has carried them off, and I am not able to read them at this time.
Mr. KASSON. I would like to add one word to what has been said on the point of order that it is premature when the bill is not before the Speaker and before the House, for this reason that we do not officially know that the Senate have acted on an amendment in contravention of the alleged constitutional rule. It is not read to the House. It must be read to satisfy the Speaker, who decides this point of order, that it is a question of privilege. He can not assume, under the statement of any one person who has read it, that they have violated that rule. It must be brought into court, as it were, in order to determine whether this resolution applies to it or not. While the thing remains in the dark, out of sight, the attention of the Speaker can not be called to it.
Mr. TOWNSHEND, of Illinois. Is the gentleman aware of the fact that the bill is now on the Speaker's table, and has been ordered to be printed?
Mr. KASSON. It being on the Speaker's table does not bring it before the House without further proceedings. If it had that effect all this proceeding yesterday and to-day would be needless. We none of us know any fact except a Senate bill of a certain number shows amendments to the original House bill. What those amendments are none of us officially know. Any proposition to make a point of order on a bill which has not been read must in the nature of things be premature.
Mr. CARLISLE. If none of us know what those amendments are, or what the bill is——
Mr. KASSON. Officially.
Mr. CARLISLE. Then how could this House vote intelligently on the proposition just now adopted on a call of the yeas and nays which refers to the bill by its number and by its title.
Mr. KASSON. The gentleman thought we could vote intelligently to make it a law.
Mr. CARLISLE. I say now we know what it is.
Mr. KASSON. But this is the point of order. When a bill is reported from the Committee on Appropriations, no gentleman makes a specific point of order, but he reserves any point of order brought up when the bill comes up for consideration. Here is a revenue bill on the Speaker's table which is said to be subject to the constitutional point of order. How do we know it? The bill has never been read to the House. It is on the Speaker's table, requiring further proceeding to reach it.
Mr. CARLISLE. But the House has just officially by a vote recognized the fact there is a bill there on the Speaker's table.
Mr. KASSON. With a certain title.
Mr. CARLISLE. With a certain amendment to it, and that a certain motion is in order in regard to that bill. The proposition I make is simply this: it is too late for gentlemen to say this House does not know officially what is contained in that bill, because the House has just acted officially on the bill.
Mr. KASSON. Not on the bill.
Mr. CARLISLE. But with reference to that bill.
Mr. KASSON. Yes, that is right.
Mr. CARLISLE. With reference to that bill.
Mr. KASSON. We know, in other words, a bill is there with certain amendments. That the record shows; further the record shows nothing.
Mr. ROBESON. Let me inquire whether we did not send a bill to the Senate, and whether it has not a certain number; whether we do not know officially——
Mr. KASSON. A certain title.
Mr. ROBESON. And whether we can not act on it by that number without going into its contents?
Mr. KASSON. And by a certain title.
Mr. ROBESON. This is a question requiring a knowledge of its contents.
Mr. KASSON. I have already stated that point, and that is the point in the case, that this resolution can only be offered after the House has had official knowledge of the contents of the bill.

Mr. BLACKBURN. Before the gentleman from Iowa takes his seat will he allow me a question? I desire to raise a parliamentary inquiry, which I hope he will answer. Now, as I understand it, the gentleman from Iowa insists that this point made by the gentleman from Georgia is presented prematurely; that it can not be made and could not properly be entertained until the House shall have received official knowledge of the contents of this bill. I wish to ask the learned gentleman from Iowa if, after the House shall have entered upon the consideration of the bill, he would not then hold that the point raised by the gentleman from Georgia came too late?

Mr. KASSON. I will answer the gentleman that a very substantial point will lie against the proposition when it comes up before the House at that time. But the objection that I have made is that the gentleman's proposition can not now be entertained until we have official notice of the contents of the bill to which it refers.

Mr. BLACKBURN. It is very clear, then, from the answer of the gentleman from Iowa, that the purpose is to hold the point raised by the gentleman from Georgia premature at this time, and then to insist when the consideration of the bill is demanded that it comes too late; and thus in both ways to rule it out.

Mr. KASSON. No, I would say upon the same ground that it is too late now if that were the point involved, in view of the action of the House that the point was not a good one.

The SPEAKER. The Chair is ready to rule upon the point of order.

Mr. KASSON. But for the present the matter is not officially before the House; we have no official knowledge of the contents of the bill; and therefore that any point of order made against its contents must in the nature of things be premature.

The SPEAKER. The Chair is ready to dispose of this question.

Mr. HAMMOND, of Georgia. Does the Chair desire to hear further on the proposition?

The SPEAKER. Not unless the gentleman from Georgia desires to be heard.

Mr. HAMMOND, of Georgia. I submit to the ruling of the Chair.

The SPEAKER. The resolution offered by the gentleman from Georgia is offered by him for the purpose of raising the question of constitutional privilege, a question involving the constitutional prerogatives of the House in the formation of revenue bills. And in practice this has been always held to be a matter of high privilege. The only question raised now by the point of order of the gentleman from Indiana is as to the matter of time of raising the question, and it is suggested that the bill is not before the House for consideration, and hence that it is too soon to make the point of order raised by the gentleman from Georgia. In argument it is said that the House does not know officially what the bill contains for the purpose of determining this question.

The Chair does not take that view of the matter at all. The bill has been returned to the House by the official direction of the Senate. It goes, under the rules of the House, it is true, to the Speaker's table, but the House has taken notice of it there, has ordered it to be printed, and it is before the House for its action. It is sufficient to say that if the matter was under consideration once in the House under the rules, in the opinion of the Chair it would then be too late to raise this question of constitutional privilege against it; so that the House must look to the bill to determine that question before it proceeds to consider it at all. Under the practice points of order must be made on bills, amendments, &c., before consideration commences, or they are waived, and to make such points of order members must take notice of the contents of such bill, &c.

If the bill in dispute were brought up before the House and its consideration entered upon, under the practice of the House it would be then too late to raise the question of constitutionality against it.

The Chair thinks this is a matter for the House to determine, and for the purpose of learning, if the House has not been advised upon the contents of the bill against which the constitutional question is raised, the bill can be read, or so much of it as may be necessary, for the purpose of determining whether it is a bill on which the question of constitutional privilege can properly be raised. It is not for the Chair to decide whether the prerogatives of the House have been invaded or not; it is for the House; and therefore the Chair now thinks that the resolution of the gentleman from Georgia is in order for consideration, and so rules.

Mr. HAMMOND, of Georgia. Mr. Speaker——

The SPEAKER. One word further. It is said the precedents are against the consideration of such a resolution before the measure is brought before the House for consideration. The Chair has hastily looked to one or two instances with reference to similar resolutions, and finds that one of a similar character was offered by the gentleman from Massachusetts, Mr. DAWES, in April, 1872, which involved a revenue bill, as this does, and the resolution was offered and entertained and considered by the House before the bill was taken up for consideration.

Mr. CARLISLE. And a similar point was made in the second session, Forty-fifth Congress, on the post-route bill.

The SPEAKER. Several cases of a similar character to the one before the House have arisen in the history of the Congress of the United States, but only enough of them have been examined to show that the practice has not been uniform. The gentleman from Georgia is recognized.

Mr. HAMMOND, of Georgia. Mr. Speaker, I desire to argue this question upon broad principles. I rely now upon no technicalities. Quirk and Gammon and Snap, neither all nor one of them, have any place in this discussion, thank God.

This House by a bill raised the Tariff Commission. The report of that commission was made. The House, independently of that, passed a bill entitled "An act to reduce internal-revenue taxation." That bill embraced three sections, occupying two pages and three or four more lines of this bill of one hundred and ten printed pages, which I hold in my hand, returned from the Senate.

It was sent to the Senate, and the Senate struck out all after the enacting clause and inserted the part in italics. The only remaining syllables of the original act in the amendment of the Senate are these:

An act to reduce internal-revenue taxation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That is all of our product that now lives. The Senate struck out the whole matter of internal-revenue taxation as we had enacted it, added to the title the words "and for other purposes," and then itself passed five sections on the subject of internal-revenue taxation; and then, beginning at page 7, enacted one hundred and three pages of general tariff revision and tariff administration.

This bill was reported here several days ago. On yesterday it was recalled by the Senate because by a misplaced comma the duty on iron had been raised to an enormous figure, and because another section greatly increased the duty on card-clothing, which increase had been expressly voted out by the Senate but had been voted in by its Clerk. What other errors there are in it I do not know. We have not even yet had time to read and criticise the bill.

Now we are met on the other side of the House this morning, after a week's fight how to get up that bill and yet not let the representatives of the people vote upon it, with the declaration that they do not know what is in it; that they do not know that it is a tariff bill at all. I do not know any more violent rebuke that could have been given to the gentlemen making the point than the fact that the Speaker decided against them. That is a very rare treatment of that side of the House.

Mr. REED. We very seldom make absurd points of order.

Mr. HUMPHREY. We hear them frequently enough from that side.

Mr. HAMMOND, of Georgia. If gentlemen desire to interrupt me I will be glad they will do it according to rule. They know how to make rules and how to change rules. Let them at least observe those in existence.

Mr. REED rose.

The SPEAKER. Does the gentleman from Georgia yield?

Mr. HAMMOND, of Georgia. Yes, sir.

Mr. REED. The gentleman from Georgia was kind enough to interrupt me last night in the same manner that I have interrupted him. And I will now repeat the reason why we are seldom rebuked on our side is because we seldom make foolish points of order.

Mr. HAMMOND, of Georgia. The world may believe quite as much of that as the gentleman from Maine himself does. I do not suppose it believes it a bit more than he does.

Mr. REED. I do not want it to.

Mr. HAMMOND, of Georgia. Mr. Speaker, I do not know what will be the result of this motion. I have made it from a sense of duty. I understand that when one becomes satisfied that the Constitution of the United States forbids a particular thing he has no right to waive the point of constitutionality. I do not understand how the gentleman from Maine [Mr. REED], who has the honor to preside over the Judiciary Committee of this House, can use such language as he did last night in his speech when he said:

We find ourselves face to face to-day with a bill which, in my judgment, was got up without due reference to the principles which govern under our Constitution.

He then said practically that the fears of tottering industries, the clamor of manufacturers, the outcry of bankers and monopolists have compelled that side to waive insisting on the Constitution, and that as yet no man on this side had raised his voice in favor of that instrument.

The reason he gives was because popular clamor for the tariff measure had put their consciences to sleep. The reason I give for our side is that upon consultation we agreed that your side would not have the hardihood or the effrontery to pass this law and lightly disregard the principles of the Constitution which compel you to insist upon the prerogatives of this House. We waited to see whether our confidence in your virtue was misplaced.

Mr. BLACKBURN. Will the gentleman from Georgia allow me to ask him a question?

Mr. HAMMOND, of Georgia. Yes, sir.

Mr. BLACKBURN. Did I understand the gentleman to say or did he intend the House to understand that the offering of this resolution and the raising of the point now raised by him was the result of a conference on this side of the House?

Mr. HAMMOND, of Georgia. I mean to say that I told certain

friends that I felt it to be my duty to raise the question, and they said to me, "Wait and see whether the other side will do wrong or not." That is all I mean, and I waited in obedience to their wish.

Mr. BLACKBURN. I simply desire, with the permission of the gentleman from Georgia, to disclaim any participation in or knowledge of any conference of which this resolution was the product.

Mr. HAMMOND, of Georgia. I have said not a word about conferring with the gentleman from Kentucky about anything; therefore he need not make a disclaimer any more than need every other gentleman on our side.

Mr. BLACKBURN. I simply felt I had a right to enter a disclaimer if the gentleman from Georgia assumed to speak for what he termed our side.

Mr. HAMMOND, of Georgia. I announced that I did not.

The Speaker, in delivering his opinion upon the point of order this morning, alluded to the fact that in 1872 Mr. DAWES, of Massachusetts, presented a like resolution under a like state of facts. I will remark that my resolution is in the exact words of that one, *mutatis mutandis*. I have put it in these words in order to enforce my argument by the speeches and the votes on that occasion. That was on the 2d day of April, 1872; and the resolution is printed in the Globe, volume 89, at page 2105.

Mr. DAWES first made a general argument upon the antiquity and sacredness of this right in the representatives of the people. He was followed by other gentlemen, among them Mr. Maynard, of Tennessee. I wish to show how exactly parallel the cases are by reading from Mr. Maynard's speech what the original bill was that was transmitted to the Senate.

It was "An act to repeal existing duties on tea and coffee." It provided "that from and after the passage of this act all tea and coffee imported from foreign countries into the United States shall be, and the same are hereby, admitted free of duty." It came back to the House with its title changed to "An act to reduce existing taxes." The provision for removing the duties on tea and coffee was amended to take effect on the 1st of July then next. Then there was an additional provision as to tea and coffee which should be in store or bonded warehouses on that day. Then followed sections 2, 3, 4, 5, 6, and 7, "entirely different, different in their subject-matter, and different in the scope and intention of the legislation which they contemplated."

The question arose, Where is the limit of the power of amendment by the Senate? In England the Lords could not change a tariff bill at all. Our Constitution gives to the House the right to originate revenue bills to the exclusion of all interference by the Senate, except that the Senate "may propose and make amendments as on other bills." That is the limit and the sole limit in the case. The question therefore arises how may they "amend other bills?"

Mr. WILSON. What action was taken on the resolution offered by Mr. DAWES?

Mr. HAMMOND, of Georgia. The resolution offered by Mr. DAWES was passed by a vote of 153 to 9.

The whole idea was, as Mr. Maynard remarked, the right of the Senate to amend revenue bills is a right to make an amendment "germane to the bill sent." It must be on the subject-matter which the House determined shall be voted upon.

Mr. HOAR, of Massachusetts, a man still in public life, I believe, used this language in that debate:

> First, by undertaking to make of a revenue bill sent there by this body a substantially new measure, it claims to originate for all practical purposes a money bill in defiance of the express provision of the Constitution.

Later on he added:

> And for that reason, for their sake, I call upon the House to guard at the threshold any attempt to extend them or to invade the prerogatives of this House, which are in substance the prerogatives of the American people.

What was the reason he asserted? It was that unless the Senate ceased to take to itself unconstitutional power, and to give the strength to a few small States to bury the voice of the great American people uttered by its representatives, the States would destroy the Senate. For that reason he begged the House to give them warning by that resolution.

Mr. HALE, another man also still in public life, I believe, called attention to the fact that it would prevent the passage of any bill at that time; that it was very important to pass the bill at that time. The same pressure was brought to bear then that has been brought to bear now, and yet the House paid no attention thereto.

I will not stop to quote from another debate which occurred in 1871 upon a resolution by Mr. Hooper, of Massachusetts, in which Mr. Garfield and other distinguished men, dead and alive, expressed their same disapprobation of such conduct by the Senate.

But I will call attention to one other thing that occurred within the parliamentary history of this body. In 1858, upon the regular post-office appropriation bill, the Senate placed twenty amendments; among them section 13, which increased the price of postage in some cases to 5 cents and in others to 10 cents. And because of that increase of postage the House raised the question of privilege, and they had a conference with the Senate on that subject.

I call attention to that because it is extremely strong in the light of the legislation of this country. Up to that time, so far as I am informed, the post-office law was never held to be a revenue measure at all. The whole post-office system of the United States was organized originally under a Senate bill. True, at common law the post-office was one of the means for the king's revenue. But we did not so consider it when the Department was organized.

Yet as late as 1858, so strongly did the House stickle for its privileges, that it disregarded all these facts, disregarded all these precedents, and refused even to look at the Senate amendments, even to regard the other nineteen, but simply said they would have naught to do with a bill on which the Senate had placed the thirteenth amendment, which infringed the privileges of the House.

Conference reports were made after 11 o'clock on the 3d of March, 1859. The matter of disagreement was the question of privilege, and they undertook to arrange the matter by unanimous consent. The House conferees agreed to put in another bill in the words of the original bill and pass it under a suspension of the rules and send it to the Senate, and the Senate conferees agreed to accept that bill, each party insisting that it had not violated any constitutional duty or any parliamentary law. But that was not agreed to.

The House allowed the appropriation bill for the Post-Office Department to fail absolutely because the Senate would not admit that what it thought had been done from the beginning of the Government in regard to the post-office was an infringement of the prerogatives of the House. The Senate itself, it is true, took no vote upon the conference report, but Mr. Toombs, of Georgia, spoke until the hour of 12, and thereby defeated its consideration.

In these speeches to which I alluded in my remarks Garfield, Maynard, HOAR, everybody so far as I remember, said that whatever was off the subject presented in a revenue bill was outside the privileges of the Senate; that inasmuch as the House had sent to the Senate a bill to make tea and coffee free, there was no authority on the part of the Senate to go outside of that and treat of anything but those two articles.

Now, has this House passed upon this question of germaneness? When, on the 6th of this month, gentlemen on the other side were complaining, as gentlemen are wont to complain, that this side of the House were obstructing tariff legislation, the gentleman from Illinois [Mr. MORRISON] arose and said to the chairman of the Committee on Ways and Means [Mr. KELLEY] that we would agree to take the Senate schedule on iron, and thereby save the days that must otherwise be passed in considering that important schedule. And the reply of the gentleman from Pennsylvania [Mr. KELLEY] was, "That proposition involves the surrender by this committee of one of the highest prerogatives of the popular branch of the legislative power of the Government." Yet when the Senate, under the guise of an amendment, sent us an absolutely different bill from any which we had suggested to them—a bill which swept over ground that we had never reviewed at all, that same chairman of the Ways and Means Committee has worked and voted day by day apparently to find out how to surrender the highest prerogatives of the House of Representatives to originate and debate questions raising revenue.

When the vote was taken on the 2d day of April, 1872, on the resolution of Mr. DAWES, there was, I am glad to observe, no division by party lines. One hundred and fifty-three members voted in favor of the resolution; not under a call of the previous question, not without debate, but after a long and satisfactory discussion pro and con. Only nine men voted in the negative. It may argue myself ignorant to say that I know not one of the nine. I believe I never heard of one of them. But this list of one hundred and fifty-three contains the names of men who have made their mark in the field and in the forum of this country. Some of them are still in the councils of the nation. I notice the names of CONGER and DAWES and FRYE and HALE and HOAR and others. What change has come over their dreams I know not. Why it is that men who in 1872 thought the Constitution violated by such action could repeat it in 1882, I know not. They "are wise and honorable and will no doubt with reasons answer" those who ask them. I cite the matter now to show that when they held in trust as we now hold in trust the privileges of the Representatives, they declared that they would not even take from the table for consideration a bill which, far less than this, violated the prerogatives of this House.

Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has thirty minutes of his hour remaining.

Mr. HAMMOND, of Georgia. I reserve the residue of my time.

Mr. KASSON. Mr. Speaker, I send a resolution to the Clerk's desk as a substitute.

The Clerk read as follows:

> *Resolved*, That this House, insisting always upon its privilege under the Constitution to originate all bills for raising revenue, and waiving no right thereunder in respect to House bill 5538 with Senate amendments thereto, hereby declares a disagreement with the Senate amendments to the same, and asks for a committee of conference thereon, to be composed of five members on the part of the House.

Mr. CARLISLE. I make a point of order on that resolution.

The SPEAKER. Is this offered by the gentleman from Iowa as a substitute?

Mr. KASSON. As a substitute.

The SPEAKER. The gentleman from Kentucky makes the point——

Mr. CARLISLE. That the bill is not now up for consideration for the purpose of agreeing or disagreeing to the Senate amendment. There is but one subject before the House.

Mr. HAMMOND, of Georgia. If we get it up we shall have no trouble about what to do with the bill.

The SPEAKER. The gentleman from Iowa will be heard on the point of order made by the gentleman from Kentucky.

Mr. KASSON. I will address myself first to that point, which will involve necessarily both the resolutions. The resolution now before the House, submitted by the gentleman from Georgia, embraces two things: a declaration of unconstitutionality in the action of the Senate, and the laying upon the table of the entire bill originated in the House and amended by the Senate. If that proposition does not touch the very heart and essence of the final disposition of the bill, I know no motion that can do it. If the gentleman from Georgia has the right by a resolution submitted as a question of privilege to dispose absolutely of the bill and take it away from the jurisdiction of the House and the Senate, I have certainly the right to propose a resolution that keeps it within the consideration of both Houses and refers the whole question to a committee of conference. If the original resolution is in order, the substitute is certainly in order and with redoubled force. Is it possible that as a question of privilege a motion is in order to lay a bill on the table forever, taking it away from our consideration and jurisdiction, and at the same time a motion to keep that bill for consideration before the two Houses is not in order?

Mr. CARLISLE. The gentleman will allow me to ask him a question. If his proposed substitute is in order—that is to say if the bill is now before the House for consideration—I want to know why I may not rise in my place and move to amend the resolution so as to concur in the Senate amendment; and I give notice now that I shall make such a motion if this substitute is entertained.

Mr. KASSON. Let me ask the gentleman, does he support the motion made by the gentleman from Georgia?

Mr. CARLISLE. That is not involved in this question.

Mr. KASSON. It is most decidedly involved as to the validity of the point the gentleman now makes.

Mr. CARLISLE. The gentleman proposes to treat this bill as being up now for agreement or disagreement. If up for one purpose it is up for the other; and I give the gentleman notice now that if this proposition be entertained I shall move to agree instead of disagreeing.

Mr. KASSON. There is no objection to the notice of the gentleman; but I ask, if the bill is not in our possession on this question of privilege, how can we lay it on the table? That is an ultimate and final disposition of the bill.

Mr. McLANE, of Maryland. I call the gentleman to order.

Mr. KASSON. Does the gentleman from Maryland rise to a point of order?

Mr. McLANE, of Maryland. I do. The pending question being a question of privilege as to whether this House can consider that bill, I submit that until this question has been decided it is the height of absurdity for either the proposition of the gentleman from Iowa or the one menaced by the gentleman from Kentucky to be entertained. The question pending, Mr. Speaker, is the question of privilege whether or not the bill can be considered at all. And until that has been disposed of it involves us in an absurd position, independently of any question as to the merits.

Mr. TUCKER. The considering what has been determined not to consider.

Mr. KASSON. To show the absurdity of the position of their resolution when he rises on a point of order to interrupt me——

Mr. McLANE, of Maryland. I call the gentleman to order, deeming that the proper mode of raising the point of order.

Mr. KASSON. But one question of order is pending.

Mr. McLANE, of Maryland. The point I make is that the gentleman from Iowa is not at liberty to discuss at present, even for consideration, any question going to the merits.

Mr. KASSON. I make the point of order that the gentleman from Maryland is out of order in taking me off my feet on a point of order, and so we may go on.

The SPEAKER. The gentleman from Iowa will be heard on the point of order.

Mr. KASSON. I say if this resolution is in order, and the Speaker ruled it in order, it disposes of the bill in one way; then my resolution is in order, which disposes of the bill in another way. And nobody can dispute it. If the bill is before the House for disposition to lay it on the table, it is before the House for disposition to send all the questions to a committee. I hope the gentleman from Maryland appreciates there is a point of order involved in that.

Mr. McLANE, of Maryland. I will ask that the gentleman from Iowa shall confine himself to the point of order. Now, will the gentleman from Iowa yield?

Mr. KASSON. Yes.

Mr. McLANE, of Maryland. I ask that the gentleman from Iowa, under the ruling of the Chair, shall confine himself to the point of order.

Mr. KASSON. But the Chair knows I am confining myself to the point of order, and I am sorry my friend from Maryland does not perceive it.

Mr. HAMMOND, of Georgia. Will the gentleman from Iowa allow me a moment?

Mr. KASSON. Certainly.

Mr. HAMMOND, of Georgia. I desire, Mr. Speaker, to make the further point of order on the gentleman's resolution: first, that a motion that the bill do lay on the table cannot be amended as he suggested or as a substitute; and, secondly, that there can be no conference appointed on a bill until that bill has been called up and considered and upon the demand of any member, if it be a revenue bill, be considered in the Committee of the Whole House on the state of the Union.

Mr. CALKINS. I wish to say——

The SPEAKER. Does the gentleman desire to be heard on the point of order?

Mr. CALKINS. My friend from Iowa yields to me for a moment.

Now, the Chair will observe the fallacy of the further point of order made by the gentleman from Georgia [Mr. HAMMOND], that the motion to lay on the table can not be amended when his question of privilege was entertained by the Speaker when the bill itself was not before the House. Therefore it is not under the rule a motion to lay the bill on the table, because you can not lay the bill on the table unless it is before the House for consideration. There is the fallacy of the gentleman's position. This is not a motion to lay on the table, although the language of his resolution is that the bill do lie on the table because it is an invasion of the prerogative of the House, as alleged. It is not within the rule the gentleman recites at all.

Mr. KASSON. I have only to add, Mr. Speaker, that if we are to get indirectly at the killing of the bill under one resolution, I claim the right to get at the saving of the life of the bill under another resolution.

Mr. McLANE, of Maryland. I understand the proposition is pending.

Mr. KASSON. If it is pending I wish to speak to the merits of the resolution.

Mr. HAMMOND, of Georgia. That I object to until the point of order is disposed of.

Mr. KASSON. I will retain the floor in order to answer the gentleman from Georgia.

The SPEAKER. The Chair is ready to dispose of the point of order. The gentleman from Georgia [Mr. HAMMOND] offered as a question of high constitutional privilege a resolution which brings up the question of the right of the House to originate revenue bills, and also involves the right of the Senate to amend a particular bill which passed the House. The Chair has held the resolution offered by the gentleman from Georgia [Mr. HAMMOND] in order for the purpose solely of taking the sense of the House on the question of the constitutional right of the House to originate such a bill as was brought here to the House from the Senate in the form of an amendment. The gentleman from Iowa [Mr. KASSON] offers a resolution as a substitute for that, proposing to waive whatever rights the House possesses under the Constitution in reference to this particular bill, and offering a proposition to declare at once a disagreement with the Senate amendments to the bill and ask for a conference committee, to be composed of five members on the part of the House. Independent of the pendency of the resolution offered by the gentleman from Georgia, the substitute certainly could not be in order, and the question is, can it be made in order by reason of the fact that this constitutional question is made? The Chair thinks not. Even under the rule just adopted by the House having a special application to this House bill 5538, this resolution offered as a substitute would not be in order. It does not propose to take the House bill with Senate amendments from the Speaker's table for the purpose of a disagreement, as provided under the special rule. The Chair does not think anything can be done in the way of amendment to this resolution offered by the gentleman from Georgia that raises questions other than such as grow out of the constitutional question or are incidental to it. The Chair does not say the subject might not be referred on disagreement; that is, the subject of the constitutional question might not be referred to a conference committee.

The Chair does not mean to say that now. But it is certainly not in order at this time by way of a substitute to the pending resolution until we have disagreed with the amendments of the Senate and the committee of conference has been asked for. It is said that the resolution offered by the gentleman from Georgia proposes to lay upon the table the bill sent from the Senate in the form of an amended House bill; and it is said in that connection that the bill is already upon the table. That is not quite a correct statement. The bill is not on the House table in the parliamentary sense of the word at all. It is upon the Speaker's table as distinguished from the table of the House. The precedents seem to allow, where the House is of the opinion that its constitutional prerogatives have been invaded, a resolution of this kind, which proposes to lay the bill—for the reason that its constitutional prerogatives have been invaded thereby—upon the table of the House as distinct or distinguished from the Speaker's table.

The Chair will hold, therefore, that the resolution offered by the gentleman from Iowa as a substitute for the resolution submitted by the gentleman from Georgia is not now in order.

Mr. KASSON. Then, Mr. Speaker, I desire to be heard upon the resolution submitted by the gentleman from Georgia.

I find in the resolution which he has submitted for the consideration of this House a proposition to lay upon the table the entire bill which has been returned from the Senate with certain amendments added thereto; and I have no question that, under the ruling of the Speaker just made upon the substitute which I presented, that part of the resolution of the gentleman from Georgia which proposes to lay the bill upon the table is not in order.

Then I turn to the question of the declaration of a violation of the privileges of the House, which the resolution also embodies, and while gentlemen at first sight, looking at the rules of the House, might assume that the Senate have violated the Constitution because they have not acted upon the rule of the House, a second thought will raise great doubt in the mind of everybody as to the correctness of that proposition or opinion.

Coming to the Constitution itself, the clause contains but three lines. Section 7 of article 1 of the Constitution declares:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

"As on other bills," where they may offer a substitute for the entire bills, and are continually doing it—as amendments to the substance and form of bills, as they are continually doing upon other bills of the House sent to them for action.

But here it is said that as we proposed a revenue bill, a bill touching the internal revenues of this Government alone, therefore the Senate could not under the Constitution amend the bill by reducing taxes collected at the frontiers of the country instead of in the interior.

I ask gentlemen to look to the very heart and core of this question. I ask them to consider it in the light of reason and common sense. If this is a revenue bill, no matter whether it be internal or exterior; if it is a revenue bill, no matter if it embraces twenty items or twenty-one items; if it is a revenue bill, no matter whether it relates to internal revenue or external revenue or to both, then there attaches under the Constitution the power of the Senate to amend that bill on subjects germane to the constitutional subject-matter of the bill. What is the constitutional subject-matter of the bill? It is revenue. Not revenue derived from Schedule A, or revenue derived from Schedule B or any other special schedule. It is not revenue derived from the customs at the city of Cincinnati or the internal-revenue tax collected in the State of New York. It is revenue coming from the people of the United States. That is what makes it a revenue bill. Mr. Speaker, when we have originated such a revenue bill and sent it to the Senate for their concurrence the Senate may under their constitutional power add one amendment or two amendments or twenty amendments. They may add amendments as in the case of other bills under the Constitution.

When a subject of the importance and magnitude involved in the consideration of the bill to which I refer is presented, there should be no mere question of House pride. What we want is to get at the very essence of the Constitution and observe it; and that essence is that they can not touch revenue questions in the Senate, having no power to originate revenue bills until we send them a bill as the foundation for their action. But when we have raised the question of revenue, when we have given them jurisdiction of it by our action under the Constitution, I ask any gentleman to say to me what class of revenue is excluded under the Constitution from their power of amendments? Now, in this view I know that there are gentlemen on both sides of this House who concur with me. While, therefore, they have gone far in this case, they were not bound by the rules of this House which make a tariff amendment not germane to a bill relating to internal revenue. They have no such rule in the Senate, or if they had such a rule they had the right to waive it. But they could not go beyond the principle of the Constitution; and the question here to be determined is whether by their action they have added something to this bill, which under their rules they had a perfect right to add, though by such addition they have violated the rules of this House, and its privileges and prerogatives under the Constitution.

And who would have claimed it, sir, if they had put a simple reduction on one article, a large article of revenue, and thus sent the bill back to the House with but one item? This question would not probably have been raised. And yet the same right to add a thousand exists as the right to add one. The point is simply—is it a revenue bill? If it be a revenue bill we send it to them; and under this clause of the Constitution their right to amend exists, literally as the words are, "as on other bills."

Mr. BELFORD. Will the gentleman allow me a question?

Mr. KASSON. Yes, sir.

Mr. BELFORD. Suppose we pass a bill reducing the tax on the article of tobacco, has the Senate the power to go beyond the scope of the subject that we send to them? Can they, under the pretense of amending a tax-bill on the subject of tobacco, submit to this House a bill contemplating a complete and comprehensive and all-embracing revision of the tariff? Is not that an assumption of our power and a revolution?

Mr. KASSON. I answer the gentleman from Colorado with the Constitution itself. Have we sent them a tariff bill? He answers, yes. Have the Senate amended it? Yes. How far have they amended it? That is not a constitutional question. How far, is for the consideration of the Senate and then for the consideration of the House afterward. The Senate has the right of amendment; that no man can deny; and if the Constitution does not contain the limitation upon that right, how can we fix the limitation without the authority of the Constitution?

Now, that is all I think I need to say, for it is the gist of the constitutional argument.

One word more by way of an excuse for the action which has been taken under the Constitution. By the bill creating the Tariff Commission, to which the House assented by nearly two-thirds, the report of the commission went to both Houses at the same time. At the time it went to the Senate it had this revenue bill before it by order of the House. We sent the tariff subject to them through the Tariff Commission bill. The session was a short one and they proceeded to act upon it under the constitutional power, as doubtless they would not have done if the action of the Tariff Commission had not been referred to them by law. The whole tariff question was referred to the Senate by law.

So far for extenuation of the scope of the amendments made by the Senate. Now, here we are in the last five days of the session. We can not afford to lay this bill on the table and thus kill what every industry of the country is demanding of us to-day. We have no time even to waste on this discussion. I beg pardon for speaking so long as I have spoken; but I have desired to call the patriotic attention of both sides of the House to the fact that we must not run wild on the theory that the rules of the House of Representatives make the constitution that governs both bodies.

Mr. HASKELL. I desire to offer a substitute for the pending motion, and to say a word thereon.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] offers as a substitute the resolution which he has sent to the desk, and which the Clerk will read.

The Clerk read as follows:

Whereas House bill 5538 entitled "An act to reduce internal-revenue taxation, and for other purposes," under the form of an amendment in the Senate to title 33 of the Revised Statutes, which provides for duties on imports, has been so modified and changed by the introduction of new provisions, containing among other things a general revision of the statutes referred to so as both to increase and reduce duties on imports, and in many instances to repeal and in others to amend the laws imposing import duties; and

Whereas in the opinion of this House it is believed that such changes and alterations are in conflict with the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives: Therefore,

Resolved, That if this bill shall be referred to a committee of conference, it shall be the duty of the conferees on the part of the House on said committee to consider fully the constitutional objections to said bill as amended by the Senate herein referred to, and to bring the same, together with the opinion of the House in regard thereto, before said committee of conference, and if necessary, in their opinion, after having conferred with the Senate conferees, said conferees on said committee may make report to the House in regard to the objections to said bill herein referred to.

Mr. CARLISLE. I make the point of order on that resolution.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I should like to ask the Speaker what rights this bill had prior to the adoption of the new rule a few moments since by this House; if we had any right except to go to the Speaker's table after the morning hour and take up the bills thereon for consideration? The new rule makes the privilege. The new rule has provided just what kind of a motion may be made for the purpose of taking this bill from the Speaker's table and referring it to a committee of conference, and that may be done upon a motion to suspend the rules by a majority vote. That is a specific, special rule, made for that purpose; and as I understand it, was made because there was no other way.

The SPEAKER. The Chair understood the gentleman from California to rise to make a parliamentary inquiry.

Mr. PAGE. That is what I did. I wanted to know under what rule we could proceed to take this bill from the Speaker's table, except under the new rule just made.

The SPEAKER. It could be taken from the Speaker's table as any other bill if the House decided to go there.

Mr. PAGE. Is it in order to make a motion to go now to the Speaker's table?

The SPEAKER. Not pending this question.

Mr. PAGE. Did not that new rule provide specifically what sort of a motion should be made?

The SPEAKER. But this is a question entirely independent of that.

Mr. PAGE. I would like to know what is now the status of the question before the House. I am unable to determine; I admit I can not comprehend it.

The SPEAKER. The question presented is the one by the gentleman from Georgia [Mr. HAMMOND] in the form of a resolution declaring the sense of the House on the question of its constitutional right to originate revenue bills.

Mr. PAGE. And that is left to the House to determine?

The SPEAKER. That is for the House to determine, not the Chair.

Mr. PAGE. I hope the House will determine it.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

ORIGINATING REVENUE BILLS.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] offers a substitute for the pending resolution submitted by the gentleman from Georgia [Mr. HAMMOND]. Against that substitute the gentleman from Kentucky [Mr. CARLISLE] makes a point of order, and the gentleman will be heard.

Mr. HAMMOND, of Georgia. Before the gentleman from Kentucky [Mr. CARLISLE] proceeds I desire to make a further point of order, and the gentleman can then be heard upon both.

Under the joint rule of the House conferences are provided for, and under no other rule that I am apprised of, except the rule which prescribes that where there are disagreements upon amendments to a bill or a joint resolution there may be committees of conference.

Now, to appoint a committee of conference in anticipation that possibly there may be a disagreement is entirely outside of the practice of the House. The resolution of the gentleman from Kansas [Mr. HASKELL], as I understand it, repeats almost the words of my resolution, and then declares that instead of the bill remaining upon the Speaker's table where it is now practically, if the House shall vote that its privileges have been violated, and if certain things happen, there may be a conference which can deal with the bill.

Now, I submit that there can be no conference except upon the disagreement about the question of constitutional privilege, because that is the only question about which the two Houses may disagree, until the bill is taken from the Speaker's table. I desire to make that additional point that the gentleman from Kentucky [Mr. CARLISLE] may speak upon it.

Mr. CARLISLE. According to my hasty reading of the proposed substitute, it would confer upon the conference committee the power not only to take into consideration and report upon the constitutional question raised by the gentleman from Georgia [Mr. HAMMOND], but the additional power to take up and consider the objections to the Senate amendment or bill itself. In other words, it proposes that if a conference shall result from this disagreement between the two Houses as to the question of their powers under the Constitution the deliberations of that conference shall not be confined to the constitutional question, but may extend to the provisions of the bill. The last clause of the substitute is the one to which I refer:

> And the said conferees in said committee may make report to the House in regard to the objections to said bill herein referred to.

Now, if the gentleman from Kansas will say that he means by that only simply to confer upon the committee of conference, if one shall result from this disagreement, a thing which may or may not occur, the power to consider the constitutional question, the mere question of privilege existing between the two Houses, then my point of order would not be well taken.

But if the gentleman means now to pass a resolution with reference to the substance of the bill, to refer that to the committee of conference, I submit that it can not be done unless the bill is now before the House for consideration. And if it is now before the House for consideration, or can be brought before the House for consideration by entertaining this proposition, then the first point that would be made of course under our rules would be that it must go to the Committee of the Whole House on the state of the Union. If that point should not be sustained, then the next motion having preference under the rules of the House as they now stand would be to concur in the Senate amendment.

If the gentleman will so change the language of his resolution as to confine the deliberations and power of this conference to the question of privilege that may arise, I have nothing to say on the point of order. Otherwise there exists to it the same objection as to the one proposed by the gentleman from Iowa [Mr. KASSON].

Mr. HASKELL. I urge the adoption of the substitute just as it is. It speaks for itself. This House by its order has just declared a new rule by which a great bill of moment to the people of the United States is to be referred to a conference made up of a committee of each House of Congress, to the end that we may have and accomplish some legislation in the interest of the people. One bill, the one considered by the House, is dead, killed by delay and obstruction.

The SPEAKER. The Chair desires to hear the gentleman on the point of order.

Mr. HASKELL. I am coming to the point of order. There is today upon the Speaker's table another bill, coming from the Senate of the United States. Upon that bill arises the question of order. Upon that bill hangs the hope and the faith of the people of the United States that before we adjourn we shall have tariff legislation.

The House has now declared in favor of a conference committee, and this resolution of mine simply directs that that conference committee shall take cognizance of the constitutional point raised by the gentleman from Georgia [Mr. HAMMOND]. The point of order is made that a conference committee must confine itself to the constitutional question and that it can in no wise discuss the subject-matter of the bill.

Mr. CARLISLE. The gentleman misunderstands me.

Mr. HASKELL. That was the point of order raised by the gentleman from Georgia [Mr. HAMMOND], that the conference upon the constitutional question is one thing, and that a conference upon the constitutional question and the subject-matter of the bill could not be joined.

Now, I want to show to the House in a few brief sentences how utterly untenable that position is. A conference committee is appointed on the constitutional question of difference between the two Houses. They meet the conferees on the part of the Senate, and to illustrate we will say that the Senate conferees agree to withdraw every objectionable amendment.

Now, do gentlemen on the other side of the House tell me that that conference committee on the question of constitutional right have not the power to report to this House the fact that the Senate withdraws its objectionable amendments and vacates its position with reference to this bill? Why, of course that conference committee must have that power.

The SPEAKER. The Chair desires to hear the gentleman from Kansas as to the meaning which he himself gives to the latter part of the proposed substitute.

Mr. HASKELL. Taking the other view of the matter I give this meaning: that it is in effect a resolution of instruction to a conference committee—a resolution to lay before that conference committee, which will have been appointed upon the bill under the new rule, this question of constitutionality; so that when the House appoints its conference on the bill that committee may report back to the House its findings on the bill and also its finding on the constitutional question raised. It is as competent for this House to direct one conference committee to examine both questions by order of the House as it is competent for this House to appoint two conference committees; and we proceed under the direct order of the House that there shall be a conference committee of five upon the subject-matter of the bill. The resolution then simply declares that when that conference committee shall be raised there shall be confided to it for its jurisdiction and its report the matter of constitutional difference between the two Houses.

Mr. McLANE, of Maryland. I call the gentleman from Kansas to order.

Mr. HASKELL. If the gentleman will allow me, it therefore——

Mr. McLANE, of Maryland. I rise to call the gentleman to order.

Mr. HASKELL. I heard the gentleman say something, but I have not heard any declaration from the Chair.

Mr. McLANE, of Maryland. I call the gentleman to order, and make the same point with regard to him that I did with reference to the gentleman from Iowa [Mr. KASSON]. I submit that the Chair can not entertain or hear debate upon a question of conference between the two Houses when the pending question is a question of the privileges of this House.

What has a conference to do with that? I submit to the Chair that no member of the House is at liberty to move for a conference when the question at issue is a question of the privileges of the House itself.

Mr. HASKELL. Well, now, Mr. Speaker, I have here upon my desk precedent after precedent where the constitutional question has been raised by resolution and conference committees have been appointed on that constitutional question, have gone out and come back and reported.

Mr. REAGAN. Will the gentleman allow me to ask him a question?

Mr. HASKELL. I want to conclude what I have to say and then I will yield.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] is entitled to the floor.

Mr. HASKELL. In the Thirty-fifth Congress this same question of constitutional difference between the two Houses arose, and I have here the record of a resolution which was passed by the House in reference thereto. Let me read it.

Mr. HAMMOND, of Georgia. Will the gentleman be kind enough to give the date?

Mr. HASKELL. March 3, 1859:

> Mr. Letcher, from the committee of conference on the disagreement between the two Houses, in the resolutions adopted by them respectively, in relation to the action of the House on the Senate amendments to the bill, House resolution No. 872, making appropriations for defraying the expenses of the Post-Office Department for the year ending June 30, 1860, reported that having met, after full and free conference, they have agreed—

Agreed to what?—

> that while neither House is understood to waive any constitutional right which they may respectively consider to belong to them, it be recommended to the House to pass the accompanying bill, and that the Senate concur in the same when it shall be sent to them.

Now, there was a conference committee charged by one simple resolution of the House, and likewise charged by a similar resolution of the Senate, to go out and take cognizance of all the disagreements between the two Houses on the constitutional question as well as the question of the bill. They came back and reported to this House the opinion they had formed concerning the constitutional right of the two Houses.

They did more; having been appointed in general terms to take into consideration all questions of difference, they perfected a new bill—a new Post-Office appropriation bill, arranged and dictated its terms, and brought it back into the House of Representatives.

Mr. CARLISLE. They recommended that the House pass a new bill. The House did pass a new bill and the Senate refused to concur.

Mr. HASKELL. They brought back a bill which they had themselves considered, and in their report they respectfully requested the House to pass the bill. The House proceeded to pass it. That was the question.

The SPEAKER. Will the gentleman from Kansas be kind enough to send to the Chair the book to which he has referred?

Mr. REAGAN. I would like to ask the gentleman from Kansas a question.

The SPEAKER. The Chair does not think that this debate should be prolonged.

Mr. HAMMOND, of Georgia. As I made the point of order, I would be glad to be heard a moment upon it.

Mr. REED. I would like to be heard for a short time.

Mr. HASKELL. I will yield to the gentleman.

The SPEAKER. The gentleman can not yield when he has taken the floor to discuss a point of order.

Mr. MCKINLEY. I wish to ask the gentleman from Kansas whether his proposition involves, first, the constitutional question, and, secondly, the merits of the bill which comes from the Senate?

Mr. HASKELL. It does not. I want to state to the House exactly what the proposition I have sent up does involve.

The SPEAKER. The Chair thinks the gentleman from Kansas has concluded. Other gentlemen have some rights.

Mr. HASKELL. Let me state to the Chair what the provision of the resolution is. [Cries of "Order!"] The resolution touches the constitutional question.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] is recognized.

Mr. HASKELL. May I not answer the gentleman from Ohio [Mr. MCKINLEY], my colleague on the committee? [Cries of "Order!"] May I not answer a gentleman who desires information as to the effect of my resolution?

Mr. MCKINLEY rose.

The SPEAKER. The gentleman from Kansas has yielded the floor; he can not make another speech.

Mr. MCKINLEY. But I presume we are all seeking the truth of this matter.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. HASKELL. I do not want the House deceived as to the proposition I have submitted.

Mr. HAMMOND, of Georgia. I call the gentleman from Kansas to order.

Mr. HASKELL. I rise to a question of personal privilege, then, on the floor of this House.

Mr. BLACKBURN. Oh, that is desperate!

The SPEAKER. The gentleman will state his question of privilege.

Mr. HASKELL. My question of personal privilege is that I am denied my rights under the parliamentary law of the House upon this floor.

Mr. KENNA rose.

The SPEAKER. Has the gentleman finished his statement?

Mr. HASKELL. I have.

The SPEAKER. The Chair will state, in the first place, that the gentleman is sadly in error, because he only had the floor to debate a question on a point of order, which is subject to limitation at any time, under the uniform practice, by the Speaker.

A MEMBER. That is right.

The SPEAKER. And the Speaker, recognizing the gentleman as having finished, recognized another gentleman, and the gentleman from Kansas is not entitled to an hour in debating a point of order unless the Chair chooses to allow it. Now, the Chair says for that reason the rights of the gentleman have not in any way been infringed. The Chair recognizes the gentleman from Georgia.

Mr. HASKELL. Then I rise to a parliamentary question.

Mr. HAMMOND, of Georgia. I desire to know, Mr. Speaker, whether I can have the floor taken from me in this way?

The SPEAKER. The gentleman rises to a parliamentary question, and he will state it.

Mr. HASKELL. I rise to a parliamentary question, and gentlemen on the other side will not take me off the floor by scowls or by any other process; let that be understood now.

Mr. BLACKBURN. It seems the Speaker can not take him off the floor.

The SPEAKER. The gentleman rises to a parliamentary inquiry; that is his right.

Mr. KENNA. Mr. Speaker, the gentleman has no right to take the entleman from Georgia off the floor for that purpose.

Mr. HASKELL. I rise to ask a parliamentary question or to submit a question to the Chair. Will the Chair recognize me——

Mr. HAMMOND, of Georgia. I submit whether by any question he can take me off the floor.

The SPEAKER. Let the question be stated.

Mr. HAMMOND, of Georgia. I do not care what it is. I deny his right to be asking questions while I have the floor.

The SPEAKER. The gentleman had not commenced his speech.

Mr. HAMMOND, of Georgia. I desire the Speaker shall decide, that is all, whether he can interrupt me by any question without my consent——

The SPEAKER. The Chair decides to hear the gentleman's parliamentary inquiry.

Mr. HAMMOND, of Georgia. Very well.

The SPEAKER. Not to take the gentleman from the floor.

Mr. HASKELL. I make the parliamentary inquiry whether it is not in order for me to ask the Speaker of the House to submit to the House a request on my part for unanimous consent to reply to my colleague on the Committee on Ways and Means, the gentleman from Ohio [Mr. MCKINLEY]?

Mr. HAMMOND, of Georgia. That is out of order.

The SPEAKER. The Chair simply asserts his own right in reference to the conduct of this debate, and the gentleman from Georgia is recognized and will proceed.

Mr. HAMMOND, of Georgia. Mr. Speaker, the precedent the gentleman has cited from the Thirty-fifth Congress gives him no aid when the facts of the case are stated. As I said, the Senate placed an amendment on a House bill which the House thought violated the privileges of that body, and it proceeded so to resolve and to notify the Senate. (See Globe, 38 vol., 1666.) After the Senate had been so notified, it resolved that it had not violated the privileges of the House, and on that question there was a conference committee appointed. (*Ib.*, 1674.) After that the House appointed a like committee. (*Ib.*, 1677.)

The gentlemen ask for a conference in advance of a disagreement, in advance of a declaration by this House that its privileges have been violated. There is no parliamentary practice which allows a conference to be appointed in anticipation of disagreement. True, a rule has been passed here that when certain action is taken toward taking up that bill there may be a conference, and that is by virtue of that new rule only—when the bill is called up under that rule only.

I submit, Mr. Speaker, a precedent can not be found where when the question of its highest privilege was presented to the House the House deliberated how to get rid of asserting its privilege. I submit that never before did the representatives of any portion of the American people seek to avoid the claim of all that is valuable to their constituency.

The object of that resolution is to declare in advance that there will be a conference, and instructs the committee of conference in advance what they may do. I do not believe the Senate of the United States will differ with this House. I believe that the Senate of the United States will say that they, urged by clamor, have done an unseemly thing, and will recede from their position. They will consent to withdraw their bill, and when they shall have withdrawn it and sent another bill here, if they see proper to send any, then will come the time for conference about a bill.

But suppose they take the other view, and say, with all due deference to the House, they have not violated our privileges, and ask a conference on that question. Can we anticipate what the House will wish to do in regard to that controversy, or how to instruct that conference committee?

We might choose to pass a further resolution of the House, as in 1641 the Commons of England did, that the House will have naught to do with the bill until its privileges were recognized.

The gentleman's resolution, therefore, in anticipation is entirely out of order. I do not care what he means by it. The question is: what do the written words mean? What would the conferees understand the words to mean? They could but understand them to mean that it would give them instructions upon a difference which has never arisen and which may never arise and on the merits of the question.

Mr. REED. Mr. Speaker, I think if the attention of the House is called back to the actual facts presented in this case as they really exist, that there can be no point of order, and that the gentleman from Kentucky will not be disposed to make any point of order upon the proposition.

This is a proposition that rests upon an "if." It is "if" this bill is sent to the committee of conference, as it can be by the rule just adopted, then in that event a certain constitutional question which is raised can be presented to that same committee of conference, and by our conferees presented to the conferees of the Senate; and if our conferees see fit they can make a report thereon to the House. That is all there is of it.

Now, this resolution—this substitute which is offered—contains nothing whatever except reference to the constitutional question. It has no reference whatever to the difference in the tariff bill, the amendments thereto, to be discussed and agreed upon or rejected as the case may be——

Mr. CARLISLE. Let me ask the gentleman a question.

Mr. REED. That bill as a legislative measure from the nature of the case goes to a conference commitee by another and separate motion made under the rule which has been already passed by the House. It is entirely competent for the House after raising the constitutional question to take any action which it sees fit to take in regard thereto. It may insist irrevocably upon its constitutional objection, and put the bill upon the table, such as has been done hitherto, and just as is proposed by the resolution submitted by the gentleman from Georgia; or it may send the whole matter to a conference committee to be discussed and considered by agents of both Houses. After that the question is simply, what will the House do? It is competent for the House to do anything which it considers suitable and proper under the circumstances. It has full power over the measure, and can act upon it as in its judgment it may deem advisable. But I do not desire, nor is it necessary now, to go into the merits. When that question comes up I desire again to be heard; but for the present it seems to me that the question before the House needs no further elucidation.

Mr. CARLISLE. Let me ask the gentleman from Maine a question.

Mr. REED. Certainly.

Mr. CARLISLE. Inasmuch as he has been commenting on the effect of this resolution——

Mr. REED. Precisely.

Mr. CARLISLE. Do I understand the gentleman from Maine to say that this proposed substitute does not bring the bill before the House at all?

Mr. REED. I mean to say that distinctly; that it does nothing of the kind.

Mr. CARLISLE. And that the vote on the adoption of that substitute would not be a vote disagreeing to the amendments to the bill which have been submitted by the Senate?

Mr. REED. Precisely.

Mr. CARLISLE. Then I understand the gentleman to say further that the effect of the adoption of this resolution would be simply to send the matter to the committee of conference——

Mr. REED. If one is ordered.

Mr. CARLISLE. If one should be appointed?

Mr. REED. Yes.

Mr. CARLISLE. And that on the constitutional question or question of privilege the House has expressed no opinion?

Mr. REED. The House has expressed an opinion.

Mr. CARLISLE. But does the substitute which has been presented express an opinion?

Mr. REED. Certainly.

Mr. CARLISLE. There is, as I gathered from the reading, a preamble reciting certain points, but the House resolves in adopting that resolution nothing with reference to these constitutional prerogatives which are involved in the preamble. I think if the Clerk will read the resolution again this will be seen.

The SPEAKER. In the second clause of the preamble the House undertakes to express an opinion, but if the gentleman desires it the proposition may be again read.

Mr. CARLISLE. I should like to have it read again.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas House bill 5538, entitled "An act to reduce internal-revenue taxation, and for other purposes," under the form of an amendment in the Senate to title 33 of the Revised Statutes, which provides for duties on imports, has been so modified and changed by the introduction of new provisions, containing among other things a general revision of the statutes referred to, so as both to increase and reduce duties on imports, and in many instances to repeal and in others to amend the laws imposing impost duties; and

Whereas in the opinion of this House it is believed all such changes and alterations are in conflict with the true intent and purpose of the Constitution which requires that all bills for raising revenues shall originate in the House of Representatives: Therefore,

Resolved, That if this bill shall be referred to a committee of conference it shall be the duty of the conferees on the part of the House on said committee to consider fully the constitutional objections to said bill as amended by the Senate and herein referred to, and to bring the same together with the opinion of the House in regard thereto before said committee of conference; and if necessary in their opinion, after having conferred with the Senate conferees, said conferees in said committee may make report to the House in regard to the objections to said bill herein referred to.

Mr. CARLISLE. Referred to herein.

Mr. REED. Objections herein referred to, not bill herein referred to.

Mr. CARLISLE. Now, it was formerly a well-established parliamentary law that a committee of conference could not be instructed at all. But a practice has grown up in this House of instructing a committee of conference; sometimes, in a very indirect way, of passing a resolution declaring the opinion of the House as to the matter in conference. But it is well established, even in this House that no committee of conference can be instructed until after there has been a disagreement. That the Speaker will find frequently stated in our Digest; not in our rules, but in the Digest.

Now, here is an attempt to instruct a committee of conference which has not even yet been ordered, upon a supposition that one may be ordered at some time hereafter by the House upon the bill, as to what that committee may do or may not do. If the latter part of the resolution should be stricken out or the language of it should be made so plain that there can be no misunderstanding as to the actual purpose of this House, I concede, as I said before, that the point of order made by me would not be good.

There may be another objection to it different from what I have suggested which I shall not urge now, because it would come more properly from some member of the Committee on Rules.

Mr. REAGAN rose.

Mr. BLACKBURN. I desire to give notice——

The SPEAKER. The Chair is ready to decide this question.

Mr. BLACKBURN. I do not want to argue this question of order, but want to submit a question of order if it should become necessary in the event of the point now pending being overruled.

The SPEAKER. The Chair will hear the gentleman from Texas [Mr. REAGAN] on the point of order.

Mr. REAGAN. Under the rule of the House adopted this morning provision is made for the reference of this bill to a conference committee. But that was to be preceded by a vote which declares the disagreement to the Senate amendment.

Now, it seems to me if the resolution of the gentleman from Kansas [Mr. HASKELL] can be adopted by the House now, we have simply again amended the rules of the House; that we are not proceeding under the original proposition, but are going on to amend the rules simply by the vote of the House.

It seems to be conceded by gentlemen that we may refer a question as to the constitutional privileges of the House to a conference committee. I venture this statement, and I do it for the purpose of calling the attention of gentlemen who make this concession, that I do not believe in the whole legislative history of this country the naked question of the privileges of the House as submitted by the resolution of the gentleman from Georgia has ever been submitted to a conference with the Senate. Why, sir, are we to ask the very body we charge with a violation of the privileges of the House whether it has violated our privileges or not? Is that a question for the Senate? Is it a question we should submit to a conference whether or not we have privileges which the Senate has violated?

Mr. BUTTERWORTH. I want to know whether I rightly understand this resolution or not. If I am wrong I hope the gentleman from Maine [Mr. REED] will correct me. I understand this committee of conference, if it shall be appointed under the resolution of the gentleman from Kansas, will have no power or authority to report touching anything except the question of the infringement of the constitutional prerogative of the House to originate money bills; that they will not be authorized to report back to this House any recommendation touching the revision of the tariff.

Mr. REED. I will try to make it plain to the gentleman from Ohio [Mr. BUTTERWORTH]. All that this resolution relates to is the constitutional question. It sends the constitutional question to the committee of conference to be hereinafter appointed. Now, that committee of conference will get its power over the bill, not from this resolution, but from the rule which has already been passed, and by action under the rule, and in no other way.

Mr. BUTTERWORTH. But that conference committee then may, when in its judgment it deems it wise, proceed to make such changes and modifications on the bill——

Mr. REED. Not under this resolution.

Mr. BUTTERWORTH. But the action must be concurrent. When you appoint the conference committee they receive their power by virtue of the proposition or further rule which we adopted this morning.

Mr. BLACKBURN rose.

The SPEAKER. The Chair is willing to rule without further argument.

Mr. BLACKBURN. I should like to be heard a few moments, unless the debate on this question is to be confined altogether to the other side of the House.

The SPEAKER. It has not been.

Mr. BLACKBURN. It has been for some time past, except that the Chair heard the gentleman from Texas [Mr. REAGAN].

The SPEAKER. And the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Kentucky [Mr. CARLISLE].

Mr. BLACKBURN. I want to call attention to the peculiar answer made by the gentleman from Maine [Mr. REED] to the question of the gentleman from Ohio [Mr. BUTTERWORTH]. We are told that this committee of conference, if it shall be raised, will have power under the proposed resolution of the gentleman from Kansas to inquire into and report upon the constitutional prerogatives of this House; and under that thing called a rule which was passed here to-day they will have power to report upon a revision of this tariff bill; so that putting the two together, the effect of the rule so called and the effect of the proposed resolution now submitted, the committee of conference will have power to do more than I want to see done.

Mr. ROBESON. If the gentleman from Kentucky will permit me one moment I think I may make the subject plain.

Mr. BLACKBURN. I would yield to the gentleman if he wanted to ask me a question. But I wanted to make something plain myself.

Mr. ROBESON. I want to make this point plain. I am sure the

gentleman from Kentucky will permit me. It is this: That this bill contains two separate fields of enactment. One is the internal-revenue question, which was sent from this House to the Senate and originated here. There is no constitutional objection to that. We have under our rule provided for a conference on that. We provide under this resolution, if it should pass, for a declaration of this House that the tariff amendment to the internal-revenue bill is an invasion of the privileges of this House, and direct that committee of conference to present that question to the Senate and to report their action to the House. And so, Mr. Speaker——

Mr. BLACKBURN. It seems to me that the gentleman from New Jersey [Mr. ROBESON], while actuated, I have no doubt, by the kindliest motives to aid me, has done nothing in that direction. I come back now, with his permission, in my own time to say just what I was trying to say when he made his speech in my time.

It is that it is claimed by the gentleman from Maine [Mr. REED], and had as well be admitted here and understood, that this committee of conference, if you raise it, will be authorized to do two things: That under the rule passed this morning it will have authority to revise the tariff features of the pending bill, and under the resolution submitted by the gentleman from Kansas [Mr. HASKELL] it will have the authority to inquire into, report, or act upon, for it is made discretionary, the question of the constitutional privileges of this House.

The question of the gentleman from Ohio [Mr. BUTTERWORTH] therefore remains unanswered, and I answer it for him now, and tell him yes; that if the resolution submitted by the gentleman from Kansas be agreed to, you will send out of this House a committee of conference charged with the double power and the double duty of inquiring into and reporting upon both the question of constitutional prerogative and the question of revision of the tariff features of this bill. And, more, it is an abnegation of power, after the fashion of the electoral commission or the Tariff Commission, to which some of us have always been opposed.

I want to call the attention of the Speaker to this point; it is a direct, flat, and palpable violation of your own rules, doctored as you have doctored them. That being the case, under the rules, if there be any rules left to this House, it proposes to change the rules and it must lie over for one day, and we will insist upon that point of order. You have made the rules to suit you. Now we simply ask that you observe them. If you want to change them, you must at least conform to the requirements that are still left in force and permit that proposed change to lie over for one day.

The gentleman from Ohio [Mr. BUTTERWORTH] is answered, and no man will traverse the statement. If the resolution offered by the gentleman from Kansas is agreed to, then you send out of this House a conference committee clothed with special powers both upon questions of constitutional prerogative and upon the question of the revision of the tariff as submitted by the Senate.

The SPEAKER. The Chair is ready to rule upon the point of order.

Mr. CONVERSE. I desire to ask the gentleman from Kentucky a question before he yields the floor. What possible advantage would it be to the House to inquire into the constitutional question after the House has acted on the Senate bill and rejected the amendments?

Mr. BLACKBURN. No earthly use, because no result would follow.

Mr. BRAGG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. Under the rules and practice of this House, and of every other deliberative body, do we ever send any matters to conference that are not in dispute between the two Houses?

The SPEAKER. The Chair will endeavor to answer that question.

Mr. BRAGG. I think the answer to that must be no. We have here made a declaration of privilege which is not yet denied by the Senate. Why shall we send it to a conference?

The SPEAKER. The gentleman said he rose to make a parliamentary inquiry, and then he answered it himself. The Chair is prepared to decide this question.

Mr. BRAGG. My first statement was my premise, and upon that I based the question.

The SPEAKER. The gentleman answered his own question.

Mr. BRAGG. That was my premise, and upon that I asked a question which I desire the Speaker to answer.

The SPEAKER. The Chair will answer it as far as he can.

Mr. BRAGG. Whether if it stands in that position, with our rights so far undisputed, is it in order to refer that undisputed question of privilege to a committee of conference composed in part of members of another branch of the Legislature, which has not yet denied the assertion we make.

The SPEAKER. The Chair may say in answer, so far as it is necessary to answer the question made by the gentleman from Wisconsin [Mr. BRAGG], and it is necessary to do it only so far as affects this question, that it is quite competent on presenting a matter which is clearly in opposition to the action of the Senate, and in the first instance, to declare a disagreement and to ask for a conference.

The Chair is perfectly well satisfied that the proposed substitute would not be in order if it undertook to do anything more in the first instance than to provide for a disagreement with the Senate on the constitutional right of the House or of the two Houses, and then to refer that disagreement and other subjects connected with the bill to a committee of conference.

Committees of conference are not appointed, as has been suggested, by virtue of joint rules of the two Houses, because, as the Chair understands, there have been no joint rules of the two Houses recognized by either House for a number of years. Committees of conference have grown up in practice; either House may ask a conference on any matter of disagreement. The Chair does not think that upon a matter about which there is no disagreement, and none proposed by the action of the House with the Senate, a conference could properly be asked for. Nor does the Chair think that under the guise of providing for a conference other rules of the House may be overridden. If this resolution is subject to the construction that it sends the bill to the conference committee, in case the Senate should agree to it, then it would have to be held that under the right to provide for a committee of conference we could override our rules in reference to the manner of proceeding to business on the Speaker's table, and we could override Rule XX, which requires that a Senate amendment to a revenue or appropriation bill shall be first considered in Committee of the Whole on the state of the Union, and, without declaring a disagreement in the Senate amendment, send it directly to a committee of conference. If this proposed substitute would do that, the Chair would hold it to be not in order.

But before coming to consider what the plain meaning of the language is, the Chair desires to call attention to the precedent, as it is claimed, which arose in March, 1859. On an examination of that case, which involved the constitutional right of the Senate to originate a post-office appropriation bill, it will be found that a resolution very similar, certainly in effect, to the proposed substitute was adopted in the House by a very large vote, and a conference was agreed to by the Senate. The conferees on the part of the two Houses met and considered only, as the Globe of that time will show, the question of constitutional difference between the two Houses, and reported upon that. Without undertaking to settle the question one way or the other, the conference committee made a report declaring in effect that neither House receded from its position on the subject, and then, as it was the day before the expiration of the Congress, recommended in the latter clause of the report that each House should waive any constitutional right which they respectively considered to belong to them and that the House should pass the bill which was brought to the House.

The history of those proceedings shows, however, that after this bill was brought to the House it was not treated at all as a bill brought there by the conference committee. Mr. Letcher, of Virginia, a member of the conference committee on the part of the House, after the report was received and before it was acted upon, obtained unanimous consent to introduce the precise bill which was recommended by the committee of conference. It was introduced by unanimous consent, read a first and second time as an original bill, and subsequently that bill passed as a House bill upon a suspension of the rules. It was not treated as any matter offered to the House properly by the committee of conference. The committee of conference certainly transcended to some extent its duties by recommending the House to take up a bill, that subject not having been referred to the committee; but it was a mode of getting out of the difficulty and saving an appropriation bill in the expiring hours of the Congress. Thus in this particular case we find a precedent only for a resolution of the House referring the constitutional question to a committee of conference, the House having first declared its opinion that the Senate had not the right to originate the particular bill.

Now, a fair reading of this proposed substitute leads the Chair to hold that it provides only for referring to a conference committee the constitutional objections to the bill, such as grow out of the alleged violations of the Constitution by the Senate of the United States in passing an impost bill as a part of or an amendment to an internal-revenue bill of the House. The second clause of the preamble clearly provides for a disagreement with the Senate upon this constitutional question. The Chair, giving this substitute the construction it has indicated, holds that the substitute is in order, and therefore overrules the point of order made by the gentleman from Kentucky.

Mr. HAMMOND, of Georgia. I respectfully appeal from the decision of the Chair.

Mr. REED. I move that the appeal be laid on the table.

The motion of Mr. REED was agreed to.

Mr. REED. I move the previous question upon the resolution and substitute.

Mr. HAMMOND, of Georgia. I would like to know how the gentleman from Maine [Mr. REED] takes me off the floor to make a motion.

Mr. REED. The gentleman abandoned the floor himself.

Mr. HAMMOND, of Georgia. I reserved, by consent of the House, half an hour of my time.

The SPEAKER. Any gentleman having the floor has the right to make a motion that the rules allow; but the gentleman from Georgia reserved at the conclusion of his speech thirty minutes of his hour.

Mr. REED. I have no objection to the gentleman having his thirty minutes pending the call for the previous question.

Mr. McLANE, of Maryland. I object to any arrangement of the kind.

The SPEAKER. The Chair will recognize the gentleman from Georgia. He can yield his time or use it, as he chooses.

Mr. HAMMOND, of Georgia. I ask the Chair whether or not the previous question, moved while I am entitled to the floor, is in order.

The SPEAKER. If the gentleman yields the floor, it is.

Mr. HAMMOND, of Georgia. The Chair says, "If the gentleman from Georgia yields the floor." I wish to know whether I did yield it when I expressly reserved the right to speak.

The SPEAKER. The Chair is not called upon to decide a question which is not presented. The gentleman from Georgia is now recognized as entitled to the floor for thirty minutes.

Mr. McLANE, of Maryland. Before the gentleman from Georgia proceeds I want to be heard. I do not understand that the debate is closed upon the question of privilege. I desire to be heard in opposition——

The SPEAKER. Does the gentleman from Georgia desire to proceed now?

Mr. HAMMOND, of Georgia. Yes, sir.

The SPEAKER. The gentleman will be recognized.

Mr. McLANE, of Maryland. My appeal to the gentleman from Georgia is simply to continue to reserve his time.

Mr. HAMMOND, of Georgia. I have reserved it. I yield five minutes to the gentleman from Kentucky [Mr. KNOTT].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. McLANE, of Maryland. Before the gentleman from Kentucky proceeds I wish to make a parliamentary inquiry. I desire to know from the Chair whether the debate is closed? I submit there is no rule permitting this arrangement to be made; and I object to it. This is not by any means like a question where a bill has been introduced. The gentleman from Georgia, by unanimous consent, and that is the only fair and honorable way of looking at this matter, reserved thirty minutes, which he had no right to do under our rules. But he had unanimous consent to reserve thirty minutes, and I am not raising any objection to his so reserving his time. But I wish the Chair to recognize me to be heard in my own right in opposition.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. KNOTT. While I entertain the profoundest respect for the opinion of my distinguished friend from Georgia [Mr. HAMMOND], I trust it will not be deemed impertinent in me to suggest that it seems to me that there can be no possible difficulty in solving the question of privilege supposed in the resolutions under discussion provided we are content with the plain, written language of the Constitution, and that all the difficulty which gentlemen have professed to discover in the matter, either now or heretofore, has grown out of the fact that they have not been satisfied to be governed by the simple provisions in the fundamental law of our Government, but have insisted in looking beyond them to the principles of English parliamentary practice, which have no more force or effect here than the decrees of the Medes and Persians or the mandates of the Tycoon of Japan.

It is well known on all hands that under the parliamentary law of Great Britain the power to originate "money bills" or bills for raising revenue is vested exclusively in the House of Commons, and that that body has always been so jealous of that privilege that the House of Lords has never been allowed to propose even the smallest amendment to such a measure; and, sir, if such were the law here the present question of privilege could not have arisen.

But such is not and never has been the rule under our Constitution. Under the provisions of that instrument Congress—not the House of Representatives, but Congress—has the power to lay and collect taxes, duties, imposts, and excises, that is, to raise revenue by any or all of the enumerated methods.

While the framers of the Constitution thus conferred upon the two Houses of Congress concurrently the power to raise revenue, they simply provided that all bills for that purpose should originate in the House of Representatives, but conferred upon the Senate the absolute, unconditional, and unlimited power of proposing or concurring in amendments thereto. The language of the first clause of section 7, article 1, of the Constitution is that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills."

Nothing could be plainer, simpler, or easier understood than this. It is too plain indeed for either question or interpretation. It means, and can only mean that bills for raising revenue must originate in this House, and can not be originated anywhere else, but that after it has been originated and sent to the Senate that body has an unlimited, unqualified, absolute right to propose any amendment to it which its judgment may suggest, and all that is then left for the House is either to concur or non-concur with such proposed amendment. There is the whole matter, sir. No amount of strained construction can get away from it. There is no question of privilege about it.

It is necessary, for instance, to raise a given amount of revenue. It may be raised by a direct tax, by duties on imports, or excises, but the initiation must be taken by the House, whatever may be the method resolved upon. The bill must originate here or it can not originate at all; and in originating it the House may select any one or all the methods authorized. It is sent to the Senate, which may disagree with the House either as to the amount to be raised or the methods of raising it.

It may under its constitutional power to amend strike out the entire bill from the enacting clause down and substitute another which in its judgment may be better calculated to answer the end proposed. In a word, sir, the Senate has just as much right to amend a revenue bill as this House has to originate it. Its power is just as absolute and unqualified as our own.

Now, sir—[Here the hammer fell.] I ask for one minute more, in order to complete my thought. If gentlemen will consent to be governed by the first, plain, cardinal canon of legal construction they will discover no difficulty whatever in this question. That simple, common-sense rule is that where the words employed in a given instance are plain and unambiguous they must be taken to mean precisely what they say. No interpretation is necessary or to be allowed. The language here is plain, so plain that the wayfaring man, though a fool, need not be mistaken about it.

This obvious principle of legal construction, then, determines this whole question. This simple, unmistakable language of the Constitution is now sought to be evaded by citations of ill-considered, fallacious precedents; and this leads me to repeat an expression which has often risen to my lips, that two vicious precedents are sufficient in the minds of many distinguished statesmen to override the plainest written provision in the fundamental law of our Government. [Applause.]

Mr. HAMMOND, of Georgia. Mr. Speaker, the argument of the learned gentleman from Kentucky [Mr. KNOTT] must be very impressive when it makes the representatives of the people applaud because this claimed surrender of their privileges is denied. The whole question in debate fairly considered is whether the Senate under the guise of an amendment has violated the spirit of the Constitution. I admit that the letter has not been violated unless the limitation "as on other bills" is a limitation. I have contended that it is, and that the House is and ought to be the sole judge whether any amendment put on its bill by the Senate is such an amendment as might have been properly put upon another bill.

I am no stickler for the rights of the House. I am, as I said, simply presenting my individual opinion about this matter, under a sense of individual duty.

What do I find? No one but the gentleman from Kentucky seems disposed to deny the proposed substitute admits every position which my resolution takes. The cited 153 votes to 9 in 1872 made the declaration that my resolution is right, and I wish to read simply in reply to the gentleman and in favor of my resolution the remarks of Mr. DAWES and Mr. Garfield on that debate. Their names will give weight to my position.

Mr. DAWES said on that debate:

> This is not the bill which we sent to the Senate; not even the original title remains; nor is it in any fair and proper sense a bill similar in character. It is, as I have said, a general revision not only of the tariff, out of which we had selected two subjects with reference to which we repealed the revenue. It has gone over all the subjects-matter of revenue from all the sources of imports, but it has gone out altogether of that subject-matter into another and entirely different field, that of internal taxation, upon which we had originated no measure whatever, and it has repealed largely the taxes in some particulars and it has reduced others, changing entirely the bill in its character and in its effect.

Mr. Garfield said:

> We must not construe our rights so as to destroy theirs, and we must take care that they do not so construe their rights as to destroy ours. If their right to amendment is unlimited, then our right amounts to nothing whatever. It is the merest mockery to assert any right.
>
> What, then, is the reasonable limit to this right of amendment? It is clear to my mind that the Senate's power to amend is limited to the subject-matter of the bill. That limit is natural, is definite, and can be clearly shown. If there had been no precedent in the case I should say that a House bill relating solely to revenue on salt could not be amended by adding to it clauses raising revenue on textile fabrics, but that all the amendments of the Senate should relate to the duty on salt.
>
> To admit that the Senate can take a House bill consisting of two lines, relating specifically and solely to a single article, and can graft upon them in the name of an amendment a whole system of tariff and internal taxation, is to say that they may exploit all the meaning out of the clause of the Constitution which we are now considering, and may rob the House of the last vestige of its rights under that clause.

I will read no more from that debate, although there is the same sentiment in just as strong language expressed by other gentlemen. Will anybody here tell me that upon our little bill of the Forty-sixth Congress to make quinine free the Senate could have ingrafted amendments covering the whole subject of the tariff and internal-revenue legislation besides?

I wish to say a word more before I close against the substitute presented. Heretofore the House has been charged with standing too punctiliously upon its privileges. Now we see what to me is a humiliating spectacle, that the majority of this House are seeking to refer to a conference committee a question as to whether or not their privileges have been invaded, and refer it to a committee made up in part of the men who have made the invasion, if there be one. I care not for your recital in the preamble, for the preamble is naught. The resolution is that that committee may consider and report to this House—consider in the private chamber of a conference committee. In that private chamber this great right, which for five centuries has never been sur-

rendered where there were Anglo-Saxon legislators, is to be settled by the men who made the violation under the pressure of party necessity. Make out of it what you please, the country will understand that you are running over all rules; that you are surrendering the privileges of the House and people, that you are marching through the Constitution of your country to take care of the monopolists and the protected classes.

Mr. REED. I yield five minutes to the gentleman from Illinois if he desires it.

Mr. MORRISON. I am greatly obliged by the courtesy of the gentleman from Maine. When with others I have contended here day after day for the privilege, which ought to be ours by right, of voting for or against the bill under consideration, I believed it was a bill which originated here to reduce taxation and just such a bill as the Senate had a right to amend—that the Senate had so amended the bill and returned it here for our approval or rejection of such amendments. The question in dispute is simply one of constitutional power, and it will appear from that clause of the Constitution just read to the House by the gentleman from Kentucky [Mr. KNOTT] that the power to raise revenue from whatever source, internal or external, excise or tariff, is derived from the same clause of the Constitution, and that no distinction is made in that provision or clause of the Constitution whether the revenue is derived from one source or the other.

The bill must originate in the House to obtain revenue from either source, and is a revenue bill and may, like other bills, be amended in the Senate. The question is not whether this is a bill relating to internal or external taxation; but was it a revenue bill when it originated here, and is it a revenue bill as amended and returned? The fact that it is such is not questioned by any one, I believe, and this, it seems to me, admits the right of the Senate to propose the amendments it has proposed.

Sir, the bill we sent to the Senate was a bill to reduce taxes received from banks and other internal sources not including tobacco. As the bill comes back to us a reduction is also made on internal tobacco tax, and so far as I know no one has questioned the right of the Senate to so amend as to relieve tobacco. It is known to us all that part of the tariff tax on tobacco is or was claimed to be imposed to protect our internal revenue from that source, and when the internal tax is reduced the tariff should be reduced in like proportion. If this is not true and you remove all tax from tobacco the tariff on it will be prohibitory and you will get no revenue from that product.

Do gentlemen intend to insist here that the Senate can so amend as to reduce the one tax, internal, on tobacco and not the other? Or do gentlemen intend to be understood as disputing the right of the Senate to reduce this tax also? They have not said so. Therefore it is that I insist the right of the Senate to propose these amendments is conceded in the argument made and the facts admitted. We can only deny this right, it seems to me, by denying what the Constitution gives in unmistakable terms. The Constitution making no distinction between the two sources of revenue when determining the right to originate and the right to propose amendments, we can make none. The Senate has power in my opinion by amendment to increase or decrease any tax we originate. It may propose to add to or take from the subjects of taxation. It may, as I believe, change or propose to change the character of the tax on any article, and get more from external and less from internal taxation without changing the character of a revenue bill, without infringing our rights to originate or without prejudicing our power over the subject to be exercised by concurring or rejecting amendments proposed by the Senate.

Mr. REED. I yield fifteen minutes to the gentleman from New Jersey, if he desires it.

Several MEMBERS. Move the previous question now.

Mr. HASKELL. Other gentlemen desire to be heard.

Mr. REED. I will move the previous question if there is no desire to discuss it further. If the gentleman from New Jersey desires to be heard I will yield to him such time as he may wish.

The SPEAKER. What time does the gentleman yield?

Mr. REED. I yield fifteen minutes.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] is recognized for fifteen minutes.

Mr. ROBESON. Mr. Speaker, there can be no doubt about the importance of a constitutional question upon any subject which controls the action of either House of Congress. And still less can there be doubt of the importance of this question, which is the very question which lies at the foundation of the Constitution and the relations of the two Houses themselves and of the powers which are given to them as separate Houses. When the Constitution of our country was framed the question of the right of the House of Representatives to originate all revenue bills was the pivotal question upon which was decided the final question of whether there should or should not be a Constitution.

This right was demanded and yielded to the House for two reasons. First, because it directly represented the people, and depended for its membership upon population, and because in analogy with the British constitution, upon the suggestions of which ours was framed, it was provided by our fathers that the right of taxation should go with the representation of the people, and not only the right to impose taxes but also, and here is the governing point of this case, the right to select in the first instance the objects of taxation. Therefore was it provided that this right should be inherent in the representatives directly selected by the people. Secondly, this right was given exclusively to the House of Representatives as a compromise between the larger and the smaller States. The smaller States claimed the right to be represented as sovereignties in the Senate by equal representations with the imperial Commonwealths with which they were associated in the Union; and as a compromise of that question this right was reserved to the House of Representatives.

Thus it will be seen that no more important question can ever arise here for the consideration of the representatives of the people, and it is the question upon which, in the growing interests of business and wealth in our country, the future character of our Government is to be determined. It is urged to-day that the business interests of the country press for a decision of the questions of tariff, and that any man who asks that we pause to consider the question of our constitutional rights and their invasion is interfering with the business interests of the country. But I say to you that the history of free governments and of the rights of the people show all down the pathway of its progress this one fact that whenever the constitutional rights of the people have been surrendered they have always been sacrificed under the pressure of what was claimed to be an imperative business necessity.

The simple question here is, whether, when we send to the Senate—everybody admits that we have the right, the exclusive right, to originate "bills for raising revenue"—whether, when we send a bill to the Senate covering certain subjects-matter of taxation and providing for raising revenue on them, selecting for ourselves in the first instance the objects in regard to which we originate that bill, the Senate can take it, and founding its power upon the special objects which we select and the provisions which we originate in regard to them, can enlarge its jurisdiction to the whole subject-matter of revenue and taxation.

The question involved is whether when we send a bill to the Senate altering the internal revenue derived from a single article the Senate can ingraft upon that action a general revision of the tariff. The gentleman from Kentucky [Mr. KNOTT] claims, and the gentleman from Illinois [Mr. MORRISON] followed him, that when we give the Senate the jurisdiction of tobacco we jump from internal revenue by suggestion to tariff legislation because tobacco is affected under both systems. My proposition is broader than that which they suggest. It does not rest merely upon any classification between internal revenue and tariff taxation.

It is that the right to originate revenue bills, which is exclusively with the House, includes the right to select the subjects and objects upon which the revenue is to be raised. If it were otherwise our right is worth nothing; and the men who made the Constitution understood that too well to have intended any such thing. To say that when we send a bill to the Senate to repeal the duty upon religious books or to admit the statue of Washington free of duty, that as that is a revenue bill the Senate may on it grasp and appropriate to itself all this exclusive jurisdiction of the House, and claiming what it has no right to claim and what is forbidden to it by the Constitution of our country, is to say squarely that provision of the Constitution upon which the question of its adoption rested was a hollow sham and not worth the controversy of children.

I now read from the Globe of March 3, 1871, this resolution of the House, on that day unanimously adopted:

Resolved, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes, and in the exercise of this privilege, in the first instance, to limit and appoint—

Mark the words—

To limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments as on other bills."

Mr. BROWNE. Will the gentleman allow me right there——

Mr. ROBESON. I have very little time; it is hard to illustrate a great question in fifteen minutes——

Mr. BROWNE. But for a moment. Suppose we sent to the Senate a bill proposing to raise revenue on but two commodities, as, for instance, on tobacco and spirits. Now, to what extent may the Senate upon such a bill add amendments?

Mr. ROBESON. I have not the time to pause. I am making a general argument with limited time and must pursue it or abandon it, and I can not be led astray into by-paths to the consumption of time, even to answer my friend's simple question.

Now, Mr. Speaker, that resolution covers this whole question, and it bears the highest sanction. It was reported to this House by Mr. Samuel Hooper, then a leading member from Massachusetts. With him were associated Mr. WILLIAM B. ALLISON, now a legislator in another co-ordinate body of this Government, and Mr. DANIEL W. VOORHEES, another legislator now in another co-ordinate legislative branch, and it was passed unanimously less than two days before the House adjourned. I now desire to read upon this subject a few words of wisdom and of strength from a man who lately died in the discharge of his duty, as

the representative man of the people of this country; I refer to our former colleague the late President Garfield:

Mr. Speaker, I regard this as a most important report on a subject most vitally affecting the rights of this House. I have prepared with such care and deliberation as I could give a very careful statement of the history of this clause of the Constitution now in question (which was borrowed from the British constitution) and the precedents on the subject from the First Congress down to the present time. Rather than take the time of the House I will ask leave to print these remarks. I wish to say merely that the House has never, at any time, so far as I can find, when the matter was challenged, or called up, surrendered the right claimed in the resolution now pending; and if the House should ever make such surrender, I should look upon it as a dark day for the liberties of the country.

Mr. McKENZIE. Was that Garfield?

Mr. ROBESON. Those are the words of James A. Garfield. And now, still further to pursue that precedent. In April, 1872, the same question came up that is here presented. This House had originated and passed a tariff bill repealing the duty on tea and coffee and sent it to the Senate. The Senate added to it a revision of the internal-revenue taxation. When this came to the House then, Mr. DAWES, now a Senator, supported by Mr. Garfield, by Mr. William A. Wheeler, late Vice-President, by Mr. Fernando Wood, by Mr. Benjamin F. Butler, by Mr. Clarkson N. Potter, most cogently and learnedly by Mr. SAMUEL S. COX, by Mr. WILLIAM S. HOLMAN, by Mr. HOAR, Mr. HAWLEY, Mr. FRYE, Mr. CONGER, Mr. HALE, Mr. SAWYER, and by Mr. BECK—what a galaxy of men who attained high positions by being faithful to the rights of the people and their representatives—and supported by every man in the House except 9, offered a resolution not merely to send the bill to a conference, but to lay the bill upon the table and kill it altogether.

Now I have no desire to kill this bill. It contains valuable provisions which may not be subject to the constitutional objection. It contains many provisions repealing internal-revenue taxation and reducing the taxation of the people of this country nearly equal to if not more than $30,000,000. My own position on this constitutional question has never been doubtful or misunderstood. I have not hesitated to declare them publicly, whenever and wherever its relation to this bill has been privately or publicly discussed. If it were the only alternative presented to me I should be forced to vote for the position taken by the gentleman from Georgia [Mr. HAMMOND], for whatever I may represent, whatever may be the pressure of business interests, whatever may be the feelings of individual men or of communities under the pressure of these interests, I could not find it in my conscience or in accordance with my ideas of public duty ever to consent to resign the rights of that body to which the people elected me when I find those rights invaded on the very point which gives that body its only superior and real power.

But I desire to have what is good in this bill saved if I can. I desire to have it go back to the Senate, and I would say to them, "Gentlemen, you have invaded our rights, the rights of the people we represent; you have assumed powers to which you have no shadow of claim. Now, we ask you to act upon the proposition which we sent to you. Send it back to us, if you choose, acting upon all the subject-matters which we have originated and embraced in it and sent to you, and if it is a good bill then we will accept it, and if we think it is not a good bill we may amend it, and under our right to originate measures for raising revenue we may add to it other subjects, both of internal and external taxation, if the interests of the country seem to demand it; but you have no right to do that unless we submit them for your action." I am the more earnest on this question in the face of the plain history of this Government. To-day——

The SPEAKER. The time of the gentleman has expired.

Mr. ROBESON. I ask the gentleman from Maine [Mr. REED] to yield to me one minute more. The Senate are to-day the representative of aggregate wealth and property; while the House of Representatives are the representatives of the people.

Keeping pace with their advancing position the members of that body, in the interest of the powers they represent, grasp day by day more and more of the power which belongs to the representatives of the people. And, my friends, you and I and all of us can never stand justified in the light of history if we yield under any pressure, individual or popular, to the demands of mere business interests, to the arrogant assumption of their representatives in the Senate, our rights and privileges as members of the popular body—if we, the tribunes of the people, charged with the protection of their rights, yield not only our own prerogative but their dearest and more cherished rights.

Mr. REED. I now yield five minutes to the gentleman from Maryland [Mr. MCLANE].

Mr. HAMMOND, of Georgia. Allow me to make this remark: I have ten minutes which I desire to yield. The gentleman from Maine [Mr. REED] can dispose of his time now or later.

Mr. REED. Yield your ten minutes, and let us get through with that now.

Mr. HAMMOND, of Georgia. I yield five minutes of my time to the gentleman from Kentucky [Mr. BLACKBURN].

Mr. REED. I did not understand that the gentleman reserved any time.

Mr. HAMMOND, of Georgia. The Speaker announced that there was so much of my time remaining.

Mr. BLACKBURN. There is not a member on this floor who is more thoroughly convinced than I that the Senate Chamber has invaded the constitutional prerogatives and powers of this House under color of an amendment to an excise bill, offering to us an elaborate revision of the tariff system of the country.

Still I am not in favor of the substitute offered by the gentleman from Kansas [Mr. HASKELL]. I can not for my life see what good is to come from clothing a conference committee with power to inquire into and report upon this substantial invasion of constitutional prerogatives after you shall have considered the bill to which your objection lies and the material results have all passed beyond your control.

It is a singular spectacle presented. I doubt if there could be mustered a corporal's guard of members of this House to-day, who, as an original proposition, would favor the passage of the Senate tariff bill. I doubt if there be one-fifth of the members constituting this body who would vote to pass that bill as an original proposition. But I am equally certain that there are many here that would be induced to take it, if it was offered as the only alternative by which to escape the infliction of the product of a conference. I hazard nothing in the assertion, if I may be permitted to talk as broadly as the gentleman from Maine [Mr. REED] did on yesterday—I hazard nothing in the assertion when I say that though the record does not prove it, everybody knows that this tariff revision is destined to die, and is dying now in the House of its self-asserted friends, who do not intend that either the Senate or the conference bill shall be enacted into law.

Mr. REED. Then by that language the gentleman from Kentucky means to assert that he is a friend of the bill.

Mr. BLACKBURN. "The gentleman from Kentucky" means to assert that he would accept the Senate bill in preference to anything that is likely to come from a committee of conference appointed by the two Houses on the tariff question, and would vote to concur in the Senate amendment, if it was the only means and method to save us from the results of a star-chamber inquisition like that which it is proposed to inaugurate.

I mean to assert more, and challenge contradiction, that gentlemen upon the other side who are now clamoring for the maintenance of the rights of this House and for the institution of this conference do not intend to allow either the Senate bill or any other bill upon the subject of a tariff to be crystallized into law. It is a process employed that is not direct in its methods. We are not playing open hands—at least the other side is not doing it. We stand here demanding and clamoring for the poor privilege of voting to concur or non-concur; and we can not have it. We can not even have a conference committee that is not to be handicapped and loaded down with extraordinary duties, so as to insure the utter worthlessness of any work which we might look for from it. We might as well charge the truth and leave it to the country to determine whether it is sustained. I make the prediction—I take the hazard of risking the assertion that those who have shown themselves possessed of the power to shape the policies of this House upon this question do not intend and will not permit either the partial relief offered by the Senate to become law or any other tariff bill at all to be acted upon by these two Houses.

[Here the hammer fell.]

Mr. HAMMOND, of Georgia. I yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, the gentleman from Kentucky [Mr. KNOTT] assumed that section 7 of the Constitution covering this question would, by its very letter, admit of no construction, but construed itself, and was self-evident. If that is so, then the position taken by the gentleman is correct. But that section has two clauses. The one says that the House only shall originate bills for raising revenue—the House only shall create. The Senate, by the second clause, may complete—may alter or amend, but may not destroy and substitute for the measure sent to them an entirely different creation. Therein is the whole sum and essence of this question. There was a purpose in the minds of the framers of the Constitution when they adopted that section; and if the Senate can destroy the original measure by what they call a substitute, then where was the sense in declaring that the House only shall originate or create?

Men in construing laws must inquire for the will of the maker; must look into the sense and justice and reason of the law. If when this House is vested with the power of originating the Senate may destroy in the guise of a substitute, there is no virtue in our power of originating. [Here the hammer fell.] Just one word more. I hold in my right hand this bill as created by the House. In my left hand is the creation of the Senate. That body has destroyed every fiber of the original measure and has substituted an entirely different creation.

Mr. HAMMOND, of Georgia. I yield the remainder of my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, the question involved in this resolution seems to me one of so much importance that I desire time to explain my vote, not having opportunity in this limited debate for an argument.

Under the Constitution, as all concede, the House of Representatives must originate revenue bills, while the Senate may propose amendments to such bills as on other bills. What amendments may the Senate propose to other bills? A bill, for instance, making appropriations for the support of the Post-Office Department is a revenue bill or a money bill in the same sense that this is a bill of that class. Will it be held by gentlemen on this floor that the Senate may attach to an ordinary appropriation bill a bill revising the tariff? I think not. May the Senate, under its power to amend, attach to any bill which we may pass (no matter what the subject) a bill to revise the tariff? I think not. In respect to this power of the Senate to amend revenue bills, there must be a limit; we must draw the line somewhere.

I draw the line here—the proposed amendment must be upon the subject-matter of the bill. If we pass a bill to remove the duty from quinine will it be held that the Senate as an amendment to that bill may send us a bill revising the duty on metals, embracing the whole metal schedule and leaving out entirely the subject of quinine?

In this case the Senate has stricken out all of the House bill except the enacting clause, and has inserted an entirely new bill upon different subjects from that contemplated by the measure as passed by the House of Representatives.

An amendment imposing duties on chemicals, cotton, and woolen goods, iron, steel, and lumber is not germane to a bill repealing internal taxes on matches, bank checks, and proprietary medicines. The Senate amendments are not germane to the House bill and are in violation of the prerogatives of the House of Representatives.

[Here the hammer fell.]

Mr. REED. I yield five minutes to the gentleman from Maryland [Mr. MCLANE].

Mr. MCLANE, of Maryland. Mr. Speaker, like the gentleman from Kentucky [Mr. KNOTT], I differ with great reserve with the gentleman from Georgia [Mr. HAMMOND], for whom I have very great respect.

In determining this question it is only necessary it seems to me, to take the two clauses of the Constitution; the one authorizing Congress "to lay and collect taxes, duties, imposts and excises;" and the other, providing that revenue bills shall originate in the House of Representatives that may be amended in the Senate as other bills. Take those two clauses of the Constitution together, remembering that all constitutional language is judicial language. Therefore, when we find it declared that a revenue bill may be amended as any other bill, we require no speculation, no precedent to determine what this language means, amendments of which the bill is susceptible in parliamentary law. Whatever amendment is proper under parliamentary law is an amendment which the Senate may make to a revenue bill.

There is no other signification in the terms. A revenue bill is a bill to lay taxes, duties, imposts, or excises. A bill to raise revenue by imposts can be amended by a clause raising revenue by excises. In this very Congress we proposed to tack an amendment for raising revenue by imposts to a bill raising revenue by excises. And then this side of the House voted to amend the internal-revenue tax bill by putting to it a tax of imposts. And the honorable gentleman from Kentucky [Mr. CARLISLE], a member of the Committee on Ways and Means, not only sustained that motion, but he vindicated on this floor the parliamentary practice which allowed an internal-revenue bill to be amended by a tax on imposts. And although the honorable Speaker of this House at that time ruled it to be out of order, on this side we were well-nigh unanimous.

Now, Mr. Speaker, what has the practice of the British House of Commons to do with the American Congress?

We have no House of Lords. We have no body representing a crown. We have two bodies, one representing the people and the other representing the States that formed the Constitution and the Union. And never in an American Congress would I desire to see any reflection cast upon the body which represents the States. And I must be pardoned if I repel the argument of the honorable gentleman from New Jersey [Mr. ROBESON], who would seek to make of the Legislature of his country a single legislative democracy. He would seek to constitute a single legislative body when the Constitution has constituted two. Now, in England there is in fact but one branch, there is but one body, and that the House of Commons. The House of Lords is a fiction, a perfect fiction; it is powerless to interfere with legislation, but in this country the Senate, representing the States, is all powerful with the House except on the one single issue of originating a revenue bill. I hold in my hand the debate in the Federal Convention when it was proposed there——

The SPEAKER. The gentleman's time has expired.

Mr. MCLANE, of Maryland. One minute more.

Mr. REED. Certainly.

Mr. MCLANE, of Maryland. It was proposed in that Federal Convention that the Senate should not amend a bill, and Mr. Madison, Mr. Wilson, and Dr. Franklin debated this very question at length, and the convention struck out the words "that the Senate shall not amend" and inserted the words "shall amend" as they amend any other bill. In the face of such a record how can it be contended the Senate have no right to make a germane amendment?

The point I make, Mr. Speaker, is that they can make just such an amendment to that bill as to any other bill. The amendment must be germane, and that is all. The point I make further is that the amendment is on an internal-revenue bill or an impost revenue, and that the amendment is strictly germane.

Mr. CALKINS and Mr. BUTTERWORTH addressed the House. [See Appendix.]

Mr. REED. I now yield one minute to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE. I do not propose to discuss this question within the limits of one minute. I simply rise for the purpose of saying that I have no kind of doubt that the Senate, in making this amendment to a bill originating in the House, kept within its powers and invaded no constitutional prerogative of the House. I shall not vote for the proposition of the gentleman from Georgia, and will only consent to vote for the substitute offered by the gentleman from Kansas because I am informed it does not assert that the Senate has transcended its powers in this matter of legislation.

Mr. HAMMOND, of Georgia. It does in the preamble.

Mr. BROWNE. Then I shall vote for it, asserting for myself that I do not agree with the preamble if it casts even the shadow of doubt upon the right of the Senate to amend a revenue bill originating in the House of Representatives. This bill was a revenue bill when it started from this House; it was a revenue bill when the Senate returned it here; and I confess I can not understand just when or at what point it ceased to be one. When the Constitution reserves to the Senate the right to amend a revenue bill originating in the House I suppose it uses the term amendment in the common parliamentary sense of that word. Gentlemen assume there is some technical meaning to the word "amendment" as used in the Constitution, and that it did not mean amendment provided it changed the character of the original bill as it left the House of Representatives.

Mr. BUCKNER. The Senate has the power of amendment "as on other bills."

[Here the hammer fell.]

Mr. REED. I intend but to make a single statement. And that is, that I believe from the precedents and my study of the Constitution that the Senate has transcended its power in the bill it has sent to us. I had intended to go to some length to prove this from precedents, from the history of the formation of the Constitution, and from general principles in a manner which would be satisfactory to me at least if not to others. But I am about to perform a great act of generosity to the House and to the community. I am going to omit that speech; and the omission is the more singular favor because such an opportunity in the common course of events seldom happens to a man more than once in his lifetime. Anticipating the gratitude both of the House and of future generations, I call for the previous question. [Laughter.]

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the substitute offered by the gentleman from Kansas [Mr. HASKELL].

Mr. RANDALL. Let the substitute be again read.

The proposed substitute was again read.

Mr. HAMMOND, of Georgia. I ask for separate votes on the preamble and the resolution.

Mr. REED. The call for separate votes is not in order on the question of substitution. The first vote, I submit, must be on the substitute as a whole.

Mr. HAMMOND, of Georgia. Our votes for or against the resolution may depend upon how we view the separate propositions in the preamble and the resolutions.

Mr. REED. I apprehend, Mr. Speaker, that on the question of substitution, which is the first question before the House, the substitute must be taken as a whole. Afterward, on the passage of the substitute, which then becomes the original resolution, the division asked by the gentleman from Georgia may be in order, if it is in order at all.

Mr. HAMMOND, of Georgia. I leave the Speaker to decide whether I am in order in demanding a division.

The SPEAKER. The only doubt the Chair has is on the point suggested by the gentleman from Maine [Mr. REED.] There is no doubt but that a separate vote may be had on the resolution as distinct from the preamble, and the vote would come first on the resolution, as in the adoption of a joint resolution of the two Houses, because the preamble is no part of the legislation, except as it declares perhaps the reason for the legislation. This is in the form of a substitute for the pending resolution offered by the gentleman from Georgia [Mr. HAMMOND], and the Chair is inclined to hold that a division may be had unless there is some precedent to the contrary.

Mr. REED. I submit to the Chair that a division can not be had before the substitution.

The SPEAKER. But the substitute is nothing but an amendment. If an amendment involves propositions which are distinct and independent in their character the Chair knows of no practice that would prevent a division being demanded.

Mr. HAMMOND, of Georgia. I demand a division.

Mr. REED. But the question now before the House is whether this resolution shall be substituted for the resolution offered by the gentleman from Georgia.

Mr. HAMMOND, of Georgia. I rise to a question of order. The gentleman from Maine is out of order in discussing the question after the decision of the Chair.

The SPEAKER. The gentleman from Maine suggests no new point. The Chair knows of no practice that changes the general rule.

Mr. REED. Will the Chair allow me to suggest that the question would apparently come in this way? The question is on substitution, the substitution of what the gentleman from Kansas [Mr. HASKELL] has proposed for what the gentleman from Georgia [Mr. HAMMOND] has proposed. You can not divide it so as to propose to the House they shall adopt one half of what the gentleman from Kansas has proposed, and not the whole.

The SPEAKER. But the word substitution means nothing more than another form of stating that the gentleman from Kansas proposes to amend the original resolution by the preamble and resolution which he submits. And the House might be quite willing to amend by putting in one of the substantive propositions in the amendment, and not both, and should have the privilege of voting separately.

Mr. COX, of New York. I desire to ask a parliamentary question. Does the Chair decide the substitute can be divided, and that we can vote on the preamble and resolution as separate propositions?

The SPEAKER. The Chair holds that, unless some precedent the other way can be cited.

Mr. COX, of New York. I have always understood the contrary; I can not find a precedent on the question. But a substitute is to be taken in its entirety, preamble and all. That is my recollection of it.

The SPEAKER. If there is any instance of that practice the Chair would be glad to have his attention called to it. In the absence of any case cited the Chair will submit the question first upon agreeing to that part of the substitute included in the resolution which has been read.

Mr. HAMMOND, of Georgia. I submit whether the vote on the preamble should come first.

The SPEAKER. The vote should come first on the resolution.

Mr. COX, of New York. I suggest, with all respect, that if the substitute shall be adopted, then it can be divided on the final vote.

The SPEAKER. The Chair would suggest to the gentleman from Georgia [Mr. HAMMOND] that the division might as well be taken upon the adoption of the substitute. If the House shall decide to amend the original proposition in that way, then the question would come on the original proposition as amended, and the same division could be had as the gentleman now asks.

Mr. REED. That is the time when it should be had.

The SPEAKER. The gentleman would have the right to a separate vote in that way on each branch of the proposition.

Mr. HAMMOND, of Georgia. I prefer the other way, because the House might adopt the resolution and refuse to adopt the preamble. If that were true, there might be gentlemen who would vote for the substitute who otherwise would not do so. I want to know before the vote for the substitution comes where my vote will take me.

The SPEAKER. The Chair will submit the question first upon that portion of the substitute involved in the resolution which has been read. If that shall be voted down, the preamble would go with it, the Chair thinks.

Mr. ROBESON. Do I understand the Chair to hold that if the resolution is voted down the preamble would go with it?

The SPEAKER. The Chair thinks so, because their would be nothing left of it; the substantive part of it is the resolution.

Mr. ROBESON. Then the question should not be divided.

The SPEAKER. The House may conclude to amend the preamble before adopting it. The question is upon agreeing to the resolution proposed as a substitute.

Mr. CARLISLE. We may as well have the yeas and nays on that.

The question was taken upon ordering the yeas and nays; and there were 45 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 120, not voting 27; as follows:

YEAS—144.

Aldrich,	Caswell,	Guenther,	Jones, Phineas
Anderson,	Chace,	Hall,	Jorgensen,
Barr,	Crapo,	Hammond, John	Joyce,
Bayne,	Cullen,	Hardenbergh,	Kasson,
Belford,	Cutts,	Harmer,	Kelley,
Bingham,	Darrall,	Harris, Benj. W.	Ketcham,
Bisbee,	Davis, George R.	Haskell,	Lacey,
Bowman,	Dawes,	Hazelton,	Lewis,
Brewer,	Deering,	Heilman,	Lindsey,
Briggs,	De Motte,	Henderson,	Lord,
Browne,	Dezendorf,	Hepburn,	Lynch,
Brumm,	Dingley,	Hill,	Mackey,
Buck,	Dunnell,	Hiscock,	Marsh,
Burrows, Julius C.	Dwight,	Hitt,	Mason,
Burrows, Jos. H.	Errett,	Horr,	McClure,
Butterworth,	Farwell, Chas. B.	Houk,	McCook,
Calkins,	Farwell, Sewell S.	Hubbell,	McKinley,
Campbell,	Fisher,	Hubbs,	McLean, Jas. H.
Candler,	George,	Humphrey,	Miles,
Cannon,	Godshalk,	Jacobs,	Miller,
Carpenter,	Grout,	Jadwin,	Moore,
Morey,	Reed,	Smalls,	Urner,
Morse,	Rice, John B.	Smith, A. Herr	Valentine,
Norcross,	Rice, Wm. W.	Smith, Dietrich C.	Van Aernam,
O'Neill,	Rich,	Smith, J. Hyatt	Van Horn,
Page,	Richardson, D. P.	Spaulding,	Van Voorhis,
Parker,	Ritchie,	Speer,	Wait,
Paul,	Robeson,	Spooner,	Walker,
Payson,	Robinson, Geo. D.	Steele,	Ward,
Peelle,	Robinson, Jas. S.	Stone,	Washburn,
Peirce,	Russell,	Strait,	Watson,
Pettibone,	Ryan,	Taylor, Ezra B.	Webber,
Phelps,	Scranton,	Taylor, Joseph D.	West,
Pound,	Shallenberger,	Townsend, Amos	White,
Prescott,	Sherwin,	Tyler,	Willits,
Ray,	Shultz,	Updegraff,	Wood, Walter A.

NAYS—120.

Aiken,	Culberson,	Hutchins,	Robertson,
Armfield,	Curtin,	Jones, George W.	Robinson, Wm. E.
Atherton,	Davidson,	Jones, James K.	Rosecrans,
Atkins,	Davis, Lowndes H.	Kenna,	Ross,
Beach,	Deuster,	King,	Scales,
Belmont,	Dibrell,	Klotz,	Scoville,
Beltzhoover,	Dowd,	Knott,	Shelley,
Berry,	Dugro,	Ladd,	Simonton,
Blackburn,	Dunn,	Leedom,	Singleton, J. W.
Blanchard,	Ermentrout,	Le Fevre,	Singleton, Otho R.
Bliss,	Evins,	Manning,	Sparks,
Blount,	Flower,	Martin,	Springer,
Bragg,	Forney,	Matson,	Stockslager,
Buchanan,	Frost,	McCoid,	Talbott,
Buckner,	Garrison,	McKenzie,	Thompson, P. B.
Caldwell,	Geddes,	McMillin,	Townshend, R. W.
Carlisle,	Gibson,	Mills,	Tucker,
Cassidy,	Gunter,	Money,	Turner, Henry G.
Chapman,	Hammond, N. J.	Morrison,	Turner, Oscar
Clardy,	Hardy,	Moulton,	Upson,
Clark,	Harris, Henry S.	Muldrow,	Vance,
Clements,	Haseltine,	Mutchler,	Warner,
Cobb,	Hatch,	Nolan,	Wellborn,
Colerick,	Herbert,	Oates,	Wheeler,
Converse,	Hewitt, G. W.	Phister,	Whitthorne,
Cook,	Hoblitzell,	Randall,	Williams, Thomas
Covington,	Hoge,	Reagan,	Willis,
Cox, Samuel S.	Holman,	Reese,	Wilson,
Cox, William R.	Hooker,	Rice, Theron M.	Wise, George D.
Cravens,	House,	Richardson, J. S.	Wise, Morgan R.

NOT VOTING—27.

Barbour,	Doxey,	McLane, Robt. M.	Thomas,
Black,	Ellis,	Mosgrove,	Thompson, Wm. G.
Bland,	Ford,	Murch,	Wadsworth,
Cabell,	Fulkerson,	Neal,	Williams, Chas. G.
Camp,	Herndon,	Pacheco,	Wood, Benjamin
Cornell,	Hewitt, Abram S.	Ranney,	Young.
Crowley,	Latham,	Skinner,	

So the resolution of the proposed substitute was adopted.

The following additional pairs were announced:

Mr. NEAL with Mr. BLAND.

Mr. HENDERSON with Mr. TOWNSHEND of Illinois.

Mr. WADSWORTH with Mr. MCLANE of Maryland.

Mr. DOXEY with Mr. BLACK.

The result of the vote was announced as above stated.

Mr. REED moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon adopting that portion of the substitute which is contained in the preamble.

The question was taken; and upon a division there were—ayes 117, noes 36.

Before the result of this vote was announced,

Mr. CULBERSON called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 20 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The preamble was accordingly adopted.

Mr. REED moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon the adoption of the original resolution as amended.

Mr. HAMMOND, of Georgia. On that I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 42 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. CULBERSON. Let the resolution as amended be read.

The SPEAKER. It is the substitute offered by the gentleman from Kansas [Mr. HASKELL] which has been adopted in place of the resolution offered by the gentleman from Georgia [Mr. HAMMOND].

Mr. CULBERSON. I ask that it now be read.

The SPEAKER. It will be again read.

The Clerk read as follows:

Whereas House bill No. 5538, entitled "An act to reduce internal-revenue taxation, and for other purposes," under the form of an amendment in the Senate to title 33 of the Revised Statutes, which provides for duties on imports, has been so modified and changed by the introduction of new provisions containing, among other things, a general revision of the statutes referred to as both to increase and reduce duties on imports and in many instances to repeal and in others to amend the laws imposing import duties; and

Whereas in the opinion of the House it is believed that such changes and alter-

ations are in conflict with the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives; Therefore,

Resolved, That, if this bill shall be referred to a committee of conference, it shall be the duty of the conferees on the part of the House on said committee to consider fully the constitutional objections to said bill as amended by the Senate and herein referred to, and to bring the same, together with the opinion of the House in regard thereto, before said conference, and if necessary in their opinion, after having conferred with the Senate conferees, said conferees on said committee may make report to the House in regard to the objections to said bill herein referred to.

Mr. BROWNE. I rise to a parliamentary inquiry. If this proposition should now be voted down, what becomes of the resolution of the gentleman from Georgia [Mr. HAMMOND]?

The SPEAKER. It would be lost; the whole proposition would fail.

The question was taken; and there were—yeas 139, nays 122, not voting 30; as follows:

YEAS—139.

Anderson,	George,	Marsh,	Scranton,
Barr,	Godshalk,	Mason,	Shallenberger,
Bayne,	Grout,	McClure,	Sherwin,
Bingham,	Guenther,	McCook,	Shultz,
Bisbee,	Hall,	McKinley,	Smalls,
Bowman,	Hammond, John	McLean, Jas. H.	Smith, A. Herr
Brewer,	Hardenbergh,	Miles,	Smith, Dietrich C.
Briggs,	Harmer,	Miller,	Smith, J. Hyatt
Brumm,	Harris, Benj. W.	Moore,	Spaulding,
Buck,	Haskell,	Morey,	Speer,
Burrows, Julius C.	Hazelton,	Morse,	Spooner,
Burrows, Jos. H.	Heilman,	Norcross,	Steele,
Butterworth,	Henderson,	O'Neill,	Stone,
Calkins,	Hepburn,	Page,	Strait,
Campbell,	Hill,	Parker,	Taylor, Ezra B.
Candler,	Hiscock,	Paul,	Taylor, Joseph D.
Cannon,	Hitt,	Payson,	Thomas,
Caswell,	Horr,	Peelle,	Townsend, Amos
Chace,	Houk,	Peirce,	Tyler,
Crapo,	Hubbell,	Phelps,	Urner,
Cullen,	Hubbs,	Pound,	Valentine,
Cutts,	Humphrey,	Prescott,	Van Aernam,
Davis, George R.	Jacobs,	Ranney,	Van Horn,
Dawes,	Jadwin,	Ray,	Van Voorhis,
Deering,	Jones, Phineas	Reed,	Wait,
De Motte,	Jorgensen,	Rice, John B.	Walker,
Dezendorf,	Joyce,	Rice, Wm. W.	Ward,
Dingley,	Kelley,	Rich,	Washburn,
Doxey,	Ketcham,	Richardson, D. P.	Watson,
Dunnell,	Lacey,	Ritchie,	Webber,
Dwight,	Lewis,	Robeson,	West,
Errett,	Lindsey,	Robinson, Geo. D.	White,
Farwell, Chas. B.	Lord,	Robinson, Jas. S.	Williams, Chas. G.
Fisher,	Lynch,	Russell,	Wood, Walter A.
Ford,	Mackey,	Ryan,	

NAYS—122.

Aiken,	Culberson,	Jones, Geo. W.	Robinson, Wm. E.
Armfield,	Curtin,	Jones, James K.	Rosecrans,
Atherton,	Davidson,	Kenna,	Ross,
Atkins,	Davis, Lowndes H.	King,	Scales,
Barbour,	Deuster,	Klotz,	Scoville,
Beach,	Dibrell,	Knott,	Shelley,
Belmont,	Dowd,	Ladd,	Simonton,
Beltzhoover,	Dunn,	Leedom,	Singleton, Jas. W.
Berry,	Ellis,	Le Fevre,	Singleton, Otho R.
Blackburn,	Ermentrout,	Manning,	Sparks,
Blanchard,	Evins,	Martin,	Springer,
Bliss,	Flower,	Matson,	Stockslager,
Blount,	Forney,	McCold,	Talbott,
Bragg,	Frost,	McKenzie,	Thompson, P. B.
Browne,	Fulkerson,	McMillin,	Townshend, R. W.
Buchanan,	Garrison,	Mills,	Tucker,
Buckner,	Geddes,	Money,	Turner, Henry G.
Caldwell,	Gibson,	Morrison,	Turner, Oscar
Carlisle,	Gunter,	Moulton,	Updegraff,
Cassidy,	Hammond, N. J.	Muldrow,	Upson,
Chapman,	Hardy,	Murch,	Vance,
Clardy,	Harris, Henry S.	Mutchler,	Warner,
Clark,	Haseltine,	Nolan,	Wellborn,
Clements,	Hatch,	Oates,	Wheeler,
Cobb,	Herbert,	Phister,	Whitthorne,
Colerick,	Hewitt, G. W.	Randall,	Williams, Thomas
Converse,	Hoblitzell,	Reagan,	Willis,
Cook,	Hoge,	Reese,	Wilson,
Covington,	Holman,	Rice, Theron M.	Wise, George D.
Cox, Samuel S.	Hooker,	Richardson, J. S.	
Cravens,	House,	Robertson,	

NOT VOTING—30.

Aldrich,	Cox, William R.	Kasson,	Thompson, Wm. G.
Belford,	Crowley,	Latham,	Wadsworth,
Black,	Darrall,	McLane, Robt. M.	Willits,
Bland,	Dugro,	Mosgrove,	Wise, Morgan R.
Cabell,	Farwell, Sewell S.	Neal,	Wood, Benjamin
Camp,	Herndon,	Pacheco,	Young.
Carpenter,	Hewitt, Abram S.	Pettibone,	
Cornell,	Hutchins,	Skinner,	

So the resolution as amended was adopted.

Mr. REED moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The following additional pair was announced:

Mr. CROWLEY with Mr. DUGRO.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 361) granting a pension to Wellington V. Heusted:

A bill (H. R. 507) granting a pension to Mrs. Maria Worthington;

A bill (H. R. 984) for the relief of Ralph P. Ford;

A bill (H. R. 1188) granting a pension to Thomas Allcock;

A bill (H. R. 1291) granting a pension to D. D. Edwards;

A bill (H. R. 1341) granting a pension to James B. White;

A bill (H. R. 1581) granting a pension to Mary A. Conken;

A bill (H. R. 2095) granting a pension to Esther M. Carey;

A bill (H. R. 2877) for the relief of William M. Meredith;

A bill (H. R. 2912) granting relief to the heirs of Kunigunda A. Miller, deceased;

A bill (H. R. 3106) restoring the name of Mary J. Stover to the pension-roll;

A bill (H. R. 4387) granting a pension to Anthony B. Graves;

A bill (H. R. 4562) for the relief of Julia A. Stimers;

A bill (H. R. 5118) granting a pension to Elizabeth Weinstein;

A bill (H. R. 5384) restoring the name of James M. Akin to the pension-roll;

A bill (H. R. 5808) to rerate the pension of Frank S. Sowers;

A bill (H. R. 5906) granting a pension to Harriet N. Abbott;

A bill (H. R. 6400) granting a pension to Mrs. Orpah Meacham;

A bill (H. R. 6425) to increase the pension of Robert Henne;

A bill (H. R. 6524) granting a pension to George C. Rust;

A bill (H. R. 6833) granting a pension to Kate Quilligan;

A bill (H. R. 6943) granting a pension to the widow of the late Major-General G. K. Warren; and

A bill (H. R. 7486) to prevent the importation of adulterated and spurious teas.

TARIFF AND INTERNAL REVENUE.

Mr. KELLEY. Mr. Speaker, under the rule adopted this day, I move to suspend the rules and take from the Speaker's table House bill No. 5538, with the Senate amendment thereto, entitled "A bill to reduce internal-revenue taxation" and to declare a disagreement with the Senate amendment to the same, and to ask for a committee of conference thereon to be composed of five members on the part of this House.

The SPEAKER. The gentleman from Pennsylvania makes the motion which he has stated.

Mr. TOWNSHEND, of Illinois. I make the point of order that the first business at this time is the call of committees under the Pound rule.

The SPEAKER. The first business in order daily after the reading of the Journal would be, as the gentleman from Illinois states, the proceeding under the Pound rule; but the rule just adopted by its terms makes it in order to submit this motion of the gentleman from Pennsylvania at any time.

Mr. TOWNSHEND, of Illinois. Does that supersede the operation of the Pound rule?

The SPEAKER. To that extent it does. The gentleman from Pennsylvania makes the motion stated by him.

Several MEMBERS. Let it be read.

The Clerk read the motion.

The SPEAKER. The question is on agreeing to this motion.

Mr. TUCKER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 147, nays 111, not voting 33; as follows:

YEAS—147.

Aldrich,	Davis, George R.	Hepburn,	Marsh,
Anderson,	Deering,	Hill,	Mason,
Barr,	De Motte,	Hiscock,	McCold,
Bayne,	Dezendorf,	Hitt,	McCook,
Belford,	Dingley,	Horr,	McKinley,
Bingham,	Doxey,	Houk,	McLean, Jas. H.
Bisbee,	Dunnell,	Hubbell,	Miles,
Bowman,	Ermentrout,	Hubbs,	Miller,
Brewer,	Errett,	Humphrey,	Moore,
Briggs,	Farwell, Chas. B.	Jacobs,	Morey,
Browne,	Farwell, Sewell S.	Jadwin,	Morse,
Buck,	Fisher,	Jones, Phineas	Mutchler,
Burrows, Julius C.	George,	Jorgensen,	Norcross,
Calkins,	Godshalk,	Joyce,	O'Neill,
Candler,	Grout,	Kasson,	Page,
Cannon,	Guenther,	Kelley,	Parker,
Carpenter,	Hall,	Ketcham,	Paul,
Caswell,	Hammond, John	Klotz,	Payson,
Chace,	Hardenbergh,	Lacey,	Peelle,
Converse,	Harmer,	Ladd,	Peirce,
Crapo,	Harris, Benj. W.	Lewis,	Phelps,
Cullen,	Haskell,	Lindsey,	Pound,
Curtin,	Hazelton,	Lord,	Prescott,
Cutts,	Heilman,	Lynch,	Ranney,
Darrall,	Henderson,	Mackey,	Ray,

Reed,	Shallenberger,	Strait,	Ward,
Rice, John B.	Sherwin,	Taylor, Joseph D.	Washburn,
Rice, Wm. W.	Shultz,	Thomas,	Watson,
Rich,	Smalls,	Townsend, Amos	Webber,
Richardson, D. P.	Smith, A. Herr	Tyler,	West,
Ritchie,	Smith, Dietrich C.	Urner,	White,
Robeson,	Smith, J. Hyatt	Valentine,	Williams, Chas. G.
Robinson, Geo. D.	Spaulding,	Van Aernam,	Willits,
Robinson, Jas. S.	Speer,	Van Horn,	Wilson,
Russell,	Spooner,	Van Voorhis,	Wise, Morgan R.
Ryan,	Steele,	Wait,	Wood, Walter A.
Scranton,	Stone,	Walker,	

NAYS—111.

Aiken,	Cox, Samuel S.	Holman,	Robinson, Wm. E.
Armfield,	Cox, William R.	Hooker,	Rosecrans,
Atherton,	Cravens,	House,	Ross,
Atkins,	Culberson,	Jones, Geo. W.	Scales,
Barbour,	Davidson,	Jones, James K.	Scoville,
Beach,	Davis, Lowndes H.	Kenna,	Simonton,
Beltzhoover,	Deuster,	King,	Singleton, Jas. W.
Berry,	Dibrell,	Knott,	Singleton, Otho R.
Blackburn,	Dowd,	Leedom,	Sparks,
Blanchard,	Dunn,	Le Fevre,	Springer,
Bliss,	Ellis,	Manning,	Stockslager,
Blount,	Evins,	Martin,	Talbott,
Bragg,	Flower,	Matson,	Thompson, P. B.
Brumm,	Ford,	McKenzie,	Townshend, R. W.
Buchanan,	Forney,	McMillin,	Tucker,
Buckner,	Frost,	Mills,	Turner, Henry G.
Burrows, Jos. H.	Fulkerson,	Money,	Turner, Oscar
Caldwell,	Garrison,	Morrison,	Updegraff,
Campbell,	Gibson,	Moulton,	Upson,
Carlisle,	Hammond, N. J.	Muldrow,	Vance,
Cassidy,	Hardy,	Murch,	Warner,
Clardy,	Harris, Henry S.	Nolan,	Wellborn,
Clark,	Haseltine,	Oates,	Wheeler,
Clements,	Hatch,	Randall,	Whitthorne,
Cobb,	Herbert,	Reagan,	Williams, Thomas
Colerick,	Hewitt, G. W.	Reese,	Willis,
Cook,	Hoblitzell,	Rice, Theron M.	Wise, George D.
Covington,	Hoge,	Richardson, J. S.	

NOT VOTING—33.

Belmont,	Dawes,	McClure,	Skinner,
Black,	Dugro,	McLane, Robt. M.	Taylor, Ezra B.
Bland,	Dwight,	Mosgrove,	Thompson, Wm. G.
Butterworth,	Geddes,	Neal,	Wadsworth,
Cabell,	Gunter,	Pacheco,	Wood, Benj.
Camp,	Herndon,	Pettibone,	Young.
Chapman,	Hewitt, Abram S.	Phister,	
Cornell,	Hutchins,	Robertson,	
Crowley,	Latham,	Shelley,	

So Mr. KELLEY's motion was agreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. DWIGHT with Mr. PHISTER.

Mr. EZRA B. TAYLOR with Mr. GEDDES.

Mr. MARSH with Mr. DIBRELL.

Mr. KELLEY. I move by unanimous consent that the reading of the names be dispensed with.

Mr. SPRINGER. I object, as this is an important vote.

The vote was then announced as above recorded.

Mr. KELLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia;

A bill (S. 2316) for the relief of Daniel Breed;

Joint resolution (S. R. 123) providing for the termination of articles numbered 18 to 25, inclusive, and article numbered 30 of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871; and

Joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position.

DISTRIBUTION OF REBELLION ANNALS.

Mr. SPRINGER. I desire to introduce a joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion, and I ask that it be considered at the present time.

Mr. RANDALL. I object. Let it be printed in the RECORD, so that we may see what it is.

Mr. SPRINGER. It extends the time during which members may give the addresses of those to whom the book shall be sent.

The SPEAKER. Is there objection to its present consideration?

Mr. RANDALL. Yes; I object.

The SPEAKER. There being no objection, the resolution will be printed in the RECORD and not called up until to-morrow.

The joint resolution is as follows:

Joint resolution in relation to the distribution of the volumes of the Official Records of the War of the Rebellion.

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That the time in which the Senators, Representatives, and Delegates of the Forty-seventh Congress may designate the addresses to which the volumes of the Official Records of the War of the Rebellion shall be distributed, as provided in the act of Congress approved August 7, 1882, shall continue until the 1st day of September, 1883; and that all volumes not then designated by them to be distributed under the provisions of said act, and not directed by said act to be otherwise distributed, shall be sold by the Secretary of War as provided in said act.

ORDER OF BUSINESS.

Mr. CALKINS. I rise to a privileged question, and call up the Mississippi contested-election case.

Mr. SMITH, of Illinois. I ask unanimous consent to propose for adoption the following resolution:

Resolved, That the conferees on the part of the House upon the bill to reduce internal-revenue taxation are hereby instructed to so amend said bill, if possible, as will prohibit the importation into the United States of all wines grown in the German Empire, in view of the fact that our hop products are excluded by the Government of the said German Empire.

The SPEAKER. The gentleman from Indiana has the floor, and calls up a privileged matter.

BUCHANAN VS. MANNING.

Mr. CALKINS. I now call up the report from the Committee on Elections in the case of Buchanan against Manning.

Mr. PAGE. I raise the question of consideration against that, for the purpose of proceeding to the consideration of the river and harbor bill.

Mr. RANNEY. I had an impression that the Lee and Richardson case was first in order, as it was first reported.

The SPEAKER. They are to be considered as they are called up, and not in the order in which they were reported.

Mr. CALKINS. The case of Buchanan against Manning was reported before either of the other cases, except the case of Mr. Jones.

The SPEAKER. Upon that motion the gentleman from California raises the question of consideration.

Mr. CALKINS. We will dispose of this in a minute; there will not be any debate upon it.

Mr. PAGE. Upon this question of consideration I wish to say if the House shall vote down the motion to take up the contested-election case, my object is to go into Committee of the Whole on the state of the Union to consider the river and harbor bill.

Mr. SHERWIN. The educational bill should be first considered, that being the unfinished business.

Mr. JOYCE. We do not really need any river and harbor bill at this session, and I hope that motion will not be adopted.

Mr. SHERWIN. I shall endeavor to call up the unfinished business, and if it be in order will antagonize the river and harbor bill with the educational bill.

Mr. WILLIS. I wish to make a parliamentary inquiry. Is not the further consideration of the educational bill, which was a special continuing order and went over on the demand for the previous question on last Saturday, next in order? If the motion of the gentleman from Indiana is voted down, will not that special order be the unfinished business to come up for to-day?

Mr. HISCOCK. I believe there is another special order.

Mr. WILLIS. That bill was pending when the House adjourned, and being a special order, subject only to the exception of general appropriation and revenue bills, I do not understand the motion of the gentleman from California to antagonize that bill, because the river and harbor bill is not a general appropriation bill within the meaning of the rule, and I believe it has been so held constantly.

The SPEAKER. The Chair does not desire to decide that question before it is presented.

Mr. CALKINS. I rise to a parliamentary inquiry. If the House should decide not to proceed with the consideration of the election case, I ask as a matter of parliamentary law whether the Pound rule would not be immediately in order?

Mr. PAGE. We can set that aside.

The SPEAKER. The Pound rule is as yet unexecuted for to-day. But the question now presented is, Will the House proceed to consider the contested-election case?

The House divided; and there were—ayes 73, noes 67.

Mr. KENNA. I demand tellers.

Tellers were ordered, 42 members voting therefor.

Mr. KENNA and Mr. CALKINS were appointed tellers.

The House again divided; and the tellers reported—ayes 92, noes 100.

So the House refused to proceed with the consideration of the contested-election case.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, the object being to consider the river and harbor appropriation bill.

Several MEMBERS. Regular order.

The SPEAKER. The first thing in order would be the further proceeding under the Pound rule.

Mr. PAGE. I move to set that aside.

The SPEAKER. The Chair thinks that could only be done by unanimous consent.

Mr. COX, of New York. I object.

Mr. PAGE. A two-thirds vote will set it aside.

Mr. KENNA. I rise to a parliamentary inquiry. Is it not in order to make a motion to go into Committee of the Whole to consider the river and harbor appropriation bill?

The SPEAKER. The Chair thinks not, at least as against the operation of the Pound rule, though the Chair has not examined into the subject as yet, but will do so when the question arises.

Mr. KENNA. Has not the Chair been holding that since the adoption by the House of the Pound rule appropriation bills and revenue bills are exceptions to its operation; and have not all the appropriation bills been standing upon the same footing as the river and harbor appropriation bill?

The SPEAKER. The Chair has not fully considered that question.

Mr. KENNA. I hope the Chair will not decide the point without considering that question, because his ruling with reference to the operation of the Pound rule upon the motion of the gentleman from California will have the same bearing upon the other general appropriation bills. The river and harbor appropriation bill I submit, and the friends of the bill submit, stands upon precisely the same footing as the other general appropriation bills; and I desire to give notice to the Committee on Appropriations now that the friends of the river and harbor appropriation bill will insist upon the application of the same rule to all of the other appropriation bills that is applied to this one.

Mr. DUNN. The rule says that committees shall have the same privilege in reporting these river and harbor appropriation bills.

Mr. COX, of New York. I reserve the right to move to postpone the river and harbor appropriation bill indefinitely.

Mr. DUNN. Wait until you get it up.

Mr. COX, of New York. I want to anticipate its coming up.

Mr. HUMPHREY. I move that the House do now adjourn.

The SPEAKER. The Chair will state that in looking at the rule—the Pound rule——

Mr. PAGE. Let us have order in the House. It is absolutely impossible to hear anything.

The SPEAKER. The Chair was about to state that the Pound rule provides that it shall not interfere with revenue or appropriation bills, and in that rule the word "general" appropriation bills is not used.

Mr. REAGAN. Is it not true that under the rules of the House the river and harbor bill has the same privileges as any other appropriation bill?

The SPEAKER. The Chair does not want to decide that question now. The first impression of the Chair was that the Pound rule cut off the right to proceed with any appropriation bill. But on examination of the language of the rule the Chair finds that they are excepted.

Mr. PAGE. Is it in order to move to dispense with the Pound rule?

The SPEAKER. It is not.

Mr. KENNA. It is not necessary. The motion of the gentleman from California is in order under the very terms of that rule to go into Committee of the Whole to consider the bill.

The SPEAKER. The morning hour has not been dispensed with.

Mr. HUMPHREY. I renew my motion that the House do now adjourn.

Mr. COX, of New York. Regular order.

Mr. PAGE. I insist on my motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider the river and harbor appropriation bill.

Mr. HUMPHREY. And I insist upon my motion.

The SPEAKER. The Chair will submit the motion of the gentleman from Wisconsin.

On the motion to adjourn the House divided; and there were—ayes 77, noes 81.

Mr. TOWNSHEND, of Illinois, and Mr. COX, of New York. Let us have tellers.

Tellers were ordered.

Mr. TOWNSHEND, of Illinois, and Mr. PAGE were appointed tellers.

The House again divided; and the tellers reported—ayes 61, noes 119.

So the motion was not agreed to.

Mr. HISCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union, and give notice that my purpose is to call up the deficiency appropriation bill.

Mr. KENNA. I make the point of order against that motion that one motion is already pending to go into Committee of the Whole.

Mr. PAGE. I desire to antagonize the motion of the gentleman from New York. I claim that I was entitled to recognition on the river and harbor bill. Does the gentleman from New York [Mr. HISCOCK] desire to antagonize that?

Mr. HISCOCK. I do.

Mr. PAGE. All right. But my motion to go into Committee of the Whole is the pending motion.

Mr. COX, of New York. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. Out of abundant caution I wish to know when I can make a motion to postpone indefinitely the river and harbor appropriation bill.

The SPEAKER. That motion can not be made in Committee of the Whole.

Mr. COX, of New York. I want to make it before the bill goes to the Committee of the Whole.

The SPEAKER. But the river and harbor bill is now in Committee of the Whole.

Mr. COX, of New York. Then can I not now upon the pending motion make the motion to postpone that bill indefinitely?

Mr. THOMAS. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair can only entertain one parliamentary inquiry at a time. The Chair will state to the gentleman from New York [Mr. COX] that the river and harbor bill has been reported by the Committee on Commerce, has been ordered to be printed, and has been referred to the Committee of the Whole House on the state of the Union, where it is now.

Mr. COX, of New York. I want to save my rights and make this motion as to the river and harbor bill. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of that bill, and that it be postponed indefinitely.

The SPEAKER. That motion is not now in order.

Mr. COX, of New York. I do not know why it is not in order?

Mr. JOYCE. I want to know when it will be in order for me to move to strike out all of the river and harbor bill after the enacting clause?

The SPEAKER. That motion would be in order in Committee of the Whole.

Mr. HISCOCK. I rise to make a privileged report. I desire to report back the deficiency appropriation bill from the Committee on Appropriations.

Mr. KENNA. I submit that that is not in order pending the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. COX, of New York. What has become of my motion?

The SPEAKER. The Chair decided that the motion was not in order.

Mr. COX, of New York. I move to suspend the rules for the purpose I have indicated.

The SPEAKER. The gentleman from New York was not recognized for a motion to suspend the rules. He obtained the floor to make a parliamentary inquiry, and had no right, having obtained the floor in that way, to move to suspend the rules.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] states that he rises to make a report from the Committee on Appropriations. The rule allows a report from that committee of a general appropriation bill at any time.

Mr. HISCOCK. I report back to the House the bill making appropriations for deficiencies for the current year and previous years.

Mr. RANDALL. I reserve all points of order on that bill.

Mr. KENNA. I make the point of order that the gentleman from New York can not make that report pending a motion to go into Committee of the Whole.

The SPEAKER. The Chair has held that this is a privileged matter. The report is only made for reference to the Committee of the Whole.

Mr. RANDALL. I reserve points of order.

The SPEAKER. All rights will be reserved. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and will be printed.

ORDER OF BUSINESS.

Mr. RANDALL. In order that we may find out upon which of these two bills it will be now conducive to the public interest to vote first, and that we may have until to-morrow morning for the consideration of the matter, I move that the House do now adjourn.

Mr. KENNA. I hope the gentleman from Pennsylvania will not filibuster against the river and harbor bill.

Mr. RANDALL. I make the motion in perfect good faith. I desire to avoid a night session.

The SPEAKER. The motion is not debatable.

Mr. KENNA. I hope the motion will be voted down.

The question was taken on the motion to adjourn; and there were—ayes 44, noes 105.

Mr. RANDALL. I call for tellers.

Tellers were not ordered, only fifteen members voting therefor—not one-fifth of a quorum.

So the motion was not agreed to.

Mr. PAGE. I call for a vote on the pending question, that the House resolve itself into Committee of the Whole House on the state of the Union to consider the river and harbor appropriation bill.

Mr. ATKINS. I rise to make a statement, and to suggest that the

gentleman from California [Mr. PAGE] had better give way and let the deficiency bill be proceeded with.

Mr. PAGE. Mr. Speaker——

Mr. ATKINS. Let me get through with my statement. The public business, in my opinion, is in some danger of not getting through. I think there is some danger of a gorge of business on the last day or so of the session, and some of the appropriation bills may fail. I do not rise for the purpose of making war on the river and harbor bill. I have always voted for the river and harbor bill, and I expect to vote for it again; but I simply wish to state to the gentleman from California [Mr. PAGE] that, in my opinion, he would expedite the river and harbor bill through this House by letting the deficiency bill first pass, and then the time of the House can be devoted to the other bills. I suggest that in order that the deficiency appropriation bill may go to the Senate, and thus action be concluded on all the appropriation bills.

Mr. KENNA. I desire to say to my friend from California [Mr. PAGE] and in response to the gentleman from Tennessee [Mr. ATKINS] that if the other appropriation bills are allowed to get "out of the woods," and the power is thereby placed in the hands of a mere faction of this House to filibuster on this river and harbor bill to the end of the session, that power will be exercised, and the bill will be lost. I hope the gentleman will insist on his motion.

Mr. HISCOCK. It certainly was not my intention to antagonize the gentleman from California [Mr. PAGE]; and there was a perfect understanding between us, as I think, that I should take this evening for the deficiency appropriation bill, and he was to take to-morrow morning for the river and harbor bill.

Mr. PAGE. No; I was to have to-night.

Mr. HISCOCK. In the first place, the gentleman notified me that it was his intention to call up the river and harbor bill to-morrow morning.

Mr. PAGE. No; it was to-night.

Mr. HISCOCK. Then learning of the condition of the work before Congress, and the trouble of getting these bills properly engrossed in due time, I concluded that it was indispensably necessary that the deficiency appropriation bill should be called up to-night.

Mr. PAGE. I desire to say that I have consulted with the Clerk of the House, and I find that all the appropriation bills can be enrolled in due time. While I believe the gentleman from New York [Mr. HISCOCK] is perfectly sincere in what he says, yet I wish to say that it was the understanding between him and myself not over an hour ago that if I called up the river and harbor appropriation bill to-night it should not be antagonized by the deficiency bill.

The river and harbor bill contains only twenty-four pages, and it can be disposed of in two hours if members of the House want to pass a river and harbor bill. If members want to give the House an opportunity to vote on that bill, if they want to preserve and properly maintain the works which have already been erected, if they do not want the works which have cost the people of the country millions of dollars to go unprovided for for the next fiscal year, then they will vote to take up the river and harbor bill at once.

Mr. COX, of New York. I want to respond to the gentleman from California.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The SPEAKER. One at a time.

Mr. RICE, of Missouri. I understood the ruling of the Chair a moment ago was that there was no proposition before the House which was subject to debate.

The SPEAKER. This is all going on by unanimous consent, with the expectation that there may be some adjustment reached.

Mr. RICE, of Missouri. I object to any further debate.

Mr. COX, of New York. I want to say one word.

Many MEMBERS. Regular order!

Mr. COX, of New York. Gentlemen, you will not save time by that.

The SPEAKER. The gentleman from Missouri [Mr. RICE] objects to any further debate.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion of the gentleman from California [Mr. PAGE] that the House now resolve itself into Committee of the Whole on the state of the Union, the gentleman stating it to be his purpose to call up the river and harbor appropriation bill.

Mr. COX, of New York. You can not crowd through this bill in that way; you can not pass the bill in any two hours.

Mr. PAGE. I did not say positively that it could be done in that time.

The SPEAKER. The question is on the motion of the gentleman from California.

Mr. HISCOCK. I desire to inquire of the Chair if the motion to go into Committee of the Whole on the state of the Union for the consideration of the deficiency bill does not take precedence?

The SPEAKER. It does not in point of time of being made.

Mr. HISCOCK. I concede that the motion of the gentleman from California was first made, but it is competent for the House to vote on the other motion first.

Mr. REAGAN. Clause 7 of Rule XI provides—— [Laughter and cries of "Regular order!"]

The SPEAKER. The regular order is called for.

Mr. BURROWS, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS, of Michigan. If the motion of the gentleman from California should be voted down, would the motion of the gentleman from New York [Mr. HISCOCK] then be in order?

The SPEAKER. It would.

Mr. HAZELTON. Everybody knows that. [Laughter.]

The Speaker submitted the question upon a *viva voce* vote.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The Chair was putting the question to the House.

Mr. COX, of New York. I rose before the Chair put the question.

The SPEAKER. There must be an end to points of order at some time. The House is dividing.

The question was taken; and upon a division there were—ayes 90, noes 97.

Mr. PAGE. I call for tellers.

Tellers were ordered; and Mr. PAGE and Mr. COX of New York were appointed.

The House again divided; and the tellers reported that there were—ayes 106, noes 96.

Before the result of this vote was announced,

Mr. COX, of New York, and others called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 44 in the affirmative.

The SPEAKER. The vote in the affirmative is more than one-fifth of the last vote.

Mr. HORR. I ask that the other side be counted.

The SPEAKER. The other side will be counted.

The vote on the other side was counted; and there were 64 in the negative.

The SPEAKER. The hour of half past 5 o'clock having arrived, in pursuance of the standing order of the House the Chair now declares the House in recess until 7½ o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., the Speaker in the chair.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection the Chair will lay before the House several executive communications.

There was no objection.

ICE-HARBOR, MUSKINGUM RIVER.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report from Major W. E. Merrill, Corps of Engineers, in relation to the work for the construction of the ice-harbor at the mouth of the Muskingum River; which was referred to the Committee on Commerce, and ordered to be printed.

FINES AND DEDUCTIONS ON MAIL CONTRACTS.

The SPEAKER also laid before the House a communication from the Postmaster-General, transmitting a report of fines imposed on and deducted from the pay of mail contractors during the year ending June 30, 1882, and fines and deductions remitted during the same period; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

DU BOIS SYSTEM OF NAVIGATION.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in response to House resolution of the 9th instant, a letter from the Chief of Engineers, together with a report of Major W. E. Merrill, Corps of Engineers, on the Du Bois system of navigation; which was referred to the Committee on Commerce, and ordered to be printed.

TELEGRAPH LINES ALONG LAND-GRANT RAILROADS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in response to House resolution of the 12th ultimo, in relation to telegraph lines along land-grant railroads; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORT OF NAVY-YARD COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting the partial report of the navy-yard commission appointed under act of Congress approved August 5, 1882; which was referred to the Committee on Naval Affairs, and ordered to be printed.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE], as the Chair recollects, made a request that the communication should be ordered to be printed in the RECORD. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

The document is as follows:

NAVY DEPARTMENT, *Washington, February 27, 1883.*

SIR: I have the honor to transmit herewith the partial report to Congress of the Navy Yard Commission appointed under the act of Congress of August 5, 1882.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

To Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

NAVY DEPARTMENT, *Washington, D. C., February 27, 1883.*

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned commissioners, appointed by the honorable Secretary of the Navy under provision of the act approved August 5, 1882, to "consider and report" "upon the question whether it is advisable to sell any of the navy-yards, and, if so, which," and to furnish certain data and information connected with the several navy-yards, have the honor to report that the duties imposed upon us are so extensive and comprehensive and the collection of the data so laborious and difficult that we have found it impossible to prepare a full report for the present Congress, and in fact have not yet received from all the navy-yards the statistical information required to comply with the demands of the act.

Pending the completion of our investigations, we are not prepared to recommend the sale of any navy-yard, but in anticipation of our final report, we recommend the sale of the unoccupied lands lying between the marine barracks, Brooklyn, and the naval hospital, as suggested in the letter of Commodore John H. Upshur, addressed to the honorable Secretary of the Navy under date of November 24, 1882.

This property will never be required for naval purposes, and its improvement will be a great advantage, not only to the city of Brooklyn, but, from sanitary reasons, to the navy-yard itself. The estimated value of these lands is $1,530,000.

We also recommend the sale of the whole or the larger part of the naval hospital grounds at Chelsea, Massachusetts, under such conditions and reservations as Congress may determine.

As at present occupied they impose a barrier to ready communication between the Charleston district of Boston and a portion of the city of Chelsea, and are thus a serious detriment to the interests of the latter.

The area is much larger than is necessary for the demands of the hospital, and has become entirely too valuable to lie unimproved or be utilized for the minor purposes of pasturage and gardening. There is a demand for these grounds for building sites, and they would undoubtedly find ready sale if brought into the market.

Having no appropriation at our disposal, we have been unable to procure estimates from professional experts in real estate, and are therefore unable to report the value of this, or, indeed, any other similar property we have been charged with the appraisal of, as accurately as we desire. From the best information at our disposal we feel warranted in saying that the property can be sold for at least half a million of dollars, and believe, if offered under favorable circumstances, it can be sold for a much higher sum.

In conclusion we desire to say that good progress has been made toward our final report, which will be completed at the earliest moment, and in any event before the next session of Congress.

Very respectfully,

S. B. LUCE,
Commodore, United States Navy, President.
CHAS. H. LORING,
Chief Engineer, United States Navy.
A. B. MULLETT.

LEAVE TO PRINT.

Mr. URNER, by unanimous consent, obtained leave to have printed in the RECORD remarks on the tariff bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair lays before the House the request which the Clerk will read.

The Clerk read as follows:

Mr. BURROWS, of Missouri, asks that the Committee on Invalid Pensions be discharged from the further consideration of House bill No. 4871, and the Committee on War Claims from the consideration of House bill No. 3708, and that leave be granted him to withdraw the papers accompanying said bills from the files of the House.

Mr. HOLMAN. In regard to the bill before the Committee on War Claims this memorandum does not mention whether the subject has been acted upon or reported upon.

The SPEAKER. The present rule does not require that; because copies of papers withdrawn must be left on file.

Mr. HOLMAN. It seems to me it is a bad practice to allow the withdrawal in this way of papers from that committee. In some instances adverse reports may have been made.

The SPEAKER. The Chair is not advised whether there has been in this case any report of any kind. Under the present rules that question does not necessarily arise. If the gentleman objects the Chair will submit the question to the House.

Mr. HOLMAN. It seems to me the rules hardly allow the withdrawal of papers in this way as a matter of course.

The SPEAKER. Under the rule copies must be left with the file clerk in all cases.

Mr. HOLMAN. The rule must be a very liberal one to allow a proceeding of this kind except by unanimous consent.

The SPEAKER. It is the rule, nevertheless.

Mr. HOLMAN. I shall not object in this instance.

The SPEAKER. If there be no objection the request will be granted. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendment disagreed to by the House to the bill (H. R. 5538) to reduce internal-revenue taxation, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. SHERMAN, Mr. ALDRICH, Mr. BAYARD, and Mr. BECK.

ADDITIONAL JUDGE IN DAKOTA.

Mr. WILLITS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 6502, and that it be now brought up for consideration.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 6502) providing for an additional associate justice of the supreme court of the Territory of Dakota.

Mr. HOLMAN. I think we had better have the regular order.

POST-ROUTES.

Mr. BINGHAM. I ask the gentleman from Indiana [Mr. HOLMAN] to withdraw the call for the regular order until I can report the post-route bill. It is very necessary this should be sent to the Senate to be added as an amendment to a bill now pending there.

Mr. COX, of New York. Is this the usual post-route bill?

Mr. BINGHAM. It is.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM], the chairman of the Committee on the Post-Office and Post-Roads, asks unanimous consent to report for present consideration a bill to establish certain post-routes. Is there objection?

Mr. PAGE. I understand this bill contains nothing but post-routes.

Mr. HOLMAN. Is there any legislation in the bill?

Mr. BINGHAM. The bill contains no legislation other than that pertaining to the establishment of post-routes.

There being no objection, the bill (H. R. 7679) to establish certain post-routes was reported from the Committee on the Post-Office and Post-Roads, read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. HENDERSON. I move to take from the Speaker's table——

The SPEAKER. The regular order has been called. Is the gentleman's proposition a privileged matter?

Mr. HENDERSON. I think it is. I move to take from the Speaker's table Senate bill No. 1821, to insist upon the amendments of the House, and agree to the conference asked by the Senate.

Several MEMBERS. What is the bill?

The Clerk read the title of the bill, as follows:

A bill (S. 1821) prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes.

Mr. ANDERSON and Mr. BELTZHOOVER objected.

The SPEAKER. This is a privileged matter.

Mr. MCCOOK. I was going to say that one objection could not carry it over.

The SPEAKER. The gentleman from Illinois moves that the House insist upon its amendment to the Senate bill, and agree to the committee of conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The question was taken and the motion was agreed to.

Mr. HENDERSON moved to reconsider the vote by which the House insisted upon its amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will appoint as conferees on the part of the House on the disagreeing votes of the two Houses on this bill the gentleman from Illinois, Mr. HENDERSON, the gentleman from New York, Mr. MCCOOK, and the gentleman from Wisconsin, Mr. BRAGG.

ORDER OF BUSINESS.

The SPEAKER. When the hour arrived for the recess to-day a question was pending whether the vote should be taken by yeas and nays upon the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. PAGE. For the purpose of considering the river and harbor appropriation bill. I ask that the gentleman who called for the yeas and nays withdraw that demand.

Mr. COX, of New York. Oh, no, sir.

The SPEAKER. The Chair will submit the question again which was pending at the time that the recess took place, and which according to the recollection of the Chair was not then determined, the House having divided upon the question when the time for the recess arrived.

Mr. COX, of New York. The yeas and nays had been ordered.

Mr. PAGE. There was a demand for the yeas and nays on the motion which had been adopted, but the yeas and nays had not been ordered.

Mr. HOLMAN. The Chair announced that there were 44 members voting in favor of the demand for the yeas and nays, but I believe no

announcement was made of the count of the other side which had been demanded.

The SPEAKER. As the Chair recollects, the other side was called for, and pending that count and before it had been completed the hour had arrived when by the order of the House a recess was to be taken.

The Chair will again submit the motion. As many as are in favor of taking the vote on the motion of the gentleman from California by yeas and nays will rise and be counted.

Seven gentlemen rose.

Mr. ANDERSON and Mr. COX of New York. Count the other side.

Mr. COX, of New York. There was no quorum any way.

The SPEAKER. This is not a question of a quorum. The Chair will count the other side.

Fifty gentlemen were counted in opposition to the demand. So the yeas and nays were refused.

Mr. COX, of New York. No quorum.

The SPEAKER. It is not a question of a quorum on ordering the yeas and nays.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor appropriation bill.

Mr. COX, of New York. I move that the House take a recess.

Mr. PAGE. I believe I have the floor.

Mr. COX, of New York. I raise the parliamentary question that there is no quorum present and voting to go into the Committee of the Whole House on the state of the Union.

Mr. DUNN. There was a very large quorum just preceding the recess that voted in favor of it.

The SPEAKER. That vote was taken by tellers, and after that the yeas and nays were demanded. The vote on the motion of the gentleman from California by tellers, as the Chair recollects, was 96 yeas to 91 nays.

Mr. PAGE. It was 106 to 91.

Mr. COX, of New York. And the yeas and nays were really ordered on that vote.

The SPEAKER. That is a question of fact.

Mr. COX, of New York. Yes, that is a question of fact; and I think the record will determine that I am correct if the Speaker will appeal to the record.

Mr. WASHBURN. It has already been decided.

Mr. HAZELTON. How can it be opened up again when it has just been settled?

The SPEAKER. The Chair will repeat that his recollection was that there was no announcement made of the vote in opposition to the demand for the yeas and nays, but pending that question, which was submitted as to whether or not the yeas and nays should be ordered, and while the House was dividing the hour arrived for the recess.

Mr. DUNN. That is the fact exactly.

The SPEAKER. That is as the Chair recollects it.

Mr. HOLMAN. Then I raise the question of order upon the fact. The Chair decided that 44 members had risen, a sufficient number to call the yeas and nays, although the number rising on the other side may not have been announced.

The SPEAKER. The other side was demanded; pending that the recess was ordered. Again, since the recess, the Chair submitted the question to the House whether the yeas and nays should be ordered, and they were again refused. The Chair has now nothing further to do than to submit the motion of the gentleman from California.

Mr. COX, of New York. There were enough to order the yeas and nays.

Mr. DUNN. It was not so announced.

The SPEAKER. The question was submitted to the House and was refused. It is too late now.

Mr. ANDERSON. Is it in order now to move a recess?

The SPEAKER. The question is on agreeing to the motion of the gentleman from California.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

Mr. ANDERSON. I now move that the committee rise.

Mr. HOLMAN. I call for the reading of the bill.

The CHAIRMAN. The Chair will submit the motion of the gentleman from Kansas.

The motion was not agreed to.

Mr. ANDERSON. I demand a division.

Mr. PAGE. I call up the river and harbor appropriation bill.

The CHAIRMAN. The gentleman from Kansas demands a division on the motion that the committee rise. That is a privileged motion. Does the gentleman insist upon a division?

Mr. ANDERSON. I do.

The committee divided; and there were—ayes 21, noes 70.

So the motion was not agreed to.

Mr. ANDERSON. Is it in order to make the point that no quorum has voted?

The CHAIRMAN. A quorum is not required on such a motion. The Clerk will report the title of the bill called up by the gentleman from California.

The Clerk read as follows:

A bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. COX, of New York. I call for the first reading of the bill.

Mr. PAGE. I ask that by unanimous consent the first reading of the bill be dispensed with.

Mr. COX, of New York. I object.

Mr. PAGE. I hope the gentleman will not object.

Mr. COX, of New York. I do object.

Mr. PAGE. Very well; there are only twenty-four pages. Let the Clerk read.

Mr. COX, of New York. Let it be read. It is very interesting reading.

Mr. PAGE. I know it is, and I hope the gentleman will be edified.

Mr. COX, of New York. I have read it before.

The CHAIRMAN. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. COX, of New York (interrupting the reading). I rise to a point of order. The Clerk is not reading the bill. He is skipping portions of it, to my certain knowledge.

Mr. HAZELTON. I think not. The Clerk is reading every item. It is not to be assumed the Clerk is not doing his duty.

Mr. COX, of New York. I know he is not.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. COX, of New York. Let him read, not skipping any words.

Mr. HAZELTON. That is what he is doing.

Mr. COX, of New York. I know better.

The Clerk resumed and concluded the first reading of the bill.

Mr. COX, of New York. I call for the reading of the report.

The CHAIRMAN. The reading of the report is in the nature of debate. If there be objection the gentleman is not entitled, the Chair thinks, to have it read.

Mr. HUTCHINS. I rise to a point of order.

Mr. COX, of New York. Does the Chair decide I can not have the report read?

The CHAIRMAN. When the gentleman from New York has the floor he can have the report read as part of his remarks.

Mr. HUTCHINS. I find there are two bills, H. R. No. 7588 and H. R. No. 7631, appropriating for rivers and harbors. I wish to inquire which bill is before the House for consideration.

Mr. PAGE. The first bill, H. R. No. 7588, was reported to the House for printing and recommittal. The second bill, H. R. No. 7631, was reported to the House and went upon the Calendar. It was the final bill passed by the Committee on Commerce.

Mr. COX, of New York. Which bill was read?

Mr. PAGE. Bill 7631 was read.

Mr. COX, of New York. No, sir; the wrong bill was read. I want the right bill read.

Mr. HAZELTON. It was the right bill which was read.

Mr. PAGE. When the House will preserve order I would be glad to call the attention of the gentleman from New York, and all others who have any question as to whether the right bill has just been read, to the statement printed on the bill itself, as follows:

Mr. PAGE, from the Committee on Commerce, reported the following bill as a substitute for House bill 7588.

And the bill that has just been read is H. R. No. 7631, which is the substitute for the original bill.

Mr. RANDALL. But we have been confused because both bills have been given out.

Mr. PAGE. There is a very slight difference between them.

Mr. HORR. Only in three items.

Mr. PAGE. I now ask the attention of the committee while I endeavor briefly to explain the provisions of the bill.

This bill reported by the House Committee on Commerce provides for an appropriation of $7,987,000. The committee have taken into careful consideration the condition of the rivers and harbors in this country as they will stand at the expiration of the next fiscal year. I hold in my hand, Mr. Chairman, the report from the Secretary of War, in which he states that a certain amount of money will be on hand for the improvement of rivers and harbors after the expiration of the fiscal year. He gives the names in this report—it is Executive Document No. 15 of the House of Representatives.

Mr. Chairman, it is impossible for me to talk down the number of men that are conversing in different parts of this House.

The CHAIRMAN. The gentleman will suspend till order is restored.

Mr. PAGE. I have a pretty good pair of lungs, but I do not desire to wear them out in explanation of this bill.

The CHAIRMAN. The committee will come to order.

Mr. PAGE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and had come to no resolution thereon.

CONFEREES ON INTERNAL-REVENUE BILL.

The SPEAKER. The Chair desires to announce the conferees on the part of the House on the bill (H. R. 5538) to reduce internal-revenue taxation, the Senate amendments to which were disagreed to by the House. The Chair announces as the conferees on the part of the House Mr. KELLEY of Pennsylvania, Mr. MCKINLEY of Ohio, Mr. HASKELL of Kansas, Mr. RANDALL of Pennsylvania, and Mr. CARLISLE of Kentucky.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and resumes consideration of the river and harbor appropriation bill.

Mr. PAGE. In response to a resolution of the House calling upon the Secretary of War for a report as to the amount of money that would be on hand at the expiration of the fiscal year ending June 30, 1883, I find that he says that in regard to one hundred and ninety-one items, embraced under Exhibit A, there will be $4,949,612.06. There will have been contracts made enough to take up that entire amount of money by the 1st day of August, September, and October, and very little of it will extend into the next fiscal year more than from one to three months.

Mr. JOYCE. Do I understand from the gentleman that that is the amount which will be left at that time unused of the sums appropriated by the last river and harbor bill?

Mr. PAGE. That is the entire amount of money that will be left at the expiration of the fiscal year ending June 30, 1883.

Mr. JOYCE. Out of what was appropriated last year?

Mr. PAGE. Out of what was appropriated last year.

Mr. JOYCE. And what was carried over from previous years?

Mr. PAGE. What was carried over from previous years also. In Exhibit F of that statement I find one hundred and eighty-seven items upon which will have been expended by the 30th of June, 1883, the entire amount of money appropriated. In that list is composed some of the most important rivers and harbors of the country.

I will state for the benefit of gentlemen that I am reading from Miscellaneous Document No. 15, a letter from the Secretary of War, addressed to the Committee on Commerce, dated January 4, 1883. On page 7 of that document, in Exhibit F, is given a list of works which at the expiration of the fiscal year ending June 30, 1883, will be unprovided for, and among them are some of the most important rivers and harbors of this country.

In view of all the facts, in view of the fact that if we do not make any appropriations now these important rivers and harbors will be left after the expiration of this fiscal year without a dollar for their improvement, I call upon this House now to determine whether it will make appropriations for that purpose. It is proposed to appropriate money by this bill for the improvement of such harbors as those of Galveston, Baltimore, Savannah, Charleston, New York, Oakland, and many other of the important harbors of the country.

Do members of this House propose to ignore the fact that in reference to one hundred and eighty-seven important rivers and harbors of this country there will be no money provided at the expiration of the present fiscal year, but they will be left without a dollar to continue their improvement, and the money already expended will be to a great extent lost unless Congress shall make the appropriations here recommended?

In regard to the works included in Exhibit A, almost every dollar of the money which has been heretofore appropriated will have been expended before the expiration of the first quarter of the next fiscal year.

This bill contains ninety-one items of appropriations for works on harbors, and one hundred and twelve items for works upon rivers. Thirty-nine of those works were not appropriated for in the last bill, and one hundred and thirty-two which were appropriated for last year have been dropped from the present bill; not because they are not meritorious, but because in many cases enough money will be on hand at the close of the next fiscal year to go on with the work, or for some other equally sufficient reason.

As I have said, of the items of appropriation contained in this bill ninety-one are for improvements on harbors and one hundred and twelve for the improvement of rivers, making two hundred and three in all. One hundred and seventy-one works have been estimated for, and appropriations have been asked by the Engineer Department for them, but no appropriations are made in this bill; not because they are not meritorious, but because the committee have acted in obedience to what they conceived was recognized by this House to be the public sentiment that no works should be appropriated for but those of great national importance.

Of the less than $8,000,000 appropriated by this bill the improvements upon the Mississippi and Missouri Rivers are given $2,500,000. Your committee found that the works upon the Mississippi River would be left without a dollar after the 30th of June next, and if Congress has not made a mistake in appropriating heretofore for those great rivers and harbors upon which the commerce of this nation is carried, then this Congress should make appropriations to continue the improvements.

While your committee was not insensible to the fact that the newspapers of many States of this Union had condemned the river and harbor appropriation bill, we are willing to submit the question to the American House of Representatives. I ask the Republican party, members upon this side of the House, whether they propose that this Congress shall adjourn without due appropriations from the General Government for rivers and harbors to facilitate the commerce of the country?

If that policy is to be condemned, then I ask my Republican friends to let it be done by that party which, in the past at least, has claimed that there was no power under the Federal Constitution to make appropriations for these great internal improvements. But I am glad to learn that many of our Democratic friends on the other side of the House and all over the country have come to the conclusion that it is not only within the power of the Constitution but it is the absolute duty of the General Government to improve and maintain the great national highways of commerce, in order that the productive industries of the country may be promoted, that the products of the farm may be carried over our great national highways, and that those highways may be improved by all the appropriations necessary, so that the great monopolists, the railroads of the country, may not control the carrying of the products of the country to the markets on the seaboard.

Mr. HATCH. Will the gentleman permit me to ask him a question?

Mr. PAGE. Certainly.

Mr. HATCH. Does the gentleman propose to make this a party question by appealing to first one side of the House and then the other on this river and harbor bill? Is it to be made a party question?

Mr. PAGE. I am appealing to both sides of the House. I am appealing to gentlemen on both sides of the House who do not feel that they have been ostracized, that they have been whipped by the newspapers of the country into submission to the idea that no more appropriations shall be made by the General Government for the improvements of our rivers and harbors.

Mr. HATCH. Let me say to the gentleman from California, if he will yield to me for a moment, that gentlemen on this side of the House do not consider this a political question.

Mr. PAGE. Nor do we on this side.

Mr. HATCH. And we propose to vote on this bill according to our instructions from the people whom we represent, under our obligations as members of this House, and without any regard to party lines at all.

Mr. PAGE. I recognize the fact that gentlemen on all sides of this House who are free to exercise their own judgments and are bold enough to express their opinions are in favor of a river and harbor bill providing for the commerce of this country, providing for the protection of the productive interests of the nation and opening our rivers and harbor to the great industries of the nation.

Mr. Chairman, let me say, while I have been tantalized repeatedly by my friend from New York [Mr. COX], who, since the last election, has never lost an opportunity to say that I have been beaten, there is no one on the floor of this House who recognizes that fact with more certainty than I do. [Laughter.] I know I have been beaten; but if the gentleman means to insinuate that I was beaten because I favored the river and harbor bill he is simply mistaken. I represent a constituency who, whether they elect a Republican or a Democrat to Congress, recognize the right and the duty of the General Government to protect the great national highways of commerce by liberal appropriations in order that we may not be left at the mercy of the railroad monopolies. Let me say to my friend that not only the Republican but the Democratic party of California indorsed the last river and harbor bill unanimously in their conventions, and the people of the great West and Northwest to-day stand as a unit in favor of honest, liberal, decent appropriations for rivers and harbors.

I say it ill becomes the gentleman from New York to flaunt the fact of their defeat in the face of gentlemen who have tried to do their duty here as Representatives. For myself, at least, though I have always been as I am now, his friend, I am tired of having continually thrown in my face the fact that I was defeated. I am sorry I was; I tried not to be; I would have secured a re-election if I could. [Laughter.]

But if this river and harbor bill is to fail by the action of the gentleman from New York, there will be a time when a river and harbor bill will be passed, and then I shall be in this House, the representative of the people of California, who as one man stand up to-day asking for liberal appropriations for the great national highways of commerce. [Applause.]

Now, Mr. Chairman, I propose to yield to the gentleman from Michigan [Mr. HORR]. How much time have I remaining?

The CHAIRMAN. Thirty minutes.

Mr. PAGE. I yield twenty minutes to the gentleman from Michigan, reserving ten minutes to myself.

Mr. HORR. Mr. Chairman, the bill which we are considering here to-night is, of all the bills which can possibly be passed by this or any other Congress, a non-partisan measure. Since the foundation of this Government no river and harbor bill, so far as I can learn, has ever been passed by a strictly party vote. There has always been in the United States a diversity of sentiment regarding the propriety of these river and harbor bills; but there has always been found in both parties a sufficient number of men who believe in the improvement of the water-ways of the country to keep up this method of looking after and improving our rivers and harbors. I do not think the question to-night will be or should be affected in the least by any consideration as to whether this man or that man was left at home in the last election. Let us rather look at the simple question before us: Is this a good bill, and ought it to receive our support?

We present to you a bill carrying about $8,000,000; and let me add right here that it is just such a bill as my friend from New York [Mr. COX], at every session since I have been here, has told the House he desired to vote for; that is to say, it is a bill which makes moderate appropriations for the great works of the country and one which the gentleman can not possibly oppose if he stands by his declarations made here in the past.

This bill contains thirty-eight items of less than $5,000 each, aggregating $109,500 for those smaller works. There are nineteen items of $5,000 each, forty-nine items over $5,000 and up to $10,000, inclusive, making one hundred and six items from $10,000 down, aggregating $607,500. There are thirty-four items from over $10,000 and up to $20,000, aggregating $534,500. So that of the two hundred and four items in the bill, there are one hundred and forty which aggregate only $1,141,000. The thirty-seven items from $20,000 up to $50,000 aggregate $1,380,000. There are, as I have said, two hundred and four items in the bill. Without the appropriations for the Mississippi River the bill carries $5,837,000 only. The bulk of this money is so distributed as to take care of the great ports, harbors, and rivers of the United States.

The simple question presented for this House to decide is whether we shall abandon this great system of internal improvements adopted by the fathers of our Republic and approved by every Congress since our Constitution was adopted. It is well known to gentlemen who are associated with me on the committee that I do not sympathize with the ordinary harangues which are made against the railroad companies of the United States. I believe I understand the great work they have done and are doing for the development of our country. But I do say to this committee to-night that this question of improving our rivers and harbors is a question which involves cheap transportation for the people. It is a question whether we shall get our products to the seaboard cheaply or not. For I say it with all kindness to the railroad companies that you could not get up among the railroad directors of the United States a more certain jubilee than to put a sand-bar at the mouth of each of our rivers and inland harbors. They would have the transportation of this nation then in their own hands. The competition furnished by our water-ways is to-day the great leveler of freights for our people.

I do not believe that the American Congress is going back on the idea of keeping these water-ways open. They are the greatest protection we have for cheap transportation to the seaboard.

I am not going to detain the committee to-night by any lengthy remarks upon this bill. We have given the Mississippi from its mouth to its source $2,150,000, $1,500,000 of which is to be expended under the direction of the Mississippi River Commission below Cairo. I know there are gentlemen here who differ with me as to the success of that undertaking. I know there are men here who do not believe we can ever tame that great river if we try. I stand here to-night to say that I believe this nation ought to grapple with this problem and solve it if it can. I know there is a good deal which can be said for levees and against levees. But I wish to say to gentlemen here that we shall never know whether we can control and improve that river unless we try. I am neither a prophet nor the son of a prophet; and while I know I speak in opposition to the opinions of a large number of members here, I desire to put it on record now that I do not believe that any system which you shall adopt in the great future for the improvement of the Mississippi River which leaves out the leveeing of its banks and the confining of its waters when high will ever prove to be a success. I believe while levees may not contribute to the improvement of low-water navigation, that the river can never be controlled and managed on any plan which does not provide for and prevent these disastrous overflows. However, in this bill we appropriate not one cent for levees. We have simply given the smallest amount which the commission said is necessary to improve the two lower reaches, about which we all agree. There is not a dollar in the bill for levees, but simply enough to go on with the experiment and finish those two reaches.

Mr. ROBINSON, of Massachusetts. My friend from Michigan understands the bill will deprive the commission of the right to spend money for levees if they shall so conclude.

Mr. HORR. The bill is silent on that, but under their plan the commission stated to our committee that the million and a half would not permit them to build a single levee; that it would take every dollar of it to carry on the work on the two reaches they are now attempting to complete.

Mr. ROBINSON, of Massachusetts. But under the silence my friend says lingers about his bill——

Mr. HORR. We leave it for the commission to control.

Mr. ROBINSON, of Massachusetts. Exactly.

Mr. HORR. And if the gentleman thinks it ought to be bound up he can make his amendment to that effect.

Mr. ROBINSON, of Massachusetts. I did not wish to interrupt the gentleman.

Mr. HORR. I do not say the commission is hampered in the bill at all. On the contrary, it is left to the commission to follow their own judgment as the bill now stands.

Mr. KENNA. If the gentleman will allow me to suggest, the provision which inaugurated the commission was not silent on the subject of levees, but confined the building of levees to those necessary as incidental to the improvement of navigation.

Mr. HORR. There is no doubt about that, but there is a difference of opinion even among the commission as to the levees. The gentleman from Massachusetts was on a special committee which examined the river, and I understand he is opposed to levees. I do not object to your putting any amendment on this bill you see fit as to this levee question if the House shall approve it. It makes little difference, since the bill carries so little money, that there is none for building levees. If you desire to guard it, so far as I am concerned I have no objection, though I prefer to leave the commission free to carry out their own well-devised plans. All I was aiming to do was to state my opinion, on the manner in which the future would compel us to treat that river.

Now, Mr. Chairman, I do not believe the members of this committee are going off wild on this river and harbor bill. It is an old subject; we have been improving these streams now for seventy years. This bill is drawn with the greatest economy. And you will find at the close of the bill a clause whereby we prevent any further surveys being made, and any further expenditures entered upon except on a report of the engineers who are to make examinations, and they are required to report as to the national character of the work proposed and the importance of each new improvement before even any extended survey shall be made.

Now, the items in this bill for small works aggregate but a few thousand dollars. The great bulk of this bill is for the improvement of such streams as the Ohio, the Mississippi, the Missouri, the Kentucky, the Red, the Columbia, and the Great Kanawha, and such harbors as New York city, Philadelphia, Baltimore, Charleston, Savannah, Galveston, Oakland, and so on. The great bulk of this money is simply for the purpose of improving these great harbors and rivers, which all admit are national in their commerce and of great importance to our country.

We present to-day the most remarkable spectacle on the face of the earth. We as a people to-day, after having gone through a war that destroyed property, devastated fields, and unsettled business, and after being saddled with a debt which other nations would stagger under; after all this, and at a time when the greatest and richest nations of the Old World are laboring to keep their debts within bounds and are struggling even to pay their interest, this nation is to-day struggling to prevent the payment of its debt, principal and all, too rapidly.

Just think of it, money is actually coming into our Treasury so rapidly as to alarm our financiers, and they fear we are receiving it faster than we can safely use it, even in payment of our debts. Now, this money is largely collected from the commerce of this nation. And shall we not, Mr. Chairman, give to that commerce encouragement? If we do not, if we refuse that encouragement, we shall act differently from every other civilized nation on the face of this earth. Why, only think of it; France, not as large to-day as the State of Texas, or certainly no larger, spends every year over $15,000,000, and from that to $50,000,000 on her rivers and harbors. England spends over $15,000,000 a year; and here we, a nation that includes thirty-eight States and eight Territories, a nation grand in its territorial extent, each State and Territory averaging as much as all Great Britain; only think of it, such a nation here now higgling about a little bill that appropriates $8,000,000 for the great water-ways and harbors of such an imperial domain. It is almost ridiculous to talk about the expenditure of such a sum as being extravagant; and the hue and cry that comes up now about a river and harbor bill, I care not whether it comes from party organs or not, it must come from people who do not appreciate or properly understand the needs of this great nation. I make no charges against any one, and I hope that the members of this committee will wait long before they will go back upon a policy which has been approved by every great statesman from the days of Washington down to the present time.

That is all I desire, Mr. Chairman, to say upon this bill by way of general debate.

The CHAIRMAN. Does the gentleman from Michigan yield the remainder of his time?

Mr. PAGE. How much time is remaining?

The CHAIRMAN. The gentleman has used fifteen minutes of the time allotted to him.

Mr. PAGE. The gentleman from New York [Mr. RICHARDSON] desires to be recognized in his own time, and I will reserve to myself the balance of the time given to the gentleman from Michigan, if there be no objection.

Mr. COX, of New York. Are not the opponents of this bill to have a chance?

The CHAIRMAN. The gentleman from New York [Mr. RICHARDSON] is recognized.

Mr. BELFORD. I rise to a parliamentary inquiry.

Mr. COX, of New York. When do the opponents of this bill get a chance?

Mr. RICHARDSON, of New York. I am against the bill. Am I recognized?

Mr. BELFORD. Under what rule does this debate proceed?

The CHAIRMAN. Under the rules of the House of Representatives which govern the Committee of the Whole.

Mr. BELFORD. Is the gentleman from New York now on the floor a member of the Committee on Commerce?

Mr. BAYNE. Yes, sir; and opposed to the bill.

Mr. BELFORD. What time is he entitled to?

The CHAIRMAN. One hour.

Mr. RICHARDSON, of New York. I yield two minutes to the gentleman from Wisconsin [Mr. GUENTHER].

Mr. GUENTHER. Mr. Chairman, I wish in a few words to do my duty to my colleagues on the Committee on Commerce by bearing testimony to the fact that this bill was prepared with unusual care by that committee. Every item in the bill was closely scrutinized, and it is my honest opinion, based upon a knowledge of the facts, that this bill contains no item which can or ought to be objected to unless gentlemen wish to make no appropriations for rivers and harbors that are clearly in the interest of commerce and navigation.

Mr. Chairman, I appreciate the fact that our time is very precious and limited, and I therefore will not occupy any more of it but simply by expressing the wish that gentlemen on this floor will not consume any more time than is strictly necessary to bring this bill to a final passage and that the sluice-ways of oratory will not be opened to flood this committee. It is very desirable that this flood of eloquence should be dammed a little at this time, so that we may soon dispose of this bill in one way or the other.

This is all I wish to say at this time.

Mr. RICHARDSON, of New York. Mr. Chairman, it is with no little regret that I oppose this bill, for in its essential features it is substantially the same as the last river and harbor bill, that received my hearty approval and support.

There are no navigable waters in my district requiring improvement, and perhaps from this circumstance I more readily accepted the statement that many of the water-ways under improvement were not of national importance. But be that as it may, such was my conviction, and I voted against the river and harbor appropriations in the Forty-sixth Congress.

Placed upon the Committee on Commerce of this Congress, it became my duty to investigate this subject and to determine for myself what works were of sufficient importance to justify an appropriation.

I soon discovered that the phrase "national importance" as popularly used had no fixed or definite signification, and that if a definition of that phrase was formulated in accordance with the popular idea of its meaning, and all works were suspended that did not meet the requirements of that definition, there would be but few works prosecuted in all this country.

Probably the improvement of the Mississippi River would not be suspended, for its waters and those of its 16,000 miles of navigable tributaries wash the soil of eighteen States and two Territories, and in its valley dwell three-fifths of our people; but it is not so clear that the improvement at Buffalo would be continued, although the tonnage of the vessels that enter and clear at that port is greater than the aggregate tonnage of vessels entering and clearing at all other lake ports in the State of New York, yet only a small minority of the people are interested in that improvement, and but a fragment of our commerce goes in and out of that harbor. Should operations upon its works cease today and remain suspended for years the loss would be great, but would be felt by a comparative few and be known only in a limited section of the country. Again, an improvement admitted to be of lasting benefit to national commerce might not properly be made. If the work at Hell Gate had involved the expenditure of five hundred million instead of five million dollars it would not have been commenced in this generation.

On the other hand, it might not be proper to appropriate a small sum to benefit a great commerce. Cover Seneca Lake with ships—it will float the largest—and give it a tonnage equal to that of the Hudson River, its harbors will not be improved by the General Government, for its waters lie wholly within one State. But it does not follow that waters that do lie wholly in one State may not be improved, for nearly $1,200,000 have, without objection, been appropriated for the improvement of the Hudson River, that lies wholly, or substantially so, in the State of New York.

How, then, are we to decide what rivers and harbors are to be improved? By what standard is their importance to be determined?

In the case of the United States *vs.* The New Bedford Bridge, 1 Woodbury and Minot's Reports, 421, Mr. Justice Woodbury used the following language:

> For purposes of foreign commerce, and of that from State to State, the navigable rivers of the whole country seem to me to be within the jurisdiction of the General Government, with all the powers over them for such purposes (whenever they choose to exercise them) which existed previously in the States or now exist with Parliament in England.

In the case of Corfield *vs.* Coryell, 4 Washington Circuit Court Reports, 379, Mr. Justice Washington said:

> The grant to Congress to regulate commerce on the navigable waters belonging to the several States renders those waters the public property of the United States for all purposes of navigation and commercial intercourse, subject only to Congressional regulation.

And in the case of Gilman *vs.* Philadelphia, 3 Wallace, 724, it was said:

> The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation, and subject to all the requisite legislation of Congress. This necessarily includes the power to keep them open and free from any obstruction to their navigation interposed by the States or otherwise, to remove such obstructions when they exist, and to provide by such sanctions as they may deem proper against the recurrence of the evil, and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England. It is for Congress to determine when its full power shall be brought into activity, and as to the regulations and sanctions which shall be provided.

Although Congress has the constitutional power to appropriate for the improvement of every navigable stream or harbor whose waters are accessible from a State other than that in which they lie, it would not be proper to improve any such stream or harbor unless its commerce is commensurate to the expenditure necessary to make the improvement; nor do I believe that it would be improper to improve every such stream or harbor, great or small, whose commerce is commensurate to the required expenditure. That is, the propriety of the improvement is to be determined not by the amount of money required to be expended or by the commerce to be benefited, but by the relative proportion of the expenditure to the benefits to be derived therefrom.

The improvement of every such stream or harbor is of national importance in a legal sense, for their waters are the public property of the nation for all the purposes of commerce; and their commerce being interstate or foreign, is under the exclusive jurisdiction of the national Government.

Although the last river and harbor bill was prepared upon a more conservative theory than I have indicated, it met with unprecedented opposition.

This opposition evidently was not aroused by reason of the amount, for there had been appropriated aside from this, at the last session of Congress, more than $245,000,000 without criticism, included in which latter amount was more than six millions for public buildings, the necessity for which in many instances is not so clearly apparent.

It was well known, at the then rate of payment, that such portion of the interest-bearing debt as could be reached before the year 1891 would be extinguished within the next two or three years, after which, as aptly expressed by the President in his last annual message—

> Either the surplus must lie idle in the Treasury or the Government will be forced to buy at market rates its bonds not then redeemable, and which under such circumstances can not fail to command an enormous premium.

It is equally well known that this House had passed a bill to reduce the revenues $23,000,000, which failed to pass in the Senate, and that a surplus was accumulating in the Treasury at the rate of $150,000,000 a year. I believe the people would have preferred that the whole of the twenty-three millions we tried to leave in their hands had been appropriated to be invested for their benefit in the improvement of our waterways for the reduction of freights, thereby giving employment to labor and disseminating the money through all the channels of trade, to having it remain in the Treasury to expedite the appreciation of bonds or the contraction of the currency, if they had not been taught to believe that the money was corruptly appropriated and would be injudiciously expended.

There seemed to be an organized effort in certain sections to inflame the people and create a public sentiment in opposition to further appropriations for rivers and harbors. But what is the motive for making this effort, or who is to be benefited by breaking down these appropriations?

Nearly 80 per cent. of the exports of domestic merchandise from the United States to foreign countries consists of products of agriculture, and the principal part of the export of such commodities other than cotton is the product of the Western and Northwestern States. The value of the products of agriculture exported to foreign countries during the year ended June 30, 1882, exclusive of cotton, amounted to $352,407,175.

More than one-half the grain crop of the United States in 1879 was raised by the States of Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, and Arkansas, and the Territory of Dakota, for all

of which the natural outlet is the Mississippi River. In 1880 there were received at Boston, New York, Philadelphia, and Baltimore 312,050,930 bushels of grain, and exported from them 225,776,549 bushels. In 1881 there were received at these cities 250,698,517 bushels of grain, and exported from them 213,162,263 bushels. More than three-fourths of this grain came to these cities by rail.

Work upon the jetties at the mouth of the Mississippi River was begun in June, 1875. Previous to that date it was difficult for vessels drawing more than sixteen feet of water to pass the bar at the mouth of the Mississippi River; the depth of water now reported is twenty-nine feet. In 1875 there were exported from New Orleans 777,127 bushels of grain; the exports have continued to increase, and in 1881 there were exported from that city 16,859,343 bushels. During the year ended June 30, 1881, there were exported from New Orleans 4,650,119 bushels of grain more than in the previous year, whereas the aggregate exports of Boston, New York, Philadelphia, and Baltimore were 12,614,286 bushels less than the preceding year. (See report of the Bureau of Statistics of the Treasury Department.)

In the Forty-sixth Congress a sub-committee of the Committee on Levees and Improvement of the Mississippi River, to whom was referred the report of the Mississippi River Commission, under a resolution of the House proceeded down the Mississippi River from Saint Louis to its mouth for the purpose of acquiring a knowledge of its peculiar condition and wants, and to gather information relative to the best methods for its improvement. That sub-committee in its report (No. 1575, second session Forty-sixth Congress) states, among other things:

It is not unreasonable to estimate that the deepening of the channel of the Mississippi River will lessen the freight carriage and insurance rates of the cereals alone to the seaboard at least 5 cents per bushel.

Second. The rate by river determines the rate by rail.

The people of the State of New York at the last general election, by more than 200,000 majority, adopted an amendment to the constitution of that State making the canals free.

The following is from an editorial in the Albany Evening Journal of September 20 last:

The development of rival routes by way of the Mississippi River and the Welland Canal and Saint Lawrence River calls upon New York to adopt such a course as will enable it to continue to compete successfully with the new claimants for the control of water transportation.

A large share of New York's commercial supremacy is to be traced to the construction of De Witt Clinton's ditch, and the adoption or rejection of the pending amendment involves the continuance or abandonment of the beneficial waterway.

That was the potential argument in favor of free canals, and was made everywhere in the State by those favoring the amendment. It was not the intent of that argument to create a prejudice against the improvement of the Mississippi River, for the people of the State of New York would not harbor the thought that what helps others injures them, but to impress the fact that in order to retain the carrying trade in its accustomed channels their rates must be reduced; nor could that argument be controverted. If the improvement at the mouth of the Mississippi River enabled New Orleans to increase her exports of grain more than twenty-fold in six years, and her exports for the year 1881 were increased nearly five million bushels over the preceding year, while during the same year the aggregate exports of Boston, New York, Philadelphia, and Baltimore decreased nearly thirteen million bushels, what may be expected from improvements that will secure a reduction of 5 cents per bushel on the cost of moving grain from the interior to the sea—from the grain-fields that supply our foreign market.

If the result should be to divert this trade it might seriously affect some of the markets that now handle this grain.

There were shipped in 1880 from the principal primary markets of the West, exclusive of Saint Louis, 274,863,477 bushels, as follows:

	Bushels.
Duluth	6,511,100
Milwaukee	29,691,524
Chicago	154,377,115
Peoria	20,544,508
Detroit	10,366,491
Toledo	53,372,739
	274,863,477

And there were exported to foreign countries the same year from—

	Bushels.
Boston	15,702,941
New York	123,731,628
Philadelphia	32,615,156
Baltimore	53,726,824
	225,776,549

Is there an apprehension in any of these cities that their grain trade will be diverted, and does this apprehension account for the attitude of their public press?

The lines of trade and travel are not readily changed, and the best informed believe that the railways that now carry the great bulk of this grain will not give up their traffic, but to retain it will reduce their freights to competing rates.

These roads annually bring from the West between two and three hundred million bushels of grain. A reduction of 5 cents per bushel involves a decrease of from ten to fifteen million dollars a year in their revenues from this product alone. Can we expect these roads to favor a project that will take from them such sums as these? Will they not make every effort to defeat it? And will not the organs of the roads use all their power to advance the interest of their owners, regardless of the public good?

I have mentioned only the grain product, but the argument applies to meats and all other domestic merchandise that enter into our foreign trade.

I have heard not a word uttered against the improvement of the Mississippi River, nor would it be politic to assail a work so important, in which so many are interested. But by denunciation of small works, by vilification and charges of corruption, the bill carrying the appropriation for that river has been made obnoxious, and by this course more effective work has been done to embarrass, postpone, and ultimately defeat that project than could possibly have been accomplished by a direct attack upon it, and the people have come to denounce the very measures that would reduce their freights, and leave millions in their hands.

By a resolution of this House, adopted on the 9th of December last, the Secretary of War was requested to report to the House the following information:

Whether any moneys appropriated by the act of August 2, 1882, "making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," were appropriated for works or objects that are not in the interest of or do not benefit commerce and navigation; and, if so, to name such works or objects, and the respective amounts so appropriated.

Whether any of the moneys appropriated by said act have been or are being used or expended under its provisions upon works or objects that are not in the interest of or do not benefit commerce or navigation; and, if so, to name such works or objects, and the respective amounts so used or expended.

Whether the expenditure of any moneys authorized by said act has been withheld or stopped; and, if so, to state how much, for what works or objects, and for what cause.

Also the amount of moneys appropriated by said act on hand and unexpended and uncontracted for, and likely to be on hand July 1, 1883, with an explanation of why such balance is likely to be so on hand, and how much of any balance on hand and unexpended comprises moneys that have been previously appropriated, and are carried over from year to year through non-compliance with the conditions of law making such appropriations.

And that he also furnish the reports and estimates of the Engineer Department for the fiscal year ending June 30, 1884, which have not been transmitted to Congress by the Secretary of the Treasury, in conformity with section 3669 of the Revised Statutes of the United States.

And any other information pertinent to this subject that he may see proper to send to the House.

In response to the resolution the Secretary of War replied by letter dated January 4, 1883, in which he states:

My wish to give a satisfactory answer to the inquiries of the House has compelled me to make a new and very extended examination of the subjects covered by the act.

Having done this, it has appeared to me that in many instances the results of substantial benefit to general commerce were so obscure and apparently insignificant as to vindicate the doubt on the part of the House of Representatives indicated by the inquiry presented in the resolution.

I therefore submit herewith (Exhibit A) a list of works directed by the act, which are seemingly of this character, with such details of information concerning them briefly stated as seem to me substantially to furnish the information called for by the resolution.

Under Exhibit A are named ninety-two works, carrying appropriations of $1,032,000, which deducted from the entire bill there remain two hundred and sixty-nine works, carrying appropriations of $17,706,875, which do not appear obscure or insignificant to the Secretary of War after a very extended examination.

In this amount of $1,032,000 is included the sum of $250,000 which, in the language of the act, was appropriated "for the improvement and protection of the navigable channels of the Sacramento and Feather Rivers, to be expended under the direction of the Secretary of War."

The statement in Exhibit A relative to this appropriation contains the following:

If it was the intention of Congress to protect these lands—

Referring to lands adjacent to the Sacramento and Feather Rivers—

from the flow of detritus, it would be, in my opinion, to that extent a local work and not in any way in the interest of commerce and navigation.

If Congress designed that this money should be diverted to a different object from that for which it was appropriated, and the Secretary of War, under whose direction the expenditure was specifically placed, had actually diverted it, it is quite evident that would not have been in the interest of good morals, whatever the effect might have been upon commerce and navigation. But as the Secretary states that this was not the intention of Congress, and as the money has not been expended, I fail to see the pertinency of the criticism.

Sixty-four works named in Exhibit A, carrying an appropriation of $559,000, are being prosecuted, and nearly the whole of the money appropriated for them will be expended during the present fiscal year. By the act itself the money is appropriated to be expended under the direction of the Secretary of War; it can not be drawn from the Treasury without his requisition nor expended without his authority.

In August, 1870, President Grant sent the following message to the House of Representatives:

To the House of Representatives:

In affixing my signature to the river and harbor bill, No. 3922, I deem it my duty to announce to the House of Representatives my objections to some feat-

ures of the bill, and the reason I sign it. If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections, notwithstanding the great inconvenience to the public interests resulting therefrom and the loss of expenditures from previous Congresses upon incompleted works. Without enumerating, many appropriations are made for works of purely private or local interest, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

There is very great necessity for economy of expenditures at this time, growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same. The reduction of revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow expenditures upon works not clearly national.

U. S. GRANT.

EXECUTIVE MANSION, *August* 14, 1876.

As quite a number of works appropriated for in the last bill are not being prosecuted, and as the order for their prosecution has so far been withheld, it is fair to assume that the principle here enunciated is approved by the executive department, and that these sixty-four works are meritorious, or at least have sufficient merit not to warrant their discontinuance.

Take for example the first work named in Exhibit A, Plymouth Harbor, Massachusetts, one of the sixty-four just referred to. The annual report of the Chief Engineer estimated for this harbor $1,000; $14,000, however, were appropriated.

Although it would not be unseemly to make liberal appropriations for a harbor so memorable, yet it was not from any sentiment that this increase was made, but upon the recommendation contained in the following letter read in the United States Senate on May 2, 1882:

WAR DEPARTMENT, *Washington, D. C., April* 7, 1882.

SIR: I have the honor to inclose herewith a letter from the Chief of Engineers of the 5th instant, and accompanying copy of one from Colonel George Thom, Corps of Engineers, reporting serious damage to the work of the United States for the protection of the outer end of Long Beach, Plymouth Harbor, Massachusetts. It is represented that the preservation of this harbor depends entirely upon the maintenance of Long Beach, and any action of the sea thereon likely to seriously injure it should be at once arrested.

The cost of the required protection is estimated at $14,000, and an appropriation by Congress of which amount is respectfully recommended.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

The following is the statement found in Exhibit A:

IMPROVING HARBOR AT PLYMOUTH, MASSACHUSETTS.

Continuing improvement	$14,000

Previous expenditures on this work have aggregated in round numbers $85,000, the object of the expenditure being to preserve the beach by which the harbor is sheltered from easterly storms, and to widen, deepen, and straighten a channel leading to the wharves at Plymouth, the original channel having a minimum depth of six inches only at mean low water. The benefits to be derived from these improvements appear to be local, with but little bearing on the commerce of the country. One of the strong arguments advanced for improving the neighboring harbor of Scituate, Massachusetts, is that the Plymouth Harbor is so difficult of approach as to render it almost useless for strangers.

Balance in Treasury July 1, 1881	$——
Appropriated act August 2, 1882	14,000
Drawn on requisition, July 1 to December 31, 1882	10,000

The statement that "previous expenditures on this work have aggregated in round numbers $85,000" would imply that no more than this amount has been expended. I find, however, that there has been expended on Plymouth Harbor since 1824 to the beginning of the present fiscal year the sum of $141,976.74.

The collector of that port reports that for the year ended December 31, 1881, the collection from imports, hospital, and tonnage dues amounted to $45,048.24 over and above the expenses of collection. Total value of imports and exports, $1,430,306; arrival and departure of all vessels, 2,732.

In the Engineer's report of 1882, at page 519, will be found this strong argument advanced for improving the neighboring harbor of Scituate:

The coast between Scituate and the entrance to Boston Harbor is so densely studded with dangerous shoals and sunken rocks that vessels can not find shelter there at times, when most necessary (in fogs and easterly storms), so that if on passing around Cape Cod or coming elsewhere from the eastward a vessel should fail to make Boston Harbor, and fall to the leeward, it could now find no other refuge except Plymouth Harbor (about eighteen miles to the southward), the approach to which at the "Cow Yard" is difficult and dangerous, especially for strangers.

It is well that this harbor in the year 1620 was not "almost useless for strangers," but perhaps at that early day it was as easily discernible as now that the "Cow Yard" is not the main ship channel.

No portion of the $223,000 appropriated for the remaining twenty-six works named in "Exhibit A" has been expended, and no provision, as I understand, has been made for its expenditure. Two of these works are in the State of New York. The following are the statements of the Secretary of War relative to them:

Improving Grass River at Massena, New York: appropriation, $3,000. The principal purpose of this improvement appears to relate to the town of Massena and the summer resorts there located.

Improving Niagara River, New York: continuing improvement, $1,500. The object of this work is to create a new channel from the river to the wharves of Tonawanda.

Perhaps there is no work for which an appropriation was made that is less meritorious than the improvement of Grass River. The engineer, however, states:

An examination of the map will show the relatively small proportion of the shoal water, such as would obstruct the passage of a three-foot-draught boat (such as now run) and the navigable water. As I have already remarked, the uniformity in depth and width, absence of current, stability of channel, and other features, give this stream more the character of a large canal than of a river, and make it admirably adapted to navigation by small steamers.

As to the commercial interest to be benefited by the proposed work I think there is no question. Massena is the center of a wealthy country, and as a summer resort it has no little celebrity.

Considerable business is carried on with Cornwall, Canada, by way of Grass River. As the Ogdensburgh and Lake Champlain Railroad (American) is fifteen miles distant, a good deal of live stock and produce are shipped east by the Grand Trunk Railroad (Canadian).

The improvement of the river would largely increase this business, besides enabling boats from Ogdensburgh to ascend to Massena some three months in navigable season, drawing four to five feet of water.

Taking in consideration the small cost of the work, its durability, and the demand for it, I believe the improvement advisable.

The necessity for the improvement of Niagara River is shown by the following letter:

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., January 17, 1881.

GENERAL: I have the honor to submit herewith my report upon the survey of Niagara River, at the mouth of Tonawanda Creek, ordered by act of Congress approved June 14, 1880, and placed in my charge by letter from your office dated June 17, 1880.

The port of Tonawanda, which lies at the mouth of Tonawanda Creek, on the Niagara River, 11 miles below Buffalo, partly in each of the two collection districts of Buffalo Creek and Suspension Bridge, has, within the last few years, become of great importance as a lumbering port, rating, it is said, next after Chicago, most of the lumber trade of Buffalo having gone to it. Last year it received 350,000,000 feet (board measure) of lumber. This lumber, which is almost exclusively from the forests of Michigan and Wisconsin, is sent away or distributed chiefly through the agency of the Erie Canal and the New York Central and Erie Railways. The arrivals and departures at Tonawanda during the last year were, of lake vessels, 1,800; canal boats, 6,000; employing upward of 8,000 men.

In front of the mouth of Tonawanda Creek lies Tonawanda Island, between which and the shore is a narrow channel, so obstructed by bars near its middle and at the upper and lower ends of the island that it has become necessary, in order to avoid maneuvering in it, for large vessels seeking the port to pass down the outer channel between Tonawanda and Grand Islands, doubling the lower end of Tonawanda Island, and so passing up the inner channel to Tonawanda Creek. The outer channel through which they have to pass is, however, obstructed in several places by submerged rocks, on which a number of vessels have been lost.

The improvement desired here is that these rocks in the channel be removed and that the bars before referred to be cut away so as to admit of a safer handling of vessels in the inner channel.

* * * * * * *

Very respectfully, your obedient servant,

WALTER MCFARLAND,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

Upon that letter and the report of the assistant engineer accompanying it, Congress on the 4th March, 1881, appropriated $5,000 for the improvement of Niagara River, which was applied by the War Department to the improvement of Tonawanda Harbor. The engineer estimated that it would require $1,500 more to complete the improvement, as will appear by reference to the engineer's report 1881, and on August 2, 1882, Congress appropriated that amount for that purpose. On page 310 of the annual report of the Chief of Engineers of the United States Army to the Secretary of War is found the following statement relative to this improvement:

3. *Niagara River at Tonawanda Harbor, New York.*—The troublesome bars at the head and near the middle of Tonawanda Island, and at the mouth of the Tonawanda Creek have been removed, a depth of thirteen feet water being secured over them.

The contract rates were so low that all the work contemplated has been done under the appropriation of 1881, and no more money is asked for.

I have examined the reports and have been unable to find anything that justifies the statement that the object of the work is to create a new channel from the river to the wharves.

The products of the forest received at Tonawanda during the year 1881 aggregate a value of nearly $10,000,000, and the lumber that was shipped away from that port during that year that had been received by the way of the lakes required over 9,000 freight cars, besides 328,000,000 feet that were shipped on the Erie Canal, and it ought not to be forgotten that this lumber is the raw material that supplies the manufacturing centers all through the East, and that its value is increased many fold by the skilled workers in wood.

I do not believe that this work deserves to be branded as insignificant or obscure. Although it would be profitable to take up each one of the twenty-six works and compare the statements in Exhibit A with the statements of the engineers, I shall call attention to only one other work, Old Town Creek, Mississippi.

The following is the statement in Exhibit A:

Improving Old Town Creek, Mississippi: appropriation, $3,000. This creek runs into the Tombigbee River, after meandering thirty miles in a direct distance of twelve miles. The estimated cost of the proposed improvement is $10,000, with which it is proposed to make it navigable after the winter rains set in for an anticipated period of about five months. When examined, a box drain twelve inches square would pass all the water in the creek.

The engineer, Captain A. M. Damrell, states, page 1326, report for 1882, that—

The creek can not be improved for low-water navigation.

For high-water navigation, from about December 1 to May 1, it can be put in good boating condition from its mouth up to City Point, four miles from Verona,

on the Mobile and Ohio Railroad, a distance of thirty miles by the creek and twelve miles by land, by the removal of overhanging and fallen trees and drift accumulated, at an estimated cost of about $10,000, and in one good working season.

The immediate benefit to be derived would be a saving in freight of about $1.50 each on about 34,000 bales of cotton annually, which is now transported by rail, and a corresponding reduction in freight on return supplies of probably 80 per cent. in value of the cotton.

It is further stated in the report that from December 1 to May 1 the stream is from six to eighteen feet above low water.

I do not believe that a single objection would be raised against the improvement of this stream in the whole State of Mississippi, unless it be by the Mobile and Ohio Railroad, which takes annually $90,000 from the people that this improvement would leave in their hands.

Shall smaller communities be compelled to pay revenues, customs dues, and taxes to the Government, to be invested in improvements for large communities, and be denied a more economical expenditure to improve a navigable stream, bearing interstate or foreign commerce, in sight of their very doors?

I am fully satisfied that the smaller appropriations yield better returns and accommodate a greater number of people, dollar for dollar expended, than the larger appropriations for our greater works.

The items in the last bill that seem to be or are of little merit are so few in number, and involve the expenditure of such an inconsiderable amount, it can not be possible that they aroused the opposition which this bill received. Who believes that if every item named in Exhibit A had been omitted the bill would have been received with greater favor? The people were unadvised as to the real merit of any of these appropriations, for not one report of any engineer officer in relation to these improvements was published by the press for their information. Whoever, being ignorant of the evidence upon which a verdict was founded, should condemn a jury for that verdict would still condemn, whether the verdict was for a few cents more or a few cents less.

Were it possible for the people of my district or State to request me to violate my oath and vote for measures that I know to be unconstitutional and wrong, I should refuse to comply; but in matters of mere policy, involving no principle, but only the expenditure of money, I feel it to be my duty to execute their will.

Party conventions assume to express by their resolutions the will of the people relative to matters of policy.

The Republican State convention at Saratoga last fall—

Resolved, * * * The President's courage in resisting the enactment of the river and harbor bill, which violated the accepted rules of constitutional power, and which, while authorizing many needed public improvements, carried with it large, wasteful appropriations for works of neither national nor public good, has secured for him admiration even of his enemies.

Perhaps my colleagues on the other side of the House may not feel bound by this declaration, especially in view of the result of the election last fall.

But they must not forget that from Syracuse came no uncertain sound, and that its convention announced:

In particular we proclaim our condemnation of the river and harbor bill, in which, by the multiplication and mutual support of obnoxious provisions, the infamous measure purchased its way through Congress in disregard of the limitations of the Constitution and to the depravation of morals.

I believe the people of my State are at present opposed to further appropriations for rivers and harbors, and for that reason alone I shall vote against this bill.

I realize that cheap transportation can best be secured by improving our water ways; that although our mountains may be full of ores, our coal-fields exhaustless, and our soil never so fertile, our industries will languish without cheap transportation, for without that we can not have cheap metals, cheap fuel, cheap food—the chief elements of our prosperity.

The State of New York has expended over a hundred million dollars upon her canals, and has recently made these canals free as rivers, at an expense of at least a million dollars a year.

Who can estimate the benefits of these improvements to State and nation? They stimulated every industry, built up thriving cities and populous towns, raised the State from a subordinate to the chief position, and made its principal city the metropolis of the continent, with financial strength to sustain the Government in its struggle for existence.

I would that the temper of the people were such that the Government could emulate the liberal policy of the State of New York, not by digging artificial water ways, but by improving, under the limitations heretofore expressed, every navigable water, with which nature has so bountifully supplied this broad domain of ours, as rapidly as the condition of the Treasury would warrant and the wants of commerce demand.

During the delivery and at the close of the remarks of Mr. RICHARDSON, of New York, the following proceedings took place:

Mr. HISCOCK. Is the gentleman entirely sure his statement about the amounts appropriated in the last session is right?

Mr. RICHARDSON, of New York. I took it from your speech. [Laughter.]

Mr. HISCOCK. No, you did not; not from any speech of mine.

Mr. HUTCHINS. Do I understand the gentleman from New York [Mr. RICHARDSON] to say the people of New York State are opposed to any appropriation to rivers and harbors, or merely that they are opposed to appropriations which they believe were secured by log-rolling, by which appropriations that ought not to be made are got through in order to secure those that ought to be made?

Mr. HORR. I will answer the gentleman.

Mr. HUTCHINS. I would like the gentleman from New York [Mr. RICHARDSON] to answer the question.

Mr. RICHARDSON, of New York. Does the gentleman say the last bill was secured by log-rolling?

Mr. HUTCHINS. I made no such statement. I asked the gentleman did not the people believe that appropriations were so secured? And did they not for that reason condemn that bill?

Mr. RICHARDSON, of New York. That was the idea the gentleman started with.

Mr. HUTCHINS. I want the gentleman to answer my question. Does he think the people of New York are opposed to proper appropriations for the improvement of the national highways of this country?

Mr. RICHARDSON, of New York. I ask the gentleman whether he thinks the last bill was secured by log-rolling?

Mr. HUTCHINS. I think appropriations were made in the last bill that should not have been made. I think they were placed there in order to secure appropriations that should have been made.

Mr. ROBESON. I would like to ask the gentleman from New York [Mr. HUTCHINS], before he sits down, a question, whether he thinks that New York is the nation and that only its rivers and harbors are the national highways?

Mr. HUTCHINS. No, sir; so far from that, I think that New York furnishes five times as much of its money toward the improvement of rivers and harbors as it receives back in this bill.

Mr. WHITE. Has the State of New York not always got more than its share?

Mr. HUTCHINS. Do you consider $280,000 more than its proper share when you apply more than that to the improvement of one Oregon River alone—the Columbia River?

Mr. CALKINS. I would ask the gentleman, does not the commerce of the whole country pour itself across his State?

Mr. HISCOCK. And New York has given $100,000,000, has taken that money out of its own pockets for improvements, and does not ask the Federal Treasury to contribute anything.

Mr. HUTCHINS. If there are to be any more questions addressed to me I shall be happy to hear them.

Mr. HORR. I should like to ask the gentleman a question. Has the gentleman not always been in favor of a river and harbor bill and always aided the bill in being passed?

Mr. HUTCHINS. I am in favor of a proper river and harbor bill, and will vote for it.

Mr. HORR. Is this a proper one?

Mr. HUTCHINS. I will tell you after it has been considered. Some things in it look strange; perhaps the gentleman from Michigan will be able to explain them.

Mr. SINGLETON, of Illinois. I move that the committee rise, in order that the House may enforce its rules. Have we not a Sergeant-at-Arms that can preserve order in this Hall?

The CHAIRMAN. Members will take their seats and come to order.

Mr. BUTTERWORTH. I should like to ask the gentleman from New York a question.

Mr. RICHARDSON, of New York. How much time have I left?

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining.

Mr. RICHARDSON. Then I yield to the gentleman from Ohio, for a question.

Mr. BUTTERWORTH. I understand my friend from New York to have given full, good, and conclusive reasons for voting for this bill. Now, is it his purpose to vote against it?

Mr. RICHARDSON, of New York. Yes, sir.

Mr. HISCOCK. I understood my colleague was talking against the bill.

Mr. BUTTERWORTH. I understood my friend from New York to say the citizens of New York are opposed to appropriations for rivers and harbors. Do I understand him to mean that they are opposed to appropriations for rivers and harbors unless they are expended within or upon the borders of the State of New York?

Mr. RICHARDSON, of New York. I did not say that.

Mr. BUTTERWORTH. Is that so?

Mr. RICHARDSON, of New York. I did not state so.

Mr. ROBESON. I should like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from New Jersey?

Mr. RICHARDSON, of New York. I do.

Mr. ROBESON. I should like to ask the gentleman from New York whether the State of New York is not the seat of the concentrated railroad capital of this country?

Mr. RICHARDSON, of New York. I so understand it.

Mr. ROBESON. I would like to ask him whether the metropolitan press does not respond to the interests that are concentrated in New York?

Mr. VAN VOORHIS. I rise to a question of order.

Mr. ROBESON. One moment. I would like to ask the gentleman whether when New York did herself so much honor by making her great canal a channel of free transportation, whether that measure was not advocated by Ex-Governor Seymour, of New York, in a statesmanlike letter; whether his views were not sustained by public meetings of the Democratic representatives, some of them now here; and whether he did not call the attention of the people of New York to the fact that when their great free water way of transportation was closed in the winter season then the freights upon the food of the people and upon the results of their industries and upon their commodities rose 25 per cent.?

Mr. HUTCHINS. I will answer the gentleman by saying——

Mr. HISCOCK. I ask the gentleman from New York [Mr. RICHARDSON] to yield for a question from me.

Mr. RICHARDSON, of New York. Have I still the floor?

The CHAIRMAN. The committee will be in order.

Mr. RICHARDSON, of New York. The gentleman from New Jersey [Mr. ROBESON] has asked me a question.

Mr. HUTCHINS. Will my colleague yield to me for a moment?

Mr. RICHARDSON, of New York. The gentleman from New Jersey has asked me a question. He has answered it, I am certain, satisfactorily to himself, and therefore I think there is no necessity for me to answer it. [Laughter.]

Mr. HISCOCK. Now I ask my colleague to yield to a question from me?

Mr. RICHARDSON, of New York. Certainly.

Mr. HISCOCK. Is not the State of New York and are not the people of New York in favor of internal improvements?

Mr. RICHARDSON, of New York. Have I not said that they have spent a hundred millions of dollars on them?

Mr. HISCOCK. Yes.

Mr. CALKINS. Spent in the State of New York?

Mr. HISCOCK. Yes; they are in favor of improvements of a national character and for the national benefit.

Mr. CALKINS. Who is to judge of that? The people of New York?

Mr. HISCOCK. The House of Representatives.

Mr. CALKINS. And the people of New York have been made rich by carrying the commerce of the West.

Mr. HISCOCK. I desire to ask my colleague this question, in reply to the insinuation that New York is influenced by the railroad interests: I ask my colleague if he can tell me how the railroads of New York are benefited by a free canal in the State of New York?

Mr. RICHARDSON, of New York. I believe that it takes off 1 cent a bushel from their freight.

Mr. HISCOCK. Is that for the benefit of the railroads?

Mr. RICHARDSON, of New York. I have not claimed that it was.

Mr. HISCOCK. No; but the gentleman from New Jersey insinuated that it was.

Mr. ROBESON. I said the railroads opposed the free canal.

Mr. HISCOCK. I ask my colleague if the metropolitan press of New York opposed free canals?

Mr. RICHARDSON, of New York. I did not say that.

Mr. HUTCHINS. No; they supported them unanimously.

Mr. HISCOCK My question was in response to the remarks of the gentleman from New Jersey.

Mr. HUTCHINS. And the city of New York voted almost unanimously to make the Erie Canal free, and so far to take off taxes from every Western State. I hope the gentleman from New Jersey understands that. [Cries of "Order!" "Order!"]

The CHAIRMAN. The committee will come to order.

Mr. MILLER. I yield the floor to the gentleman from New York [Mr. RICHARDSON].

The CHAIRMAN. The gentleman has not the floor to yield.

Mr. BELFORD. I rise to a point of order. When we are discussing the great question of water let us have peace. [Laughter and cries of "Order!"]

The CHAIRMAN. Until members of the committee take their seats and order is restored the Chair will recognize nobody.

Mr. RICHARDSON, of New York. How much time have I left?

The CHAIRMAN. There will be no further business transacted to-night until the committee comes to order.

Mr. RICHARDSON, of New York. I desire to reserve the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. RICHARDSON] has six minutes of his time remaining.

Mr. PAGE. I move that the committee rise for the purpose of fixing the time when general debate upon this bill shall close.

The motion was agreed to.

The committee accordingly rose; and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr. BROWNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I now move that when the House again resolves itself into Committee of the Whole on the state of the Union for the further consideration of the river and harbor bill all general debate upon that bill shall be limited to one hour.

Mr. BURROWS, of Michigan. I move as an amendment that general debate be limited to two hours. I will say to my friend from California [Mr. PAGE] that there is one portion of this bill, that relating to the improvement of the Mississippi River, which is very important, and upon which a special committee was appointed. The members of that special committee desire to be heard, and two hours is certainly as little time as should be allowed for general debate.

Mr. PAGE. I will accept the amendment of the gentleman from Michigan.

The SPEAKER *pro tempore*. The question then is upon the motion as modified, that general debate be limited to two hours.

Mr. VAN VOORHIS. Three speeches have been made in favor of this bill and none against. And now the gentleman in charge of the bill desires to put on the gag and cut off debate. I move that the House now adjourn.

Mr. PAGE. I hope not.

The motion to adjourn was not agreed to.

Mr. DWIGHT. I move that the proposition to limit debate be amended so as to make it three hours. And I wish to state the reasons——

Mr. PAGE. Oh, no; no reasons.

Mr. DWIGHT. Let me state the reasons.

The SPEAKER *pro tempore*. Is there objection to the gentleman from New York [Mr. DWIGHT] proceeding?

Mr. DWIGHT. I wish to state that everybody knows that this is a very important bill. The river and harbor bill was passed last year without much discussion; it was vetoed and came back here and was not discussed at all. It comes here now——

Mr. PAGE. We can not allow all this debate.

Mr. HISCOCK. Everybody else has given a reason. The gentleman from Michigan [Mr. BURROWS] gave a reason for his amendment.

Mr. WHEELER. Will the gentleman from New York [Mr. DWIGHT] yield to me for a single question? Is it not true that the river and harbor bill which billed some of our friends into the wrong harbor last November, was a twenty-million bill, while this bill is only a seven-million bill? Certainly no one ought to be afraid of a moderate bill like this.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from New York [Mr. DWIGHT] to amend the motion of the gentleman from California [Mr. PAGE] so that general debate upon the river and harber bill shall be limited to three hours.

The question was taken; and upon a division there were—ayes 18, noes 98.

Mr. ANDERSON. No quorum has voted.

Mr. HISCOCK. Do not make that point.

Mr. ANDERSON. Well, I withdraw the point.

The SPEAKER *pro tempore*. The amendment is not agreed to, and the question is on the motion of the gentleman from California.

Mr. VAN VOORHIS. I raise the point that no quorum has voted.

Many MEMBERS. Too late! Too late!

Mr. VAN VOORHIS. I was not too late. [Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The Chair thinks the matter can be disposed of without trouble.

Mr. VAN VOORHIS. I wish to be heard.

The SPEAKER *pro tempore*. The Chair wishes to ask the gentleman from New York if he made the point at the time that no quorum had voted on the proposition submitted to the House.

Mr. VAN VOORHIS. I did.

The SPEAKER *pro tempore*. The Chair will entertain the point.

Mr. HOLMAN. I suggest, for the purpose of going on with business, that the time for general debate be limited to two hours and a half; and I hope there will be no objection to that.

Mr. PAGE. I will make no condition with the gentleman from New York.

Mr. ANDERSON. All right. I renew the point of "no quorum."

Mr. VAN VOORHIS. No mule-driver or stage-driver from California can crack the whip over this House.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from California, Mr. PAGE, and the gentleman from New York, Mr. VAN VOORHIS.

Mr. BELFORD. I desire to say——

The SPEAKER *pro tempore*. The gentleman from Colorado is out of order. The gentlemen will take their places as tellers.

Mr. HISCOCK. I desire to ask the gentleman in charge of this bill whether he will not be willing to limit general debate to this evening——

Mr. PAGE. Yes, sir.

Mr. HISCOCK. And that to-night members talk as long as they please.

Mr. PAGE. Yes, sir.

Mr. HISCOCK. I hope that all sides will compromise upon that.

Give the whole of this evening to general debate, but let no vote be taken to-night.

The SPEAKER *pro tempore*. The Chair begs to say that this debate is proceeding entirely by unanimous consent.

Mr. PAGE. I will consent that all general debate be limited to two hours and a half this evening.

Mr. HISCOCK. I hope that the arrangement will be made.

Mr. WASHBURN. I rise to a point of order. I wish to inquire whether anything is in order at this time except the vote by tellers?

The SPEAKER *pro tempore*. It is not, if any gentleman objects.

Mr. WASHBURN. Then I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the vote by tellers. The gentlemen will take their places as tellers.

Mr. SPRINGER. What is the question?

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from New York to limit the time for general debate in Committee of the Whole to three hours.

Mr. HOLMAN. I hope the gentleman from New York will modify his motion so as to limit debate to two hours and a half.

The SPEAKER *pro tempore*. No debate is in order.

The House divided; and the tellers reported—ayes 17, noes 134.

So the motion of Mr. DWIGHT was not agreed to.

Mr. VAN VOORHIS. I call for the yeas and nays. [Cries of "Oh, no!"] I withdraw that demand, and move an amendment to make the time two hours and a half.

Mr. TOWNSEND, of Ohio. And let the debate be confined to this legislative day.

Mr. BURROWS, of Michigan. On behalf of several gentlemen of the special committee on the improvement of the Mississippi, who desire some time to discuss that question, I hope that the proposition just made may be adopted. There are nine members of the committee who wish to be heard.

Mr. PAGE. At the request of the gentleman from Michigan I will accept that proposition——

Mr. BURROWS, of Michigan. That will be satisfactory.

Mr. PAGE. Provided the debate be had to-night.

The SPEAKER *pro tempore*. The Chair desires to understand the situation of this matter.

Mr. PAGE. That the debate be confined to two hours and a half, not to extend beyond this legislative day.

Mr. BURROWS, of Michigan. I can not assent to the last suggestion. The gentleman very well understands that if the debate is to be concluded to-night and the agreement be entered into that no vote is to be taken to-night, that means a vacation of these seats instantly. The question of the improvement of the Mississippi River is an important one, and I think that two hours and a half will not be an unreasonable time to give to this debate.

Mr. ELLIS. I would like to have an arrangement by which whatever time may be allotted to members of the special committee on the improvements of the Mississippi River shall be divided between gentlemen of that committee holding opposing views.

The SPEAKER *pro tempore*. The Chair thinks there will be no difficulty about that; but it is a matter which must be arranged in the Committee of the Whole, not in the House.

Mr. COX, of New York. I would like to know from the gentleman in charge of this bill whether it is the intention to go on and have these two hours and a half of debate to-night.

Mr. PAGE. To go on till the committee desires to rise.

Mr. COX, of New York. I would like to hear gentlemen who wish to speak upon the Mississippi River improvement, but I do not want the debate to go on to-night.

The SPEAKER *pro tempore*. The motion is that general debate in Committee of the Whole be limited to two hours and a half.

The motion was agreed to.

Mr. KENNA moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole for the further consideration of the river and harbor appropriation bill.

Mr. COX, of New York. I move that the House adjourn.

Mr. PAGE. I hope not.

The SPEAKER *pro tempore* (having put the question). In the opinion of the Chair the motion is agreed to.

Mr. COX, of New York. Division.

The House divided; and there were—ayes 38, noes 116.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from California [Mr. PAGE], that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

Mr. HISCOCK. I rise to make an inquiry of the gentleman.

The SPEAKER *pro tempore*. Is there objection?

Mr. THOMPSON, of Kentucky. I object.

Mr. HISCOCK. How much time is to be allotted to the Mississippi River?

The SPEAKER *pro tempore*. That arrangement must be made in the Committee of the Whole.

Mr. THOMPSON, of Kentucky. Regular order.

The SPEAKER *pro tempore*. The question is on the motion to go into committee.

Mr. ANDERSON. Division.

The House divided; and there were—ayes 123, noes 2.

Mr. ANDERSON. No quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. ANDERSON and Mr. PAGE.

The committee again divided; and the tellers reported—ayes 148, noes 4.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain rivers and harbors, and for other purposes. The gentleman from Maryland [Mr. MCLANE] was recognized, and the Chair would ask how much time he desires to occupy.

Mr. MCLANE, of Maryland. The rules give me an hour.

The CHAIRMAN. But debate has been limited to two hours and a half.

Mr. MCLANE, of Maryland. I have no condition to make with the Chair at all.

Mr. BURROWS, of Michigan. I desire to inquire of the members of the Committee on Commerce how much of the two hours and a half——

Mr. MCLANE, of Maryland. It would give me great pleasure to yield all of my time to the Mississippi River Committee.

Mr. BURROWS, of Michigan. How much time?

Mr. MCLANE, of Maryland. I have the floor, and it would give me great pleasure to surrender my time to the Mississippi River Committee. There are only two hours and a half, and I only take the floor in the interest of the bill, and will very cheerfully surrender my time as I have stated.

Mr. KENNA. Let them divide it.

Mr. MCLANE, of Maryland. I have already promised a portion of my time to the gentleman from Missouri [Mr. HATCH], and after learning from him how much time he wants, and I know he speaks in support of the bill, I would be then willing to surrender my time to the committee. I have been appealed to by the gentleman from New York [Mr. COX] to know if I would give way in order he might move the committee rise. We might have the two hours and a half of debate to-morrow.

Mr. DUNN. They will filibuster.

Mr. MCLANE, of Maryland. I ask the attention of my friend in front of me and of friends of the bill generally. We have two hours and a half for debate, and there is a general expression of desire those two hours and a half of debate shall proceed to-morrow, in order that the House may be full. This suggestion of the gentleman from Michigan has been renewed by the gentleman from New York, and for one I think it is entirely reasonable. I do not think that gentlemen who address the committee can have any satisfaction in two hours and a half of debate to-night. I would therefore yield with pleasure to the motion to rise, and I will give what time the gentleman from Missouri on my left wants, and the rest I will surrender to the chairman of the Committee on the Mississippi River, if that is agreeable all around.

Mr. COX, of New York. The gentleman from Maryland will yield to me.

Mr. MCLANE, of Maryland. I will hear you, but do not yield the floor.

Mr. COX, of New York. I simply want to carry out a suggestion.

Mr. PAGE. What is it?

Mr. COX, of New York. The proposition of my friend from Maryland is this: Inasmuch as we desire some careful, sedate debate of this Mississippi question, and two hours and a half are reserved for that, I think it would be wise, prudent, and fair to this bill in its best feature to let this debate go over until to-morrow, and if you please meet at an earlier hour. I myself would like to have spoken, but I am cut off; I can not answer even what has been said. If the gentleman will permit me, therefore, I will move the committee rise.

Several MEMBERS. Say until 10 o'clock to-morrow.

Mr. COX, of New York. You will not be here.

Mr. KENNA. With the permission of the gentleman from New York, I desire to ask a question. I know what his answer will be, and I mean no reflection by it.

Mr. COX, of New York. I wanted to be heard with reference to that part of the bill relating to the Mississippi question.

Mr. KENNA. I am very willing as one of the friends of this bill that the gentleman shall have the opportunity he desires——

The CHAIRMAN. Does the gentleman from Maryland yield the floor?

Mr. MCLANE, of Maryland. I will yield to the gentleman from West Virginia for a suggestion.

Mr. KENNA. In the moment yielded to me by the gentleman from

Maryland I only want to say, as one of the friends of this bill, that I am very willing that this debate should go over until to-morrow with the understanding that this bill is to be treated at that time on its merits, and that there shall be no filibustering to delay it. With that understanding I have no objection to the suggestion of the gentleman from New York.

Mr. TALBOTT. Let me say to the committee, with the consent of my colleague, and I believe that he will accede to my suggestion, that since it is well known to all that only four days of this session remain, if this bill is to become a law we had just as well proceed to its consideration, or at least conclude the debate on it to-night; and I make the appeal to him, he having charge of the floor, that he will not yield to any motion, but go on with the discussion, in view of the short time remaining of this session, until the debate is concluded, and then we can come to a vote in the morning on the bill.

Mr. McLANE, of Maryland. I am very sorry it is not in my power to come to an understanding in reference to this discussion.

Mr. BELFORD. Will the gentleman from Maryland allow a suggestion at this time?

The CHAIRMAN. Does the gentleman from Maryland yield?

Mr. McLANE, of Maryland. I do not yield the floor.

Mr. BELFORD. Only for a question.

Mr. McLANE, of Maryland. For what purpose?

Mr. BELFORD. I wish to make a suggestion with reference to the bill, that we carry over the discussion until to-morrow, and have a fair, honest discussion of it on its merits.

Mr. McLANE, of Maryland. I am just trying to make such an arrangement.

Mr. TALBOTT. What is said on this debate with reference to the bill to-night can be seen in print to-morrow morning.

Several members addressed the Chair.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor; but the Chair will recognize no one until the committee is in order.

Mr. ROBINSON, of Massachusetts. Will my friend from Maryland allow me to make a suggestion?

Mr. McLANE, of Maryland. I will hear the suggestion of the gentleman from Massachusetts.

Mr. ROBINSON, of Massachusetts. It is only in reference to this matter of the debate on this bill. The time, as all gentlemen understand, has been fixed at two hours and a half. Debate by order of the House has been limited to that time, as we all know. Now, any debate upon the substantial parts of the bill, to be of any weight or of any use, should be of course made in the presence of the House. I would like to say something myself upon the item in reference to the Mississippi River. I have been commissioned with other gentlemen to go there and make an investigation, and have given the matter some attention But I should not be willing to make suggestions to empty chairs. And if we are to be forced to go on here to-night, without coming to a vote, as it is understood there will be no vote to-night, gentlemen will understand, of course, that members will be very apt to seek their comfort and convenience and go home and let the debate run on. That, of course, would not be fair to the House or to the proper consideration of the bill. Therefore I think some such arrangement as has been suggested would be more satisfactory to all the members of the House. Some gentleman here in the neighborhood says "print." Let me say in response that I have never printed since I have been a member of Congress, and the presumption is that I never shall. I only want to say now in the interest of a proper consideration of this bill that the debate on it should go over until to-morrow, and that the motion to adjourn should be made.

Mr. KENNA. Will the gentleman from Massachusetts allow me a question? Would he have any objection to a recess until 10 o'clock to-morrow?

Mr. ROBINSON, of Massachusetts. I only wanted to see a proper time allowed for the discussion of the bill, but I think it not at all likely that members will be in attendance at the hour suggested by the gentleman from West Virginia. The members will most probably be at the different Departments, attending to that character of work, and will not be here in time.

Mr. KENNA. We have but four days of this session remaining, and I believe if we take the recess until 10 o'clock the House will be here to listen to this discussion. The friends of the bill will certainly be here.

Mr. McCOOK. Not before the usual hour of meeting.

The CHAIRMAN. Does the gentleman from Maryland yield the floor?

Mr. McLANE, of Maryland. I am consuming my time very unprofitably.

Mr. PAGE. Will the gentleman from Maryland yield to me for a moment?

The CHAIRMAN. The Chair will ask the gentleman from Maryland if he yields to the gentleman from California?

Mr. ROBINSON, of Massachusetts. If the gentleman from Maryland will yield to me I will move that the committee rise.

Mr. McLANE, of Maryland. Before yielding to the gentleman from Massachusetts or any other gentleman I prefer to yield to the chairman of the Committee on Commerce.

Mr. PAGE. Now, Mr. Chairman, if the gentleman from Maryland yields to me I will ask unanimous consent that we may take a recess until to-morrow morning at 10 o'clock. I do not care to make a motion that the committee now rise unless it will be with the understanding that we will take a recess until to-morrow morning at 10 o'clock.

Mr. BURROWS, of Michigan. That must be done in the House.

Mr. KENNA. We can agree upon it in committee, and when we go back into the House the motion can then be made.

Mr. PAGE. I do not care to make the motion that the committee rise unless with that understanding.

Mr. KING. Say 9 o'clock.

Mr. PAGE. Ten o'clock will be as early as we can secure the attendance of members.

The CHAIRMAN. The Chair calls the attention of the gentleman from California to the fact that there can be no agreement made in the committee to bind the House upon this subject.

Mr. McLANE, of Maryland. I am going to yield the floor to the chairman of the Committee on Commerce, as I understand that he will make a motion that the committee do now rise with the intention that when we go into the House he will then move to take a recess until 10 o'clock to-morrow morning.

Mr. THOMAS. That is right.

Mr. McLANE, of Maryland. With that understanding I will yield.

Mr. PAGE. I will make the motion, but I do not know what the House may do.

Mr. BELFORD. I will object.

Mr. PAGE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I move that the House take a recess until to-morrow at 10 o'clock.

Mr. BURROWS, of Michigan. I hope the gentleman from California will not insist on that.

Mr. BELFORD. I want to be heard on this question.

The SPEAKER *pro tempore*. The motion is not debatable. The question is on the motion to take a recess.

The House divided: and there were—ayes 87, noes 13.

Mr. COBB and Mr. VAN VOORHIS. No quorum.

Mr. PEELLE. I move that the House do now adjourn.

Mr. KENNA. I hope that will be voted down.

The question being taken on the motion to adjourn, there were—ayes 71, noes 38.

LEAVE TO PRINT.

Pending the announcement of the vote,

Mr. McCLURE, by unanimous consent, obtained leave to have printed in the RECORD remarks on the river and harbor appropriation bill. [See Appendix.]

The result of the vote was then announced; and accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The resolutions adopted by the Legislature of Pennsylvania, relative to League Island navy-yard—to the Committee on Naval Affairs.

By Mr. CASSIDY: Memorial of the Legislature of Nevada, relative to the improvement of the navigation of the Colorado River—to the Committee on Commerce.

Also, memorial of the Legislature of Nevada, relative to the exchange of silver bullion for standard siver dollars at the mints of the United States—to the Committee on Banking and Currency.

By Mr. G. R. DAVIS: The resolutions adopted by the Legislature of Illinois in favor of placing sheer-booms at the piers of railroad bridges crossing the Mississippi River—to the Committee on Commerce.

Also, the resolution adopted by the Legislature of Illinois, urging an increase of pensions for soldiers of the late war who lost a leg or an arm—to the Committee on Invalid Pensions.

By Mr. FORD: The petition of R. L. McDonald & Co. and others, wholesale merchants of Saint Joseph, Missouri, protesting against the increase in duty on fashioned cotton hosiery—to the Committee on Ways and Means.

By Mr. B. W. HARRIS: The petition of Lieutenant A. D. Littlefield, of Captain Joseph Irish, of the board of marine underwriters of Boston, of Lieutenant J. H. Parker and others, of Captain J. H. Merryman and others, of D. C. Chester, of Captain G. R. Slicer, and of Lieutenant H. D. Smith, protesting against the transfer of the revenue-marine service to the Navy Department—severally to the Committee on Naval Affairs.

Also, the petition of Marine Society, harbor and land commissioners,

of H. S. Whiting, of E. W. Atkinson, and of Henry Mitchell, of Boston, Massachusetts, protesting against the transfer of the Coast Survey to the Navy Department—severally to the Committee on Commerce.

By Mr. H. S. HARRIS: The petition of the employés of the American Sheet Iron Company of Phillipsburgh, Warren County, New Jersey, protesting against the reduction of the tariff on iron—to the Committee on Ways and Means.

By Mr. HEPBURN: The petition of Syphovier Bondreau, of Jules A. Dejean, of Valmont Stelly, of William Burleigh, of Theresa Stelly and others, of Louis Meyer, of Mary R. Meche; of N. C. Devilliers, administrator of Joseph Marks; of Alice and Ellen Duffy, of Albert N. Robin, of James and Augustus Burligh, of Azelie Bergeron, of Joseph B. Rechard; of Louis Marks, administrator of Benjamin A. Smith; of A. Landry; of Homer Bourgeois and Constance Prejean, administrators of B. A. Martel; of Eremise Meche, administratrix of Louis Marks; of Joseph Marks, of Joseph Moulton, of Mary D. Porter and others, of B. A. Martel, of Eugene Petetin, of Oscar H. Violet and Aylas Violet, of Lurger and Lucien Lastrapes, of John F. Irvine, of H. D. Meche, of Sosthene Lagrange, of Jerome Stelley, of Joseph Quebideau; of Ann Kennison, administratrix of Terville Lagrange; of Valeny Oliver, administratrix of Alexander Stelley; of Rosalie B. Hunter, and others, for relief—severally to the Committee on War Claims.

By Mr. HUBBELL: The petition of W. H. Johnston and others, employés of the Lake Superior Iron Company, at Ishpeming, Michigan, against any lower rates of duties on any foreign-manufactured products than are recommended by the Tariff Commission—to the Committee on Ways and Means.

By Mr. MACKEY: The petitions of Thomas G. White, William G. Capers, Mary A. Capers, J. J. Sams, Edward T. Walker, Augustus E. Fripp, Daniel P. Jenkins, Robert Oswald; of E. and J. J. Fripp, executors of Honora Armstrong; of Thomas Means, E. W. Marshall and others, E. M. Capers, Clifford Oakman, W. A. Chisholm, George W. Williams and others; of W. O. P. Fripp, adminstrator of Thomas B. Chaplin; of John B. Miller; of Thomas G. White, executor of Alford H. McTurrons; of William O. P. Fripp, Henry H. Von Harten, E. M. Seabrook, Franklin Talbird; of B. E. Fripp, administrator of William Morrison; of E. F. Sams, Henry C. Stoll, S. R. Sams, Franklin Talbird, Robert De T. Ellis, F. M. Pritchard; of Stephen E. Sçanlon, administrator of Stepheny Riley; of Honora Armstrong, administrator of Joseph W. Seabrook; of John A. Hamilton and W. H. Perryclear, Frederick Williams, Francis T. Capers, and of Wiley T. Burge, for relief—to the Committee on War Claims.

By Mr. PRESCOTT: Paper relating to the pension claim of Margaret Corrigan—to the Committee on Invalid Pensions.

By Mr. SPARKS: The resolutions adopted by the Legislature of Illinois, in favor of placing sheer-booms at bridge crossings of the Mississippi River—to the Committee on Commerce.

Also, the joint resolution of the Legislature of Illinois, in favor of an increase of pensions to soldiers of the late war who lost a leg or an arm in the service—to the Committee on Invalid Pensions.

By Mr. WEST: The petition of William E. Woodbridge, for the extension of his patent for improvement in ordnance—to the Committee on Patents.

By Mr. WHITTHORNE: The petition of Martha J. Liles, for relief—to the Committee on War Claims.

SENATE.

WEDNESDAY, *February* 28, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no routine morning business, unless there are concurrent or other resolutions, the call for the ordinary morning business is gone through with.

Mr. VANCE. I ask the Senate to consider the bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service, which was reported from the Naval Committee the other day. It will take but a moment to consider it. If there is any debate I will not press it.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks for the consideration of the bill indicated by him.

Mr. BLAIR. I wish to make an observation.

Mr. MORGAN. I object to the consideration of the bill.

Mr. BLAIR. As soon as Senators arrive in the Hall to take part in the discussion upon the pension bill, we wish to ask the Senate to take that bill up. I merely state this so that no Senator will go on with a bill that will be likely to take considerable time without bearing in mind the suggestion.

Mr. VEST. I think this bill will take but a very short time.

Mr. MORGAN. I object.

Mr. BUTLER. Then we will take it up by a majority. It is a bill of very great importance.

Mr. MORGAN. That is all right; you can do that.

Mr. MCMILLAN. Is morning business through?

The PRESIDENT *pro tempore*. The Chair called through the order of morning business, but if there is morning business to be presented the Chair will receive it. The Chair will recognize the Senator from North Carolina [Mr. VANCE] after the formal business is through.

PETITIONS AND MEMORIALS.

Mr. FAIR presented a memorial of the Legislature of Nevada; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Joint memorial and resolution relative to establishing a mail-route from Hawthorne to Mount Cora, in the State of Nevada.

Whereas the population at and in the immediate vicinity of Mount Cora, in Esmeralda County, Nevada (distant twelve miles from Hawthorne, in said county, the place of the nearest post-office to said Mount Cora), is now about one hundred, and is rapidly increasing; and

Whereas there have been rich and valuable mines of gold and silver developed at and near said Mount Cora, giving evidence of permanency and continued necessity for mail facilities: Therefore,

Be it resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to urge upon the Post-Office Department the necessity of establishing a tri-weekly mail-route from Hawthorne to Mount Cora, in Esmeralda County, Nevada, and a post-office at said Mount Cora, at the earliest practicable time, to meet the growing requirements of the people of Mount Cora and vicinity.

Resolved, That his excellency the governor be requested to forward to the Post-Office Department at Washington city and to each of our Senators and Representative in Congress a certified copy of the foregoing memorial and resolution.

Passed January 22, 1883.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office, in Carson City, Nevada, this 19th day of January, A. D. 1883.

[SEAL.] JOHN M. DORMER, *Secretary of State*,
By J. H. MARSHALL, *Deputy*.

Mr. FAIR also presented a memorial of the Legislature of the State of Nevada; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Assembly joint resolution relative to a weekly mail from Elko, Elko County, Nevada, to Lamoille Valley, in said county and State.

Whereas Lamoille Valley is one of the largest, most populous, and most important precincts in Elko County, polling at the last election nearly one hundred votes with a fair prospect of doubling it at the next election; and

Whereas said valley is situated about twenty miles southeast of Elko, the county seat, and that there is now no mail facilities whatever for the accommodation of the people between the said Lamoille Valley and the county seat and the Central Pacific Railroad running through said county; and

Whereas the growing business between the agricultural portions of said county and the balance of said county and of the State are not sufficiently accommodated by the present postal communications: Therefore,

Resolved by the assembly (the senate concurring), That our Senators be instructed and our Representatives be requested to urge to the best of their ability the passage of an act of Congress authorizing the transportation of a weekly mail from the town of Elko, Elko County, Nevada, to the said Lamoille Valley, Elko County, Nevada.

Resolved, That his excellency the governor of the State of Nevada be, and he is hereby, respectfully requested to forward to the Postmaster-General at Washington, District of Columbia, and to each of our Senators and Representative in the House of Representatives a copy of the above resolutions.

Passed January 15, 1883.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office, in Carson City, Nevada, this 19th day of January, A. D. 1883.

[SEAL.] JOHN M. DORMER, *Secretary of State*,
By J. H. MARSHALL, *Deputy*.

Mr. FAIR also presented a memorial of the Legislature of the State of Nevada; which was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

The people of the State of Nevada, represented in senate and assembly, do memorialize the Congress of the United States as follows:

Your memorialists, representing the miners and producers of silver bullion in Nevada, earnestly request such change in the coinage laws as will permit the miners and producers of silver bullion to deposit the same at the United States mints and to receive full equivalent in 412½-grain dollars for the silver bullion deposited, free of charge. The price of silver bullion produced in Nevada is controlled and regulated altogether by the London quotations. The discount upon silver bullion at present quotations is 20.79 cents a fine ounce, or over 16 per cent. of the value. The present discount on the silver falls directly and only upon the producers. By a report of the honorable Secretary of the Treasury, dated April 28, 1882, it appears that the profit on the coinage of the standard silver dollar at all the coinage mints from the commencement of the coinage of the dollar, in July, 1878, to June 30, 1881, aggregates $10,081,496.31. This amount represents during the above period a loss to the producers only of the above amount. There can be no valid reason given for discriminating against the coinage of silver and in favor of gold, and we demand such change as will place the producers of both gold and silver on equal and exact terms.

Your memorialists therefore do hereby most respectfully urge such action on your part as will relieve the miner and thus revive a struggling industry, and as in duty bound they will ever pray.

Resolved, That our Senators in Congress be instructed and our Representative requested to use all honorable means to the end that such change be made in the coinage laws as will abate the hardships complained of.

Resolved, That his excellency the governor be requested to speedily transmit a copy of the foregoing to each of our Senators and Representative in Congress,

and also to the governor of each State and Territory that is engaged in mining and producing silver bullion, with a request the same be presented to the Legislatures for joint appeals to Congress for the relief prayed for.

Passed February 10, 1883.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office, in Carson City, Nevada, this 19th day of February, A. D. 1883.

[SEAL.] JOHN M. DORMER, *Secretary of State,*
By J. H. MARSHALL, *Deputy.*

Mr. FAIR also presented a memorial of the Legislature of the State of Nevada; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Senate joint resolution in relation to artesian wells.

Whereas most of the arable lands in the State of Nevada are worthless in their present condition, owing to the dry seasons and great deficiency of water; and

Whereas a scarcity of water for irrigation greatly retards a large increase of population and permanent homes; and believing that water in great abundance may be had by sinking artesian wells, thereby bringing into market millions of acres of public lands equally productive as those of other portions of the United States; and

Whereas the Humboldt House Station in Humboldt County, in this State, is a magnificent exemplification of the fertility of our desert lands when irrigated: Therefore,

Be it resolved by the senate and assembly conjointly, That our Senators and Representative in Congress be requested to use all honorable means to secure an appropriation of $250,000 with which to pay for the expense incurred in digging such artesian wells.

Resolved, That the governor be requested to forward immediately to our Senators and Representative in Congress copies of this preamble and joint resolution.

Passed February 6, 1883.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original, passed February 6, 1883, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office, in Carson City, Nevada, this 21st day of February, A. D. 1883.

[SEAL.] JOHN M. DORMER, *Secretary of State,*
By J. H. MARSHALL, *Deputy.*

Mr. FAIR also presented a memorial of the Legislature of the State of Nevada; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Assembly joint memorial and resolution to the Congress of the United States, relative to a national appropriation for improving the navigation of the Colorado River.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislature of the State of Nevada, respectfully represent, that—

Whereas the Colorado River is a portion of the boundary between the United States and Mexico, and its navigation in case of war would be of paramount importance in the protection of our territory and our people; and

Whereas it is now navigable to the junction of the Virgin and Colorado, at Rioville, during the higher stages of water; and

Whereas at the proportionately small outlay asked by your petitioners the said Colorado River could be made, by the removal of obstructions, navigable during all seasons of the year for light-tonnage craft of all kinds to a point thirty miles above Rioville, which is verified by the actual inspection of members of this body, and can be by any practical and unprejudiced engineer; and

Whereas there are on both sides of said river mines of gold, silver, copper, and other valuable metals, and in the interior large tracts of agricultural and grazing land along the course of said stream, between the points above named, which are now sparsely settled and unproductive owing to the cost and difficulties of transportation, and which would become valuable land if said stream were made navigable; and

Whereas the principal obstructions to the navigation of said stream lie between a point thirty miles above Rioville and Fort Yuma, and consist principally of rock and drifts and sand-bars which could be readily removed without any great expense as measured by the benefits to be derived; and

Whereas Nevada has never asked or ever received any aid toward improving the rivers in or bordering upon our State: Therefore,

Be it resolved, That our Senators in Congress be instructed and our Representative requested to use every honorable effort to secure from the General Government an appropriation of $125,000, to be used in improving the navigation of the Colorado River between Fort Yuma and a point thirty miles above Rioville, the junction of the Virgin and Colorado Rivers, under the proper management of competent engineers, for the purpose of making said stream permanently navigable between the points above named.

Resolved, That his excellency the governor of Nevada be requested to forward a copy of this resolution to the honorable the Secretary of the Interior, to each of our Senators and Representative in Congress, to the governor of California, the governor of Arizona, and the governor of Utah, requesting their hearty support and earnest co-operation in obtaining said appropriation for the benefit of each of the said States and Territories.

Passed January 25, 1883.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office, in Carson City, Nevada, this 19th day of February, A. D. 1883.

[SEAL.] JOHN M. DORMER, *Secretary of State,*
By J. H. MARSHALL, *Deputy.*

Mr. MITCHELL presented a concurrent resolution of the Legislature of Pennsylvania; which was ordered to lie on the table, and be printed in the RECORD, as follows:

IN THE SENATE, *January* 25, 1883.

Whereas great doubt and uncertainty prevails in many branches of industry throughout the country as to values, caused by reason of pending tariff legislation, which if long continued will bring distress and suffering upon the laboring classes and widespread disaster to the business interests involved: Therefore,

Be it resolved by the senate and house of representatives of the Commonwealth in General Assembly met, That we earnestly request our Senators and Members of Congress at Washington to use their influence to remedy the existing evils by the speedy adoption of such tariff legislation as will afford ample protection to American industry, and thereby restore confidence and prosperity to the general business industries of the country.

Extract from the journal of the senate.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

IN THE HOUSE, *January* 26, 1883.

The foregoing resolution concurred in.

P. GRAY MEEK,
Chief Clerk of the House of Representatives.

Approved the 30th day of January, A. D. 1883.

ROBERT E. PATTISON.

Mr. MITCHELL also presented concurrent resolutions of the Legislature of Pennsylvania; which were referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

IN THE SENATE, *February* 7, 1883.

Whereas the city of Philadelphia did, in the year 1866, cede to the Government of the United States of America all its former rights and title to certain land and water privileges located in the southern section thereof, known as League Island, together with such portion of the territory on the north bank of the water course separating said island from the city as said Government declared necessary for its purposes; and

Whereas, in consideration thereof, the said United States of America were to locate a naval station thereon for the construction and repair of vessels for naval purposes, it being distinctly understood by all parties therein concerned that a necessity existed for the erection of rolling-mills, founderies, &c., to prepare for the construction of vessels of steel or iron, said location having been determined by a board of officers, appointed for the purpose by order of the Navy Department, to be superior to any and all others upon the Atlantic coast; and

Whereas a board of naval officers has now been appointed to ascertain what navy-yards can best be dispensed with, and said board, in the discharge of its duty, propose to visit the city of Philadelphia on or about the 21st instant, and has expressed a desire to meet and consult with citizens interested in the sale or retention of the League Island navy-yard; and

Whereas it is of the utmost importance to the interests of the State of Pennsylvania that this navy-yard, located within easy reach of the great iron and coal-mines, rolling-mills, &c., and destined if continued to open up new fields for labor and the mineral production of said State, should not be disposed of but retained and improved to an extent which would make it, as intended at the time it was ceded to the Government, the great naval station of America: Therefore,

Be it resolved (if the house of representatives concur), That a committee to consist of three members of the senate and five of the house of representatives be appointed for the purpose of meeting said board of naval officers at such time as it may arrive in the city of Philadelphia, and take such action as they may deem proper to secure the retention of the navy-yard at League Island.

And be it further resolved, That the Senators of the United States from the State of Pennsylvania be, and they are hereby, instructed to use their utmost endeavors to prevent the closing of said navy-yard by the Government, and that the Representatives in Congress from the several districts of said State be, and they are hereby, earnestly requested to exert themselves to accomplish said purpose.

Extract from the journal of the senate.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

IN THE HOUSE, *February* 7, 1883.

The foregoing resolutions concurred in.

P. GRAY MEEK,
Chief Clerk of the House of Representatives.

Approved the 8th day of February, A. D. 1883.

ROBERT E. PATTISON.

Mr. MITCHELL also presented concurrent resolutions of the Legislature of Pennsylvania; which were ordered to lie on the table, and be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 22, 1883.

Resolved (if the senate concur), We cordially indorse the action of the House of Representatives of the United States in passing the bill for the increase of pensions for the soldiers of the Union who lost an arm or leg in the war for the preservation of the Union.

Resolved, That we respectfully request our Senators at Washington to advocate and vote for the passage of said bill through the Senate of the United States.

Extract from the journal of the house of representatives.

P. GRAY MEEK,
Chief Clerk House of Representatives.

IN THE SENATE, *January* 23, 1883.

The foregoing resolution concurred in.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

Approved the 25th day of January, A. D. 1883.

ROBERT E. PATTISON.

Mr. COKE presented three memorials of colored laborers in the cotton-fields, and growers and planters of cotton, residents of Walker, Montgomery, and Waller Counties, Texas, remonstrating against the imposition of any increased tax upon iron ties and bands used in baling cotton; which were ordered to lie on the table.

Mr. VEST presented a petition of Coffey Grange, No. 777, Patrons of Husbandry, of Bonanza, Caldwell County, Missouri, praying for the creation of the office of secretary of agriculture; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed as the conferees on the part of the House on the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, Mr. WILLIAM D. KELLEY of Pennsylvania, Mr. WILLIAM MCKINLEY, Jr., of Ohio, Mr. DUDLEY C. HASKELL of Kansas, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. JOHN G. CARLISLE of Kentucky.

The message also announced that the House insisted on its amendments to the bill (S. 1821) prescribing regulations for the Soldiers'

Home, located at Washington, in the District of Columbia, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS J. HENDERSON of Illinois, Mr. ANSON G. MCCOOK of New York, and Mr. EDWARD S. BRAGG of Wisconsin, the managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 7679) to establish certain post-routes; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 3832) to provide for the restoration to citizenship of such citizens of the United States as have become naturalized as subjects of Great Britain, to report it with the expression of opinion that it ought not to pass; and I move that it be indefinitely postponed.

The motion was agreed to.

FISH AND FISHERIES REPORT.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution for printing additional copies of the report of the Commissioner of Fish and Fisheries, have instructed me to report the same without amendment and to recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That 10,000 additional copies of the report of the Commissioner of Fish and Fisheries for the year 1882 be printed, of which 2,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 copies for sale by the Public Printer at a price equal to the additional cost of publication and 10 per cent. thereon added.

THE LATE REPRESENTATIVE SHACKELFORD.

Mr. ANTHONY. The same committee, to which was referred the joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina, have instructed me to report it without amendment, and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BINDING OF BOOKS FOR THE DEPARTMENTS.

Mr. ANTHONY. The same committee, to which was referred the bill (S. 2482) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, have directed me to report it without amendment, and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends the act by adding to the clause relating to the binding of books for the Departments of the Government, after the words "Congressional Library," the words, "nor to the library of the Navy Department;" so that it will read "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, approved June 20, 1878, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the Departments of the Government, after the words 'Congressional Library,' the following words: 'Nor to the library of the Patent Office, nor to the library of the Department of State, nor to the library of the Navy Department.'"

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. 2509) granting a pension to Emily Munroe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 141) concerning the Buffalo Commercial Advertiser; which was read twice by its title, and referred to the Committee on the Library.

Mr. TABOR asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 142) providing for the participation by the Government in the national mining and industrial exposition to be held at Denver, Colorado; which was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO BILL.

Mr. MCMILLAN, Mr. MILLER of California, and Mr. ROLLINS submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That William H. Bennett have leave to withdraw his papers from the files of the Senate in the matter of his pension claim.

SILAS Q. HOWE.

Mr. VOORHEES. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be directed to furnish to the Committee on Ways and Means of the House of Representatives a copy of the engrossed bill (S. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., the same having passed the Senate February 13, 1882, and having been by the House of Representatives referred to the said committee July 15, 1882, said bill having been lost or mislaid since being so referred.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator from Indiana whether the Senate should make its communication to a committee of the House.

Mr. VOORHEES. I had thought of that.

Mr. HOAR. It seems to me that it should be sent to the House.

Mr. VOORHEES. Perhaps that is so. The object is to replace as speedily as possible a copy of the engrossed bill which has been mislaid.

Mr. HOAR. I make no objection to any way the Senator prefers, but it strikes me that the correct method of proceeding would be that the Secretary be directed to send to the House a duplicate of the bill with the action of the Senate upon it.

Mr. VOORHEES. My object is to get the bill there as soon as possible. The House is in that crowded condition now that it might be some time before it could be taken from the table of the Speaker.

Mr. HOAR. It does not require that it shall go to the table of the House. If this was once there, I suppose the Ways and Means Committee would at once take possession of it without any action of the House.

Mr. VOORHEES. If the Senator thinks that is best, I will accept his suggestion and just let it be communicated to the House of Representatives instead of the Ways and Means Committee. Let the resolution be read as modified in that way.

The Acting Secretary read as follows:

Resolved, That the Secretary of the Senate be directed to furnish to the House of Representatives a duplicate of the engrossed bill (S. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., the same having passed the Senate February 13, 1882, and having been by the House of Representatives referred to the Committee on Ways and Means July 15, 1882, said bill having been lost or mislaid since being so referred.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

ORDER OF BUSINESS.

Mr. MITCHELL. I desire, if the morning business is through, to ask the Senate to proceed to the consideration of House bill No. 1410.

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. The Senator from North Carolina [Mr. VANCE] has the floor, if there is no further morning business.

Mr. VANCE. I now move to take up Senate bill No. 2504.

Mr. GARLAND. I should like to have the message read that came from the House about the committee of conference and the revenue bill.

The PRESIDENT *pro tempore*. The message has been sent for and will be here in a moment.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business. I want to have an executive session of a few minutes.

The PRESIDENT *pro tempore*. The message is now here. Does the Senator from Tennessee withdraw his motion while the Chair lays before the Senate a message from the House of Representatives as requested by the Senator from Arkansas?

Mr. HARRIS. Yes, sir.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDENT *pro tempore*. The message of the House of Representatives will be read.

The Acting Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 27, 1883*.

Ordered, That Mr. KELLEY, Mr. MCKINLEY, Mr. HASKELL, Mr. RANDALL, and Mr. CARLISLE be the conferees on the part of the House on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. GARLAND. I wish to make a motion to reconsider the vote by which the Senate agreed last night to a conference upon this bill, and before I give my reasons for it I will ask the Secretary to read from the RECORD of this morning, on page 31, the portion I have marked.

Mr. VANCE. What has become of my right to the floor?

The PRESIDENT *pro tempore*. The Senator from North Carolina had the right to the floor, but this matter relating to the conference committee was laid before the Senate. The Chair thinks the Senator from North Carolina has the right to the floor.

Mr. VANCE. I understand the Senator from Arkansas to ask that the message from the House be read.

The PRESIDENT *pro tempore*. That was done. The Chair did not suppose it would lead to debate.

Mr. GARLAND. I asked that the message be read, and I also ask that what I have sent to the desk be read, in order to make them the basis of my motion, because it is an important matter. After that is read I will ask but a short time in which to give my reasons for making the motion.

The PRESIDENT *pro tempore*. Unless the Senator from North Carolina yields the floor he has the floor.

Mr. VANCE. These matters of prime importance can always get the right of way, of course; and as I have the floor I will move to take up the bill which I indicated, being a bill providing for cadets at the Naval Academy, just as was done in the case of the West Point Academy, placing the cadets of the two institutions on the same footing.

Mr. MORGAN. If the morning business is closed, I call for the regular order.

Mr. BLAIR. I wish to make a motion.

Mr. GARLAND. Has my motion to reconsider been entered?

The PRESIDENT *pro tempore*. The Chair decides that the Senator from North Carolina has the floor.

Mr. GARLAND. He had the floor and yielded it to me, and I made my motion. Has the motion been entered?

The PRESIDENT *pro tempore*. Has he yielded?

Mr. VANCE. I yielded for the purpose of the Senator from Arkansas making the motion; I did not yield for action on it.

Mr. GARLAND. The motion is entered, then?

The PRESIDENT *pro tempore*. It is.

Mr. SHERMAN. If entered it ought to be immediately considered.

Mr. ALDRICH. Of course.

Mr. SHERMAN. That motion ought to be immediately considered, unless it is intended to arrest the whole action of the Senate. I take it that pending a motion to reconsider the committee of conference would not be justified in meeting.

Mr. VANCE. Mr. President——

Mr. SHERMAN. I move to proceed to the consideration of the motion.

Mr. GARLAND. That is just what I was going to do.

The PRESIDENT *pro tempore*. If the Senator from North Carolina yielded the floor for the purpose of a reconsideration he yielded it altogether.

Mr. BLAIR. I object to this yielding the floor for that purpose. I addressed the Chair long since, and I desired the floor for the purpose of making a motion to postpone the Calendar, to be followed by a motion to take up the pension bill.

Mr. SHERMAN. I object to a yielding of the floor for any special purpose. It can not be yielded except for a general purpose, and when a motion to reconsider is made it is then before the Senate and ought to be acted upon.

Mr. HARRIS. The objection certainly comes too late. After the floor has been yielded and the Senator from Arkansas has entered his motion the objection is entirely too late so far as that motion is concerned.

Mr. SHERMAN. I rose immediately upon the motion being made, and called the attention of the Senate to the fact that if the motion was pending it ought at once to be decided. I have not been derelict.

The PRESIDENT *pro tempore*. If the Senator from North Carolina yielded the floor for that purpose he yielded it altogether.

Mr. SHERMAN. If the motion to reconsider is pending it is all right.

Mr. GARLAND. I ask the Secretary to read what I have sent to the desk.

Mr. BLAIR, I rise to a question of order.

The PRESIDENT *pro tempore*. What is it?

Mr. BLAIR. When the Senator from North Carolina first rose, when it was stated by the Chair that the morning business was closed, he said he rose for the purpose of moving to take up a bill. I thereupon rose and objected, and stated that I desired to move to postpone the Calendar for the purpose of taking up the pension bill, according to the understanding last night. Then morning business intervened, and the Senator took his seat. A variety of morning business was transacted. After that was transacted the Senator from Pennsylvania [Mr. MITCHELL] indicated his purpose to go on with the pension bill, postponing the Calendar. I also myself rose. The Senator from North Carolina has not the floor, unless he holds it by virtue of his rising to make the motion originally. Much business has been transacted meanwhile——

Mr. HARRIS. The question of order is not debatable.

The PRESIDENT *pro tempore*. The question of order is not debatable.

Mr. BLAIR. I am stating the facts, and upon those facts I ask if the Senator from North Carolina has the floor to make the motion or to yield it to the Senator from Arkansas?

The PRESIDENT *pro tempore*. The Chair will state the facts as they occurred. The Chair asked for the presentation of memorials, for all the ordinary morning business. There was no morning business, as Senators were not present; they were delayed and came in afterward. Then the Senator from North Carolina rose and asked to take up a bill. The Chair informed him that he must wait until the morning business was over. When that was concluded the Chair recognized him to move to take up his bill. The Senator from Pennsylvania [Mr. MITCHELL] antagonized that by a motion to proceed to the consideration of the unfinished business; but the Senator from North Carolina had the right to have a vote upon taking up the bill. He then yielded the floor to the Senator from Arkansas [Mr. GARLAND] and the Senator from Arkansas made his motion to reconsider. The question is on the motion to reconsider.

Mr. BLAIR. Upon the statement of the facts by the Chair how could the Senator from North Carolina have the floor when these other purposes had been indicated?

The PRESIDENT *pro tempore*. Because the Chair recognized him.

Mr. BLAIR. How could he have the floor to yield to the Senator from Arkansas?

The PRESIDENT *pro tempore*. Debate is not in order. The question is on the motion of the Senator from Arkansas to reconsider the vote by which the conferees were appointed on the revenue bill.

Mr. GARLAND. Now I ask the Secretary to read what I have sent to the desk.

Mr. INGALLS. I rise to a question of order. The parliamentary rule is that it is not in order to refer to particular words that have been spoken in debate or particular acts of the other House upon pending measures between the two. The reason of that is obvious, because if it is done difficulties may arise that can not be satisfactorily adjusted.

The PRESIDENT *pro tempore*. There is no such question before the Senate.

Mr. INGALLS. I raise it. If the Chair will inspect what the Senator from Arkansas desires to have read, he will see that it is the action of the House of Representatives upon a measure that is now pending between the House and the Senate, and which was not communicated to us in the regular channel. While I think that the action of the House is disingenuous and that under the action of the House a full and free conference can not be had, yet I must say that under the parliamentary law it is not in order to have extracts from the RECORD read as a basis for or in support of a motion to reconsider. I ask the Chair to inspect the portion of the RECORD that the Senator from Arkansas desires to have read.

Mr. GARLAND. What I have requested to have read is from the official record of this Congress kept here by an express rule of Congress for the purpose of informing Congress, and informing the public what is being done.

The PRESIDENT *pro tempore*. The Chair does not see any objection to reading the last resolution in the series sent up.

Mr. GARLAND. That is what I want read. I ask the Secretary to read it.

Mr. INGALLS. The Chair overrules the point of order.

The PRESIDENT *pro tempore*. The Chair thinks that what is publicly done and reported, and which can be made the basis of a reconsideration, there is no objection to reading.

Mr. INGALLS. The Chair is aware of the parliamentary rule, I suppose.

The PRESIDENT *pro tempore*. The Chair is aware of that; but if a resolution is adopted in the House, it then becomes part of the public records. This is simply a resolution they have adopted, which may be read here.

Mr. BAYARD. Inasmuch as there is a question of order as to reading from the RECORD the proceedings of the House of Representatives today, I would submit that the reason of the rule that forbids allusion to matters pending in the other House forbids allusion to debates at the same session or during the same Congress. The whole object of that is to insure the absolute independence of each House from any influence of the other. That is the intent, so that by general parliamentary law as well as by the rules of this body allusion to the possible or probable action of the Executive is improper and grossly out of order. So it is not allowable to cite the action of the other House for the purpose of influencing the action of the Senate, unless that action comes to us by the usual regular methods of communication, and then we may consider what we may do; but we are not at liberty to cite the debates or the arguments used in the other branch of the Legislature for the purpose of affecting our action in this body.

The meaning of the law is the preservation of the independence of each branch unaffected by that which led to the action of the other. Up to this time no action of the House of Representatives has been communicated to the Senate; there is nothing before the Senate that we can take up and act upon. There is no resolution of the House before us. Therefore, I submit that it is not in order that the Journal of the House or the record of its proceedings shall be read to affect the action of the Senate upon something not yet before us.

Mr. GARLAND. The honorable Senator from Delaware is entirely mistaken——

Mr. MORRILL. I desire to know if the motion to reconsider is now before the Senate?

Mr. GARLAND. Have I not the floor, Mr. President?

The PRESIDENT *pro tempore*. The Senator from Arkansas has the floor.

Mr. GARLAND. The Senator from Delaware is entirely mistaken. It has not been five minutes since I had read a message from the House of Representatives brought in here by its Clerk, announcing its committee of conference, which was withheld last night from us, and upon that, together with the official report of their proceedings, I make the motion to reconsider.

I make the motion to reconsider in good faith, for I voted for the conference last night believing that we had in our possession all that the House had done in regard to this matter. Now it turns out from the official RECORD that practically a fraud has been committed upon the Senate; I do not say an intentional fraud, but I say practically it has been so, for the gist of the House proceedings was omitted last night in its message to the Senate.

By this proceeding their committee of conference is handicapped in advance in reference to the power of the Senate to orignate the bill that passed. They are told to bring back their construction of the matter, as the House now gives them its version of our power. Then what are you to have a free conference about? There is the point I make. The parliamentary proceeding is a free and open conference upon which all the parliamentary writers agree in England and in this country, where these questions are discussed *viva voce*, freely and openly, for the purpose of a free conference, not for the purpose of a prejudged and handicapped consideration by one House or the other. The House of Representatives has played Hamlet with the part of Hamlet left out, so far as the Senate is concerned on this occasion. We send out our conferees to meet theirs on a question already prejudged by them.

Mr. BAYARD. May I ask the Senator a question?

Mr. GARLAND. Certainly.

Mr. BAYARD. The Senate has proceeded, the Senator said just now, to vote to meet the conferees of the House in what upon its face of the proceeding is a free conference.

Mr. GARLAND. A free conference with this exception, I must say to the Senator——

Mr. BAYARD. I wish merely to ask a question.

Mr. GARLAND. A report for a free conference from the House is generally accompanied with the names of their committee, which they did not send us last night.

Mr. BAYARD. The Senate having appointed a committee of conference to meet the conferees of the House, if they find immediately on meeting that the conferees on the part of the House are affected by what he has termed a restriction or handicap or whatever may be the name he gives it, would it not be the duty at once of the Senate conferees to report to the Senate the fact that what they supposed on the face of the House message was a free conference was in fact not a free conference?

Mr. GARLAND. Now, the Senator has asked the very question that I was coming to, and I wish the Senate to pay attention to it, for it is with no purpose of obstruction that I am making the motion, for I have not obstructed this bill during the forty days and nights it has occupied the Senate, like the flood.

We have no right to send a committee out except for a free conference. The purpose of my motion to reconsider is to say to that committee, "You shall not confer upon a proposition that was already prejudged before you were appointed." We can not now instruct that committee, because it has gone beyond that point, but we can by this motion to reconsider get the matter back into our hands and then act upon it as we should have acted if we had had this information before us yesterday as to what the House had done. I say, Mr. President, that my action, my vote upon appointing this committee of conference, would have been quite different had I known of this proceeding. I would not have voted to refer this matter to a conference last evening had I known that this second resolution was in the action of the House, and I undertake to say, without knowing, that other Senators are probably in the same situation.

The books before me say that a full and free conference is a conference in which every question is discussed freely, openly, and frankly, as among gentlemen, as the saying is; but here the very question at the origin, the power of the Senate, is denied by the House, and we were not informed of that. I wish to have the vote reconsidered, and the proposition brought fairly before the Senate whether we shall indulge in this play of putting up a cob-house for the purpose of having it knocked down. When the motion to reconsider is acted on I shall take the position then that the Senate can not confer upon this matter under such circumstances.

The PRESIDENT *pro tempore*. The point of order is really not debatable, though it has been debated.

Mr. BAYARD. I merely wish to say for myself, and it sustains the views of the Senator from Arkansas, that I have no doubt whatever that the committee appointed by the Senate last night was a committee of conference which meant a free conference, and if they should find themselves face to face with a committee that were not free it would be the duty of the Senate committee instantly to withdraw and come back and tell the Senate.

Mr. GARLAND. Now, will the Senator yield to me for one moment? What he proposes is that we take action backward. Had we known the full action of the House we could not have consistently indulged in the course we agreed to follow. Therefore, practically, I say a fraud has been committed on the Senate, and we should recall and retract it.

Mr. BAYARD. The Senator differs with me only in this respect: I had rather not assume or presume irregularity on the part of the House, nor have I any desire to reflect upon that body in the least degree; but I do propose that the Senate shall maintain not only its dignity in every respect, but that the Senate shall maintain the truth and the true meaning of its own action of last night. There was no other suggestion before the Senate last night than that we were to appoint a committee of conference—a free conference. If when we come to confer we shall meet in conference a set of conferees who are not free, it is not the conference that the Senate contemplated, and therefore it can not be held. That I take for granted will be the result.

Under the rules of the Senate we have no knowledge communicated to us by the House of its action except its message. What was that message? It was a message inviting the Senate to appoint a party of conferees without restriction, without instruction on their part. That was the result. That is all the Senate knows.

Now, the question comes in whether or not you can inform the Senate by means other than the message of the House that something else might be intended or might be implied or might hereafter be urged which would tend to change a free conference into a restricted conference, a limited conference, a shackled conference, which was not the object of the Senate. While I am quite as strict as the Senator from Arkansas is or would wish to be on this subject, I do not believe that according to the rules we should take up the RECORD to discover there whatever has been said in debate or what has been said by action elsewhere of which we have not been informed.

This Senate intended a free conference on this bill, and the five Senators appointed in my judgment have no right to attend any other than a free conference; and should they find themselves in an association with a committee of conference on the part of the House who are bound by something else than the House has informed us of, it will be clearly our duty to return to the Senate, and not to accept a restricted conference or to act upon it, when we were appointed only upon a general and free conference.

Mr. MORRILL. Mr. President, I do not desire that the time shall be wasted about what I conceive to be a very unimportant matter, and one with which we have nothing to do. I therefore move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. The Chair will first decide the point of order. The point of order was presented by the Senator from Kansas [Mr. INGALLS] that the resolution which the Senator from Arkansas [Mr. GARLAND] desired to have read, passed in the House, was not proper to be read here. At first blush, not having examined the question with any care, the Chair thought the point of order was not well taken; but on reflection he believes it is well taken. Jefferson in his manual says this:

> It is a breach of order in debate to notice what has been said on the same subject in the other house, or the particular votes or majorities on it there; because the opinion of each house should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leaning to a misunderstanding between the two houses. (8 Grey, 22.)

Mr. GARLAND. Mr. President, I appeal from the decision of the Chair.

Mr. MORRILL. Is not my motion in order? I moved to lay the whole subject on the table.

The PRESIDENT *pro tempore*. The point of order was raised about the reading before the Senator from Vermont had the floor to make that motion.

Mr. MORRILL. But I move to lay the appeal, as well, on the table.

Mr. GARLAND. But I have the floor.

The PRESIDENT *pro tempore*. The point of order was made before anything else. That was the question before the Senator from Vermont could make his motion to lay on the table.

Mr. GARLAND. I have appealed from the decision of this point of order in good faith, and I will ask the Senate to decide it.

Mr. SHERMAN. But a motion to lay on the table is made; and I do not think even the Chair would be at liberty to make a decision pending that motion.

Mr. GARLAND. The Chair before receiving that motion ruled upon the point of order and I have appealed from the decision.

Mr. SHERMAN. I withdraw any objection.

The PRESIDENT *pro tempore*. The Senator from Kansas raised the point of order. The Senator from Arkansas was on his feet asking to have read a resolution of the House of Representatives. Then the Senator from Kansas raised the point of order, and the Senator from Arkansas was occupying the floor until that point of order was decided. It seems to the Chair that he has the floor still.

Mr. HOAR. I do not object to the floor being awarded to the Senator again, but when the point of order is raised and the Chair rules upon it and an appeal is submitted, that certainly takes the Senator from the floor as to his original right to the floor. I do not object to his going on, however.

Mr. GARLAND. The Senator as usual has got it all wrong. I ap-

pealed and had the floor and stated that I took the floor on the appeal.

Mr. HOAR. The Chair has not awarded the floor to the Senator on the appeal.

Mr. GARLAND. I think the Chair would have to do it because I rose in order.

Mr. HOAR. Go on.

Mr. GARLAND. Mr. President, there is not a syllable in the extract that has been read from the Manual by the Chair that touches the question here. I am not asking to have read here anything that was said by any member of the House in debate, but I am asking to have read from the official RECORD, which has been made official by act of Congress, to which we appeal every day for what occurs in Congress with the same certainty of correctness that we would appeal to the Journals that are written in manuscript by our clerks and which we move to have corrected, to which we call the attention of the Senate as a privileged question——

Mr. HOAR. I call the Senator to order under the thirty-sixth rule.

The PRESIDENT *pro tempore*. The thirty-sixth rule?

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. The rule will be read.

The Acting Secretary read as follows:

36. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be so called to order, he shall sit down, and shall not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall then be in order and be determined without debate.

The PRESIDENT *pro tempore*. What is the point?

Mr. HOAR. The Chair has ruled that the Senator in having read the proceedings of the House was transgressing the rules of the Senate. Now, I certainly hope he will have leave to proceed. When the Senator asserts that the Chair has got to give him the floor without objection, I think it is proper to remind him of the rule.

Mr. GARLAND. I stated that the Chair would have to give me the floor because I was in order, just as I would have said the Chair was put there for the purpose of enforcing the rules of the Senate.

The PRESIDENT *pro tempore*. The Senator has been called to order. Of course the Senator can not refer to anything done in the House. The question is, Shall he have leave to proceed in order? Is there objection?

Mr. GARLAND. I have not referred to anything done in the House yet. I have been trying to get permission to do it.

Mr. BUTLER. Has not the Senator a right to read from debates in the RECORD?

The PRESIDENT *pro tempore*. No, sir. That is the question the Chair has just decided.

Mr. GARLAND. That is the question which is being considered, but there is no trouble about it, if the Senator from South Carolina pleases. It is all in order, as I shall show. This is no new thing.

I have asked the Senate to listen to the reading of what has transpired as printed in the official RECORD of the two bodies of Congress. I am not reading it, and do not intend to, till the point is decided; but I say that the rule in Jefferson's Manual as read by the Chair does not affect this question, because that rule was handed down to us from the Parliament of England and was not made in reference to any official record or any official register whatever. It was made with a view, as the general rule states there and as was stated by the Senator from Delaware very aptly, to prevent influence being imported from one House to the other. But here I propose to show from the official record that is now here for the purpose of informing the two bodies of what is going on, that the Senate of the United States has been called upon to do something when the whole and entire reason for doing that thing has not been given to the Senate. I say that it is perfectly in order to read this entire record of proceedings that occurred in the House of Representatives or Senate, under the rule that makes this the official record or register of these two bodies.

It is made manifest here that the Senate has been led, inadvertently, if you please, or practically to permit a fraud in appointing its committee of conference on a subject that had already been prejudged by the other House. That is the question I bring before the Senate. It will be too late to wait, as the Senator from Delaware proposes and seems to think it can be done, till our committee of conference go and say "We are without instructions;" and finding those from the other House are bound by instructions, say "This is not the feast we have been invited to, and, therefore, we will take up our hats and walk out." That is not respectable foolishness; that is not first-class nonsense, because it is to be presumed when the Senate acted on this matter it acted on every fact that had transpired.

We have two messages from the House, first one saying that they disagreed to our amendments and asked for a conference, then a message this morning announcing the names of their committeemen; but not yet have we been told just exactly what transpired in order to get that conference in the House, and what we are asked to consider and have a conference upon. Now, I say the ruling of the Chair, with the utmost respect, does not affect this question. This question is upon the right to read from the official record of Congress, a record made official long since the time Jefferson wrote his manual, and no words in that rule apply to any such document as this, and, in my opinion, the rule does not affect proceedings of this character.

Mr. MORGAN. Mr. President, the rule in Jefferson's Manual, page 264 of the book of rules of the Senate, is that—

Neither house can exercise any authority over a member or officer of the other, but should complain to the house of which he is, and leave the punishment to them.

Suppose one of our members in the Senate should go to the House of Representatives and complaint should be urged against him there of impropriety of conduct before that body and the House should proceed to deal with him, and he should return to his own body this morning and ask that the Senate should take cognizance of the treatment he had received there, would it be in order for him to have read before this body the proceedings of that House in dealing with him? No man will deny that, I presume, and yet if that would be in order this is in order. Whatever official action has taken place in either House which affects the conduct of the other is a subject of proper consideration here; and inasmuch as the House of Representatives does not communicate it to us we have the only other resource left to us, which is to send a resolution of inquiry to that House as to what has been done or to receive that information from the official channel, the RECORD, printed by authority of law by the Government of the United States. It can not be that the Senate of the United States is in such a prone and imbecile condition as that it can not ascertain, except at the pleasure of the House, what action has been taken by that body which may affect the action of this body.

It has been well stated by the Senator from Arkansas that if this resolution had been known to the Senate yesterday the vote of the Senate would have been quite different in respect to this conference. Our jurisdiction at least would have gone along with our conference and our authority to the conferees to withdraw from that conference in the event that they found themselves embarrassed by the resolution of the House so that the conference could not be full and free. A conference between the two Houses that is not a full and a free conference is simply a fraud and a sham, and we may characterize it as we will. I for one shall never surrender the independence of this body so far as my vote is concerned by yielding to the other House the right to send to us a committee of conference instructed by them when we appear to be cut off from the opportunity of finding out what the instructions are and they withhold the instructions from us.

The honorable Senator from Delaware says that the Senate need not be alarmed; that when the conferees meet if the Senate's representatives find that they are not meeting other conferees from the House who are free to act, free to consult with them upon every subject connected with this bill, it will be their duty to return to the Senate and make report. Sir, that will be their duty, but they will never do it. That committee will never return to this body to make that report; they will withhold it. More than that, sir, the Senate of the United States has no right to abdicate into the hands of one of its committees or into the hands of any five gentlemen the action that it ought to take for itself. While I am willing to trust the gentleman who made that statement that he will honorably do all that is required to be done, yet as a Senator of the United States it is a part of my right to vote upon instructions to him as to what he shall do, and not what his honor may prompt him to do. He, sir, is the authorized agent of this body and not of himself when he gets upon that committee; he has no right to interpolate his own private views either to the assistance or to the overthrow of the action the Senate has taken or may be inclined to take.

This, sir, is no small matter; this is no trivial affair. It is something that merits the consideration of this great body, because we are giving up here, it appears, powers vested in us by the Constitution, and doing it to-day we shall convert ourselves in some future time again into a mob for the purpose of being led by party leaders. When we act here without rules, without law, and aside from the Constitution we are no more than a mob. We ought to conform our action under all circumstances, especially upon great occasions like this, to the rules of order and of parliamentary procedure.

I can not conceive how it can be possible that the House of Representatives, by stealth and by concealment, can give instructions to its committee which it withholds from us, and yet that there is some law in this country, some rule of parliamentary procedure, which prevents us from access to the real facts of the transaction.

Are the Houses of the United States Congress to deal with each other in the manner that has been done in the last twenty-four hours? Are we to give secret instruction to our conferees which no man in the House can rise upon that floor and demand shall be read for the information of that body, and send them into conference, apparently a free and an open conference, when in fact it is one that is narrowed down to certain inquiries, and that certain matters they are prohibited from inquiring into at all? Can the House of Representatives withhold its action upon the important question of the constitutional powers of the Senate, and then send to us as if they were acting in good faith a resolution inviting us to a conference upon a bill which they have declared in their own resolution is an unconstitutional invasion of their rights? Is the Senate of the United States to be humiliated to that low degree when it must enter upon a conference with the House of Representa-

tives as an act of courtesy upon a bill which that House has solemnly resolved that the Senate has no constitutional right to enact; and not so only, but refusing to send that resolution to us? Are we the representatives of the sovereign States of the Union in the Senate of the United States, and can we be baffled and tampered with and paltered with in this manner by the other House?

Sir, there may be some pressure of party demand which will require us to stultify ourselves in this way; but whether the Senate has the power to look to the RECORD to see the facts or not, the people of the United States will be astounded to know that we have some manner of procedure here which compels us not to know what everybody in the world is cognizant of but us. Never was the doctrine of estoppel carried to this extent before.

Sir, I concur with the Senator from Arkansas that that which has been read as the foundation of the decision of the Chair does not in the slightest degree touch this question. It has no relevancy to it. With the most profound respect for the Chair, for his learning and his ability, I must say that the first ruling of the Chair upon this question strikes my mind as being incontrovertibly true.

It is a breach of order in debate to notice what has been said on the same subject in the other house, or the particular votes or majorities on it there.

Nothing in the resolution of the Senator from Arkansas touches either of these questions. He recites nothing that was said in debate; he recites no particular vote or votes of the majority or the debates that may have been held there upon the resolution. The reason assigned by the parliamentarian is this:

Because the opinion of each house should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two houses.

Why, sir, you might as well hold that you can not consider a bill that comes from the House, because in doing so you are obliged to consider something that the other House has done. Their action is final when it reaches us. This action is final in the House now, and beyond all power even of review, because I believe a motion to reconsider and to lay that motion on the table was adopted in that House. It is entirely beyond the reach of the House now to correct its action, and we are to be left here to act upon a grave question like this in darkness, which has been manufactured for the purpose of concealing the truth; we are to be inveigled and led in the thralls into a conference where the House itself has concealed the pith and substance of its own action.

Sir, the respect of the Senate of the United States will not bear this tax. Great and august as this body is and has always been, it will not bear the tax. There is no occasion for resorting to this extreme method of deception and gag law for the purpose of keeping down the action of this body upon the truth as it exists. Let the truth come to light. Let those hide it whose deeds are evil and whose thoughts are against the public welfare. Let those participate in this dark scheme of perversion and fraud who feel that the right way to treat the American people is to deceive and to wrong them. I will not do it, sir.

I believe that the decision of the honorable President of the Senate upon this proposition is not such law as we can vote upon our records for the government of this body in the future, for if it is we willingly tie our own hands and victimize ourselves, placing all of our constitutional powers at the will and pleasure of the other House, so that they may cheat and defraud us as they please.

Mr. MORRILL. Mr. President, I am not about to contribute anything to the prevention of a large reduction of taxation at the present session of Congress. I merely say that the Senate have often, as the RECORD will show, instructed a committee of conference, and it never has been returned or rejected by the House whenever the Senate has done so.

Mr. MORGAN. Allow me to make an inquiry of the Senator from Vermont? I wish to know from the Senator whether he knew of this action of the House yesterday when he moved for this committee.

Mr. MORRILL. I did not.

Mr. MORGAN. The chairman of our committee did not know it.

Mr. MORRILL. I do not regard it as of any consequence whatever. The House has the right to instruct its committee, and so has the Senate. Whenever the Senate has done so heretofore no objection has been made on the part of the House, and no conference report has been rejected on that account.

Now, Mr. President, I move to lay the whole subject on the table.

Mr. HARRIS. What becomes of the appeal?

Mr. MORRILL. Well, I move to lay the appeal on the table.

Mr. GARLAND. Before that is done I——

Mr. SHERMAN. Laying the whole subject on the table takes the appeal to the table.

Mr. GARLAND. The Senator from Vermont has said something about the practice in this matter.

Mr. MORRILL. It has been often done.

Mr. GARLAND. That the Senate may not be unadvised about this matter I wish to say—there is no impropriety in reading this—that as fine a parliamentarian as the Senator's colleague was overruled on this very point; and I ask the Secretary to read the fact from the book I send to the desk.

Mr. SHERMAN. Is the motion to lay on the table debatable?

Mr. MORRILL. I made my motion for the purpose of stopping further debate.

Mr. GARLAND. Let that be read to put this matter right.

Mr. MORRILL. No; that would require me to read a further extract from the Journal to show that what I said is true. I do not desire to consume any more time.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the reading. The question is on laying the appeal on the table.

Mr. BUTLER. Does the Senator from Vermont persist in this motion just at this time?

Mr. MORRILL. Yes, sir.

Mr. BUTLER. To cut off any information on the subject whatever?

Mr. MORRILL. I think it has been sufficiently discussed.

Mr. BUTLER. I must say that it is a very extraordinary proposition for a Senator of his experience to make in this body at this time.

The PRESIDENT *pro tempore*. The question is on the motion to lay the appeal on the table.

Mr. GARLAND and Mr. MORGAN called for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. McDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. Otherwise I should vote "yea."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

The roll-call was concluded.

Mr. VEST (after having voted in the negative). I am paired with the Senator from Kansas [Mr. PLUMB]. I withdraw my vote.

Mr. VANCE. My colleague [Mr. RANSOM] is paired with the Senator from Illinois [Mr. LOGAN].

Mr. CALL. I wish to announce the pair of my colleague [Mr. JONES, of Florida] with the Senator from Iowa [Mr. ALLISON].

Mr. FRYE. My colleague [Mr. HALE] is necessarily absent on a conference committee, as is also the Senator from Kentucky [Mr. BECK]. They are paired.

Mr. ALDRICH. The Senator from Illinois [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM]. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Florida [Mr. JONES].

Mr. WINDOM (after having voted in the affirmative). I am paired with the Senator from West Virginia [Mr. DAVIS]. I withdraw my vote.

The result was announced—yeas 24, nays 26; as follows:

YEAS—24.

Aldrich,	Edmunds,	Ingalls,	Platt,
Anthony,	Frye,	Kellogg,	Rollins,
Blair,	Harrison,	Lapham,	Sawyer,
Cameron of Wis.,	Hawley,	McMillan,	Sewell,
Conger,	Hill,	Miller of N. Y.,	Sherman,
Dawes,	Hoar,	Morrill,	Tabor.

NAYS—26.

Barrow,	Garland,	Jackson,	Slater,
Bayard,	George,	Jonas,	Vance,
Brown,	Gorman,	Maxey,	Voorhees,
Call,	Groome,	Morgan,	Walker,
Camden,	Grover,	Pendleton,	Williams.
Cockrell,	Hampton,	Pugh,	
Coke,	Harris,	Saulsbury,	

ABSENT—26.

Allison,	Farley,	Logan,	Ransom,
Beck,	Ferry,	McDill,	Saunders,
Butler,	Hale,	McPherson,	Van Wyck,
Cameron of Pa.,	Johnston,	Mahone,	Vest,
Davis of Ill.,	Jones of Florida,	Miller of Cal.,	Windom.
Davis of W. Va.,	Jones of Nevada,	Mitchell,	
Fair,	Lamar,	Plumb,	

So the Senate refused to lay the appeal on the table.

Mr. SAULSBURY. I offer the following resolution——

Mr. GARLAND. The question is on the appeal.

The PRESIDENT *pro tempore*. Yes, sir; the question is on the appeal. The resolution of the Senator from Delaware can not be in order during the pendency of this appeal.

Mr. SAULSBURY. I shall offer it when it is in order.

The PRESIDENT *pro tempore*. The question is on the appeal from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I do not quite like the attitude of this affair from what we hear outside; but I am bound to say that I think the judgment of the Chair is correct. Each House, I think, has the right to instruct any of its committees, and it is not bound as a matter of parliamentary law to communicate to the other House the

instruction that it has given. I think each House has a right to instruct its own committees, and I think it has just as good a right to instruct a committee that it calls a conference committee as any other, although it is called a free conference. The Senate has decided the question three or four times in respect of instructing its own conference committees, and as usual it has decided both ways.

I remember when the celebrated salary-grab, as it was called afterward, was pending in this body about the 3d of March, 1873, I think it was, when it was moved to instruct the Senate conferees to recede from the amendment increasing salaries that we had put on a House appropriation bill, a Senator from Illinois, I think, Mr. Trumbull, raised the point of order that it was not competent for the Senate to instruct its conferees, and the Chair holding that it was, an appeal was taken and the Senate decided that it was not competent, that they could not be instructed. At the beginning of the next session the matter was carefully explored and all the precedents hunted up, and it turned out that on numerous occasions before that time, whenever the Senate thought it convenient and desirable in order that its conferees should carry the weight of the whole judgment of the Senate on a given point into a conference with the House, a conference committee might be instructed exactly like any other of the committees; and it turned out that the same Senator from Illinois who had made the point of order on this salary matter himself on the last preceding occasion had moved an instruction to a committee of conference.

So, taking all the precedents in this body together, I think it perfectly clear that it is competent for this body, and certainly of course for the other House, under its powers, to instruct a committee of conference. I know that no question was ever raised in the Senate as to whether it would be the duty of the Senate, having instructed its committee of conference, to inform the House by a message of those instructions. The Senate conferees being instructed would meet the House conferees in the conference-room and would of course, like other diplomatic representatives, so to speak, inform the representatives of the other branch what they were instructed to present and insist upon and discuss and so forth. That has been, as I say, often practiced in this body; and I do not remember any instance in which this body thought it necessary as a matter of parliamentary duty to send a message to the House of Representatives to inform them that it had instructed its own committee.

Now, when we come to this precise question of order, if I am right in what I have already stated, of course this supposed proceeding of the House of Representatives on which the question of order arises was a proceeding the House of Representatives had a perfect right to take, instructing its own representatives what sort of views to present to the representatives of the Senate. Therefore it is exactly like referring here to any other proceeding in the House of Representatives on any question that engages their consideration, as an instruction to the Committee on Ways and Means to bring in an internal-revenue bill or an instruction to the Committee on Elections to report an election case or whatever the House of Representatives might think it fit to do. Therefore if there is anything in the rule which it has always been thought was the fundamental rule of parliamentary law between two independent bodies that the members of neither body can refer to or comment upon the proceedings of the other except so far as they are brought to the notice of each other by messages in the regular way—if there is anything in what I think is that fundamental rule, then it appears to me, with great deference to those who disagree with me, that the Chair is clearly right.

Mr. GARLAND. Mr. President, on the first point suggested by the Senator from Vermont I want now to read what his colleague very graciously declined to hear read a few moments before he came into the Chamber.

This occurred in the Forty-third Congress:

> The report of the committee of conference on the legislative, executive, and judicial appropriation bill is under consideration. A motion is made to *recommit* the report to the committee of conference *with instructions* to strike out certain parts of the report. Mr. Trumbull raises a question of order, viz: "That the province of the committee of conference being to confer freely and fully upon the subject of the disagreeing votes of the two Houses committed to it, it was not competent to limit such conference by instructing the committee in any manner in respect to its action at the conference." The Presiding Officer (Mr. EDMUNDS) overruled the point of order, and decided that the motion to recommit the report with instructions was in order.

I call the attention of the other side particularly. Mr. Trumbull raised the question of order on the motion to recommit, with instructions to strike out a certain part of the bill:

> That the province of the committee of conference being to confer freely and fully upon the subject of the disagreeing votes of the two Houses committed to it, it was not competent to limit such conference by instructing the committee in any manner in respect to its action at the conference. The Presiding Officer (Mr. EDMUNDS) overruled the point of order, and decided that the motion to recommit the report with instructions was in order. From this decision Mr. Trumbull appealed, and the decision of the Chair was reversed; yeas 11, nays 47.—*Senate Journal*, third session Forty-second Congress, March 3, 1873, 556.

What do you suppose was the vote on that? The Chair received for the support of his ruling 11 votes, and there were 47 against it. Yet we are told here to-day that it is competent for each House, in asking for a full and free conference, to tell its conferees in advance "you must do so and so." Where, then, is the "full" and the "free?" You send them there not only shackled but bound hand and foot, and then you have the courage to say that is a full and a free conference. Where does the "full" and where does the "free" come in? You are not sending them under that state of case to confer. You are sending them to submit to the orders of one House.

Mr. BUTLER. I hope that order will be preserved in the Senate. We are very anxious to hear the honorable Senator from Arkansas.

The PRESIDENT *pro tempore*. Will Senators please take seats, and those gentlemen who are here by the courtesy of the Senate will sit down or leave the Senate Chamber.

Mr. GARLAND. Here was the express point made and overruled by the most overwhelming vote I have ever known given in the Senate on any controverted question, 11 votes to sustain the Chair and 47 against it. The Senate then said, "No; if you are going to confer frankly and fully and freely, we will not tell you what subject you must enter on in advance; when we say we send you to confer freely and fully we do mean to send you there, not to defy one another and to pull off your coats and threaten to whip one another." That is the proposition now; that is what this farce is now.

Upon the most important question that has been before Congress since I have been a member of the Senate, a bill that took forty days and forty nights for the Senate to consider, you are asked now to appoint a free conference on the most material point when the House conferees are instructed. The Senate has said heretofore that can not be done. We ought not to have conferences under false pretenses; we ought not have the conferences as a juggle. Suppose when we send five gentlemen into this committee-room of conference they are met, as we are told here, by House conferees who say to them, "You have done an unconstitutional thing, and we can not hear any argument about it." Then what does your conference come to?

Let me ask the Senate in good faith, for we do not deceive ourselves or deceive anybody else, after the exhibition made by the Senator from Vermont who objected to this being read, after his moving to lay this important question of ruling on the table, do you expect this committee to withdraw from anything of this kind? No, it will not. The whole proceeding shows that we are coming to an illegitimate result, and there is no use in saying a word or discussing the meaning of this. They will not retire; but they will sit there handcuffed and trammeled and tied, bound hand and foot like the dancing man upon the mimic show for the edification of the five members of the House. The Senator from Vermont shows that he has predetermined to do this, for he has endeavored to cut off debate on this important question when a Senator rises here and says under his oath that he believes the Senate has been trifled with, and the Chair thinks that that can not be read.

Mr. MORRILL. Will the Senator from Arkansas permit me to interrupt him for a single moment?

Mr. GARLAND. It does not interrupt me at all.

Mr. MORRILL. The Senator from Arkansas had already addressed the Senate twice on the subject. My only purpose was to save sufficient time, so that if there is to be a conference committee which can have an opportunity to report to the Senate and give the Senate some time after the report is made to say whether they would accept it or not. It was only for the purpose of enabling the conference committee to have sufficient time to consider the question that I made my motion.

Mr. GARLAND. There is not sufficient time for anything if there is not time to consider this matter. The Senator from South Carolina [Mr. BUTLER] appealed that this motion should not be introduced to cut off debate, which the Senator from Vermont sought to do when I wished to call the attention of the Senate to the rulings made on previous occasions on this very point. But there is something more than time, there is fair dealing involved here; constitutional questions of high privilege as to the right of this body are involved here, and I stand here under the sanction of my oath and say that I have information which leads me to believe that the Senate has been trifled with, and I think it can be made to appear that it has been. That would so far influence my action that I would not have voted for this committee of conference had I known that that estoppel was placed there in advance of the conference.

Mr. MAXEY. I would ask the Senator from Arkansas if he has ever known a single instance in the course of his extensvie practice where the fact was brought home to the court that the record did not disclose the whole truth, and that fact was shown by credible and reputable sources, that the court refused to hear the whole truth?

Mr. GARLAND. I never have, and if it is done now it will be the first instance on record so far as my information goes. I do not suppose there would have been a dissenting voice yesterday if the whole truth had been known. I believe the Senator from Missouri [Mr. VEST] stated then a hypothetical case; but as it was merely a hypothetical case a majority of this side voted for the committee of conference; and yet if I had known as a matter of fact what had transpired I should not have voted for this conference. I would not have agreed to send our conferees to such a meeting. We are not in the Senate of the United States to act upon questions affecting the very vitals of the country without free course. Let Senators look at it. It is nothing more to me than to anybody else. We are called now to a feast of reason and a flow of soul, a feast of parliamentary reason, and then we

are presented with this order from the House: "Here is your *ultima Thule*. You can not step one foot beyond this." What am I asking? That the Senate may act advisedly if it is going to tear down this conference. If instructions are to be interposed to the committee, if it is to be dictated to by the resolution of the House, we ought to know it before we decide to have a conference at all. If there is any decent way to escape from that I am not aware of it, but I will accept anything at this time. But here is the question: I have information that convinces me that this body has not been dealt fairly with. I deny the proposition of the Senator from Vermont that we can impose instructions upon our committee of conference; but if we can, good faith, fair dealing, requires that we should inform the other House of it when we do it, so that they may know what we are proposing.

Mr. MORGAN. I call the attention of the Senator from Arkansas to the fact, the supposition at least, that the action of the House upon the instruction given to its conferees is predicated upon a denial of the constitutional power of the Senate to enact this law at all, and they ask a conference from us, but they have denied our power and send their conferees to treat on that question.

Mr. GARLAND. That is the supposition I am going upon, and I believe I can make that supposition good before the Senate, if permitted to do it. We are asked to confer upon our rights and privileges under the Constitution, with that question already prejudged and settled by the co-ordinate branch of the Legislature. That is all there is in the question. Not merely as affecting this bill, but for all future time I want it settled. It is time it was settled. I have shown you a vote of 47 to 11 on a straight-out, unadulterated, and unmixed question where the Senate said this could not be done.

I say to the Senator from Delaware that he will never see that committee withdraw and retire from that conference if they once go there, because over that conference chamber will practically be written, "He who enters here leaves hope behind."

Mr. EDMUNDS. Mr. President, the Senator from Arkansas is quite right in saying that it was a very decisive vote that held, on the night of the 3d of March, 1873, that this body had no parliamentary power to instruct its own committee of conference; but my friend from Arkansas, had he been here at that time, I am sure would have been found voting with the minority, because the question existing at that time was one of those questions that went by the passion or wish or selfishness of the hour, and not by any deliberate judgment. As I said before, it was on an amendment of the Senate increasing the salaries of Senators and members of the House of Representatives to I believe $10,000 a year.

Mr. MORRILL. Seven thousand five hundred dollars.

Mr. EDMUNDS. Seven thousand five hundred dollars or whatever it was; and that increase was to be paid into the pockets of Senators whose terms would expire that night or the next day at noon as the practice is and who would pocket the difference of $2,500. That of course to anybody besides a Senator would be a temptation. Of course to a Senator it would not. But there was a good deal more jugglery going on at that time than even there is supposed to be now, upon that question; and although I think if the thing could have been fairly reached so that if we could have got a straight vote on striking out that amendment we should have had a majority. But as everybody knew, as it was on an appropriation bill, if that salary grab was left in the report of the conference and it was the very last night of the session that report would be agreed to in order to save the appropriation bill, as the phrase ordinarily is. In other words we have not pluck enough to resist a wrong if it is put on an appropriation bill first. Consequently the thing was whistled down the wind, and the determination was that that back pay for two years should be given to Senators and members of the House of Representatives in spite of any possible straight vote on that question.

Accordingly the Senator from Illinois raised the point of order and a Senator from Vermont being in the chair he overruled it upon the belief, looking at the books on parliamentary law, that a full and free conference is not the kind of conference that my friend from Alabama describes, a conference in which the agents of the appointing powers are to run wild without following the wishes of the bodies who create them, but a full and free conference is an oral conference as distinguished from a conference where each representative of the two Houses presents his views in writing like a set of pleadings in a court. That is all there is meant by a full and free conference in the books on parliamentary law.

However, as I say, the Senate overruled the Chair with a whirlwind of course. At the next session attention was drawn to the subject and the precedents sent for, and for years back they were looked up, and they are all brought together and collated by our accomplished Reporter, Mr. Murphy, at that time; and at the risk of occupying the time of the Senate too long I must be excused for reading it. It is not very long:

An examination extended back but a few years shows two instances in direct opposition to the ruling of the Senate on the 3d of March last.

At the first session of the Thirty-eighth Congress, the committee of conference upon a bill "to increase the internal revenue and for other purposes"—

Sounding very much like this one so far—

having reported on the 1st of March, 1864, to the House of Representatives their inability to agree, a resolution was offered by Mr. Washburne, of Illinois, as follows:

"*Resolved*, That the House insist upon its disagreement to the Senate amendments to House bill No. 122, and that the House request of the Senate another committee of conference on the said bill; and it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill there should be an additional duty of not less than 20 nor more than 40 cents per gallon imposed on spirits on hand for sale."—*Congressional Globe*, page 892, part 1, First session Thirty-eighth Congress.

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed. It is a judicious check upon the power of the Speaker in appointing committees. They have a right to instruct a committee of conference as they have a right to instruct a standing or a select committee. The gentleman from Illinois moves this himself as a resolution. It seems, however, susceptible of division, first, upon asking another committee of conference, and, secondly, upon the instructions. As to the right to move instructions the Chair has no doubt."—*Congressional Globe*, part 1, first session Thirty-eighth Congress, page 892.

The decision of the Speaker was acquiesced in by the House, no appeal being taken, and the resolution of Mr. Washburne was agreed to.

Then follows what I am sorry did not occur in this case because it would have saved all this trouble.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio, Mr. SHERMAN, offered the following resolution:

"*Resolved*, That the conference requested by the House of Representatives be agreed to; and that the conferees heretofore appointed by the Senate be instructed to agree to proper amendments to the Senate amendments disagreed to by the House, providing for a tax of not exceeding 20 cents a gallon on spirits on hand for sale."—*Ibid.*, page 900.

The late Senator from Maine, Mr. Fessenden, at once suggested a doubt as to the resolution being in order; to which the Senator from Ohio replied as follows:

"I have not examined for precedents, but I think there can be no doubt of the power of the Senate to instruct its conferees on any point. It is a question of discretion. Ordinarily it would not be done; but there have been two conferences on this disagreement, which has all grown out of one difference. The House of Representatives have now expressed their opinion on that difference, and I think the Senate ought also to do so."—*Ibid.*, page 900.

Mr. Fessenden then raised the question of order directly for the decision of the Chair, and the Vice-President, who is now Senator from Maine, Mr. Hamlin, gave his decision in the following words:

"The VICE-PRESIDENT. The Chair can have no doubt that the resolution proposed by the Senator from Ohio is in order. Conferences are of two characters—free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their votes, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is 'simple'—is that which confines the committee of conference to the specific instructions of the body appointing it. The Chair therefore rules that the resolution is in order."

In the discussion which ensued, the Senator from Ohio said—

Repeating again his views:

"The Senate might very properly object to any action by the Senate conferees which was not strictly within the parliamentary rule, but the Senate itself may, by its instructions, enlarge the power of the committee. There is no doubt about that. There is no limit to the power of the Senate over its committees. It may authorize its conferees to agree to amendments to its amendments, which might not be in order if those amendments to the amendments came directly from the conferees without the action of the Senate. That is the view all the conferees took, although they differed on the question of parliamentary law."—*Ibid.*, page 900.

In the course of the debate, Mr. Hendricks, of Indiana, said:

"I agree with the decision of the President of the Senate that it is competent to instruct a committee of conference on the part of the Senate."—*Ibid.*, page 902.

Again he said:

"In respect to the questions of disagreement, the Senate may instruct its part of the committee, but outside of the questions of disagreement the Senate can not instruct that committee, for the reason that that is not one of the modes of legislation known to parliamentary usages." * * *

That is, on points about which there was no difference, instructions could not be given for the reason that it would be entirely useless, being beyond the power of either House.

"The Senate may instruct the committee upon all the questions that were referred to that committee, but not upon other questions."—*Ibid.*, pages 902 and 903.

From this view of parliamentary law, no Senator dissented, although the debate on the subject-matter extends over many pages of the Congressional Globe.

The result of the debate, which was quite protracted, was the rejection of the resolution of the Senator from Ohio, although no one doubted the right of the Senate to instruct the conferees, and the adoption of the following resolution offered by Mr. Conness, of California:

"*Resolved*, That the Senate disagree to the resolution of the House of Representatives, of the 1st instant, proposing instructions to the conferees, and ask another free conference on the disagreeing votes of the two Houses on the bill (H. R. 122) to increase the internal revenue, and for other purposes."—*Ibid.*, page 907.

The House of Representatives having agreed to a further free conference, the conferees on again meeting were unable to agree, and the bill was disposed of by the Senate receding from its amendments.

The proceedings in this case, as in that which follows, are recorded in the Journal, but the Congressional Globe is quoted from, because it contains the details of the points raised with the decisions made and the debate thereon, instead of the Journal, which merely records the votes.

At the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives and taking effect retroactively from the beginning of that Congress. This amendment was disagreed to by the House of Representatives, but they amended other Senate amendments by the addition of a provision granting bounties to the soldiers of the war of the rebellion. Two committees of conference were unable to agree.

Then the question of difficulty was stated and again the committee of conference was instructed to agree upon a certain line of policy in regard to that bill—

Whereupon Mr. Trumbull—

The very Senator who raised the point of order on the 3d of March, 1873, on the salary grab—

Whereupon Mr. Trumbull, then a Senator from Illinois, moved
"That the committee of conference be instructed to agree—

To a certain proposition that had been reported that the House conferees insisted upon.

A modification of the terms of the proposition having been suggested by Mr. Doolittle, Mr. Trumbull said:
"The proper motion I suppose would be to recommit the report to the committee with instructions to agree to that proposition." (*Ibid.*, page 4247.)
No point of order was raised, no doubt was suggested.

So that with great deference to my friend from Arkansas, on the primary question we have been discussing I think it is clear from the parliamentary books and from the constant action of both Houses, with this single exception of the salary grab, that either House has the right to instruct its own committee of conference as it has the right to instruct any other committee.

The Senator from Arkansas could have reached this point of getting at what is supposed to have been done in the House of Representatives, not by referring to it in debate, but by reciting it in a resolution—if he thought it a breach of the privileges of this body, or any improper conduct toward this body—a resolution of privilege, stating what action of the House he complained of. He could submit such a resolution to the Senate, and then of course that action of the House would be before us and we should have a right, if we thought so, to send a message after that remonstrating against that course, or directing our conferees to withdraw from the conference, or rescinding the order for a conference, or taking any other action. But here, on a motion to reconsider a legislative vote of the Senate, it does not appear to me that it is any more open to refer to this proceeding of the House than to any other.

Mr. INGALLS. Mr. President, decisions upon points of order are very opposite, because every Senator knows that decisions upon both sides of every question can be found, and that they will continue to be made as the wishes of a majority may indicate or dictate hereafter. I have no doubt that the House of Representatives had an unquestioned right to instruct their conferees. If they did so, the only regret I have is that they did not communicate their action to the Senate; and I suppose that all the Senator from Arkansas desires is that the conferees on the part of the Senate, if they find that limitations have been placed on the House conferees by the action of that body, retire for the purpose of submitting the question to the consideration of the Senate.

Mr. EDMUNDS. That is the idea.

Mr. INGALLS. Now, I suggest whether or not the resolution I send to the Chair, and ask unanimous consent that it may be read, would not be a solution of this whole difficulty without proceeding further upon the debate on the question of order? I ask that it may be read, and if it meets the approbation of the Senator from Arkansas and those who think with him I will ask unanimous consent that it may be considered.

The PRESIDENT *pro tempore*. The resolution will be read.

The Acting Secretary read as follows:

Resolved, That it is the opinion of the Senate that the conference on House bill 5538 should be full and free, and that if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees, the Senate conferees shall retire and report to the Senate for its consideration.

Mr. MORGAN. Allow me to say that I had prepared a resolution almost in those words for the purpose of being offered, and I concur in that.

Mr. SHERMAN. I suppose it is the desire of the Senate to bring about an agreement upon the tariff and internal-revenue bill. If so, these resolutions and counter-resolutions tend to defeat that object. Now I will ask the Secretary to read the message sent to us by the House of Representatives, that we may see what they have said to their committee. Just read the action of the House, the official action, and the only action we have before us.

The Acting Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 27, 1883.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, to be composed on the part of this House of five members.

Mr. SHERMAN. Mr. President——

Mr. GARLAND. I ask to have read the message they did not send us.

Mr. SHERMAN. I do not desire to have that read for a moment, and I will state the reason why. The only official message sent to us by the House of Representatives is one asking a free conference upon the disagreeing votes between the two Houses. What are they? First, the tariff section, which is one amendment proposed by the Senate which the House disagreed to; and, second, two or three amendments of a minor character in regard to internal revenue. Those are the disagreeing votes between the two Houses, upon which the House of Representatives asked us to confer. Now I will ask what the Senate responded to that?

Mr. BAYARD. May I ask the Senator a question? Has there been any vote whatever in the House upon the amendments of the Senate?

Mr. SHERMAN. Yes, sir.

Mr. BAYARD. Upon the Senate amendments?

Mr. SHERMAN. Yes, sir.

Mr. BAYARD. Read the message.

Mr. SHERMAN. I ask again that the Secretary read it. In that formal message to us they say they have disagreed to our amendments and ask a conference upon that disagreement. Read it again.

Mr. BAYARD. That was the formal resolution, but I am speaking as to the fact. There never has been any consideration by the House of Representatives of the action of the Senate on this bill at all.

Mr. SHERMAN. We know nothing but what they say to us officially, that they disagree to our amendments. That is not only formal, but precise, and they ask us to confer with them on that disagreement. Now I will ask that the Secretary read the action of the Senate.

The Acting Secretary read as follows:

Resolved, That the Senate insist upon its amendments to the bill (H. R. 5538) to reduce internal-revenue taxation disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Mr. SHERMAN. Here is an agreement on the part of the two Houses that there shall be a free conference, and an unusual mark is given to the importance of that conference by increasing in each House the committee to five, so that there will be five instead of three on the part of each House—a free and full conference. That is all we have before us.

But now the Senator from Arkansas tells us that the House have passed a resolution which they did not communicate to us. What have we to do with that? What right have we to criticise their conduct? What right have we to comment upon their action? It is not their formal action communicated to us. Suppose we should pass a resolution expressing our opinion about any subject-matter, whether before us or not, would the House be at liberty to discuss our action, to have it read and commented upon, and arraigned as raising grave constitutional issues? No, sir. I say the Chair was perfectly right in holding that we have nothing to do with the action of the House except the formal announcement to us of their action. But suppose on the other hand the conferees on the part of the House should present to our conferees a proposition not embraced in the disagreement between the two Houses, which only extends to these amendments, as a matter of course the Senate ought to have sufficient confidence in a committee of its own members thus selected to know that it would not undertake to act upon matters not referred to it. Is it to be presumed that the five members selected by the Presiding Officer here to confer with the House on the disagreeing votes of the two Houses as to tariff and internal-revenue legislation would allow the House conference to present to us a grave constitutional question never yet debated in the Senate in this connection?

It seems to me that the better way, therefore, is to let the formal action stand as it is, relying, as you may fairly rely from the nature of the case, that the conferees on the part of the Senate will not undertake to extend their jurisdiction to other questions not embraced in this conference. The conference itself is simply confined to the disagreeing votes of the two Houses on the amendments proposed by the Senate. If they propose topics that go beyond those, as a matter of course the Senate conferees would not consider themselves bound to receive or act upon those propositions outside of and beyond the scope of our instructions and beyond the scope of the reference to this committee.

It seems to me, therefore, that these resolutions are totally unnecessary, and that if we desire to expedite this business to allow these conferees to improve the little time that is left the matter ought to be left precisely as the record leaves it, a free and open conference between five Senators and five members of the House upon the amendments proposed by the Senate to the House bill. That is all there is of it.

For this reason I object to the resolution of the Senator from Arkansas as unnecessary, and I hope the decision of the Chair will be sustained.

I say further that by the established usage of parliamentary law and innumerable precedents, as is shown clearly enough by the precedents read by the Senator from Vermont, either House can if it chooses, verbally or in writing, formally or in any other way, let its conferees know how far it is willing they may go, and there is no trouble about it, and we have no right to inquire into the extent of that authority by the House any more than when two parties employ two lawyers to meet and confer on matters in dispute between them, those lawyers have a right to inquire as to the instructions they have received from their own private clients. These Senators and Members represent the two opposing bodies. They will gather the wishes of their respective bodies by the votes that have been cast in open Senate and House, and they will take the general tenor and course of the debate and action of the respective Houses as instructions which will govern them; and it is perfectly proper for either House to make those instructions explicit, definite, and limited without trampling at all upon the power of the other House.

Mr. GARLAND. I differ entirely, as far as the heavens from the earth, with the Senator from Ohio in the proposition he has stated that either House proposing a free conference can instruct its conferees how far they shall go and what they shall do. The only decision of any importance on that point which has been made here was a very significant one overruling one of the best parliamentarians of the Senate by a vote of 11 to 47, after the debate that was had on it by the Senator from Ver-

mont. I wish the Senate now to recollect the language of Mr. Hamlin where a distinction is drawn between a simple conference and a conference free and full. In a mere simple conference, of course, the rule is that you can instruct the conferees; but in a full and free conference it is unheard of and it has been stamped upon several times by significant votes of this body. This is no matter of private agency. The comparison of the Senator from Ohio falls, and falls to rise no more. These are plenipotentiaries of this body; not mere private agents to go out and sell a horse fifteen hands high or to buy one fourteen and a half hands high, but ministers with full power to confer fully and freely.

The resolution of the Senator from Kansas meets with my approbation. I only want to get at this matter in its real, genuine merits. My motion for a reconsideration, if passed, I intended to follow up with a resolution of that character or some other resolution to get at the question. I will state, if the Senate will listen, that it has not been dealt fairly with upon a case now of supposition. Suppose the other House of Congress after ordering a committee of conference on their part and requesting us to accede to it had passed a resolution of this character:

Whereas in the opinion of the House it is believed that such changes and alterations are in conflict with the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives: Therefore,

Resolved, That if this bill shall be referred to a committee of conference, it shall be the duty of the conferees on the part of the House on said committee to consider fully the constitutional objections to said bill as amended by the Senate and herein referred to, and to bring the same, together with the opinion of the House in regard thereto, before said conference, and if necessary in their opinion, after having conferred with the Senate conferees, said conferees on said committee may make report to the House in regard to the objections to said bill herein referred to.

I do not say the House have passed such a resolution as that; but suppose they had, would any Senator except the Senator from Ohio rise in his place and say that would be a free and full conference? I believe the Senator from Ohio said so, because he said positively this was not one of the questions voted on. So much the worse. The matter as it stood before was bad, but in the shape in which it is placed by the Senator from Ohio it is horrible beyond description that one House can say to the other, "While we ask you for a conference with our right hand, presto, change! with the left we are going to do this and not give you a full and free conference." The statement of the Senator from Ohio makes it illimitably and unutterably worse than it was before. What is wanted is a full and free conference, not a limited conference, not a simple conference. To escape from the conclusion, to say that the question was not voted on, but simply the question of the amendment was voted on, only makes it infinitely worse.

Mr. SHERMAN. I do not feel at liberty to discuss what action occurred in the House, but upon the supposititious case put by the Senator from Arkansas it is perfectly clear that even if such facts exist as he now states them, on the case that he presents, the words do not in the slightest degree limit the powers of the conference or extend them in the least but simply refer an additional question to the conferees not raised by the formal action of disagreement. There can be no objection at all to the House submitting any outside question of expediency, propriety, constitutionality, &c. It is sufficient to say that the question to which the Senator refers is not referred to in the formal action of the two Houses, which alone is the basis and foundation of the conference about to be entered upon.

Mr. GARLAND. Then, with due respect to the Senator from Ohio, he makes his case still worse; and I will show it. If I do not you can spit in my face and call me a horse, or anything else you please. The Senator from Ohio says that the House of Representatives, upon the supposititious case that I make, can order the committee of conference to have a full and free conference and then say "you must bind the Senate conferees upon a question that was not passed upon." That makes the case infinitely worse than it was before.

Now, what is the question? If such action as this has been taken by the House they say that we have transcended our constitutional limits. Come right square up to the question and let us meet it face to face, and we shall see how it dispels this gauzy objection of the Senator from Ohio. The Senate of the United States is presumed to know something of the Constitution; it is presumed to understand something of the Constitution; it is presumed to legislate with a view to the Constitution. If it does not it gets its inspiration and instruction from the other House. What are we now to be told?

"You have no constitutional authority to do this thing and we are now to meet you with this and defy you upon it." That is the question that the Senator from Ohio wants, a question that never was discussed in this body. Distinguished gentlemen like the Senator from Delaware [Mr. BAYARD], the Senator from Ohio himself, and the Senator from Vermont [Mr. MORRILL], whose term, I believe, numbers nearly thirty consecutive years in service in the two bodies, never raised this question. It was not brought here; it was not broached; and the Journals in the other House and this House are to say, "You do not understand what you are doing, but we will instruct the committee of conference to tell you what you are doing." That is the plain, unvarnished, unadulterated English of this matter.

Mr. MORRILL. Will the Senator permit me to interfere once more?

Mr. GARLAND. I will.

Mr. MORRILL. I see by the discussion it is apprehended on the other side that there is to be some jugglery about the consideration of the bill in the committee of conference, and that by the position taken by the House subsequently to the proposition for a conference it may be supposed that the committee on the part of the House will be instructed to strike out all but the internal-revenue bill. I wish to say that so far as I am concerned I do not so understand it, and so far as I am concerned I should not consent in the conference committee to any such operation.

Mr. GARLAND. Let any man look at these proceedings clear through. Let us be honest with one another and we shall be honest with the rest of the world.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The Senator from Arkansas will suspend for a moment while the Chair calls attention to the fact that the morning hour has just expired when the unfinished business comes up. It is not necessary that an order should be made. If the Chair hears no objection the discussion will proceed.

Mr. MORRILL. This matter ought to be disposed of, obviously.

The PRESIDING OFFICER. The Chair thinks so.

Mr. GARLAND. I will occupy the attention of the Senate but a little while. If any man looking at these proceedings clear through does not believe that there is to be jugglery in this matter, he must be blinder than all the bats that inhabit the earth. The simple proposition that came to us yesterday for a committee of conference is very plain to be understood, although it is a little unusual in its shape.

Mr. BLAIR. Will the Senator from Arkansas permit me just a moment? I suppose this proceeding will not interrupt the unfinished business when it is closed?

Mr. GARLAND. No, sir; not so far as I know.

The PRESIDING OFFICER. The Chair understands that this discussion is proceeding by unanimous consent.

Mr. HARRIS. The unfinished business is simply informally laid aside.

The PRESIDING OFFICER. It is simply informally laid aside, to come up as soon as this matter is disposed of.

Mr. BLAIR. Is it necessary that the Chair should formally lay the unfinished business before the Senate?

The PRESIDING OFFICER. It has been announced.

Mr. GARLAND. I say if a man can stand up and say there is not to be jugglery in this, and he does not see it, after all that has transpired, he must be blinder than all the bats that inhabit the earth. I would not have been tempted to lay my hand on it if I had not believed it. If the simple resolution that came yesterday stood alone and solitary, there was no occasion for any quarrel about it, but when I am informed that this is not all of it, and the record was suppressed, I deem it my duty to call it to the attention of the Senate and let it take proper action. The excuses furnished by the Senator from Ohio only make it worse and more glaring, because they say, "While we invite you to come to our feast, for we have sent you an invitation, we will sprinkle a little poison with it and interfere with your digestion, because you have not behaved yourselves in a proper way, or have done something else that we object to."

It makes these five members of the House the guardians and custodians of this bill. That is the long and short of it, and no sort of quibble of words, no circumlocution, no dialectics, no law, no rhetoric, no morals, or anything else will mistake the conclusion. It is as plain as my five fingers before me.

It is time that the Senate should halt and see whether it has been fairly dealt with or not. Here we took forty days and nights over this bill by the watch, and now we are told solemnly (at least it is supposed that we have been told) that we have transcended our constitutional duty, and the conferees are possibly ordered to bring that question back to the House prejudged, prestated, prerecorded; and that is to be settled in a closet, in a committee-room.

The Senate should not let this escape from its hands. So that we go at it directly without any equivocation is all I want. I am perfectly content with the resolution of the Senator from Kansas, and if it is acceptable to those gentlemen who agree with me I am willing to withdraw the appeal on the point of order and the motion to reconsider; but I want the Senate to come squarely to the question and see whether or not we are Little Leather Breeches yet hanging to our mothers' aprons and that we need guardianship on this matter.

Mr. BAYARD. I hope that the Senate, by unanimous consent, will take a vote on the resolution of the Senator from Kansas. It relieves the question of all doubt.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] objected to its reception.

Mr. SHERMAN. If the Senate can have a vote on that or any other proposition without further debate, I will withdraw my objection.

Mr. HARRIS. The Senate is ready to take a vote on the resolution.

Mr. BAYARD. I hope the Senator from Ohio will withdraw his objection and let a vote be taken, because it touches the very marrow of this question.

The PRESIDENT *pro tempore*. If there be no objection from any Senator, the resolution is before the Senate and will be read.

Mr. MORRILL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read, for information, and then the vote will be put upon it if there is no objection.

The resolution of Mr. INGALLS was read, as follows:

Resolved, That it is the opinion of the Senate that the conference on House bill No. 5538 should be full and free, and that if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees, the Senate conferees shall retire and report to the Senate for its consideration.

Mr. HOAR. I do not propose on the last Wednesday of the session, within four days of its termination, to object to the resolution, as it is to be passed without objection to save time; but I think it is my duty to say that there is nothing which has occurred anywhere, so far as I know or believe, which affords the slightest reasons for the passage of such a resolution by the Senate. It is only to save time that I make no objection.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The question now is upon the appeal.

Mr. INGALLS. That is withdrawn.

Mr. HOAR. I supposed the appeal was laid on the table, as the resolution was considered by unanimous consent.

The PRESIDENT *pro tempore*. Is the appeal withdrawn?

Mr. GARLAND. I withdrew the appeal by the consent of the Senate.

Mr. SAULSBURY. I sent up a resolution similar in its purport to the resolution offered by the Senator from Kansas. The adoption of his resolution will supersede the necessity of any action on mine.

Mr. GARLAND. It is understood that the point of order and the motion to reconsider are withdrawn.

The PRESIDENT *pro tempore*. It is.

Mr. GARLAND. Very well.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, relative to survey of a canal from Hennepin, on the Illinois River, by the most practicable and convenient route, to the Mississippi River at or above Rock Island, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting one from Major W. E. Merrill, Corps of Engineers, in relation to the work for the construction of the ice-harbor at the mouth of the Muskingum River; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Navy, transmitting a partial report of the Navy-Yard Commission appointed under the act of Congress of August 5, 1882; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Navy, transmitting, in compliance with law, a memorandum showing the condition of the several libraries in his Department; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the city officers of Grand Rapids, Michigan, and a letter of the Michigan State board of health of Lansing, Michigan, in favor of an appropriation to continue the immigrant-inspection service; which were referred to the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases.

Mr. BROWN presented a petition of citizens of Saint Mary's, Georgia, praying for the preservation and prosecution of the work upon the jetties at the entrance of Cumberland Sound, and for a reasonable appropriation therefor; which was referred to the Committee on Commerce.

He also presented a petition of workingmen, employés of the Cherokee Iron Company at Cedartown, Georgia, praying that Congress will adopt no lower rates of duties on any foreign-manufactured products than are recommended by the Tariff Commission; which was ordered to lie on the table.

Mr. HARRISON presented the petition of Georgetta Harp, of Posey County, Indiana, widow of Burgess Harp, late a private in Company K, Eighty-first Regiment Indiana Volunteers, praying an increase of pension; which was referred to the Committee on Pensions.

CENSUS REPORT MAPS.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports; which was read twice by its title, and referred to the Committee on Printing.

HOUSE BILL REFERRED.

The bill (H. R. 7679) to establish certain post-routes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. HAMPTON submitted amendments intended to be proposed by them respectively to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations.

Mr. JONAS, Mr. VOORHEES, and Mr. WINDOM submitted amendments intended to be proposed by them respectively to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed Mr. EMORY SPEER, of Georgia, a member of the conference committee on the part of the House on the bill (H. R. 5538) to reduce internal-revenue taxation, in the place of Mr. S. J. RANDALL, of Pennsylvania, excused at his own request.

RATES OF PENSIONS.

Mr. BLAIR. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order, the unfinished business, will be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1410) to amend the pension laws by increasing the pension of soldiers and sailors who have lost an arm or a leg in the service.

Mr. MITCHELL. I ask the Secretary to read the bill.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one arm, one hand, one leg, or one foot, or shall have suffered disability equal thereto, shall be entitled to a pension of $40 per month.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Missouri [Mr. VEST] in line 7, to strike out the words "or shall have suffered disability equal thereto."

Mr. MITCHELL. Mr. President, this bill, known in the country as House bill 1410, which proposes to increase the pensions of soldiers of the late war who lost an arm or a leg in the service, passed the House of Representatives on the 8th day of June last, came to the Senate, and was referred to the Senate Committee on Pensions. Immediately that committee was inundated with a flood of petitions coming from every section of the country, asking the immediate consideration of the subject. The committee itself was beset with delegation after delegation representing especially the class of soldiers and also other classes, the Grand Army of the Republic, and others, asking also that the committee should act promptly upon the subject.

It had been stated in the House of Representatives when they passed this bill that it would involve an increased expenditure for pensions of only about $1,000,000; the highest figure given being $1,500,000. The Committee on Pensions of the Senate, having the question in their mind in regard to that statement, thought proper to delay their action in order to inquire more carefully into the subject. Before Congress adjourned last August it was apparent to the committee that if the House bill were to pass it would involve an annual expenditure of more than $5,000,000, so that that question came to be one of very great importance as it was thought by the committee. Finally it was impossible to secure its passage at the last session of Congress, and the whole subject went over in the final hours of that session to the session which met in December.

The question now before the Senate is an important one, on the amendment moved by the Senator from Missouri. It is not my purpose to address myself especially to that, but rather to review as hastily as I can the general situation on the subject.

The Committee on Pensions is divided into four sections on this question, as will be seen by those Senators who have done the committee the honor to read their several reports. There is a report which stands *pro forma* as the report of the committee, although concurred in by only four members of that committee, against the passage of the bill. There is a minority report signed by two Senators on this side of the Chamber in favor of the passage of the bill. There is another minority report signed by two Senators upon this side of the Chamber proposing important amendments, which are embraced in the proposed amendment submitted by the Senator from New Hampshire [Mr. BLAIR]. There is also another report, made by the Senator from Connecticut [Mr. PLATT], accompanied by a proposed amendment by him.

Pending the consideration of this question, in pursuance of a resolution adopted by the Senate, there came to the Senate a communication from the Secretary of the Interior forwarding to us a letter from the Commissioner of Pensions, which gives very interesting information upon the subject. Certain inquiries were made of him with a view to ascertain if possible how large an increase would result in the annual expenditures under this proposed bill. I will read from that report a portion which covers, I think, the House bill as it was presented to the committee.

The Commissioner of Pensions reports that there are now upon the roll 1,108 soldiers who lost a hand; 3,564 who lost an arm above the

elbow or at the elbow joint; 2,523 who lost a foot; 1,966 who lost a leg, meaning by that amputated at the knee-joint or above it; 15 who lost a hand and foot; and 6 whose limbs were amputated at the hip-joint. Upon the first class, those who lost a hand, by the House bill there would be an increased monthly allowance of $22, as they are now entitled to receive only $18, and the bill proposes to give them $40. That would involve an increase to that class alone of $292,512. Of the next, those who lost an arm, 3,564, the bill proposes to raise them from $24 a month to $40 a month, an increase of $16 a month. There would result in that class an increase of $684,288. To those who lost a foot, the number being 2,523, there would be an increase of $22 a month, resulting in a gross increase of $666,072. To those who lost a leg, numbering 1,966, there would be an increase of $16 a month, making a total increase of $377,472.

Those who lost a hand and foot now receive under the law $36 a month, and they would receive by the proposed bill as it passed the House $4 increase, which would add $720 to the pension-roll. The six who have suffered amputation at the hip-joint would receive only an increase of $2.50, which would add but $180 to the pension-roll.

The total number, it will appear by a glance at these figures, of those who have suffered amputation is 9,182, and the total increase resulting from the passage of the bill to cover those cases of actual amputation would be $2,021,244. But the bill as it came from the House includes that provision which the Senator from Missouri proposes now to strike out; that is, those who have suffered a disability equal thereto, "equivalent disability claims," as they are called under the existing pension laws. The Commissioner's estimate as to them is as follows:

8,847 now receiving $18 per month, and the net increase will be	$2,335,608
1,552 now receiving $24 per month, and the net increase will be	297,984
232 now receiving $31.25 per month, and the net increase will be	21,576
14 now receiving $36 per month, and the net increase will be	672
280 are officers above the rank of first lieutenant, and the estimated net increase will be	60,480

In all 10,925, and a net annual increase of $2,716,320 for equivalent disabilities.

The Commissioner also estimates that of the pending applications, if this bill should become a law, enough would be allowed during the current year to increase the amount $450,000, and his estimate by a percentage of allowances, taking the history of that department for all those applications now pending, when considered and acted upon, is a further increase of $892,000; so that the total increase as estimated by the Commissioner of Pensions under the bill as it came from the House would be $6,079,564.

If the House bill were to become a law and Congress were disposed to deal equitably with other classes of pensioners, it would be necessary to increase the rates in other cases. The questions propounded to the Secretary of the Interior under the resolution adopted by the Senate led the Commissioner of Pensions to make an estimate also covering what would be likely to follow if a pro rata increase were made as to them, if such legislation should be enacted, and the result of his calculations is that this bill would legitimately result finally in an annual increase of about $18,000,000.

In view of this very large proposed increase in the annual expenditures for pensions, the committee thought that it would be wise for Congress at this time to consider the whole question, not to go about it piecemeal granting an increase to one class and omitting to consider the claims of other classes, but to consider the whole subject together. At least that was the judgment of a majority, I think, and their views are presented in the several reports which are now before the Senate.

The proposition of the Senator from Missouri to strike out the equivalent-disability clause in the bill, in my judgment, is very unjust. If we are to do anything on the subject, that ought to be retained in the bill. I have received from a very large number of soldiers embraced within this class a very interesting statement describing their physical condition. We have here about us every day a number of ex-soldiers who illustrate the injustice of such a proceeding as that, where soldiers have not actually suffered amputation, but have suffered so great physical disability, resulting from wounds or otherwise, from their service as to make them in many cases deserving of greater liberality, if possible, from Congress than they would have deserved had they actually suffered amputation.

I recognize the importance at this stage of our proceeding of being as brief as possible in presenting my views and the views of the committee on the subject, and I shall hasten to a conclusion. Under the existing law the soldier who lost a hand or a foot receives $18 per month. This bill proposes to raise the pension to $40 per month. One who has lost a leg at the knee-joint or above it, or an arm at the elbow-joint or above it, now receives $24 per month, and it is proposed to raise this class to $40 per month. Those who have suffered amputation at the hip-joint receive $37.50 per month, and the proposed bill gives them $40, an increase of only $2.50 a month.

It was, I think, the general opinion of the committee that if we were to legislate upon the question at all we ought to graduate the rates somewhat with respect to the actual physical disability suffered in the several classes of cases covered by the bill, and that it would be unjust to grant in the one case an increase of $22 a month, in another of $16, and in another of only $2.50 per month.

In view of these conclusions, the minority of the committee, whose report I signed, has presented an amendment to which I desire to call the attention of the Senate for a moment. That amendment proposes to raise the $18 class to $24, the $24 class to $30, the $31.25 class, those who have been disabled from performing manual labor and who need some attention from other persons, but who are not permanently disabled, to $40; those who have lost a foot or hand, who now receive $36 per month, $40; and those who have suffered amputation at the knee joint to $40 from $37.50. The amendment presented by the Senator from New Hampshire also proposes to cover two other very meritorious classes of pensioners, those who have lost an eye or who were so injured as to be rendered deaf or partially deaf.

Under the existing law the soldiers who lost one eye received a pension of only $4 a month. We regard that as grossly unjust to that class. The soldier who is permanently and totally deaf receives only $13 a month under existing law. It is proposed by the amendment submitted by the Senator from New Hampshire to increase the pension of those who have lost one eye from $4 to $12 a month and allow them an equitable increase for any greater injury by affecting the sight of the other eye not exceeding $40 a month. That, of course, would be graded on the certificates of the surgeons in the Pension Office. For total deafness it is proposed to increase the present rate from $13 a month to $30 a month, and to make an equitable allowance for any disability of that character of a less degree, leaving that also to be settled by the tests of the surgical examination.

This I believe covers all the cases of specific disabilities, so called under the law, included within the proposition of the Senator from New Hampshire; but there is another very important provision in that amendment, which is to increase the total rate which is now divided into fractions according to disability by the practice of the Pension Office from $18 to $24 a month. It was thought by the Senators who agree to that report and generally by the Senators composing the committee that if we were to increase pensions in cases of specific disability we ought to reach this class, who in many instances, I think, are entitled to as great pensions as those who have suffered an actual amputation of an arm or a leg. Therefore the bill proposes, as I stated, to increase the maximum which may be allowed in other cases to $24 a month, leaving it to the Department to regulate the amount that should be allowed according to the disability.

I think that this proposition covers all known classes of pensioners now on the rolls except those not invalid and except the cases of widows and orphan children. I confess that it was with very considerable hesitation that I agreed to the report and to have this amendment proposed here without inquiring into the claims of the widows of soldiers of the late war. I think we shall have to meet that question in the future if we do not meet it now. We have been appealed to by numbers of that class, and I think they urge with a great deal of force and reason that they are certainly as much entitled to liberal consideration from the Government in its bounty as those whose husbands survived the war. But there is no proposition on that subject before the Senate. I mention it simply that Senators may take it into consideration when they come to act upon this subject, for I think that the whole question ought to be carefully considered, and that whatever action is taken ought to be a reasonable and proper graduation with regard to disabilities, and that it ought to be symmetrical, that it ought not to be, as has been too often the case in legislation in former years, action only on one particular class of cases, disregarding others who may be and often are quite as meritorious.

The Commissioner of Pensions has had the kindness also to make an estimate as to what will be the increase of the annual pension-roll if the amendment proposed by the Senator from New Hampshire should be adopted. Senators will find that statement in the report submitted by my colleague on the committee, the Senator from New Hampshire, on the last page. The statement from the Commissioner of Pensions is as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 24, 1883.

Memorandum.

Thirty-six hundred and thirty-one pensioners who have lost one hand or one foot, now receiving $18 per month, and to be increased to $24 per month. Net annual increase, $261,432.

Fifty-three hundred and eighty who have suffered amputation at or above the knee, or the elbow, now receiving $24, and to be increased to $30 per month. Net annual increase, $419,760.

Sixty who have suffered amputation at the hip-joint, now receiving $37, and to be increased to $40 per month. Net annual increase, $180.

One hundred and fifty who have suffered amputation at the shoulder-joint, now at $24, and to be increased to $40 per month (this number estimated). Net annual increase, $28,800.

Fifteen who have lost one hand and one foot, now receiving $36, and to be increased to $40 per month. Net annual increase, $720.

One hundred and twenty-five totally deaf, now receiving $13, and to be increased to $30 per month. Net annual increase, $25,500.

Two thousand who are pensioned for impaired hearing, less than total deafness, now receiving $1, $2, $4, and $6 per month, and to receive an equitable portion of $30 per month. Net annual increase (estimated), $312,000.

Two thousand who have lost one eye (estimated), now receiving $4 per month, and to be increased to $12 per month. Net annual increase, $192,000.

Four thousand (estimated) who are receiving a pension for impaired sight, other than the loss of one eye or of total blindness, now receiving the several rates from $2 to $16 per month, and to receive an equitable proportion of $40 per month. The net annual increase is estimated at $700,000.

Nineteen thousand four hundred and twenty-three pensioners now receiving $10, $12, $14, $16 per month, who will be entitled to a proportion of $24 per month, and the net annual increase is $1,398,456.

Eighty-eight hundred and forty-seven who have a disability equivalent to loss of a hand or a foot now receiving $18, and to be increased to $24, $30, and $40 per month. Net annual increase (estimated), $1,667,804.

Fifteen hundred and fifty-two now disabled for the performance of any manual labor, receiving $24 per month, and to be increased to $40 per month. Net annual increase, $287,998.

Two hundred and thirty-two now receiving $31.25 and to receive $40 per month. Net annual increase, $24,360.

Add $100,000 for commissioned officers and the addition to the roll since June 30, 1882, and the net annual increase for all classes is estimated at $5,429,010.

That is a careful analysis of all cases on the pension-roll covered by the proposition of the Senator from New Hampshire. Senators should bear in mind that it only covers those now upon the pension-roll. It will appear that the increase of expenditures on account of pensions will not be as much for those now actually upon the pension-roll, under the proposition of the Senator from New Hampshire, as would result from the passage of the bill as it came to us from the House. Of course pending cases will add somewhat to this expenditure; but it is the opinion of the Commissioner, and in this the Senator from New Hampshire and myself concur, that it will not result in a very large increase, for the reason that this class of pensioners are rapidly passing away. That to my mind is one consideration for further extending the liberality of the Government to them. It is stated in this report that the probability is that the annual increase will not exceed $6,000,000 or $7,000,000. I think that is a pretty fair estimate, so far as I am able to understand the figures presented to us by the Commissioner.

On the general question as to the propriety of any increase at this time I should like to read to the Senate some cases where examinations have been made by surgeons, and I assure Senators that they appeal strongly to me, as they have done so personally, many of them presenting their cases to me and some of them appearing before the committee. The following paper was furnished to me from the record of those examinations:

Representative cases of effects of amputation—Index to physicians' statements of pensioners who have suffered the loss of limbs.

1. Name and case of pensioner: Christopher A. Miller, suffering nervous prostration from necrosis of the left femur. Names of physicians: Daniel Kernborts, M. D., Dr. Joseph Frosek, S. C. Lane, M. D., all of San Francisco. These statements indorsed by General W. S. ROSECRANS, Member of Congress, and JOHN T. FARLEY, United States Senator.

2. Name and case of pensioner: William Darling, Fish Creek, Door County, Wisconsin; loss lower limb, suffering partial paralysis of the whole side, caused by the nervous shock. Name of physician: A. MacEacham, M. D.

3. Name and case of pensioner: Ezra Reagles, Richland County, Wisconsin; suffering from tumor on the end of the stump, an irritability of the nervous system. Name of physician: Dr. W. W. Stewart.

4. Name and case of pensioner: Jacob Barner, La Fayersville; loss right arm, suffers inflammation of the stump and swelling, also spasms of the facial nerve, &c., under treatment for two years constantly. Name of physician: H. B. Potter, M. D.

5. Name and case of pensioner: Peter Myers, Union Grove, Wisconsin; loss lower limb, suffers with tender stump, inflammation and suppuration frequently, also neuralgia. Name of physician: Dr. A. L. Buchar.

6. Name and case of pensioner: Stephen H. Powell, Elizabeth, New Jersey; loss lower limb, suffers severe neuralgia of the stump, general debility, and piles. Name of physician: Robert Metcalfe, M. D.

7. Name and case of pensioner: John P. Hartman, Versailles, Illinois; loss right arm, suffers from wasting of the anterior and posterior muscles of the chest and wasting away of the whole left side and partial paralytic condition. Name of physician: John Bond, M. D.

8. Name and case of pensioner: ——— ———, Marseilles, Illinois; the difference as stated between amputation and useless limb, the severing of muscles, arteries, veins and nerves, in amputation causes shrinkage of the parts thereby affecting the whole body. Name of physician: B. Wilson, M. D.

9. Name and case of pensioner: Captain John M. Meyer, Allentown, New Jersey; loss of arm, suffers from nervous affections caused by amputation. Name of physician: A. Alex. Howe, M. D.

10. Name and case of pensioner: Joseph Gamble, Sardis, Ohio; loss of lower limb, suffers erysipelas and rheumatism and wasting of the whole body. Name of physician: Dr. T. J. Rowe.

11. Name and case of pensioner: Henry Fluke, Berg, Franklin County, Missouri; loss of left arm, suffers rheumatism and nervous disturbance. Name of physician: Charles Workhauson, M. D.

12. Name and case of pensioner: H. Brown, Lincoln, Centre, Kansas; constant sufferer from paralysis. Name of physician: Frank Cogswell, M. D.

13. Name and case of pensioner: Charles Carpenter, Holmesburgh, Pennsylvania; loss of right leg, suffers from nervous affection, tender and sensitive stump, affects his general health. Name of physicians: Benjamin Pennebukn, M. D., J. Pearson Willets, M. D., Samuel J. Fort, M. D.

14. Name and case of pensioner: Obediah Underwood, Knox County, Ohio; when healed caused abscess of the left hip, never healed. Name of physicians: A. C. Scott, M. D., D. H. Coleman, M. D.

15. Name and case of pensioner: James Brodie, Mound City, Illinois; loss right arm at shoulder, and two fingers of left hand, wounded in leg, suffers general debility. Name of physician: N. R. Casey, M. D.

16. Name and case of pensioner: Howard Allen, Philadelphia, Pennsylvania; loss of lower limb, suffers inflammation of stump and abnormal condition of nervous system. Name of physician: W. C. Phelps, M. D.

17. Name and case of pensioner: Richard Burke, Medina, New York; loss of hand, suffers neuralgia and rheumatic disturbance from nerve injuries. Name of physician: R. S. Bishop, M. D.

18. Name and case of pensioner: L. D. Coombs, M. D., Colorado Springs, Colorado; loss right leg, has suffered three amputations, constant neuralgic pains, nervous system entirely broken down. Name of physician: L. D. Coombs, M. D.

19. Name and case of pensioner: George S. Casey, McLeansborough, Hamilton County, Indiana; loss of arm, suffers wasting of muscles, constant pain, and stump which discharges pus. Name of physician: R. Millard, M. D.

20. Name and case of pensioner: James I. Edwards, Bethlehem, Pennsylvania; amputated limb forms pus cavities from necrosed bone, and irritation of the nerves. Name of physician: A. B. Stout, M. D.

21. Name and case of pensioner: James I. Edmunds, Bethlehem, Pennsylvania; loss left leg, suffers necrosed bone; very tender and chronic indolent ulcer on the stump; had erysipelas. Name of physician: C. E. Humphrey, M. D.

22. Name and case of pensioner: Charles Eaton, Cincinnati, Ohio; loss right arm, suffers nervous irritation of the stump, also fracture of left arm, disabling it. Name of physician: O. D. Norton, M. D., late acting assistant surgeon, Washington Park Hospital.

23. Name and case of pensioner: William Hael, Verndale, Minnesota; loss of arm, suffering constantly; severe pain from severing of nerves, &c., growing helpless. Name of physician: Dr. W. W. Morell.

24. Name and case of pensioner: Michael Fumey, Liberty Centre, Ohio; loss left leg, suffers loss of general health; increasing weakness of amputated leg, extending to the whole left side. Name of physician: D. E. Haug, M. D.

25. Name and case of pensioner: Samuel Stout, Salem, Massachusetts; loss right foot, the severing of nerves and arteries causing a severe shock to the system, causing debilitating effect on the general health and strength. Name of physician: Thomas Kittredge, M. D.

26. Name and case of pensioner: William Stockdale, Oden, Indiana; loss of limb at thigh, bone and nerve but thinly covered; suffers with severe sciatica in the stump constantly. Name of physician: B. F. Moffitt, M. D.

27. Name and case of pensioner: Jonathan Stamp, Newfield, New York; loss left arm; amputation caused a severe nerve shock; was ill over a year from erysipelas in the stump; suffers constant pain from severed nerves and inflammatory condition of erysipelatous character, and tender bone. Name of physician: W. A. McCorn, M. D.

28. Name and case of pensioner: John Scott, Bath, Steuben County, New York; loss of left arm and finger of right hand, totally prevents him from earning a living. Name of physician: J. S. Dolson.

29. Name and case of pensioner: A. Shafer, Mount Ephraim, Ohio; loss of lower limb; suffers neuralgia of the nerves; treatment affords only temporary relief. Name of physician: M. F. Neville, M. D.

30. Name and case of pensioner: Daniel L. Saeger, North Manchester, Indiana; loss of leg, suffers projecting bone, tightly covered with the integument; has neuralgia of the stump. Name of physician: J. M. Walsheimer, M. D.

31. Name and case of pensioner: Louis Rabbideau, Medford, Wisconsin; loss of leg, is a physical wreck and unable to earn anything. Name of physician: Fred Barrett, M. D.

32. Name and case of pensioner: John Reagan, Fall River, Massachusetts; unfit to perform manual labor. Name of physician: James E. Sullivan, M. D.

33. Name and case of pensioner: John W. Reagers, Delavan, Wisconsin; loss of leg, suffers constantly since the amputation; kidney trouble; also with hip, knee, and ankle. Name of physician: J. Cook Sultman, M. D.

34. Name and case of pensioner: Nathan L. Newcomb, Cleveland, Ohio; loss of right arm, suffers spasmodic nervous affections from injury to the nerves, numbness of remaining limbs, and sudden shocks to whole nervous system. Name of physician: S. L. Thorpe, M. D., dispensary physician, H. H. Medical College.

35. Name and case of pensioner: Charles S. Nehimiah, Lowell, Indiana; loss of right leg, suffers suppurating stump; spicules of bone are thrown off; is entirely helpless. Name of physician: John E. Davis, M. D.

36. Name and case of pensioner: Alexander Perry, Penn Yan, New York; loss left leg, suffers from imperfect amputation; lack or tissue or covering, intense pain, nervous system affected, and rheumatism. Name of physician: J. M. Waddell, M. D.

37. Name and case of pensioner: William Han, Alfordsville, Indiana; loss left leg, suffered two amputations; has ulcerated stump and disagreeable sensation; toes of the amputated limb cause much suffering. Names of physicians: John S. Mitchell, M. D., A. W. Bingham, M. D.

38. Name and case of pensioner: Josiah G. Messer, Mechanicstown, Maryland; loss right arm, suffers from severed nerves and arteries. Name of physician: Dr. M. E. Leatherman.

39. Name and case of pensioner: William H. Ingle, McClean, Ohio; loss left arm at shoulder joint, suffers atrophia of muscles of shoulder and chest, shortness of breath, neuralgia of the stump, and general nervous debility. Name of physician: E. B. Harrison, M. D.

40. Name and case of pensioner: Terrence Monahan, Lowell, Massachusetts; loss left lower extremity, suffers severe neuralgia and tender stump; never free from pain except when under an opiate. Name of physician: Stephen J. Johnson, M. D.

41. Name and case of pensioner: Edward Kennedy, Saint Louis; loss right arm at shoulder; nervous system shattered; partial paralysis. Name of physician: J. J. Rowe, M. D.

42. Name and case of pensioner: Surgeon's statement sworn to showing the effect of an amputation upon the nervous and circulatory systems differing from a useless limb not amputated. Name of physician: Allen S. Smith, physician and surgeon.

43. Name and case of pensioner: Ephraim Gross, Toledo; loss right leg; irritation of the limb and nerves drag greatly upon the constitution. Name of physician: J. T. Wood, M. D.

44. Name and case of pensioner: Jacob Kapp, Ripley, Ohio; loss of leg, suffers irritability and nervousness of the stump. Name of physician: J. L. Wylie, M. D.

45. Name and case of pensioner: John Morgan, Coal Creek Furnace; loss of left lower limb, suffers neuralgia of the stump, decaying of the muscles, and hernia. Name of physician: Joel Smith, M. D.

46. Name and case of pensioner: William H. Moore, New Haven, Connecticut; loss of right foot, causing a third amputation of leg below knee; health permanently impaired in consequence of prolonged suffering. Name of physician: Francis Bacon, M. D., late surgeon United States volunteers.

I am aware that there is no government extant to-day, nor has there ever been in the history of the world, which has been so liberal as ours to its citizens who have served it in war; but though that be the fact, neither is there any precedent for this country. This is a Republic which must depend in time of war (and no one is far-seeing enough to know how soon that may befall us again) upon its citizen soldiery. So far as I am able to understand the public opinion of this country, of my State especially, the people desire that Congress shall go to the utmost limit that it can afford to proceed in providing for the necessitous, maimed, wounded, and suffering survivors of the late war for the Union. I sympathize with that sentiment, and I am in favor of a large increase to this class of pensioners. I would go as far and do as much as any Senator or any citizen to prevent fraud upon the pension law; and I desire to be as liberal as I think we can afford to be in extending to the soldiers of the late war that bounty which the munificence of this Government is capable of extending to those who saved it in time of peril.

Mr. PLATT. I move as an amendment to the amendment of the Senator from Missouri to strike out all of the bill after the word "duty," in line 6, and to insert in lieu thereof what I send to the desk.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Acting Secretary read as follows:

Shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month; that all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Mr. WILLIAMS. Mr. President, it seems to me that we had better at once amend this bill and declare that all men upon the pension-roll shall draw $40 a month, for it will come to that. It strikes me that the laws we have already are good enough. By the present law the pension is graduated according to the degree of disability. But here is a proposition to put a few thousand men, meritorious no doubt, upon the pension-roll; and then another clause declares that all other pensioners who have received injury equivalent to the disability of losing a hand or a foot shall be put upon the pension-roll likewise at $40 a month.

We have now applying and already on the pension-roll nearly half a million persons. Does not anybody know that the mere loss of a hand or a foot does not amount to the same degree of disability that a gunshot or a bayonet wound through the body may produce upon the muscular or nervous system? Suppose you say that a man who has received an injury equal to the loss of a foot shall be put upon the pension-roll at $40 a month, for that is a provision of the bill, how easy will it be to procure the certificate of country doctors that a stiff knee equals the loss of a foot or a leg, that a stiff elbow equals the loss of an arm, that a stiff neck equals the loss of the head?

Mr. President, I have always been on the side of the soldier. I do not know that I have voted against a single pension bill during my service in the Senate. A brave man always sympathizes with another, even though he fights in an army opposed to him. We cherish no animosity; we are for giving pensions to honest soldiers; but to open the door as this bill will do to plunder from the Treasury I can not give my assent to. It is worse than the arrearages-of-pensions act. Fully half of the men now on the pension-roll will make out a disability equal to the loss of a foot or an arm. We know that a man may lose a hand or a foot and be a stout, strong man, able to perform any manual or intellectual work in the world. My observation has been that men wounded in the body suffer more ailment, more inconvenience, and are more greatly disabled than those who lose a hand or a foot.

Instead of increasing the pension-list two, three, four, five, and the highest estimate, I believe, is nine million dollars a year, your pension-list would be increased more than $50,000,000 a year. Who shall say that a stiff elbow or a stiff shoulder is not equal to the loss of an arm? Who shall say that a varicose vein in the leg, which impedes the man's walk, is not equal to the loss of his leg?

I like always to see soldiers pensioned. I have no feeling of unkindness or animosity toward them. One brave man loves another, although he fights against him under a different flag; a fellow-feeling makes them kind toward each other. We do not object to it down South, although we pay a part of the pensions ourselves. Our boys get no pensions. You have appropriated ample sums to buy artificial limbs. You have gathered up the remains of your men from all the battlefields of the South. You have put them into costly cemeteries; you have erected monuments of marble and brass and granite; you have fenced them in with iron and with stone, you have decorated them, and you have your annual celebrations. We have with us down South no government to take that care of our men.

Mr. HOAR. Do not the Union soldiers of the State of Kentucky receive pensions like those in other States?

Mr. WILLIAMS. Of course we do, and I will come to that in a moment. I am not complaining of soldiers receiving pensions, but I do complain of making one-half of the people of this country pensioners and making the others pay those pensions. I was just saying we did not complain of it, although down in the extreme South we do not share in its benefits. Our brave men who fought on the confederate side have usually been buried on the battlefields where they fell. A few of them have been gathered by private enterprise into cemeteries, and those cemeteries are neglected, overgrown with rank weeds and briers, and the little boards put at the head and foot to tell who the soldier was have rotted away in time and it is impossible now to distinguish who it is that lies there.

We do not complain of that, but we do complain that you attempt here by reorganizing the whole pension-list to put from 100,000 to 200,000 men on the pension-rolls at $40 a month, for that would be the result. I am opposed to it as much as I have been in favor of these pensions all my life. I have rarely, if ever, voted against allowing a soldier's claim for pension on this floor, and I regret that a proposition so monstrous as this has been presented to the Senate that I can not vote for it. This is a little too steep for me. I can stand a great deal, but I can not go to the full extent of this law. The fact is, the majority of the committee propose to indefinitely postpone the bill, which ought to be done, and I hope will be done. The law is good enough as it stands. It gives to a man a pension in proportion to the degree of his disability, ranging from one-fourth, one-half, and three-fourths up to full disability, and reaching as high as $71 a month.

Sir, the object of a pension law is not to enrich the pensioner; it is to protect him against want, to keep him from the poor-house, to prevent him from appealing to public charity. Forty dollars a month is a fortune for a common man. Twelve times forty, $480 a year, is a princely income to a plain Western or Southern man. One hundred and fifty dollars a year is ample to clothe and feed any man who has not expensive tastes and desires, and to tax the people North, South, East, and West to put from 150,000 to 200,000 more men on the pension-roll at $40 a month is a thing that can never get my support.

Mr. VOORHEES. Mr. President, I have this moment come into the Senate Chamber, having been called out necessarily, and I have heard the half dozen concluding sentences of the Senator from Kentucky [Mr. WILLIAMS]. The degree of accuracy with which that Senator speaks on this subject is quite amazing to me. He speaks of this bill in behalf of the one-legged and one-armed soldiers of the country as a bill to place, I think he said, from 100,000 to 150,000 additional pensioners on the roll. I have the statistics and figures here on the subject.

Mr. WILLIAMS. If the Senator will allow me, I will say that he could not have heard what I said. I know he does not want to misrepresent me. I said for the few thousands of one-legged and one-armed men whose pensions it would increase the bill would amount to very little, but there is a clause in the bill which proposes to give all pensioners $40 per month who received disabilities equal to the loss of a hand or the loss of an arm or the loss of a leg, and that to put them on the pension-roll at $40 per month would open the doors of the Treasury to the plunder of two or three hundred thousand men, which in my judgment it will do.

Mr. VOORHEES. I am speaking of men who have suffered the loss of a limb. The feature of the bill spoken of by the Senator from Kentucky can be regulated hereafter. There are less than 15,000 persons who suffered amputation of a limb in 1870, and to-day one-half of those are dead and in their graves. The vital statistics on this subject are simply appalling. They show beyond all controversy or contradiction, as accurately as the work of an actuary of an insurance company can show anything, that the average diminution of a lifetime to one who has suffered the loss of a leg or an arm is fifteen years. The average lifetime of the soldier who suffered such loss at this time can not be over forty-five years. I hazard nothing in saying that in ten years, or fifteen years at most, nobody will be troubled and no Senator will be on this floor declaiming against a measure of relief for this class of pensioners; they will have been mustered into eternity. The facts and figures demonstrate this fact.

If the Senator from Kentucky thinks that $480 a year is too much to pay to these men for the remnant of their lifetime, shortened as it is on an average by fifteen years, he and I differ widely. It is the smallest and most contemptible pittance. Perhaps I should not use the word "contemptible," because the Government never can do full justice; but when you compare it as an equivalent to what has been lost in the service of the Government, when you speak of this money as something paying for what these people have lost, then it becomes utterly contemptible.

I am for this bill as a measure of justice, as far as it goes, but it is wholly inadequate. This Government never can repay the men who have suffered losses of this kind. I challenge the attention of the Pensions Committee, I challenge the attention of Senators, to the statement which I have made—that the vital statistics show this average loss of lifetime to men who have been mutilated by the loss of a limb, and that being an established fact I ask Senators whether they are willing to record their votes that $40 a month for the little remnant of life that is left is too much. My only regret is that we can not give them more.

The PRESIDING OFFICER (Mr. BROWN in the chair). The question before the Senate is on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. PLATT. I offered an amendment, which I supposed was in order, in the nature of an amendment to the amendment, but I have been informed by the Presiding Officer of the Senate that although he entertained it for the moment he does not think it is in order at this time. If the pending amendment should or should not prevail, I shall then offer my amendment.

Mr. VAN WYCK. Mr. President, I desire to say only a few words on the amendment at this time. If it is the desire of the Senate to defeat the bill which has come from the House, House bill No. 1410, or a similar bill, that is one question; but if it is the desire of the Senate that this class of pensioners shall receive additional pensions to what they are now receiving, that is another question. I say that if the Senate desire to increase the pensions of one class of disabled soldiers, in my judgment it should be those proposed to be stricken out, those who suffered an equivalent disability, because, as my friend has stated, there are those who suffer really more of actual suffering and of inability to

take care of themselves, to secure the sustenance of life, who have received injuries which are not so patent to the eye probably as the loss of a limb, but really more injurious. It covers the case of the soldier who has come out of the war with the asthma, with consumption, with hernia, with paralysis of a limb, not requiring amputation, from the effect of a gunshot wound; and I only wish to suggest at this time that at least that clause should be kept in the bill, and if it should ever happen that a majority of the Senate disagree entirely to an increase of pensions to any class, then that should be squarely voted on.

Mr. SLATER. I do not desire to say very much upon this bill, but I wish to call the attention of the Senate to a few facts before they enter upon the passage of this bill.

I think that some measure increasing the rates of pension will be passed. The bill as it came from the House will add to the pension-list immediately, that is, to the annual cost of the pension-list of those now upon the roll, known to be there by the office, who are suffering and are known to be suffering the disabilities described in the bill, $5,187,564. That is for those who have lost a hand or an arm or a foot or a leg, to say nothing about equivalent disabilities, to say nothing about the increase that may come from the large number of claims now on file, although that class perhaps will not be very largely increased in the future. It is fair to be presumed that most of those who have suffered this class of disabilities are already upon the pension-roll; but from the statements of the Commissioner of Pensions there must be added to the figures already given for claims now pending of this class $892,000 more, making for that class $6,079,564.

I should have said that at this time the equivalent disabilities for the loss of a leg, an arm, a foot, or a hand will be $2,021,244, and for equivalent disabilities of those now on the pension-roll, which are supposed to number in all 10,925, which would make a net annual increase of $2,716,329 for equivalent disabilities.

Taking into account the $892,000 which would be due on claims pending, as the bill now stands $6,079,564 is the actual increase which must take place in the increased cost of the annual pension-roll under this bill. This, however, if that were all, would be perhaps but a small matter to be considered, because, as has been stated by the Senator from Indiana [Mr. VOORHEES], the vital statistics show the rapid decrease of this class of pensioners, and they will not be increased, so far as the loss of limbs is concerned, very rapidly in the future. But there is another feature that must not be forgotten in this respect—as to what will come under the class of equivalent disabilities, with 250,000 now on the pension-roll and some 166,000 who it is estimated must go on the pension-roll by reason of claims now filed. As the years go on these equivalent disabilities are constantly and steadily increasing, and what we may figure to-day as being the possible or probable estimate a year or two years hence will be found to be very far below the actual figures.

It will be remembered that when the arrears-of-pensions bill was before the Senate there were vague guesses that it would cost the country but some $20,000,000 or $25,000,000 at most to meet all the requirements that bill proposed. That bill has been in force some four years, and we have paid out something like $100,000,000 on it, and the estimates are that it will require $200,000,000 more to meet its requirements. I will not undertake to say that if this bill shall become a law any such extraordinary figures will be required to meet its provisions, but we may expect a very much larger amount under the head of equivalent disabilities than can now possibly be estimated.

I believe that the Commissioner of Pensions has given as careful an estimate as it is possible for him to make, but with all the care he can bring to it and all the attention he can give to it it is little more than a shrewd and careful guess in this matter, and, as I have said, as the years roll on these disabilities that are now but trifling, that are now but small and are of the lower grade in the pension-list, will gradually year by year be growing into the higher grades of disability, and in that way under the clause as to equivalent disabilities a very much larger number will be found upon the list in a few years from now than we find to-day or can estimate to-day. Under this head, as has well been said by the Senator from Nebraska [Mr. VAN WYCK], this class is certainly as deserving as those who have lost an arm or a hand or a foot or a leg. Who can tell the sufferings of those who are suffering disabilities of the kind mentioned by the Senator? They are certainly as severe, they certainly affect their means of procuring a livelihood quite as greatly as the other class of disabilities, and any bill that should seek to increase the pensions of one class at the expense of the other is inequitable.

Mr. President, the bill itself it seems to me is inequitable in its terms. Certainly no Senator will claim that the loss of a foot or a hand is equivalent to the loss of an arm at the shoulder or a leg at the hip-joint. There is no relation between them whatever; and to put them without discrimination at the same point of $40 a month is certainly injustice. When you have done this, the men who have lost a leg at the hip-joint or an arm at the shoulder-joint will say, "Those men who have only lost a foot, who have only lost a hand, or have only lost a leg at or above the knee, or an arm at the elbow or immediately above the elbow, are getting $40 a month; we are much greater sufferers; our disabilities are of a much greater class, and we ought to have $50 or $60 a month." That is what this bill means. It means not only to raise the pensions of these particular classes, but to raise all of them.

I object to the bill for this reason: There is a large class of pensioners who are drawing only $8 a month who are meritorious, who ought to be considered before any of these other classes are considered; for who shall say to the man who is scarcely able to go about and yet is not entirely disabled, who may be able to work a little or do a little something, that he can not go on the list to draw more than $8 a month though he is scarcely able to keep body and soul together? These cases are very numerous. The increase made by this bill means, if anything, in a very short time not only the raising of this class under the equivalent disabilities clause to the rate of $40 a month, but it means the raising of the entire pension-list to a very large advance in this respect.

If any measure is to pass, the amendment proposed by the Senator from Connecticut [Mr. PLATT] is the one that should be adopted. It is equitable in its terms and it is graduated in such a way that, so far as the classes referred to it are concerned, all are equally considered. The different disabilities as related to each other are fairly considered and fairly apportioned in the proposed amendment.

But there is another reason which, in my judgment, ought to admonish the Senate not to enter upon a disturbance of the present pension rates. I admit that in a very short time, perhaps in the course of a year or two, there ought to be a general revision of the rates of pension, from the lowest to the highest; but that ought not to be undertaken now; it ought not to be done at the present time, for the reason that there are to-day something like 200,000 or 250,000 pension claims still undisposed of, of which I think 166,000—but perhaps I have the numbers too large; it may be only 66,000—that the Commissioner estimates will be placed on the pension-list.

In common justice these claims ought to be considered and disposed of measurably before the office force is diverted again to considering the graduation and rerating of the pensioners already drawing pensions. It is but common justice, even if these parties are entitled to what is claimed for them, that they should wait until those who have not been able to have their cases heard and determined shall have their cases determined and then it will be time enough for a rerating to take place. I have no doubt when the business of the Pension Office in a year or two from now shall become less pressing, that there will be not only a disposition but a willingness on the part of the Senate and Congress to enter upon and rerate the entire pension-list from the lowest to the highest. It ought not to be interfered with until that time shall have arrived.

That is all I desire to say, Mr. President.

The PRESIDING OFFICER (Mr. BROWN in the chair). The question is on the amendment of the Senator from Missouri [Mr. VEST].

The question being put, a division was called for; and the ayes were 7.

Mr. ROLLINS. It will evidently be necessary to have the yeas and nays.

Mr. HARRIS. Certainly. There is evidently no quorum in the Chamber now.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. The proposed amendment is, in line 7, after the word "foot," to strike out "or shall have suffered disability equal thereto."

Mr. PLATT. Mr. President, here is a bill which very likely in its results will take a hundred million dollars from the Treasury of the United States, extending it over the years during which it shall have an operation. I have refrained from saying anything on this subject, because I felt that if the Senate of the United States had no more interest in such a bill than to occupy ten or fifteen of the chairs of the Senate while it was under discussion, it was scarcely worth while for me to say anything; but upon this amendment I desire to say a few words. If Senators do not deem it their duty to attend the discussion of this bill in the Senate, they may possibly, after the matter is over, read it in the RECORD.

I want to protest here against what I believe will be a great injustice if it shall be done. I want to protest against striking out of the bill the clause increasing the pension of those whose disabilities are equal to those who have lost a hand or a foot, an arm or a leg. To do that will be simply giving an increase to every man who has lost a foot or a hand; it will be shutting out from the benefits of that increase every wounded soldier in the land, no matter how much he suffered from wounds or how great his disability is from wounds, so long as he does not require the aid and attendance of another person. It takes the whole class of wounded soldiers, those whose life is but a living death, and leaves them at $18 a month, while it takes the men who have lost arms or legs, but who are still able to do something, and increases their pension to $40.

It does another thing. If a man has lost his arm at or above the elbow or his leg at or above the knee he gets $24 a month for it; but the man who for any other cause is so disabled that he can perform no manual

labor whatever only gets $24. Now, strike this clause from this bill and you will increase the pensions of those who having lost an arm or leg are still able to do something toward earning a living, and you will say that those who are unable to do anything from other causes shall have no increase.

I protest against it as a rank injustice. If there is to be any increase here it should include this class of men whose disabilities are equal to those who have lost hands or feet, arms or legs. I can conceive of no reason which can be given for the one case and not given for the other.

I have heard it suggested that there may be some enjoying this pension for disabilities equivalent to the loss of an arm or leg who are enjoying it unworthily; but that same thing may be true of those who are enjoying pensions for the loss of limbs. The Senator from Kentucky [Mr. BECK] in his place stated here not long ago that his attention had been called to fraudulent cases where people were enjoying pensions for the loss of limbs when they did not lose them in the service. I want to say that from an examination of a great many records in the Pension Office, from all the information which I have been able to obtain, I am satisfied that the Pension Office has been extremely conservative in this matter of recognizing equivalent disabilities.

No man gets an $18 pension upon the ground of a disability equivalent to the loss of a hand or a foot until he gets it as the result of surgical examination and testimony showing that his loss is fully equivalent, and under the new administration of the Pension Office he can not get it by the examination and a certificate of a single surgeon, but only on the report of a board of surgeons. It is possible that some man may have imposed on the surgeons or the board of surgeons or the Pension Office, but the great class of those who are receiving $18 and $24 because their disabilities are equivalent to those who have lost hands or feet or arms or legs are, in my judgment, more entitled to it as a class than those who are enjoying it for the loss of limb.

I do not desire to speak longer on this subject, but I desire to repeat here what was said to me only last night by a gallant soldier, a pensioner, who is enjoying a pension for the loss of his leg. He said to me, "My face would burn with very shame if the Government should give me $40 a month and should not extend it to those who were suffering disabilities equal to mine;" and the whole country would say so.

Mr. HARRIS. A majority of the Committee on Pensions reported adversely to this bill and recommended its indefinite postponement. In deference to that report, as well as my own opinion as to the merits and propriety of passing this bill, I move that the bill be indefinitely postponed, in order that we may test the question, and if such is the judgment of the Senate we may end the matter without debate on the various amendments that have already been indicated and will be insisted upon if the bill is to continue before the Senate.

Mr. PLATT. Is that motion in order after the yeas and nays have been ordered on the amendment of the Senator from Missouri?

Mr. HARRIS. There is no question about that. It is in order at any moment.

Mr. BLAIR. Of course that motion will dispose of this whole matter.

Mr. HARRIS. If it carries.

Mr. BLAIR. I shall be obliged to say a few words at this time which I had otherwise designed to postpone to a later period of the discussion.

The Senator from Pennsylvania [Mr. MITCHELL], who has charge of the bill, the chairman of the committee, under very great difficulties and in the absence of almost the entire Senate, made a general statement of the conditions which exist and which seem to require of the country some increase of the pensions which it is paying to the classes of soldiers embraced in this bill. He gave to some extent a history of the rise and progress of the events that have attended the bill from its introduction in the other House. It would certainly seem that if public sentiment had indicated anything or can indicate anything by petitions, by memorials, by the reports of committees from all parts of the country, by discussions in the press, and in every way that a free people contrive to make known their sentiments to their representatives in legislative halls, this much at least must be considered as established, that some increase of pensions to the classes who are embraced in this bill should be allowed. I do not think there can be any question whatever remaining in the mind of any Senator whose attention has been closely called to these exhibitions of public sentiment that it does exist, and that there is a demand for legislation of some kind.

Of course in a matter so intricate as this is, the matter of the arrangement and apportionment of rates of pensions duly and equitably among the various classes of those who have suffered in the cause of the country, the general public can not possess that minutiæ of information which is essential to accurate and correct legislation as to these various classes, but the great overmastering fact that something should be done, that there should be some substantial increase, the public, I think, by these manifestations have demonstrated. The House of Representatives, in deference to this public sentiment and with scarcely a distinction of party, for the principal advocate of this bill in the other House was a Democrat, the war governor of Pennsylvania, Mr. CURTIN, enacted and sent to us this bill. It is very brief, and I will read it:

Be it enacted, &c., That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one arm, one hand, one leg, or one foot, or shall have suffered disability equal thereto, shall be entitled to a pension of $40 per month.

It will be observed that this bill, which has been sanctioned by the other House and sent to us in this almost unanimous way, as I have said, reaches only a few of the several cases and comparatively a small number of those who are entitled to pensions under the general law of the land; and I may say that it reaches but a very small proportion of those who are entitled to an increase of pensions, if these classes are themselves entitled to it.

When this bill reached the Senate, providing as it did for the raising to $40 of the minimum of pension for specific disabilities which hitherto has been $18 a month, so that all these other classes drawing a larger amount would naturally, by the logic of this legislation if it should be enacted, be carried correspondingly higher, and into very high figures too, it struck, I think, the majority of the committee as a bill which required further and very careful consideration; and although founded in a sentiment of justice and a disposition to do justice, nevertheless it was in its terms so broad and so liberal to these classes that as the basis of future legislation it must tax most heavily the Treasury of the country, and perhaps far more heavily than those who advocated the bill themselves conceived, and more heavily than even the merits of the pensioners themselves, great as they are, would justify in extorting from the Treasury of the land.

The bill was consequently a long time pending in our committee. We did not act upon it during the last session, although the pressure upon the committee was very heavy and very strong. It was felt by the majority of the committee that if anything was done, all that justice required should be done, and it was as well to attempt to do it now wholly as to attempt to do it now in part, and that if any justice was done it should be justice to all. Therefore we postponed final action of the committee on this bill until the present session, with the intention during the vacation and the earlier part of the present session to give further consideration to the whole subject, with a view to reporting to the Senate, if we could, either against the bill as a whole or reporting something to the Senate for action by the Senate and the other House which would cover the whole subject and do justice to all, and do it fully and do it finally, so that we should not be troubled session after session and Congress after Congress by the anxious questioning of those to whom justice had been denied if we were, and when, to do justice to them.

We reached final action in the committee, and when we came to vote there was considerable divergence of sentiment. Four members of the committee were against any action in the direction of increase whatever, and those members of the committee submitted what is here called the majority report, but as a matter of fact a majority of the committee was in favor of some increase of pensions, so that this bill does not come into the Senate antagonized by a majority of the committee. It comes into the Senate really antagonized by four members in all, while the other members of the committee appear before this body recommending amendments to the bill which came from the House, differing in degree and in the extent of justice which is done, but all looking to an increase. Two Senators, I would say, were in favor of the House bill as it reached us, without modification, not objecting particularly to an extension of its provisions to other classes who were not included at all, but the measure of justice to those who were included, by the opinion of two members of the committee, was none too high even in the House bill, and they reported directly in its favor.

The honorable Senator who preceded me stated to the Chair his design in offering an amendment. That amendment when offered—and it is in print and accessible to all members of the Senate, and I presume many have read it—covers only a part of the cases which exist in the country, and which, as it seems to other members of the committee, require favorable legislation as much as those which are included in the amendment of the Senator from Connecticut [Mr. PLATT]. I do not think among those who are in favor of some increase there is any antagonism to that amendment, provided that is all the Senate is disposed to do at the present time. It represents something that should be done. It does not, in my judgment, represent all that should be done; and it will leave the subject half dealt with and liable to and sure in fact, by reason of thus much having been attempted and thus much having been accomplished, to cause further claims to arise at subsequent sessions, and result ultimately in further action by Congress.

It therefore seemed to at least two members of the committee that the proper thing to do was to treat the subject as a whole, to confer with the Pension Office, thoroughly to study the subject as well as they could, and to endeavor by some comprehensive, systematic, and just legislation to provide for all at the same time; and it seemed to us that this was an opportune time to do justice (especially when justice costs money), for now if ever the Treasury is full. We have been legislating, or we have been wasting, it may ultimately prove to be, five or nearly six weeks of the most valuable legislative time almost that ever belonged to an American Congress, and during this time this bill has been pending, and the main object of that proposed legislation was to reduce the contents of the Treasury, to diminish the revenues of the country. In short, I mean by this simply to state that the Treasury is

plethoric, that the people demand a reduction of revenue, and if there is justice in the claim of the pensioners of the United States or any portion of them for an increase, now if ever is the easiest time to do that justice; it is the proper time, and it ought not to be delayed.

Accordingly the honorable chairman of the committee and myself united in presenting to the Senate an amendment to the bill. I may say before I ask to have it read that it was prepared with a great deal of care, with reference to all classes who by general consent it is thought should have some increase of pension. After it was prepared it was submitted to the Pension Office, and the thorough criticism of the Commissioner and his assistants has been passed upon it. Any suggestions of modification or improvement which they gave to us have been incorporated in this amendment, and it is not improper that I should say that so far as the opinion of the Pension Office is of any consequence in this matter the proposed amendment is fully and cordially indorsed as sufficient in itself, as doing ample justice, as calculated to give peace so far as effort at future legislation is concerned, and as fixing in the belief of the office and in the belief of men who have examined it the limit sufficiently high to mark the utmost limit of generosity that should be expected of the Government.

I now ask the Secretary to read the proposed amendment.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The Principal Legislative Clerk read as follows:

Strike out all after the enacting clause of the bill, and insert:

"That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner shall have suffered amputation at or above the elbow or knee, at the rate of $30 per month; and all who shall in like manner have suffered amputation at the hip-joint or at the shoulder-joint, or who shall have lost one hand and one foot, or shall be totally disabled in one hand and one foot, or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another person, at the rate of $40 per month; and all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities, shall be entitled to receive a pension per month of the amount hereby granted to such disability; and in case of amputation below a joint, but with such effect as to produce a disability equal to that produced by amputation at or above the joint, pension shall be paid as for the disability actually resulting from such amputation; and all persons who in like manner shall have lost the sight of one eye shall receive a pension at the rate of $12 per month; and in cases in which the injury to the one eye manifestly affects injuriously the sight of the other eye, or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid, he shall be entitled to an equitable increase in his pension, not to exceed, when the loss of sight is less than total blindness, in the whole amount $40 per month; and all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted, shall have totally lost the hearing of both ears, shall be entitled to receive a pension of $30 per month; and for any loss of hearing less than total deafness they shall receive an equitable portion thereof.

SEC. 2. That instead of the rate of $18 per month provided in section 4699 of the Revised Statutes, the rate of $24 per month may be proportionately divided for any degree of disability established for which neither the preceding section of this act nor section 4695 of the Revised Statutes make provision: *Provided*, That nothing in this act shall be construed to reduce any pension now authorized by law; nor shall any pensioner be entitled to increase under this section until an examination shall show an increase in his actual disability except where the evidence on file shows the disability to be permanent in a degree entitling to the rate of pension then received, or when the character of the disability would not vary in a lesser degree.

SEC. 3. That no applicant for pension whose claim shall be granted hereafter shall receive arrears or any allowance of pension for time prior to the passage of this act greater than he would be entitled to receive by virtue of existing laws; but from and after the passage of this act his pension shall be computed in accordance therewith, if his disability be such as is included in its provisions.

SEC. 4. No claim agent or attorney shall be employed in the prosecution of claims for increase of pension under this act, but the Commissioner of Pensions shall make such payments without charge to the pensioner.

Mr. BLAIR. I asked for the reading of this proposed amendment for the reason that in the print the other night, to be found in the RECORD, a mistake occurred. The exception which should properly be at the end of the second section was inserted at the end of the first section, occasioning of course much difference in the meaning of the proposition, and, therefore, I should like to have this amendment incorporated in the RECORD itself as it really is. It was no one's fault, but a mistake of my own.

Now, Mr. President, at the risk of being a little tedious, but because I believe it to be necessary, I propose to state very briefly the essence of the pension law. It is to be found in section 4692 of the Revised Statutes and it provides that—

Every person specified in the several classes enumerated in the following section, who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

There is much confusion in regard to these several forms of disability. It will be observed that three are mentioned, total disability, specific disability, and an inferior degree of disability. The term total disability is that which is given to a degree of disability equivalent to a stiff elbow joint, anchylosis of the elbow joint, or anchylosis of the knee joint. That is a measurement of disability not to be found in the statute, but adopted by common consent for many years in the practice of the office, so that the statute is precisely the same, by this customary construction which has been placed upon it, as though total disability were equivalent to that disability, or a disability which is equal to a stiff elbow joint or a stiff knee joint. Any disability amounting to that is called "total," without any reference to the rank of the person. If it is less than that, it is what is called an inferior disability in the latter part of the section. If it is a specific disability, it is particularly and minutely described in the statute itself, and it may be greater or it may be less than total disability, and in all instances, so far as I now recollect, as specified in the statute, it is some disability larger than what is called "total disability." It may be dealt with, however, fractionally.

To this total disability, as it is called, as to the private soldier is affixed the rate of $8 per month; to officers a higher rate; to the second lieutenant $15 per month; to the first lieutenant $17 per month; to the captain $20 per month; to the major and to the lieutenant-colonel $30 per month; and all higher grades of rank receive the same amount. That is to say, for a disability equivalent to a stiff elbow-joint, or a stiff knee-joint, a total disability, these are the rates. If the disability is inferior to that total, that is, less than a stiff joint, the pension is a fractional proportion of these several sums, according to rank.

The pensions for specific disabilities are given entirely irrespective of the matter of rank. They are conferred according to the actual disability as described in the statute, and a major-general for a specific disability gets no more pension than a private for the corresponding actual disability. The specific disabilities, as the term implies, are described particularly in the statute. They are not many in number, but they are the classes of disability which are dealt with and the only classes of disability which are dealt with in this proposed legislation, and only a portion of these specific disabilities. I will state those which are touched by the proposed legislation. There are cases of specific disability where a pension is already given to the amount of $72 a month. They are as follows: For loss of both hands, $72; loss of both feet, $72; loss of both eyes, $72; loss of an eye, the other lost before enlistment, $72; for such disability as requires the regular aid and attendance of another person, $72; for total disability in both hands, $72.

This legislation touches none of these cases. I will now state the specific disabilities and all the other disabilities which are mentioned in the statute to which our laws apply at all, which are covered by this proposed legislation. Loss of one hand and one foot, which is now pensioned at the rate of $36, this legislation proposes to increase to $40. I will not mention the proposed increase at the present time, however. Total disability in one hand and one foot now has a pension of $36; total deafness of both ears $13; loss of a hand or a foot $18; amputation at or above the elbow or knee, $24; amputation at the hip-joint $37.50; inability to perform manual labor $24.

There is another specific disability, not mentioned here, which is the same as that which draws $72 per month, but which is not permanent, and that is the distinction. Where the disability which if permanent draws $72 per month is not permanent, is likely to be recovered from, the pensioner for such time as it does exist receives $31.25.

Only one statement more is necessary to place before the Senate and before the country so much more as is necessary to be known in order to fully comprehend this proposed legislation. I may say in passing that the specific disabilities are provided for in sections 4697 and 4698 of the Revised Statutes. The total disabilities are set forth fully in section 4695. Section 4699 is as follows:

The rate of $18 per month may be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Section 4695 is the one which fixes the total disability to the various ranks; that is, the disability equivalent to a stiff elbow-joint or a stiff knee-joint. There are a great many undescribed and indescribable wounds where the disability is greater than the stiff joint referred to, where the allowance of the total pension would be no adequate compensation; and so this section of the statutes has provided that irrespective of rank the $18 herein granted may be divided according to the actual disability from which on examination the surgeon finds the pensioner to be suffering, and that is distributed at $10, $12, $14, $15, or $16, as the case may be.

The pension granted for total disability according to rank, as will be observed by the Senate, in some cases, those of the highest rank, is $30, and that is a pension higher than, if the pensioner were dealt with according to his specific disability, he would receive. For instance, he may be a major-general who has lost his leg below the knee, and for that specific disability he would be entitled to receive but $18 a month, while by reason of his rank he is entitled to $30 a month, and he receives his pension accordingly, being pensioned totally according to rank, and being excluded from the enjoyment of his specific pension. Pensions are never duplicated. The specific is never added to the pension of rank, but he draws for the one or for the other, and by the favor of the law he is entitled to draw his pension at the higher rate, and if his rank gives him more than his specific disability would give him, then he draws according to rank rather than according to the specific disability.

I have said, Mr. President, all that I care to say now in explaining

the present status of the law and the particular classes to which this proposed legislation applies. The bill as it came from the House covers only a fraction of those who are suffering from specific disability, and many of them are suffering more severely and are more inadequately pensioned than are the classes which are covered by the House bill No. 1410.

I read now from a memorandum furnished me by the Commissioner of Pensions, and first I mention those classes that are covered by the bill as it comes from the House:

Thirty-six hundred and thirty-one pensioners who have lost one hand or one foot, now receiving $18 per month, the bill coming from the House proposes to increase them to $40.

Fifty-three hundred and eighty who have suffered amputation at or above the knee or the elbow, now receiving $24, also to be increased to $40.

Sixty who have suffered amputation at the hip-joint, now receiving $37, to be increased to $40.

One hundred and fifty who have suffered amputation at the shoulder joint, now at $24, to be increased to $40 per month.

Fifteen who have lost one hand and one foot, now receiving $36, to be increased to $40.

Eighty-eight hundred and forty-seven who have a disability equivalent to loss of a hand or a foot, now receiving $18, to be increased to $40 per month.

Two hundred and thirty-two now receiving $31.25 and to receive $40 per month.

The aggregate of this is nearly 20,000 pensioners that are covered by the House bill. The proposed legislation—that is, the amendment which the chairman and myself have submitted to the Senate—includes all these classes, and in addition to them 2,125 who are totally deaf, now receiving $13 per month; 2,000 who are pensioned for impaired hearing, less than total deafness, now receiving one, two, four, or six dollars per month; 2,000 who have lost an eye, now receiving $4 per month; 4,000 who are receiving a pension for impaired sight, other than the loss of one eye or total blindness, now receiving from $2 to $16 a month; 19,423 pensioners now receiving a pension of $10, $12, $14, or $16 per month; and 1,552 now disabled for the performance of any manual labor, receiving $24 per month.

As will be perceived, a larger number is omitted by the bill which comes from the House than is included with those in the proposed legislation in our amendment. The whole number of pensioners covering all the specific disabilities that exist known to the law at the present time, and including those who are entitled to a fractional part of $18 per month, $10, $12, $14, $16, the whole number covered by this proposed amendment is 47,415. As I have several times stated, it overs all pensions known to the law.

These additional classes are morally, are absolutely sure, if not now receiving an increase while the others do receive their increase, to come at subsequent Congresses and obtain it. It is not in the nature of things that justice should be denied to them if it is granted to their compeers who are as a rule not suffering as much as they are, at least not from the inadequacy of their pensions; so far as the disability is concerned many of them not suffering at all in comparison with some of these.

Mr. SAULSBURY. Will the Senator now state, as I suppose he has made some estimate, what is the estimate as to the amount which will be taken out of the Treasury under the bill as it came from the House, and also the amount which will be taken out of the Treasury if his substitute for it shall be adopted?

Mr. BLAIR. I have that matter right here, and I was about to state it. It comes logically next in order. The bill which comes from the House increasing the pension of these comparatively few and to the lowest basis of $40 a month will take from the Treasury by the estimate of the Commissioner of Pensions, the sum of $5,187,564 upon the roll as it exists at the present time.

Mr. SAULSBURY. Is that accurate?

Mr. BLAIR. That will be the immediate increase on the roll as it stands at the present time. That makes no allowance for additions to the roll of those who will be entitled to receive an increase or a larger pension than they otherwise would have received but for this modification of the law, as their names shall hereafter be added. This is the aggregate increase to those now upon the roll by the terms of the bill which comes to us from the House. The proposed amendment, covering all classes, will require a net increase to the roll of $5,429,010. The Senate must remember that these estimates, although the very best the office can give us, may vary one way or the other. It is utterly impossible to know within a hundred thousand dollars, or it may be within half a million dollars, and to know substantially after all, just what the amount taken from the Treasury will be.

Thus it is quite apparent that, the difference in the estimates of the Pension Office being so slight practically, it must go to the country that the proposed amendment, covering all possible cases and doing justice among all classes, will take no larger sum from the Treasury than the bill which comes to us from the House. It is, I think, a fair statement to say that either of them will take from the Treasury at the present time under the existing roll about $5,500,000 more than will be drawn under the law as it now exists.

With reference to the future, if the bill coming from the House should be adopted it is entirely impossible to say what may be the tax upon the Treasury. The calculations of the Commissioner of Pensions indicate that the increase even upon the present roll and including the present applications would be not far from $17,000,000 to $20,000,000. I observe that the majority report, if it is to be treated as a majority report, the report of those who are against any increase whatever, contemplates an ultimate addition to the roll of about $40,000,000, making an aggregate of $70,000,000 annual taxation upon the people for pensions alone if this increase should be made. It is more than doubling by $10,000,000 the present amount of the pension-roll. I do not know and no one can know whether that is an exaggerated estimate or not. The data upon which they form this calculation indicate to my mind that it is not excessive, and that if this bill is enacted into a law we must contemplate that ultimately, and that not remotely, the annual pension-roll will not be less than about $70,000,000.

By the terms of this proposed amendment, as I have already said, about $5,500,000 will be taken at the present time. I have made the best calculation that I can, and aided by the calculations of the Pension Office also, I have thought under its terms there can not be a permanent addition of more than $9,000,000 to the roll as it otherwise will be; and taking into consideration—and that should have weight, of course, in reference to the other estimates and the estimates touching the other bills and amendments—the fact that these pensioners are rapidly dying and that probably those who are suffering from equivalent disabilities, excepting those whose amputations have thoroughly healed, will nearly all disappear in the course of the next ten years, I think it fair to say of the amendment which we have proposed that it will at no time impose an additional burden upon the Treasury of more than six or seven million dollars annually; five and a half million dollars at the beginning, and one and a half million or possibly two millions or perhaps it will be two and a half millions at a subsequent time. Very soon most of it will, however, pass away.

The amendment proposed by the Senator from Connecticut makes an increase to those classes that it applies to in the same proportion and to the same extent as in this general amendment which has been submitted by the honorable chairman and myself. So far as that goes it is all well and it is in entire harmony with the amendment which we are advocating; but it must leave rankling in the mind of those who are not favored with an increase and who deserve it a sense of injustice, and the country must feel an aggravated sense of having done injustice, and the result inevitably will be that we shall enact a law quite as liberal in its provisions as this proposed substitute submitted by the chairman and myself. That amendment includes fewer classes, if I recollect aright; it does not include any more classes at any rate than the bill which comes from the House, and the lesser amount which it takes from the Treasury is because it makes a slighter addition to existing rates.

Mr. President, in what I have said at this time I have carefully avoided anything whatever which I think can properly be charged as *ad captandum* talk. I have tried to confine myself to facts and to figures, and to asking of the Senate that if it does anything it shall do, and do at this time all that it should do at all, that it should do complete justice. I think that this proposed substitute will do ample and complete justice.

It is not improper that I should state that a committee representing the order of the Grand Army of the Republic throughout the country has carefully examined this bill and it has their unanimous support. House bill 1410 was opposed by the soldiery of the country as vigorously as it was advocated by other soldiers who were to be pensioners under its terms, but I have the right to state, for it is a fact, that the amendment of which I have spoken, so far as I know—and I know all this committee knows in reference to it—has the universal sanction of the soldiers of the country. If it should be enacted into a law, as I understand it, it will cover substantially all which they will ask at any time. They will go from these halls of legislation satisfied and we shall hear no more, unless it may be in slight and incidental cases which no general legislation can reach; we shall hear no more from them probably in any time to come asking an increase of rates of pension, which they are to be allowed by a grateful country.

Mr. SAULSBURY. Mr. President, I shall vote for the motion of the Senator from Tennessee to postpone this bill indefinitely. It appears that the committee itself is divided in reference to what should be and what should not be embraced in the bill. The majority report is in favor of an indefinite postponement of the bill. It is just one of those bills that the Senate is as apt to err about as any bill that comes before us for consideration, because it is that class of legislation which appeals to the sympathies of the Senate, and we all know the tendencies of humanity are to yield to sympathy and charity. We have provided, and I think liberally, for the soldiery of the country. It may be that some injustice has been done to certain classes of soldiers, but I think the action of the American Government in reference to its soldiery in the provision which it makes for their support will compare favorably with the action of any other Government on earth in reference to its soldiers.

I apprehended that until we know definitely what is to be taken out of the Treasury by the demands of this bill if it shall become a law we had better hesitate in reference to our action upon it. It will be

remembered that a few years ago when the arrears-of-pensions act was here no one anticipated that the proposed bill would take more than $20,000,000 or $25,000,000 out of the Treasury in the aggregate. I put the question distinctly to the then chairman of the Pensions Committee, who I supposed was as intelligent on the subject as any gentleman, and according to my recollection his estimate, based upon information obtained at the Pension Bureau, was that it would be $18,000,000 or $20,000,000. Yet we have already appropriated over $100,000,000 with the certainty that not less that $200,000,000 or $300,000,000 more must be appropriated to meet the provisions of that act. Now, I hope that we shall not by hasty action on this bill place the Senate in the same position that it was in with reference to that bill, acting in the dark, without proper information to know what is to be the result upon the Treasury of the country.

Mr. INGALLS. The Senator from Delaware has repeated a statement that has been made before a great many times, that when the arrears act was before the Senate I, as chairman of the Committee on Pensions at that time, said that all that would be required to render it effective would be about $25,000,000. I stated that all that would be required to adjust the cases then upon the roll under the arrears act would be $25,000,000, but that the amount thereafter to be expended would depend upon the number of pensioners who might be placed upon the rolls subsequent to that time.

Mr. SAULSBURY. I perhaps did not state exactly what was said by the then chairman of the Pensions Committee, but the impression derived from that information was that that would be the aggregate amount to be taken by that bill.

Mr. INGALLS. On the contrary, when that question was asked me by a Senator from New York I expressly stated that it would be impossible to say what amount would be required to render the act operative thereafter, but that to adjust the cases then upon the roll so that they would receive pensions from the time when they were disabled would require somewhere between $18,000,000 and $25,000,000.

Mr. SAULSBURY. I do not say that the Senator did not make the statement which he now says he did, but I think if he will examine the discussion which followed that statement he will find that every Senator who spoke upon the question certainly spoke under the impression that the information obtained from the Senator from Kansas was that the cost of that measure would be from $18,000,000 to $20,000,000 or $25,000,000. I do not say he intended to make such an impression or that his language itself ought to have conveyed that impression. I only speak of the impression which seemed to be conveyed at that time.

Mr. INGALLS. The impression could not have been great, because that very proposition was resisted and the declaration was distinctly made, so that if any such impression remained in the minds of Senators subsequently it must have been because they did not want to have it removed.

Mr. SAULSBURY. I propounded myself the question to the Senator from Kansas, then chairman of the committee, and I do not hesitate to say to him that such was the impression which I derived, and I think the debates will disclose that that was the impression which others derived from his answer.

Mr. WILLIAMS. Allow me to say that in the discussion of the bill in the House and Senate the highest estimate by anybody was $25,000,000.

Mr. INGALLS. For those already on the rolls, not those who might be placed there thereafter.

Mr. WILLIAMS. The general estimate was $20,000,000.

Mr. INGALLS. How could anybody state how much would be paid for arrears to those placed on the roll after the act passed? It was impossible.

Mr. SAULSBURY. I refer to this matter not for the purpose of imputing to the Senator from Kansas any purpose to mislead. I had not the remotest idea of such a thing.

Mr. INGALLS. There has not been a debate on this subject since that time when some Democrat has not risen on that side of the Chamber and denounced the arrears-of-pensions act and said it was passed under misrepresentation, and it is time, in view of the facts, that that was stopped, because there was no declaration whatever made that not more than $25,000,000 would be required to render the arrears act effective; it was only as to those who were then already on the rolls.

Mr. SAULSBURY. I repeat, in referring to the passage of that act, that I had no intention to convey the idea that there was any design on the part of anybody to mislead. I am certain I should be very far from imputing such a purpose to the Senator from Kansas. I only spoke of the impression which men labored under at that time, not that the Senator designed to make such an impression; but I do say the debate discloses the fact that those who participated in that discussion certainly had that impression, whether they derived it from the language of the Senator from Kansas or from some other source, and the very next day the Senator from Vermont, who voted for that bill, came to the Senate, according to my recollection, and referred to the fact that he had just learned that it would probably take $80,000,000 out of the Treasury, when he did not suppose at the time he voted there would be any such depletion of the Treasury.

But we are now brought face to face with another bill in reference to pensions upon which even the committee itself is divided, a part of the committee proposing an indefinite postponement of the consideration of the bill, a part favoring the House bill, and another part of the committee proposing a substitute bill, showing that in the committee which has had this measure under consideration for twelve months there is not that unity of thought and action which should commend their report to the consideration of the Senate for its action at the present time.

For that reason I think the motion of the Senator from Tennessee is a very proper one, to postpone indefinitely the consideration of the bill. I am not opposed to doing exact justice to all the soldiers. If there is any soldier who has not had exact justice done to him, when the matter is fairly and fully brought forward and we have all the information necessary to enable us to act upon that subject and to know how far it will become a tax on the people of the country, I shall be as ready to act as any one. I served upon the committee myself for two years. I am not conscious that I ever opposed a single pension case which according to my judgment was a meritorious one. There were a great many pension bills that came from the other House to the Senate Committee on Pensions which were rejected very frequently by the unanimous opinion of the committee; against many of those I did vote, and I was generally in accord with the majority of the committee on that subject, but I am not conscious that I ever did vote to reject the claim of any single pensioner that in my judgment was entitled under the law of the land to a pension.

Mr. BLAIR. Will the Senator allow me to state one thing to him?

Mr. SAULSBURY. Certainly.

Mr. BLAIR. He is commenting on the division in the committee. This is true with regard to the committee, that a majority of it is in favor of an increase, some to a much greater extent than others, and the substitute of which I have been speaking is as low in its terms as any. It is simply a little more comprehensive and proposes to do the whole thing at once.

Mr. SAULSBURY. When I spoke of the majority of the committee I spoke of the report which is called the report of the committee. Of course I do not know anything about the individual opinion of members of the committee except from that.

Mr. BLAIR. Four of the committee are against any legislation; the others are for legislation and for an increase.

Mr. SAULSBURY. And those others are divided in reference to what the character of the legislation should be.

Mr. BLAIR. All say some, and some say more.

Mr. SAULSBURY. I think we had better pause until we have sufficient information from the committee to enable us to tell definitely what we are doing. We ought not, as the guardians of the Treasury to a certain extent, to adopt any measure until we have full information in reference to the effect and operation of the bill; and so far as I am concerned, I have not been able, from the discussions which have taken place on the part of members of the committee, to learn definitely or anything approximating a definite conclusion what would be the operation of this bill on the Treasury of the country. I am not in favor of passing bills blindly without knowing something of their effect, because every dollar in the Treasury comes out of the people of the country as tax-payers in some shape or other.

The Senator from New Hampshire referred to petitions which had been presented in reference to this measure. We all know that petitions are very easy things to get up. There were petitions piled in forests upon us here for the arrears-of-pensions act, and subsequently it was stated in the Senate that those petitions were sent out by pension agents, men who expected to make fees out of the passage of such an act, sent out all over the country to procure the signatures of men, and that that measure did not originate with the soldiers of the country. It may be that this measure has originated exclusively and entirely from that class of soldiers of the country who are to be the beneficiaries of the act; but it may be true also that the promptings of this measure may have been from the pension agents located in the city of Washington. We ought to know something about this. Besides that, petitions are very easily obtained whether for a good or bad purpose, and I have no question that many hundreds and thousands of petitions have been presented in favor of this bill; but we all know what petitions mean. You will very frequently find that when a measure has not the merit to commend itself to the Senate or to the country, it is backed up by the representations of parties who are interested in the bill by their numerous petitions.

I shall vote for the indefinite postponement of this measure, because I have not such information from the Committee on Pensions as to what ought to be done as to justify my voting in favor of this measure blindly.

Mr. BLAIR. It ought to be stated that it is the sense of the committee, if any legislation passes granting an increase, to provide by an amendment to whatever passes that the increase be granted solely through the Pension Office, and not through intermediary agencies, as in other cases.

Mr. LOGAN. Mr. President, I have been absent this morning, in the Committee on Appropriations, and have not heard the discussion. I have just come in, and I desire to say but a word in opposition to the motion of the Senator from Tennessee to indefinitely postpone this bill.

I disagree entirely with the conclusions arrived at by the Senator

from Delaware. In the first place, the postponement of this bill means the defeat of the bill. I think that the persons applying here for an increase of pension on account of the peculiar disability that is mentioned in these various bills are at least entitled to a fair hearing in the Senate of the United States. If we act in accordance with what I think would be just and proper in the premises, we should give a fair hearing to these bills instead of indefinitely postponing them; and if the bills do not accord with the views of the Senate, amend one or the other of them so that it will accord with the views of the Senate, and let it be passed. That is all I have to say on that point.

One other remark I desire to make in answer to the Senator from Delaware in reference to the taxation of the people for this purpose. I believe that I am as much opposed to the taxation of the people for improper purposes as any other Senator; but if any Senator shall say to me that taxation for the purpose of assisting a man with one leg or both legs off, both eyes out, or both arms or one arm off, who has been maimed in his country's service, is improper taxation, I disagree with him. There is no man to-day, I care not how humble he may be, how poor he may be, what his condition in life may be, who would submit to the deprivations that these men do on account of wounds, disability, or disease for ten times the amount that they receive as a pension. One of the great inequalities in this country is the distinction that is made in our laws. I will take two captains for the purpose of illustration. Two captains enter the service, one in the regular Army and one in the volunteer army. They both go upon the same battlefield and both of them lose a leg on the same day. They come to Congress, and how does Congress provide for those two persons? Congress gives one of those men three-fourths of $2,500 per annum, and to the other one $20 per month. That is the distinction—two men of perfect equality in commission, in conduct, in honor, in integrity, and in everything that belongs to a man, and you discriminate by the laws of the country between those two men, and when the man who gets but $20 per month on account of his commission as captain comes before the Congress of the United States and asks that the gradation in reference to his wound or disability may be made so that he may receive $38 or $40 or whatever it may be, Congress has not time to consider that proposition.

Mr. HARRIS. May I ask the Senator from Illinois if I understand him as saying that under the existing pension laws between two officers of the same rank similarly disabled, with the same degree of disability, there is this vast difference in the pensions that they receive that he has suggested?

Mr. LOGAN. I did not say so.

Mr. HARRIS. That is exactly what I was not sure about and desired to know. It is owing to the difference in rank that there is this difference of pay, I suppose.

Mr. LOGAN. No, sir, it is owing to the difference made by the laws of Congress. I took for illustration two men, both captains in the Army, appointed on the same day, one to the Regular Army and one to the Volunteer Army. They went upon the same battlefield, both lost a leg on the same day, and one is put on the pension roll at $20 a month and to the other you give three-quarters of $2,500 per annum by the laws of Congress.

Mr. HARRIS. Why is that?

Mr. BUTLER. How is it?

Mr. LOGAN. One is put on the retired list with three-quarters Army pay, and the other you pension at $20 a month. That is the distinction. I have no complaint to make about it. I was only showing the distinction that is made in the laws of Congress in reference to men who are wounded or receive serious injuries in war. The distinction is made not because of rank; not because of date of commission; not because of wounds. You give one a mere pittance, and to the other one you give large pay. No man will get me to vote to decrease the retired pay of that poor officer. I would not do it. I do not mention it by way of criticism of the pay he gets, but by way of criticism of the action of this Government in reference to the manner in which it pays the other officer who received the same character of wound. I do not believe that $100 a month is enough pay for a man who has lost his arm or his leg or his eye or both eyes; but these gentlemen ask that the $18 a private gets if he lost his leg below the knee or $24 if above the knee should not be increased.

Mr. HARRIS. Is that the present law?

Mr. LOGAN. That is the present law.

Mr. BUTLER. Then the captain gets $20.

Mr. LOGAN. Yes, sir; he gets $20 on account of being ranked as captain. The pension on account of losing a leg is not increased in proportion to his rank over that of a private. It is a specific pension and he gets the same as anybody else.

Mr. PLATT. Will the Senator permit me?

Mr. LOGAN. Yes, sir.

Mr. PLATT. The captain gets $20 for what the private soldier would get $8.

Mr. LOGAN. Exactly; that is it. But when it comes to the specific pension for the wound, then there is no increase according to rank.

Mr. PLATT. No.

Mr. LOGAN. That is what I was trying to explain. The rank gives him $20 and the specific pension gives him no increase. I am not saying this for the purpose of insisting that the officer should have his pension raised and the private not; but I take that as an illustration to show the distinction that is made on account of the different characters of employment of the same rank. The private as a matter of course is not on the retired-list. When we come to that the privates are on an equality. The private soldier as well as the officer is entitled to regard and respect from the Congress of the United States and the country; all perform their duty, operating in different spheres, and having different functions to perform.

I have not had an opportunity, as I said, this morning to listen to the debate or examine into the various propositions; but I am opposed to the indefinite postponement of the House bill, and in favor of taking up the bills and examining them and appropriately legislating in reference to the various propositions. I think Congress can not afford not to do that. So far as I am concerned, I have no apologies to make either here, to the country, or to anybody else for having voted for pensions always. I expect to continue to do it while I am in Congress. I know some of the sufferings of soldiers; I do not mean any particular soldiers or of any particular war, but in reference to their sufferings under all circumstances; and whenever one has lost his leg, his arm, or both, or an eye, or both eyes, or has been physically disabled on account of other wounds or diseases occurring in the line of his duty, I will always be the defender of that man when he asks the pittance which he gets from the Government of the United States.

The allusion that was made to the arrearages-of-pensions law has nothing to do with this bill. I will say in answer to that, I was not here to vote for it, but had I been I should have done so on the principle that where you agree to pension a man you pension him on account of a wound or on account of disease, a disability; and if the contract under your law is that if a man is wounded or disabled on any account in the Army he shall be pensioned, that contract applies and attaches at the time the disability occurred and at no other time; so that a man is entitled to a pension from the time the disability was incurred. Though Senators constantly prate in this Chamber about arrearages of pensions, the only wrong that was done in reference to that was that they did not apply the pension at the time when the law was passed that it should have obtained from the time the disability was incurred.

The only opposition that could be found in the country to the arrears-of-pensions act is that it took a large amount of money at one time. It took no more if the law at the time it was passed had given the man the pension from the time the disability was incurred, no matter when the application was made, which would have been right and would have been just. So I say the arrearages-of-pensions law is right and it is not a question with me as to how much it costs. The question with me is, is it just; is he entitled to that pension? If he is it is not for me to inquire where the money shall come from. I will pay my part of it and let everybody else do the same. The government that does not protect, the government that does not support and sustain to a certain extent the lame, the crippled, the halt, and the blind who received these injuries in the time of emergency of their government, in war for its preservation and protection, fails in the performance of that duty that ought to apply to all governments and all nations. When the Government asks that the best blood of this land shall be poured out for its preservation, it is not for that government to higgle and complain when these unfortunates ask a pittance to aid them through the time they shall live along the pathway of life until the time comes when life shall cease to exist.

Sir, these complaints are often made, but unwisely made. The honest man at home is not the man who complains of his taxation for pensions. No man would be ever heard to complain in this land on that subject if it had not been for members in the Congress of the United States trying to show that the people were imposed upon by large assessments for unworthy purposes. This has been done from both sides of the Chamber. The fault lies equally with all those who make these complaints.

Now, Mr. President, I hope this bill will not be postponed, but will be fairly, justly, and honestly considered, amended if it needs amendment, so as to provide an increase of pension for these unfortunate men, if they are entitled to it, no matter where they are or where they are to be found.

Mr. VAN WYCK addressed the Senate. [See Appendix.]

Mr. VEST. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the bill indefinitely.

Mr. VEST. I wanted to say a word or two in regard to the motion which I submitted to amend the bill by striking out the clause in relation to equivalent disability.

The PRESIDING OFFICER. That is not now the question before the Senate.

Mr. VEST. As I do not wish to detain the Senate but a moment or two I may as well say now what I have to say, because the Senator who has just taken his seat alluded to the position of the confederates with regard to these pensions. During the four years that I have been in the Senate I have voted for every pension bill that came before this body. I may say without exception I have voted for every pension bill where the committee recommended it, for every individual pension

bill. As I said once before, if the confederacy had won, to which I was devoted heart and soul from the beginning to the end of the conflict, I would have voted the last dollar of money and the last acre of land within its limits to have paid the maimed, wounded, and disabled soldiers of the confederate army. The people of the United Sates, to whom Providence gave triumph in that conflict, have the same right, and not only the same right but the same duty imposed upon them.

Believing that a people who would not reward their soldiers who have given life and limb for their national existence should be blotted from the map of Christendom; as a Senator of the United States I am here to vote to the largest extent that the public shall take care of the men who upon the battle-field preserved the national existence. While I hold a seat here I shall so vote.

But the clause in the bill which I have moved to strike out is in my judgment the opening to illimitable frauds and illimitable robberies of the public Treasury.

Why, Mr. President, who has ever seen any man suffering who did not believe that his disease or his wound, whether imaginary or actual, was the greatest misfortune that had ever befallen any human being? Who is not aware of the same thing if he has ever been the subject of the confidential disclosures of any man afflicted in any way by wounds or disease in regard to his peculiar misfortune and disability? I undertake to say that if this bill is passed with this clause no man who was ever grazed by a bullet during the late war, no man who thought his lungs, his heart, his liver, or his stomach in the most remote degree was injured by his service in the Army, will fail to come here and say under this clause that his sufferings, his disabilities were equal to those of the soldier who lost either an arm or a leg.

Who is to determine this question of an equivalent disability? I take it that it is to be determined by the medical profession. What does that mean? It means that you can never find one single case in which a physician will not certify that his patient is suffering agonies, horrors, and disabilities more than those of the man who has really lost an arm or leg in the military service. There will not be one single case that will not find medical testimony and authority to prove and show it to be a case of equivalent disability. It means, and it is a mere conjecture as to numbers, that a quarter of a million of cases at $40 a month will be placed upon the Treasury of the United States.

Mr. VAN WYCK. May I ask the Senator a question?

Mr. VEST. Why, certainly.

Mr. VAN WYCK. The term "equivalent disability" has now a fixed meaning in the Pension Department. The same source which has been passing upon the question of equivalent disability still exists. The Senator has stated the mode by which it should be determined. If it be true that 250,000 are to be added when they receive $40 a month, will he tell me why during the last twenty years under the same terms and designation and by the certificates of physicians the number is such as is reported by the Senator who sits immediately in front of me? Why have not great frauds on the Treasury been perpetrated in the last fifteen or twenty years?

Mr. VEST. For the simple reason that no such law as this has been enacted, and because they can not draw the same sort of pension under other statutes.

Mr. BLAIR. I do not wish to interrupt the Senator, but I should like to reply to his observations in a few words. Perhaps I might as well do so now, by his courtesy.

Mr. VEST. Certainly.

Mr. BLAIR. Equivalent disabilities, as has been observed, are as much known to the statute and to the practice of the office as disabilities occasioned by actual amputation. They include disabilities which are equal in extent to those with which they are compared. Here is a stiff arm. That is the measure which is applied to the great class of the pensions. For a disability, whether it be in the head, the body, or in the leg, unless it is specially described and pensioned by a specific description, if equal, in the judgment of the medical examiner, to a disability occasioned by stiffness of the elbow-joint, the pensioner gets the total $8, $15, $17, $20, $25, or $30, as the rank may be. In every case whatever the medical examiner compares the status of the individual from his personal examination with that imaginary standard, and if he says it is equal to that disability he gives him a pension according to the rank for total disability. There are various specific disabilities specified in the statute: the loss of a leg, amputation of a leg below the knee, amputation of a leg above the knee, amputation at the hip-joint, the loss of an arm below the elbow, the loss of an arm above the elbow, amputation at the elbow-joint, the loss of both eyes, and so on.

The bill proposes that where the disability is equivalent to any one of those specified, that is, where the disability is not equal to the loss by stiffness of the joint, but is equal to the loss of a limb above the knee, the man shall be pensioned at the same rate that the other one is who has lost a leg above the knee. His general condition is compared, in the mind of the examiner, with the status of a man who has lost a leg above the knee and whose case is described in the statute, and is fixed by the present law at $24. It covers, as the medical examiners universally have told me, really much more suffering and much more meritorious cases in their opinion than the specific disabilities themselves. A man has lost a leg below the knee and has got a good amputation; it heals and he will live as long as though he had not lost it oftentimes. If he has lost it above and it was a good amputation he is relatively all right. But here comes a man whose arm is shot and shattered above the elbow, and what they call the operation of resection takes place, that is, removing a portion of the bone, three, four, five, or six pieces, as the case may be, and the arm hangs limply at his side. Here is another man whose arm is actually cut off above the elbow, and if it was a well-healed wound he would draw a pension on account of specific disability, according to the description in the statute, at the rate of $24; but it has healed badly; he can not attach a false arm to it; the stump is sore; it bleeds. He has other wounds, it may be, in the body; he was shot through the lungs; he may have festering and never-healing sores, unmentionable diseases, for the great mass of the body is exposed to the bullet and not the limbs alone. The much more serious wounds and disabilities are those not named in the statutes, and if pensioned at all they are to be compared with some of the specific disabilities.

There is no new principle involved here. It is precisely the same principle upon which the entire pension law, so far as disabilities are concerned, is administered. It sets up these different standards and says to the medical examiner, if a man's disability by a shot through the lungs unhealed, or by other wounds, or by severity of disease, heart disease, or other, if on the whole he is as much injured physically as though he had lost an arm above the elbow, he shall have a pension at the rate of $30 a month, which is the sum provided in the proposed substitute, the substitute making an increase of $6, while the bill as it came from the House increases the rate from $18 to $40.

Mr. VEST. What is the increase in the original bill?

Mr. BLAIR. I will state the increase in the original bill. I am glad Senators ask attention to this point, because the more the matter is examined the better it will be understood, and if it is understood something will be done. The bill coming from the House proposes that the loss of a hand, which is now pensioned at $18, shall be pensioned at $40; that the loss of an arm above the elbow shall be pensioned at $40; that the loss of an arm at the shoulder-joint, which is the most dangerous and severe form of amputation which is known, even disabling to a greater degree, it is said, and being more dangerous than amputation at the hip-joint, shall be pensioned at $40. All the lower forms go up to $40 as a fixed rate. That is the bill that comes from the House.

Mr. BUTLER. Just so about the leg.

Mr. BLAIR. Just so about the leg; just so about every disability that is covered by the bill. The truth is, the bill covers relatively but a few of the disabilities, some three or four, whereas the proposed substitute covers all, and all of which are sure to come in, if there is any legislation, sooner or later. The amendment of the Senator from Connecticut is the same, only it does not go nearly as far, and leaves this terra incognita, or rather this well-known territory, still to be legislated upon in the future. That makes an increase of from eighteen to twenty-four dollars where the arm is severed so as to make merely loss of a hand, that is, below the elbow, being an increase of $6 instead of $22. If the loss is above the elbow the increase is from $24 to $30, an increase of $6 instead of $16. The higher disabilities, which now are compensated by a pension of $31.25, $36, $37.50, which are not covered at all by the amendment of the Senator from Connecticut, are by the substitute which I am advocating carried to $40. As far as it goes it goes upon precisely the same route and makes precisely the same points as the substitute which the chairman of the committee and myself have offered, which covers the entire ground and would put this whole question at rest. There is no more extravagance in our substitute than there is in the proposition of the Senator from Connecticut. It is the same thing, only his is partial and ours is a total provision.

I am obliged to the Senator from Missouri for his courtesy in allowing me so much of his time.

Mr. PLATT. I assure the Senate that I will only take a single moment. Out of 173,138 invalid pensions on the list only 8,847 are for equivalent disabilities.

Mr. VEST. I understand that; but the salient point remains, and it is one that controls the whole matter. This is an increase of pension, and the inducement to bring cases within this classification of equivalent disabilities would be increased 100 per cent. by the enactment of this law. The undertaking will be now as a matter of course to bring every wound, every disease, under this increase. Every soldier who is in feeble health to-day almost without exception believes that his disease or disability came from the war. You can hardly find a man who participated in the service on either side to-day who has an ache or a pain, rheumatism or gout or neuralgia, or lung disease or throat disease, who can not trace it to the very night on which he slept ahead of his baggage-wagon upon wet or damp ground, or to some forced march, or to some hours of privation and exposure. The bill simply says to all that class, "You are now offered a premium of 100 per cent. to bring the proof that will bring you into this classification." There is the danger in it. That will be the inevitable result.

I undertake to say that if this law is enacted it will be a harvest for the pension agents and the claim agents who swarm around this city, and

in the principal cities of the Union, such as they have not had since the passage of the act for the arrears of pensions. I do not know what the experience of other Senators has been, but mine, since this question has been mooted and discussed, is that I have been flooded with printed petitions coming not from soldiers but coming in the stereotyped words and language of the claim agents in the name of the soldiers, in the name of the veterans of the war, begging me to vote for this bill in their interest. The whole thing will result not for the benefit of the soldier but of the lawyers, and they hardly deserve the name of lawyers, the pension agents, most of whom have accumulated enormous fortunes at the expense of the soldiers of the Federal Army, while those soldiers themselves go maimed and beggared to their graves. Pass the bill with this clause in it, and I say again it will be such a harvest as these people have not had since the passage of the arrears-of-pensions act. For that reason I have moved to strike out the words "or shall have suffered disability equal thereto."

Mr. JACKSON. Mr. President, as a member of the Committee on Pensions I concurred in the majority report, and I wish to state briefly to the Senate the reasons why the bill in my judgment should not be passed. I concur fully in what the Senator from Missouri [Mr. VEST] has stated in reference to the equivalent-disability clause. There is not now, and has not been, anything in our legislation so broad as that. We have equivalent-disability clauses in reference to certain specific disabilities. For instance, if an arm is lost below the elbow and the injury is such as to be equivalent to a loss at the elbow, under the existing law you may rate the pensioner on the equivalent disability. But this bill goes beyond all that. This bill provides for the loss of a hand or a foot $40 per month, and any one suffering a disability equal thereto shall be pensioned at the same rate.

As the Senator from Missouri has stated, no man can possibly tell what amount this measure will draw from the Treasury even if honestly administered. The Commissioner of Pensions himself in his report to us says it is impossible to tell. We know the number now existing who lost a hand, or an arm, or a foot, or a leg; we know the number who are now pensioned under the equivalent-disability clauses, numbering 10,925; but there are 270,000 pension cases yet to be adjudicated and it is utterly impossible to tell how many of that number will be included in any general-disability clause. The disability clause in this bill goes to the point of any injury, any disease which any surgeon may certify to be equal to the loss of a foot, a hand, an arm, or a leg.

Mr. BLAIR. Will the Senator allow me to ask him if every physician's examination is not revised by the surgeons of the Pension Office, and if final action is not the decree of the Pension Commissioner?

Mr. JACKSON. Yes; and the gentlemen who serve on that board see day after day certificates of surgeons certifying that the injury or disease is equivalent to the loss of a foot, or an arm, or a leg. It is an every-day occurrence.

Mr. BLAIR. But the point that I wish to ask the Senator's attention to and to state to the Senator is this: are not all these examinations subject to medical revision, and is not the rating finally made by the Pension Office upon all the information it receives, medical and other information, bearing upon the case?

Mr. JACKSON. The examinations are made at a distance by one or perhaps by a board of surgeons. It is certified here. That is subject to review by the local board at Washington. There is no doubt about that; but that does not reach the difficulty. How can the board here acting upon the certificate of a distant surgeon be able to review it? It can not be reviewed.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Tennessee still yield?

Mr. JACKSON. I prefer not to be interrupted. I will not detain the Senate more than a few moments. I say not the Commissioner himself, no member of the Senate Committee on Pensions, and no member of Congress can tell approximately, there can not be an intelligent guess given, as to the amount this measure will take out of the Treasury. It will open immensely the door to fraud and corruption, for, as was stated by the Senator from Missouri, every pensioner will come forward and claim that his disability is equal to the loss of a hand or an arm, a foot or a leg, and immediately his pension will be raised to $40 a month.

But there is a graver objection to the bill than that. This very class of pensioners have been before Congress year after year, and have had special legislation in their behalf. On the 4th of July, 1864, they had an increase of pensions in their behalf; on the 3d of March, 1865, they had a further increase; June 6, 1866, they had a further increase; June 4, 1872, they had a further increase; in July, 1874, they became the subjects of special legislation again; February 28, 1877, they were again the subjects of special legislation, and June 17, 1878, they were again advanced.

What does the bill propose? Look at the operation of it. It proposes for the loss of a hand $40 per month, and for the loss of a leg at the hip-joint $40 per month. The loss of a hand in the service does not disable the soldier from manual labor, and he is able to earn a partial support for his family, and for that disability he is to be pensioned at the rate of $40 per month. If he lost his life in the service the widow of the soldier gets no increase. She gets $8 per month for the loss of the private soldier's life, while on account of the private soldier's loss of a hand his pension is to be raised to $40. It is a discrimination, and an unjust discrimination.

The pension laws ought to be revised. There is an unjust discrimination against the private soldier in favor of the officer. Rank should not give an increased pension. The private soldier's disability for the loss of a hand and for the loss of a limb is equal to that sustained by any officer, however high in rank or gallant in the service. The pension laws should give equal pensions for equal disability without regard to rank. But here, where the loss is sustained by a soldier, whether he be a private or whether he be an officer, for an injury of his person that does not disable him from earning a support for his family, he is to be raised to $40 a month, when the widow who lost her whole support in the service by the death of her husband is left standing at $8.

I say it would be an unjust discrimination in the most offensive sense for Congress to pension still higher the particular class who have been the objects of its care in repeated legislation, and leave the dependent widows of the country to the pittance that is now doled out to them.

I opposed the bill as partial legislation, as class legislation, and I have opposed and expect to oppose in Congress all such class legislation when it is presented here. The whole subject ought to be revised, but the Pensions Committee have not had the time nor the opportunity to do it.

For these reasons I concurred in recommending the postponement of the bill until it can be renewed and revised thoroughly.

Mr. MITCHELL. If I understood the Senator from Missouri [Mr. VEST] correctly, he said the probability would be if the bill became a law that there would be 250,000 persons who would come in as claimants under the equivalent disability clause. I will state for the information of the Senator that the total number of pensioners now upon the rolls is only 291,000, and that it appears by the report from the Commissioner of Pensions of those now drawing pensions for equivalent disability which are provided for by the existing law, there are only 10,925.

I think the Senator from Tennessee [Mr. JACKSON] was led into an error in stating that the existing law does not provide for equivalent disability in any cases. I call the attention of that Senator to section 4698 of the Revised Statutes, in which occur these words:

> And all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of $24 per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, &c.

So that equivalent disabilities are provided for by the existing law; and by the administration of that law it appears that of the total number of 291,000 pensioners now upon the roll only 10,925 are allowed pensions under that clause of the law.

I desire to have read at this point, as bearing on the question of the amendment of the Senator from Missouri, a letter from an intelligent soldier, who is not demanding any increase of pension, showing how unjust it will be to strike out these words. I ask the Secretary to read that portion of the letter which I have marked.

The Acting Secretary read as follows:

> I have the honor to address you, as one who has always shown a special interest in the ex-soldiers, to say that unless said bill provides for equivalent disabilities it will be unjust to a large class of deserving pensioners.
>
> I think the present pension is generous, and do not wish to be understood as either advocating or opposing an increase; but to give a man $40 per month for loss of an arm or leg, that entails no other disability or suffering, and deny it to another whose wounds, far more serious, disable him to a greater extent, besides causing continuous suffering, is not the equity expected or which the Government should mete out to its crippled defenders.
>
> Take my own case, for instance; I was shot through the neck, the ball, a large sized minie, entering in front four or five inches below the left ear, passing between the jugular and windpipe, and finding its exit between the fifth and sixth cervical vertebrae, which it fractured, a few inches below the base of the skull.
>
> My left arm is paralyzed to a great extent, so is my left side, as far down as the waist, and the paralysis extends, also, to left leg and foot at times when I overexert myself or contract a cold. Owing to injury of the gastric nerve by the ball my digestive organs are unable to properly perform their functions. I suffer from hemorrhoids, directly attributable to my wound, and, owing to the same cause it is rarely that my bowels act of their own volition at shorter intervals than three or four days. Many times, without the intervention of powerful medicines, they remain inactive for a week even, and to take physic brings on other troubles as bad or worse than that indicated.
>
> Since I was wounded, in August, 1862, there has not been a minute in the hour, an hour in the day, or a day in the year, except when I have been asleep, that I have not been subjected to physical suffering almost beyond description; and the nature and location of my injury induces insomnia in a most aggravated form, so that slumber results more from exhaustion than nature's effort to restore mind and body. It requires the utmost care on my part to keep myself in a condition to be able to attend to any kind of business, and were it not for my originally strong constitution I could not have stood it as I have.
>
> My nervous system is shattered to such an extent that things which a man with an arm or leg off would laugh at are to me causes of excruciating misery. A slight change of temperature, a misstep, severe or protracted mental application, these and other incidents of living bring on neuralgia, intense pains in head and spine in the vicinity of the wound and throughout the whole of my left side and arm. Besides changes in the weather, a cold, a strain, or shock increases temporarily the paralysis which has been growing with my age.

Mr. MITCHELL. There is the case of a soldier who was shot through the neck, the ball going down and coming out at the back, between the

vertebræ, his whole system shocked and broken down, and yet he suffered no amputation. If that clause were stricken out of the bill as it passed the House of Representatives, he would not be provided for. There are hundreds of such cases. I have had letters from a large number of persons of that kind. I hold one in my hand now. If we do anything on this subject we certainly ought to retain that provision in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the bill.

Mr. HARRIS. Mr. President, I do not choose to allow the fact that I have made this motion to indefinitely postpone the consideration of the bill to be construed into hostility upon my part to granting pensions fairly and properly and justly to those who have served in the Army and in the Navy of the United States. Upon the contrary, for the six years that I have had the honor of serving upon this floor, I have consistently and habitually voted for every pension bill that wore the ordinary semblance and indicia of fairness upon its face. But this proposition I have moved to postpone, taken up as it is in the expiring hours of this Congress, in respect to which no member of the Committee on Pensions, no Commissioner of Pensions, no other official of the Government can inform the Senate or any member of it as to whether the passage of the bill will involve the drawing from the Treasury $5,000,000, $10,000,000, or $100,000,000. While it is possible and may be probable that the classes of disabilities proposed to be provided for by the bill merit an increase of pension, we have not at this moment sufficient information to enable us fairly and properly and with any degree of safety to the Treasury and the tax-payers of the country to undertake to regulate the question.

For that reason I moved that the bill be indefinitely postponed, and upon the meeting of the coming Congress—if there be merit, as probably there may be, in the demand for an increase of pension in this class of cases—we will then have abundant time to thoroughly investigate and to devise such a scheme as will at least approximately, if not fully, do complete justice to these various classes of cases, for it is utterly impossible for us now to provide for them with such a degree of care and certainty as will give safety either to them or to the Treasury. For that reason I made the motion to indefinitely postpone, and for that reason I shall vote for the motion.

Mr. SLATER. Mr. President, I beg to call the attention of Senators to a point that I am very fearful will be entirely overlooked in this matter. It will be remembered by the Senate that at the last session of Congress we were pressed to furnish a very large increase of force to the Pension Office in order that long-delayed pension claims that had been constantly accumulating at a ratio more rapidly than they were being disposed of might have some chance during the lifetime of the claimants to be adjudged. The report of the Commissioner of Pensions shows that on the 1st of July last there were 207,000 pension cases pending there. The Commissioner estimates that 166,000 will be ultimately allowed. I say that the interest and the claims of the 200,000 claimants demand that the office shall not be gorged again and overworked until those claims are disposed of or measurably so; and any legislation of this kind, even under the amendment proposed, will necessarily impede the settlements of the claimants who have not yet had the first dollar of pension, although they are entitled to it. I beg Senators to consider this fact. Let the Pension Office have at least one or two years' chance to dispose of the unfinished work and the accumulated business there that has been waiting for very many years to receive attention.

Mr. MITCHELL. One word in reply to the Senator's suggestion. If this bill did not relate to specific cases I would agree that there is great force in the suggestion; but inasmuch as the proposed legislation relates only to cases of specific disability, as to which in all cases now allowed the evidence is clear and certain, I think there is not much force in it. It will take very little time to settle those cases, and it will not be necessary for the intervention of an attorney. I am willing, so far as I am concerned, that a provision shall be placed in the bill, if we go on to its consideration, providing that there shall be no attorney recognized in settling any of these cases. All that is necessary to do is that the claimant shall file his application for an increase of pension, and immediately upon the evidence in the Department the Commissioner upon a very slight examination will be able to determine whether the pensioner is entitled to the increase. The record would show whether he is entitled to it or not.

Mr. SLATER. The Senator can not push aside the suggestion I have made so easily as that. It is true there is a small number of cases of specific disability such as the loss of an arm, or a foot, or a leg, and they can be readily adjusted, but they will form but a small percentage of the cases that will have to be gone through. It has been already stated that there are ten thousand cases now of equivalent disability, all of which will probably have to be gone through again, and to many more cases the door will be open for them to come in. A low estimate of the equivalent disability cases under the operation of this bill if it should pass as it came from the House will be at least twenty thousand, which would incur as much work in the office, if not more, than original new cases.

Mr. BLAIR. I called the attention of the Commissioner to this very point. He said it would be attended with very little additional work, that the intervention of no agent would be necessary. In fact the payment of arrears to those whose claims have been established was not attended to by agents. Nothing in this case would be necessary but to issue the increased amount instead of that which is now given. A man by his present certificate gets $18, and the law as proposed by my substitute would say that the same man shall have $24, and the man who now gets $24 shall have $30, and the man who now gets $30 or $31.25 shall have $40. It is simply a stroke of the pen and will not be attended with any particular addition to the labor of the office.

While I am up I want to say further, in reference to a suggestion from some Senator to the effect that if action is not now taken by the Senate in the way of amendment nothing can be done by the House, that members of the House have said to me that anything we may send to them they will pass there by an overwhelming vote. In these last days of the session they have control of their action, as we all know, and the moment the bill reaches the Speaker's table it will be taken up and our amendments will be concurred in. There is no objection to action on that ground.

These men have been waiting two years. It is now proposed that they shall wait two years more. We have as much information now as we should have then. We have had all the investigation that is necessary; they have been to all necessary expense to make their case known, and if we are ever to do them justice we ought to do it now; because to say that we will wait two, three, or four years until the business of the Pension Office is performed is equivalent to saying that we will wait until these men are buried, for they are going off at the rate of one-half the number during the last five years. The mortality among those men is very large, and if they are to have anything given to them it should be given before their burial. I am informed by the Commissioner that they would simply indorse on the certificate by a stamp or a stroke of the pen the amount to which the pensioner would be entitled by virtue of this increase allowed by the law, and he would be paid accordingly. That is all there is to it.

Mr. BUTLER. Mr. President, I shall vote against the proposition to indefinitely postpone the bill, and I here and now announce my willingness to vote a pension of $40 a month to any soldier who has lost an arm or a leg; I do not care whether it is above or below the knee, or whether it is above or below the elbow; but I am opposed to that provision of the bill which provides for equivalent disability, because I do not believe there is any disability which is equivalent to an injury of that sort. I think, as has been stated, that it will open the door to a great many very dangerous practices.

I shall therefore vote for the amendment of the Senator from Missouri [Mr. VEST]. If our friends on the Pensions Committee could only agree on what they do actually desire and want I should be very glad to vote for the proposition which I have stated, to wit, to give $40 a month to the man who has lost an arm or a leg without reference to the locality where he may have been injured. If the committee can agree upon that I will vote for it.

Mr. SHERMAN. Mr. President, as I may not be able to be present during the rest of the consideration of this bill, I desire to state in a general way what course I shall pursue in regard to it, and if I am not present to vote I shall take care to be paired with some one who differs with me in opinion.

I am in favor of increasing the pension of all those who have been disabled by either the loss of an arm or a leg, or by any other actual wound equivalent to such a loss. I might be willing to vote, and probably would vote, for what is called the equivalent-disability clause, if it could be so defined by meet terms that an officer in executing the law might judge what the intention of Congress was. The difficulty is that as the bill now stands there is no definition that would enable an executive officer to say what was an equivalent disability.

The gentleman who wrote the letter which has been read no doubt was a man who suffered largely, whose case as stated by him would be an equivalent disability. He feels that the disability under which he labors is greater than the loss of a leg or an arm; and so it is.

If the disability caused by actual wound, by being shot in any part of the body, through the lungs, or through the body, or through the neck, or any wound inflicted by a bullet where there could be no doubt about the nature of the disability, and about its being caused by a wound received in the service of the country, I should be willing to vote for the equivalent clause. But the difficulty in regard to this subject is whether under this clause a great multitude of cases will not be embraced that can not be defined, or at least certainly defined by the law. No rule is prescribed which would enable any executive officer to execute fairly the intention of Congress. I do not think that we ought to pass such a law and then abuse officers of the Government for trying to execute it. I have no doubt that the officers of the Government have been in the main liberal in their construction of the existing laws for the benefit of the soldier, but it is sometimes impossible to show whether a disability under which a soldier now suffers was caused by a cold contracted during the war, by some injury suffered in the war, or by an injury that was acquired long after the war ceased. It is so difficult to mark the boundary line between disabilities under which they labor

now, and to separate those which were contracted since from disabilities acquired during the war, that it is necessary in any law that the lines of demarkation should be distinctly defined.

I believe that the Government of the United States is rich enough, strong enough to give to every man who actually suffers by a wound in war which is equivalent to the loss of a hand, or an arm, or a leg, or a wound in any part of the body, anything that makes his life unhappy, anything which impairs his ability to sleep, any injuries from which men suffer, a reasonable and fair pension. The sums proposed do not seem to be large. Either $18, or $24, or even $40 a month is a very small compensation for the loss of an arm, for the loss of that which makes life dear, for the loss of health. I am willing to vote, and probably would vote if present, for the largest proposed pension granted to persons who have been disabled by actual wounds in the war. The great trouble, however, does not occur in regard to those cases, but it occurs on account of disabilities growing out of exposure to cold, to heat, to rain, to storms, and the consequent injury to health growing out of exposure during the war. If there were some way by which we could define and separate the injuries that come from the natural course of life, from the progress of age, from the natural debility of advancing years, from the injuries that grew out of the war, I should be glad to vote for an equivalent-disability clause that would give an increase of pension to all persons who suffer from disease contracted on account of service during the war.

Mr. BLAIR. With the permission of the Senator I wish to say to him that I think he is laboring under a misapprehension as to the existing law, and that the principles that he is advocating are already the rule of the Pension Office.

Mr. SHERMAN. I know that.

Mr. BLAIR. Then I have nothing else to say.

Mr. SHERMAN. I know that the equivalent clause is in the existing law, and I know that very clause now produces all the trouble, all the difficulty in the application of the present laws to the cases as they arise. If a man has lost an arm or a leg, if he has been wounded in the body, if he has a distinct wound from which he suffers, that is easily proven, and there can be no fraud about it, no pretense of fraud, because his suffering can be proven by the record; but if an application is now made, more than fifteen years after the war, on account of weak lungs or a diseased liver or some ailment of the body which can not be traced directly to a wound actually received, or to a distinct cause of exposure and continuous suffering from the time that it occurred during the war until this time, it is impossible for an executive officer to trace it. Surgeons may believe it and certify to it sometimes with or without the proper facts, and that creates all the doubt or delay or dispute and the allegation of fraud in these cases.

If a majority of the committee who reported in favor of some increase of pension could be put into a room and compelled to agree about what they would propose, I should be very willing to vote for any proposition they might agree upon. I should vote for the proposition introduced by the Senator from Connecticut, and would do so cheerfully if nothing better could be done. I would vote for the proposition introduced by the Senator from New Hampshire, in which the chairman of the committee concurs, if they would leave out the loosely-worded clause to which I have referred, and let that be the subject of more definite and accurate legislation. Indeed, in the amendment as I have read it over carefully it would only be necessary to leave out one single clause, and then let us provide for cases that are clear and indisputable and make some wise and just line of demarkation or regulation as to the equivalent-disability cases; but to leave the whole question to the executive officers to say whether or not an injury which a man may suffer from, if a cold, and there being a doubt as to when the cold was contracted, is equal to the disability caused by the loss of an arm or a leg, induces uncertainty, fraud, and danger in the administration of our pension laws.

You may fix any rate you choose if you confine it alone to those cases that are clearly marked, where the testimony would be undoubted, and give an increase of pension to any man who now carries one arm or a wounded arm or a wounded leg, or who carries the marks of a wound upon his person from which he suffers, I will vote for any rate of pension which may be proposed.

I shall vote for the amendment offered by the Senator from New Hampshire with great pleasure if he will strike out a single clause and leave that for future legislation. When it is said that there are many diseases under which the soldiers have suffered that are equal in their effects upon his ability to labor to the loss of an arm or a leg, I can not deny that; but in the one case there is absolute certainty of proof—there can be no doubt whatever but that the person who suffered this palpable injury, an actual wound, ought to receive the benefit of these large pensions; but as to the other case there can be no certainty. Dozens of cases have come under my attention where upon the proof I was utterly unable to even form an opinion whether the disease under which the soldier suffered was the result of the war, or the result of time or of accident or events occurring since the war. It seems to me that it would be better to leave out that clause as a disputed clause in the bill and let us secure justice and liberality to those whose wants are undoubted, and the cause of whose suffering may be clearly traced by actual proof.

If I were present, therefore, and I may not be hereafter if the bill goes on, and I hope it will (I hope it will not be postponed; let it be disposed of), I would vote for the most liberal pension proposed in either of these propositions in those cases where you have absolute certainty, and where the injury was certainly caused during the war; but I should want a little more definite description of the equivalent-disability clauses as to cases that may be included under the general phraseology of either of these measures.

Mr. PLATT. Mr. President, there seems to be a world of misapprehension about this matter of equivalent disabilities. There is one single equivalent-disability clause under the present law and no more. I will read it. It is found in section 4698 of the Revised Statutes, and is as follows:

> And all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of $18 per month.

That is the only equivalent-disability clause in the statute. It is the only one that I have recognized in my amendment. There are others in the amendment proposed by the Senator from New Hampshire, and that is one of my objections to that amendment.

I want to say one thing more. This is the only way which has yet been devised in the wisdom of this Government or of any government on earth where men disabled from wounds or disease, more than the ordinary $8 per month pension, can receive an increase. There is no way in which it can be specified. You can not say that a man who has been shot through the arm shall receive so much; that a man who has been shot through the cheek shall receive another sum; that a man who is partially paralyzed shall receive another sum; that a man who has suffered another wound shall receive another sum; that a man who has chronic rheumatism contracted in the Army shall receive another sum. It is impossible. The only way in which that class of cases can be adjusted upon any basis of fairness and equity is to make this standard, or some other standard, for the loss of an arm or a foot, and leave the discretion in the Pension Office to say whether a man by reason of some other cause has been incapacitated from obtaining a livelihood by manual labor equal to the man who has suffered the loss of a hand. It is impossible to conceive any other way in which justice can be done to these men.

I wish to say here that that whole matter, I believe, is carefully guarded to-day. A man who makes his application on account of disease, if he proves it, is entitled to a pension. If he is not entitled to it, but imposes upon the Pension Office, he will get his pension. The only question is what the amount of it shall be. If he proves his disease to have originated in the Army, and proves that his disability is equal to that of a man who has lost a hand or a foot, there is no earthly reason why he should not receive as much. The probability of fraud does not enter into this question at all. If there is fraud there will be fraud anyway. It is the degree of his disability which fixes the $18 pension provided for by law, and it is the only way that I can conceive of by which justice can be done.

Many of the men who are receiving the $18 pension are very much more disabled than men who have lost a limb. It embraces the case of every wounded man who was in the Army who has not suffered amputation, and the very fact that out of 173,000 Army pensions only 8,847 are receiving pensions under this equivalent-disability clause shows that it has been most carefully guarded.

What has a man to do in order to get a pension of equivalent disability at a rate of $18? First, he must show, as every other pensioner does, that his disability results from his Army service. He has got to prove it, and under the present administration of the office and under the present laws he has got to prove it by witnesses who are cross-examined in the home of the applicant, where everybody knows everything about him, where the opportunity to impose upon the Government is almost entirely taken away. He has got to prove that that disability results from his army service, and then he has to prove by medical examination, not before one surgeon, but before a board of three surgeons, his condition; and the office is not going to act upon their opinion as to whether he is as much incapacitated or not. They have to state all the facts showing his condition, and then the office in very many instances does not rate him according to the opinion of the surgeons, but according to the statement of the facts which they have made.

I do say once more that to shut out this class of men who are receiving $18 under the equivalent disability clause would be to my mind the grossest outrage and injustice that could possibly be perpetrated.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. MCDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were here, I should vote "nay."

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were present, I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the Senator from Nebraska [Mr. SAUNDERS] upon party questions. I take this occasion to state that this morning inadvertently, for the reason that I did not understand it to be a party question, I voted when I perhaps ought not to have done so. I withhold my vote.

The roll-call was concluded.

Mr. MILLER, of California (after having voted in the negative). I withdraw my vote. I am paired with my colleague [Mr. FARLEY].

Mr. CAMDEN (after having voted in the affirmative). I am paired with the Senator from Colorado [Mr. TABOR] on all political questions. I do not understand this to be a political question, but I withdraw my vote.

Mr. LOGAN. I desire to announce that on this vote I am paired with the Senator from North Carolina [Mr. RANSOM], both of us being engaged in the Committee on Appropriations. I should vote "nay" if he were here.

Mr. FRYE. My colleague [Mr. HALE] is absent on duty in the Appropriations Committee room. If he were present, he would vote "nay." He is paired with the Senator from Kentucky [Mr. BECK].

The result was announced—yeas 19, nays 34; as folllows:

YEAS—19.

Barrow,	Garland,	Jackson,	Saulsbury,
Bayard,	George,	Jonas,	Slater,
Call,	Gorman,	Maxey,	Vance,
Coke,	Hampton,	Morgan,	Walker.
Davis of W. Va.,	Harris,	Pugh,	

NAYS—34.

Aldrich,	Davis of Ill.,	Jones of Nevada,	Rollins,
Allison,	Dawes,	Lapham,	Sawyer,
Anthony,	Edmunds,	McMillan,	Sewell,
Blair,	Frye,	Mahone,	Sherman,
Brown,	Harrison,	Miller of N. Y.,	Van Wyck,
Butler,	Hawley,	Morrill,	Vest,
Cameron of Wis.,	Hill,	Pendleton,	Voorhees.
Cockrell,	Hoar,	Platt,	
Conger,	Ingalls,	Plumb,	

ABSENT—23.

Beck,	Groome,	Lamar,	Ransom,
Camden,	Grover,	Logan,	Saunders,
Cameron of Pa.,	Hale,	McDill,	Tabor,
Fair,	Johnston,	McPherson,	Williams,
Farley,	Jones of Florida,	Miller of Cal.,	Windom.
Ferry,	Kellogg,	Mitchell,	

So the Senate refused to indefinitely postpone the bill.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Missouri [Mr. VEST], in line 7, to strike out the words "or shall have suffered disability equal thereto."

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. That question if settled affirmatively might as well be looked upon as the destruction of the bill, for it will be the perpetration of arrant injustice upon a very large proportion of the most meritorious of our pensioners. I know that the soldiers of the country and the medical boards who have to do with the examination of the pensioners of the country say almost unanimously that those who are suffering from what are called equivalent disabilities should receive this increase if any class whatever should receive it.

The objection is made that it is difficult to avoid the perpetration of fraud in ascertaining the equivalent disabilities. There is no pension whatever allowed for any disability that is not an equivalent disability. The law which gives $8 per month to the common private soldier, being the total allowed to him, is ascertained by comparison with the imaginary standard of a stiff joint. That is in the primary law. By the law as it now exists, one other standard for which $18 a month is allowed has been introduced, and a great variety of disabilities are equivalent to that and are pensioned accordingly. Those two standards are already in the law; and yet by this amendment it is proposed to strike them out. In the substitute of the Senator from Connecticut there is an additional standard, and in the one which I have moved there are some three or four more, so that by a comparison with the condition of the individual pensioners with the various standards they can receive that which is due and equitable according to their several disabilities. The man who is shot through the lungs, or who is shot through the leg, or who has hemorrhoids or heart disease, and it may be, various other wounds festering and unhealed and never to heal, ought to have the privilege of drawing his pension under the provisions of this bill at $40 a month. You give it to the man who has suffered amputation; you give it to him as a pension for a specific disability. The case I have supposed, and it is not an uncommon case, is one where the actual suffering, the actual disability, is much greater, but for the want of that standard the man can now be pensioned only at the rate of $18 a month at the best; and so the principle passes all the way through. If the Senate is to do anything like justice we ought certainly to introduce these several standards so that the measurement may be made accordingly. If this feature of the bill is stricken out and the amendment of the Senator from Missouri is carried, the bill had better fail.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

Mr. BAYARD (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. Were he here, I should vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea." I do not know how he would vote.

Mr. FAIR (when his name was called). I am paired with the Senator from Michigan [Mr. FERRY].

Mr. McDILL (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were present, I should vote "nay."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

Mr. WILLIAMS (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. SAUNDERS].

The roll-call was concluded.

Mr. DAWES. I was requested to state that the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. The Senator from Maine [Mr. HALE] is paired with the Senator from Kentucky [Mr. BECK]. The Senator from Kansas Mr. PLUMB] is paired with the Senator from North Carolina [Mr. RANSOM].

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM]. It was just announced.

Mr. DAWES. I stand corrected.

The result was announced—yeas 20, nays 27; as follows:

YEAS—20.

Barrow,	Garland,	Jackson,	Pugh,
Brown,	Gorman,	Jonas,	Saulsbury,
Call,	Groome,	McPherson,	Vance,
Camden,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Morgan,	Walker.

NAYS—27.

Anthony,	Harrison,	Lapham,	Sawyer,
Blair,	Hawley,	McMillan,	Sewell,
Cameron of Wis.,	Hill,	Mahone,	Slater,
Conger,	Hoar,	Miller of N. Y.,	Van Wyck,
Davis of Ill.,	Ingalls,	Morrill,	Voorhees,
Dawes,	Jones of Nevada,	Platt,	Windom.
Frye,	Kellogg,	Rollins,	

ABSENT—29.

Aldrich,	Edmunds,	Jones of Florida,	Ransom,
Allison,	Fair,	Lamar,	Saunders,
Bayard,	Farley,	Logan,	Sherman,
Beck,	Ferry,	McDill,	Tabor,
Butler,	George,	Miller of Cal.,	Williams.
Cameron of Pa.,	Grover,	Mitchell,	
Cockrell,	Hale,	Pendleton,	
Davis of W. Va.,	Johnston,	Plumb,	

So the amendment was rejected to.

Mr. PLATT. I now renew the motion which I made some time since out of order, to strike out all after the word "duty," in line 6 of the bill, and insert what the Secretary has——

Mr. BLAIR. By the consent of the Senator from Connecticut, I wish to move an amendment to his amendment.

Mr. PLATT. Not by my consent.

Mr. INGALLS. It does not require it.

Mr. PLATT. Let the Secretary report my amendment.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Connecticut [Mr. PLATT] moves to strike out from line 6 to line 8 inclusive.

Mr. BLAIR. From the word "duty," in line 6.

The ACTING SECRETARY. After the word "duty," in line 6, it is proposed to strike out the remainder of the bill and to insert in lieu thereof:

Shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month; that all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Mr. PLATT. I desire, Mr. President, to say a very few words, mindful of the time of the Senate and the fact that we are drawing rapidly toward the close of the session, in favor of my amendment. I do not claim for it that it equalizes all the inequalities existing in the present pension law. I do not believe that the Senate of the United States or the House of Representatives should do that until after a commission has been appointed to consider this whole question and make a report of their doings. There are many inequalities in the pension law which my amendment does not touch; I admit that here and now; but I think it affords relief to certain classes of pensioners where there is an immediate necessity for such relief, and I think the moment you step outside of my amendment you are very likely to take such action as will only result in greater inequality and injustice than now exists.

This matter of pension rating is a complicated question. There are one hundred and seventeen different ratings of pensioners on the list to-day, and one of the reasons why the inequalities exist has been that from time to time special classes have been legislated for. Now, I am not here to say that $40 is too much for a person who has lost his arm or his leg above the knee; but I do fear this, and I believe the result will show it, that if the rate of $40 proposed by the House bill is adopted it will be so disproportionate to the other pensions on the list as to result in a corresponding raising of the entire list, including the $8 pensions and all, which I do not think ought to be done. My desire has been to recognize the demand which exists in the country, and which I believe is a just demand, that some increase should be made in the case of four classes of pensioners, two classes of which are receiving $18, and two classes of which are receiving $24, and that the increase which we should make here and now should be within the limit which would be reached upon a final equalization of the pension-list.

In my judgment there is but one thing to do, and that is after the pending arrears cases have been settled that there should be a revision of the entire list, and if pensions are too high they should be cut down; if they are too low they should be raised; and that revision should be made in this manner: The present rate of $72, the highest rate paid for total and permanent helplessness, which requires the regular, constant aid and attendance of another person, should be taken as the highest rate of pension; all pensions should be graded down from that rate according to the comparative disability. To do that requires eminent medical men; it requires the knowledge of eminent medical men; and my idea is that until the pension-arrears cases are settled we can only afford this temporary, it may be partial, relief, and then that such a commission should be appointed and the whole subject of pension revision should be intelligently considered.

I said that there were four classes of pensioners embraced in my amendment. There are two rates of pensions only referred to in it. I have taken those who are now receiving $18 and provided that the rate henceforth shall be $24. I have taken those who are receiving $24 and provided that the rate henceforth shall be $30. It may be said that that is not so much increase as some of those classes deserve. I think it is all that it is wise and safe to make at the present time.

The bill passed by the House will cost in its application to the present list, including the pending cases which will probably be settled at that rate, $6,079,564; it will be that addition annually to the pension-roll. But I believe it would so stimulate other classes to ask for increases that the final result of it would be very much larger than that. There are classes in the list which must inevitably be increased if those named in the House bill are increased to $40. There is no logic, no justice, no reason, no decency which could refuse a corresponding increase to many other cases.

I think, too, that there is great injustice and inequality in increasing all the classes named in House bill 1410 to $40. It can not be that the man who has simply lost his left hand below the elbow is as much entitled to $40 as the man who has lost his leg above the knee. To increase the man who has simply lost a hand, and who is now receiving $18, to $40 would be an increase of $22, while to increase the man who has lost his leg above the knee, and is now receiving $24, to $40 would only be an increase of $16. You would have this strange feature in the bill: that those whose disability was the least were increased the most. So it has seemed to me that the fair thing to do was to recognize the existence of the disabilities provided for now at $18 and $24 and apply an equal increase to each rate, $6 to each, raising the $18 to $24 and the $24 to $30.

Mr. VAN WYCK. Then I understand the Senator's amendment proposes to increase only two classes?

Mr. PLATT. If the Senator had paid attention to me he would have heard me say that it increased four classes, but two rates. The four classes of pensioners that it will increase are these: first, those who have lost an arm or a foot, who are now receiving $18; second, those whose disabilities incapacitate them for the performance of manual labor equal to the loss of a hand or a foot, who are now receiving $18; third, those who have lost an arm at or above the elbow, or a leg at or above the knee, who are now receiving $24; and, fourth, persons who are otherwise so disabled as to be incapacitated to perform any manual labor, who are now receiving $24. Those are the four classes of pensioners that will be raised by my amendment. The two rates which will be raised are the $18 and the $24 rate.

Now, it seems to me that that is as far as it is safe and prudent and wise at the present session to go. It recognizes the fact that the pensions for all those classes are inadequate; it provides at least some reasonable relief, but at the same time a relief which is not greatly disproportionate to other classes of pensioners. The only valid objection that can be made to it, as it seems to me, is that it does not go through the entire list, but looks to a further adjustment, and I desire to say an adjustment which will inevitably come, and which when it comes ought to be intelligently made.

Now, if the Senate feels that it can here to-day, with its light, make a fair, equitable revision of the whole pension-list, and proposes to do it, then I admit that my amendment does not go to that extent; but if it agrees with me in my feeling that I myself have not yet received light and information and knowledge enough so that I am willing to say what should be done as to the balance of the list, then I think my amendment affords a reasonable ground for action.

Mr. HOAR. I should like to ask at some time convenient to my friend from Connecticut a question which perhaps he has answered, but his reflection and study of this bill will enable him to answer again. What is the meaning of this last clause in the House bill, "or shall have suffered disability equal thereto?" Equal to what? The persons who are enumerated include the man who may have lost his left foot with such an amputation that if he has an artificial foot it would escape detection to a person examining his walk, and it would include also a person who might have lost his right arm at the socket. Now, by what is the "equal thereto" to be measured? The least of the grades of these two? It is a question in the line of the argument the Senator has made, and I thought perhaps he had reflected on some answer to it.

Mr. PLATT. I will answer the Senator that my amendment strikes out that clause.

Mr. HOAR. I do not speak of the amendment, but of the bill.

Mr. PLATT. I think that is quite an objectionable feature in the bill, one of the objectionable features—not so objectionable but that if the bill is going to pass as it came from the House, it ought to be retained in the bill. As was said by some Senators on the other side, using that language "disability equal thereto," and applying it to different classes, introduces a new element into the pension law. If the Senator from Massachusetts was here he heard me say that the only present equivalent disability clause to be found in the law is that which I read from the statutes:

> And all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of $18 per month.

That is the only present equivalent-disability clause in the law. I preserve that in its language in my amendment. If you come to the House bill you have this condition of things, that all persons who shall have lost one arm, one hand, one leg, or one foot, or shall have suffered disability equal thereto, shall have the same pension. There is a difference in the language, as the Senator observes; it is uncertain what it means. It may be equal to one or the other, to each or to all. I do not know what it means. I think it is an infelicitous clause introduced in the bill. It would have this effect: it would take certain specific classes which are now receiving $24, $31, $36, and $37.50 and make them all $40.

Mr. HOAR. In other words, if I may be pardoned for stating the point in my own way, a man who is incapacitated for earning a living by a disability equal to the entire loss of his right arm hereafter is to receive no more pension than the man whose capacity for earning a living is affected only by a disability equal to the amputation of the left foot which might, perhaps, to some extent, be restored by an artificial limb. Those two classes of persons whose disabilities are equivalent by reason of any other wound or illness occasioned by service, both those disabilities are hereafter as I understand the House bill to be put on an exact equality, or else the department will have to construe that the equality is equal either to the least or to the greatest of these afflictions.

Mr. PLATT. That is not within the line of my argument, because I avoid it by my amendment. I have not been able to go so far in my recommendations as the chairman of the committee and the Senator from New Hampshire. I will explain why. In the first place the Senator from New Hampshire, in his amendment on lines 17 to 21, introduces into the law a new equivalent clause:

> Or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another person, at the rate of $40 per month.

Now comes the new equivalent-disability clause:

> And all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities shall be entitled to receive a pension per month of the amount hereby granted to such disability.

There has been no equivalent disability to the incapacity to perform manual labor; there has been no equivalent disability in regard to amputation of the shoulder-joint or hip-joint or loss of one arm or one foot. It would introduce into the law a new equivalent-disability clause.

Then there is another objection to the amendment of the Senator from New Hampshire which it seems to me is almost insuperable, and to explain that I must refer to something which has been referred to in this prior debate.

The $18 pension granted for the loss of a hand or a foot is to-day divisible under the present law. There are two divisible rates under the present law; the one is $8 per month. Eight dollars is divisible so that a man may receive one, two, three, four, five, six, or seven dollars under it, according as he shall be comparatively disabled.

The $18 clause is divisible in this way, that those who are entitled to a pension of more than $8 but not $18 get a pension somewhere between $8 and $18, as they may prove ten-eighteenths, twelve-eighteenths, or fourteen-eighteenths as much disabled as the man who receives an $18 pension. The amendment of the Senator from New Hampshire and the chairman of the committee proposes to raise that divisible clause from $18 to $24. I do not think that ought to be done, cer-

tainly at the present time, and it will have the effect of raising the pensions correspondingly of all persons who are now receiving $10, $12, $14, or $16, upon the ground of what is called a fractional equivalent.

I had here somewhere at my desk a statement of the number of pensioners who would be affected by that clause. I do not find it, and I state from recollection that I think it is about 15,000 under the present law whose pensions, not included in this House bill, would be raised by the proposed amendment of the Senator from New Hampshire. The difference between my amendment and that proposed by the Senator from New Hampshire in this respect is that I leave the $18 clause to be the clause for subdivision in the proviso:

Provided, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

I do not believe it is wise to-day to establish a new rate to be subdivided, to wit, the rate of $24, instead of the rate of $18 which exists to-day.

Much has been said about the stimulating influence of such acts as this. I can conceive of no greater stimulus to give to the entire pension laws than to raise this $18 clause, which may be divided, to $24, and have every person who is receiving now $10, $12, $14 or $16 at liberty to make an application for a pension, and all at the rate of $24 or at some sum less than that, but higher than that they now get, and all other pensioners who are below the $8 clause in the hope that they may get up and get larger pensions. I believe it is very unwise to raise that amount as a rate which may be subdivided.

Now, with regard to those who have lost the sight of one eye, or are totally deaf, I agree that their cases are hard cases, that if we were ready to act and knew just what to do there ought to be some relief afforded in those cases, but I am not prepared to say that the loss of the sight of one eye should entitle a man to a pension of $12 a month, and I am not prepared to say that a degree of impaired eyesight less than total blindness should entitle a man to $40 a month. I doubt very much if it is wise to make as much increase in that class as is provided by the amendment of the Senator from New Hampshire.

Mr. BLAIR. Total blindness is $72 now.

Mr. PLATT. Total blindness is $72 now. I doubt very much whether it is worth while to make the pension for total deafness as much as $30; it is now $13; I will not say that is too much, but I simply say that I do not think we have light enough and information enough on that subject to act intelligently upon it, which comes back to what I said at first. I have felt that as far as we could safely go at the present time was to adopt the rate of increase which I propose, and that if we go further than that we shall very likely only add to the inequalities that now exist.

I think that this increase from $18 to $24 a month is certainly within the line where the final adjustment of pensions must leave this class of pensioners; also with regard to the increase from $24 to $30, I do not think it is enough for persons who are totally incapacitated to perform any manual labor, but I believe that we shall thereby meet the demand now abroad in the country, and it is to my mind a just demand, of affording some relief to these four classes of pensioners who, as it seems to me, are inadequately pensioned with reference to the rest of the list.

I beg pardon of the Senate for having taken even as much time as I have.

Mr. BLAIR. I move to amend the amendment by striking out from the amendment all after the word "lost" and inserting what I send to the desk.

The PRESIDENT *pro tempore*. That is in order. The Chair deems it his duty in view of the length of time this bill has taken and the shortness of the session to enforce the thirty-ninth rule, which he has not been in the habit of doing during the whole session. If he does not do it, he does not know when we shall ever get through with anything.

Mr. INGALLS. May we be advised what the formidable thirty-ninth rule is?

Mr. FRYE. I hope the Chair will enforce any rule that stops debate.

The PRESIDENT *pro tempore*. The Senator from Kansas knows very well what the rule is.

Mr. INGALLS. Not by number. I probably know the substance of it.

The PRESIDENT *pro tempore*. The Senator knows it very well. It provides—

No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate.

Mr. INGALLS. That can hardly be called a rule of the Senate, because it is never enforced.

Mr. PLATT. I hope we shall have unanimous consent to the enforcement of it. [Laughter.]

The PRESIDENT *pro tempore*. The Chair will enforce it hereafter. The Senator from New Hampshire moves an amendment which will be read.

The ACTING SECRETARY. In lieu of the matter proposed to be inserted by the Senator from Connecticut [Mr. PLATT] the Senator from New Hampshire [Mr. BLAIR] moves to insert:

Shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner——

Mr. BLAIR. The most of my amendment has been read, and as there is anxiety to save time if I can have it back I will make the necessary comments on it as I go on.

The PRESIDENT *pro tempore*. If no Senator desires to have it read——

Mr. INGALLS. I think it had better be read.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read the proposed amendment, as follows:

Shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner shall have suffered amputation at or above the elbow or knee, at the rate of $30 per month; and all who shall in like manner have suffered amputation at the hip-joint or at the shoulder-joint, or who shall have lost one hand and one foot, or shall be totally disabled in one hand and one foot, or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another person, at the rate of $40 per month; and all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities, shall be entitled to receive a pension per month of the amount hereby granted to such disability; and in case of amputation below a joint, but with such effect as to produce a disability equal to that produced by amputation at or above the joint, pension shall be paid as for the disability actually resulting from such amputation; and all persons who in like manner shall have lost the sight of one eye, shall receive a pension at the rate of $12 per month; and in cases in which the injury to the one eye manifestly affects injuriously the sight of the other eye, or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid, he shall be entitled to an equitable increase in his pension, not to exceed, when the loss of sight is less than total blindness, in the whole amount, $40 per month; and all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted, shall have totally lost the hearing of both ears, shall be entitled to receive a pension of $30 per month; and for any loss of hearing less than total deafness they shall receive an equitable portion thereof.

SEC. 2. That instead of the rate of $18 per month provided in section 4699 of Revised Statutes, the rate of $24 per month may be proportionately divided for any degree of disability established for which neither the preceding section of this act nor section 4695 of the Revised Statutes make provision: *Provided*, That nothing in this act shall be construed to reduce any pension now authorized by law; nor shall any pensioner be entitled to increase under this section until an examination shall show an increase in his actual disability, except where the evidence on file shows the disability to be permanent in a degree entitling to the rate of pension then received, or when the character of the disability would not vary in a lesser degree.

SEC. 3. That no applicant for pension whose claim shall be granted hereafter shall receive arrears or any allowance of pension for time prior to the passage of this act greater than he would be entitled to receive by virtue of existing laws; but from and after the passage of this act his pension shall be computed in accordance therewith, if his disability be such as is included in its provisions.

SEC. 4. No claim agent or attorney shall be employed in the prosecution of claims for increase of pension under this act, but the Commissioner of Pensions shall make such payments without charge to the pensioner.

Mr. PLATT. If the Senator from New Hampshire will allow me to make a suggestion, which I meant to have done when I was up before, I shall be obliged to him.

Mr. BLAIR. Certainly.

Mr. PLATT. I think that the amount which will be added to the pension-roll annually by the amendments proposed by the Senator from New Hampshire will be greater than he anticipates. I do not disagree to the figures of the present cost, which are $5,429,010 addition annually to the present pension-roll.

Mr. INGALLS. That is under the amendment of the Senator from New Hampshire?

Mr. PLATT. Under the amendment of the Senator from New Hampshire.

Mr. INGALLS. And how much under that of the Senator from Connecticut who is speaking?

Mr. PLATT. Two million dollars only; but I read now from the report of the Senator from New Hampshire.

Assuming the substantial correctness of this memorandum, the total increase to the pension-roll, when all pending cases are adjudicated, would amount in round numbers to about $9,000,000.

There is an admission that it will cost nine millions

Mr. BLAIR. Will the Senator read the whole of that?

Mr. PLATT. I will; I would not misrepresent the matter. There is an admission that it would amount to nine millions when the pending cases are adjudicated, except as it may be reduced by the mortality between now and then. The pending pension cases are to be quickly adjudicated. Eighteen months ought to bring the office up square with its work in the adjudication of pension cases. There is not an opportunity for a great mortality between the present time and the time when all the cases on the list shall be adjudicated. The Senator goes on to speak of that mortality, and says:

When all pending cases are adjudicated, would amount in round numbers to about $9,000,000, but as the rate of mortality will nearly approach the annual increase, the amount annually paid out at any time will not, in our belief, exceed $6,000,000 or $7,000,000, under the provisions of this bill in addition to what would otherwise be paid under existing laws.

There is where I think the signers of the report are mistaken. I think it will reach the $9,000,000 at once and will continue at that figure, and I will give my reason for it. I know that the mortality of the pensioners will affect it, but there will be underneath it this stimulating force which I spoke of, which I think will fully equal and offset

the deductions by reason of the mortality, even if it does not result in a further increase of the roll on that account.

Mr. BLAIR. If the matter of a few dollars more or less is to decide this case, it is possible that the objection of the Senator is correct. If he desires legislation practically amounting to nothing his amendment should be adopted, because it reaches but a very few of the cases that all admit must sooner or later be remedied. He proposes to expend only about $2,000,000, and reaches but two classes. All the others suffering, many of them even more than those he provides for, are left out. The bill which I have proposed here as a substitute has been very carefully examined by the Pension Office. These points have been the subject-matter of information and discussion for many years. We have brought them to a head now. The proposition covers every specific disability in regard to which there is any complaint, and the aggregate to be added to the existing roll will be five and a half million dollars in round numbers.

The bill which comes from the House covers but four classes, it covers but two ratings, and the increase upon those two is as large as it is by virtue of the substitute we have offered here which covers all the classes who are now making complaint. The House bill, in other words, takes as much as the proposed substitute which the chairman and myself have offered, and it reaches but very few of the cases that have to be remedied. The amendment of the Senator from Connecticut covers the same classes, I believe the very same classes which are covered by the bill of the House; but by such reduced increase as to make the sum total called for by his proposition $2,000,000 instead of $5,500,000 called for by House bill 1410.

With regard to the future the effect is somewhat problematical, whatever bill we may adopt. It is fair to presume that the statements I originally made with reference to increases in the future are correct. They are based on the best information that we can get. Nobody has assailed them in the data which go to make them up. They are as reliable as anything we can possibly get. I have made them, and the office in its review of them made them upon outside estimates larger than we believed they would cover; but there has been so much trouble in the country in regard to the arrears-of-pensions act that I for one was determined, if I could possibly, to guard against accusations such as have been made in reference to that; and I think the amounts specified are the outside limit of what will be called for.

If we pass any bill it is better to do justice to all than to but a few. If we undertake to partially legislate we are to be pursued on precisely this same question in all time to come until justice is done to all.

But it is complained that we have not the necessary information. When, then, shall we have the necessary information? It has been accumulating during all the years that the existing law has been administered. We have been pursuing it for two years, for this entire Congress, and such information, such conclusions as we have been able to arrive at are here before the Senate now. Complaint is made that this bill which may cost $100,000,000 has consumed too much time. I presume from that that Senators understand it thoroughly and they want to vote.

I have made an effort to do equal and exact justice. It is not my effort, but it is the effort of those who understand it better than I and who are perfectly satisfied with this. The officers who know the law the best and the abuses the best, and the soldiers of the country, who are here in these galleries to-day represented by committees of the Grand Army of the Republic, are satisfied with it.

Now, sir, I would add but very little to what I have already said. One point made by the Senator from Connecticut is that in this amendment additional tests of the degree of disability are produced. Three already exist in the law: the hip-joint and the other two he has specified, but I will not stop to mention them. I propose to make a specific standard applying in every instance to the specific amount we give, so that the man who is entitled by his specific allegation to $40 a month shall be a standard with whom the other man who has an indescribable wound, or who by reason of the multifariousness of the afflictions which he has suffered in the service of the Government may be tested and may receive an equivalent amount. If this be not done no man unless specifically mentioned here, no matter what may be his suffering, how many wounds may be upon his body, how severe and dangerous may be the diseases and injuries under which he is suffering, can receive a higher rate than $18 per month. Nothing in this bill calls for over $40 a month, in any event.

But to pass from that, another point the Senator makes is that the $18, which is divisible and is applied to those whose disabilities are more than are now paid for at the rate of $8 a month and less than those who are now receiving $18 per month; and he complains that that $18 is by the provisions of the amendment I have offered raised to $24, remaining divisible among just the same class that it was before, so that all there is in it is simply the addition of $6 to the $18, the divisibility application remaining the same. That $18 is given to those who from nameless wounds, which can not be specifically described in any statute, are now suffering as much as the man who has lost his hand and who gets his $18 a month. We raise that man's pension by the proposition of the Senator from Connecticut to $24. Why, then, should we not raise the pension of the man whose present disability is equivalent to $24? That is all there is in this proposition; and why should it not apply to those who are drawing at a lower rate between $8 and $18, $10, $12, $14 or $16? It is proposed that they shall receive a proportional advance in no case going above the $24; and they in no case receive that advance until they have had a new examination by a surgeon's board and by the approval of the office they shall have been found to be suffering under an increased disability from that which existed at their last examination. Some few cases will be thus increased, but the great mass of them are already fully and perfectly described in the records of the office, where one or two fingers may be gone, where a toe is gone, or all the toes may be gone from a foot, or where there may be an injury not specified in the statute in one part of the body and another in another part of the body, cases of that kind which are covered by this proportionate provision of $18 which is given not in the Senator's proposition but in the existing law, and has been there for years. So much for that.

Now, Mr. President, any objection that exists against this amendment exists against the proposition of the Senator from Connecticut, and it is only a question raised between these two bills whether the country will do whole justice or only partial justice, whether it will part with $5,000,000 a year and save the other $3,000,000 or will adopt that proposition at the expense of the pensioner, at the expense of injustice, and simply pay out the $2,000,000 instead of the $5,000,000. That is all the substantial difference there is between the two bills excepting that in this which I have introduced some six or eight additional specific disabilities are provided for, which we shall have to provide for hereafter by supplementary legislation to that of the Senator from Connecticut, for these rates are no higher than his.

As to an injury to the eyes or the ears, a soldier who has lost his eye is entitled to $4 a month for that disability as the law now exists. It is a matter of universal complaint; it is an outrage. I propose to raise the pension for that disability to $12 a month. The existing law which we do not touch gives to the disability of total blindness $72. By the amendment which I have introduced it is proposed to start with the loss of a single eye at $12, to go up with disability of the entire eyesight to $40 and from that point there is no allowance whatever made until it becomes total blindness, and then by existing law is given the rate of $72. By the existing law total deafness receives a pension of $13, and degrees of deafness relatively all the way down to $1; they are apportioned all the way down to a single dollar. This amendment proposes to raise total deafness to $30, and in a partial degree the amount paid is to be proportioned all the way from $1 to $30.

These cover the substantial points that are contained in the proposed amendment excepting that it is provided in it that by virtue of its provisions no existing pension shall be lessened. That is the general law on the subject. There is also a concluding section which is not printed, that no claim agent or attorney shall be entitled to anything in the collection of this increase.

In connection with what I have said I will now submit the report signed by the chairman and myself, with the amendment I have offered and the memorandum of the Pension Office:

The undersigned, members of the Committee on Pensions, to whom was referred House bill 1410, entitled "An act to amend the pension laws by increasing the pension of soldiers and sailors who have lost an arm or leg in the service," being unable to agree with the majority in the rejection of the bill if properly amended, beg leave to present their views, and recommend the passage of the accompanying substitute for the bill. The House bill provides for an increase of the existing rates of pensions for certain specific disabilities from $18, $24, $31.25, $36, and $37.50 per month to $40 per month. It does not attempt to make any proportionate and equitable increase to each of the several classes, but practically makes $40 the minimum of a just and equitable increase as among those several classes, so that if the principle of the bill were properly applied the result would be as follows:

Those now receiving pensions at $18 per month being increased to $40 per month, those now pensioned at $24 per month should, on the same principle, be pensioned at $53.32 per month. Those now receiving pension at the rate of $31.25 per month should receive $69.44 per month. Those receiving at the rate of $36 per month would receive $80 per month. Those receiving at the rate of $37.50 would receive $83.32 per month.

The highest rates of pension now paid on account of the worst form of disability, involving total permanent helplessness, and requiring the habitual attendance of another person, is $72 per month. The same principle would apply to the equivalent disabilities provided for in the bill.

Although the bill does not provide for the increase of any pension beyond $40 per month, yet, as the minimum form of disability, to wit, by reason of the loss of a hand or foot, is by its terms rated at $40, which is all that is allowed for an amputation at the hip or shoulder joint—the most dangerous operations known to surgery—and most rarely successful, resulting when not fatal in the severest form of disability short of total helplessness, it can not be doubted that the passage of this bill would operate only as the logical and irresistible basis or major premise for future legislation, increasing correspondingly the rates of pension for all degrees of disability higher than that now rated at $18 per month. By the letter of the Commissioner of Pensions, transmitted by the Secretary of the Interior, in response to a resolution of the Senate, contained in Executive Document 21 of this session, it appears that the annual increase of the pension-roll, if this bill should become a law, on account of claims already allowed, would be $5,187,564. Disregarding applications yet to be made, the anticipated increase of the roll, on account of cases now pending and likely to be allowed, would be about $6,750,000.

House bill 1410 makes no provision for disabilities affecting sight or hearing, for which, by general consent, very inadequate provision is made by existing law. In recognition of the manifest relative injustice under which these two unfortunate classes have hitherto suffered, the House of Representatives has since passed a bill largely increasing the pensions hereafter to be paid to them. We estimate the necessary increase to the roll by reason of the provision thus made for these two classes, and which properly should have been included in bill 1410, at $1,200,000 per annum, and for injuries to eye and ear, increase of pending claims over what would be allowed by existing law $1,000,000, so that it is a fair statement of the result of the legislation proposed in House bill 1410, and the subsidiary bill providing for increase for disabilities to sight and hearing, that the annual roll would be increased at least $17,000,000 on account of cases al-

ready allowed and pending applications likely to be favorably adjudicated. Should subsequent legislation carry out the principles involved in bill 1410, this amount would be increased indefinitely. But it may safely be presumed that it would be not less than $30,000,000. These rates once implanted in the pension laws must remain a component part of our pension system in the future, and the increase of the public burden in this direction would become so great and oppressive as probably to result in the indignant abolition of the whole system or in a wholesale indiscriminate and inequitable reduction.

That the minimum for specific disabilities in the future would, by the enactment of House bill 1410 into a law, be practically established at $40 per month, has been substantially admitted by advocates of the bill, and, so far as we know, is not seriously denied, or if denied, no one exercising common discretion in the case would give credence to the denial. The inequalities which it would establish could not fail to rankle in the breasts of those who relatively would suffer injustice by its provisions, and the ordinary sense of fair play existing in the minds of the people at large would require the relative increase of all, from a minimum of $40, or a general reduction, which would leave all parties interested worse off than they now are. Nor would the evil be lessened; but, on the contrary, it would be greatly aggravated by an amendment such as has been proposed to the bill, by striking out all increase to the equivalent disabilities, making its benefits applicable only to those who have suffered by amputation of the hand or foot, the arm or leg. This would only increase the number of those who would feel that they had been unjustly dealt with, and in the next Congress we should be called upon to complete the justice denied in this.

The undersigned have, therefore, felt that either all legislation should be denied, or that the inherent difficulties of the subject should be dealt with comprehensively, immediately, and with a determination to do equal justice to all and to deny it to none. While we have felt that the soldiers suffering from specific disabilities and their equivalents—although liberally provided for when our legislation is compared with that of other governments—have not hitherto received any more than they were entitled to receive from a rescued and grateful people; yet, assuming that until the present time their pensions have been fairly commensurate with their sufferings and disabilities, it must be conceded that with the increasing necessities resulting from failing constitutions and the unavoidable aggravation of their disabilities, with growing helplessness and incapacity to exercise their mental faculties, as well as such crippled physical powers as the ravages of war have spared to them, and with their lives shortening as the shadows lengthen, a very substantial increase of their pensions has become indispensable.

It should be remembered that all who suffer from these disabilities were soldiers, very seriously maimed or otherwise disabled in the actual conflicts of war. In almost every instance their lives have been greatly shortened, and as the years pass away the rate of mortality among them—fearful at the best— is rapidly accelerated. Those of them who have suffered the loss of hands, feet, or limbs, from successful operations, while oftentimes appealing most strongly to the eye for sympathy, are really subjected to less suffering and shortening of life than those whose equivalent disabilities are occasioned by disease, or wounds in different portions of the body, by sores and fractures beyond healing, and often unnamed and horrible afflictions too shocking for statement here. Any bill which shall undertake to increase the pensions of one class, and at the same time should neglect the other, would be radically unjust. Believing that for the general reasons we have stated, some increase to all is imperatively required to meet their increasing necessities—necessities which will soon cease with most of them by their final discharge from the warfare of life, we have, after careful study of the subject, stimulated by great anxiety to master the complications and perplexities which surround it—difficulties which have been developing and increasing for years from the imperfect patchwork of legislation that has come down to us—prepared the accompanying substitute for the pending bill. It covers all known specific disabilities, their proportionates and equivalents.

By existing legislation $18 is made the pension for the loss of a hand or foot. It is the lowest specific disability, and we have increased it to $24. The next higher grade, to wit, $24, the present pension for the loss of an arm or leg, we have increased to $30. The inability to perform manual labor, which may involve the necessity for the employment of an attendant most of the time, as well as medical aid, now receiving only $24, we have increased to $40; loss of hand and foot, and total disability in one hand and one foot, now receiving $36, we have increased to $40 per month; amputation at the hip-joint, now receiving $37.50, we have increased to $40; total deafness hitherto provided for with astonishing inadequacy—receiving only $13 per month—we have increased to $30. We have also endeavored to provide what seemed to us just proportionate rates for lesser disabilities of hearing and sight. But we must refer to the bill itself for a minute statement of its provisions. There is now no rate of pension between $37.50, the amount allowed for amputation at the hip-joint, and the rate of $72 which is paid for the following disabilities, respectively: Loss of both hands; loss of both feet; loss of both eyes; loss of one eye, the other having been lost before enlistment; disability requiring regular aid and attention, and total disability in both hands.

We have submitted the proposed substitute to the Commissioner of Pensions, and from memorandum furnished by him to Mr. BLAIR, personally, not officially, make the following statement of the addition to the annual roll by reason of the increase of pensioners whose claims are already allowed. The total amount is $5,429,010. Assuming the substantial correctness of this memorandum, the total increase to the pension-roll, when all pending cases are adjudicated, would amount in round numbers to about $9,000,000, but as the rate of mortality will nearly approach the annual increase, the amount annually paid out at any time will not, in our belief, exceed $6,000,000 or $7,000,000, under the provisions of this bill in addition to what would otherwise be paid under existing laws. As these pensioners themselves will soon pass away, we feel that this slight increase, so necessary and so just, ought not to be named as a burden to the overflowing coffers of the American people, whose contents were coined from the blood of these patriotic men. Even if it were a burden our people would joyfully take it up, and will rejoice at the opportunity to testify their gratitude to those by whose sufferings, which can cease only with death, they have themselves been saved.

HENRY W. BLAIR.
JNO. I. MITCHELL.
Chairman of Committee.

The following is a copy of the proposed substitute for House bills 1410 and 1247:

Strike out all after the enacting clause and insert:

"That from and after the passage of this act all persons on the pension-roll and all persons hereafter granted a pension who, while in the military or naval service of the United States, and in the line of duty, shall have lost a hand or a foot, shall be entitled to a pension of $24 per month; all persons who in like manner shall have suffered amputation at or above the elbow or knee, at the rate of $30 per month; and all who shall in like manner have suffered amputation at the hip-joint or at the shoulder-joint, or who shall have lost one hand and one foot or shall be totally disabled in one hand and one foot, or shall be otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require the regular personal aid and attendance of another person, at the rate of $40 per month; and all persons who in like manner shall have contracted a disability equal or equivalent to any of the foregoing specified disabilities shall be entitled to receive a pension per month of the amount hereby granted to such disability; and in case of amputation below a joint, but with such effect as to produce a disability equal to that produced by amputation at or above the joint, pension shall be paid as for the disability actually resulting from such amputation; and all persons who in like manner shall have lost the sight of one eye shall receive a pension at the rate of $12 per month; and in cases in which the injury to the one eye manifestly affects injuriously the sight of the other eye or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid he shall be entitled to an equitable increase in his pension, not to exceed, when the loss of sight is less than total blindness, in the whole amount, $40 per month; and all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted shall have totally lost the hearing of both ears shall be entitled to receive a pension of $30 per month; and for any loss of hearing less than total deafness they shall receive an equitable portion thereof.

"SEC. 2. That instead of the rate of $18 per month provided in section 4699 of the Revised Statutes, the rate of $24 per month may be proportionately divided for any degree of disability established for which neither the preceding section of this act nor section 4695 of the Revised Statutes make provision: *Provided*, That nothing in this act shall be construed to reduce any pension now authorized by law; nor shall any pensioner be entitled to increase under this section until an examination shall show an increase in his actual disability, except where the evidence on file shows the disability to be permanent in a degree entitling to the rate of pension then received, or when the character of the disability would not vary in a lesser degree.

"SEC. 3. That no applicant for pension whose claim shall be granted hereafter shall receive arrears or any allowance of pension for time prior to the passage of this act greater than he would be entitled to receive by virtue of existing laws; but from and after the passage of this act his pension shall be computed in accordance therewith, if his disability be such as is included in its provisions.

"SEC. 4. No claim agent or attorney shall be employed in the prosecution and claims for increase of pension under this act, but the Commissioner of Pensions shall make such payments without charge to the pensioner."

Memorandum from Commissioner of Pensions, referred to in views of minority, of net annual increase under provisions of the proposed Senate bill:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 24, 1883.

Memorandum.

3,631 pensioners who have lost one hand or one foot, now receiving $18 per month, and to be increased to $24 per month. Net annual increase, $261,432.

5,380 who have suffered amputation at or above the knee, or the elbow, now receiving $24, and to be increased to $30 per month. Net annual increase, $419,760.

60 who have suffered amputation at the hip-joint, now receiving $37, and to be increased to $40 per month. Net annual increase, $180.

150 who have suffered amputation at the shoulder-joint, now at $24, and to be increased to $40 per month (this number estimated). Net annual increase, $28,800.

15 who have lost one hand and one foot, now receiving $36, and to be increased to $40 per month. Net annual increase, $720.

125 totally deaf, now receiving $13, and to be increased to $30 per month. Net annual increase, $25,500.

2,000 who are pensioned for impaired hearing, less than total deafness, now receiving $1, $2, $4, and $6 per month, and to receive an equitable portion of $30 per month. Net annual increase (estimated), $312,000.

2,000 who have lost one eye (estimated), now receiving $4 per month, and to be increased to $12 per month. Net annual increase, $192,000.

4,000 (estimated) who are receiving a pension for impaired sight, other than the loss of one eye or of total blindness, now receiving the several rates from $2 to $16 per month, and to receive an equitable proportion of $40 per month. The net annual increase is estimated at $700,000.

19,423 pensioners now receiving $10, $12, $14, $16 per month, who will be entitled to a proportion of $24 per month, and the net annual increase is $1,398,456.

8,847 who have a disability equivalent to loss of a hand or foot, now receiving $18, and to be increased to $24, $30, and $40 per month. Net annual increase (estimated), $1,667,804.

1,552 now disabled for the performance of any manual labor, receiving $24 per month, and to be increased to $40 per month. Net annual increase, $287,998.

232 now receiving $31.25, and to receive $40 per month. Net annual increase, $24,360.

47,415

Add $100,000 for commissioned officers and the addition to the roll since June 30, 1882, and the net annual increase for all classes is estimated at $5,429,010.

I have nothing more to say, only that I hope something will be done. If this more generous and comprehensive amendment is not adopted, I am heartily in favor of the amendment of the Senator from Connecticut.

Mr. FRYE. Now, Mr. President, can not we have a vote while there is a quorum here? There will not be one in fifteen minutes from this time.

Mr. BLAIR. That is not the fault of the friends of the bill.

The PRESIDING OFFICER (Mr. VEST in the chair). The question is on the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. BLAIR called for the yeas and nays; and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). The Senator from Maryland [Mr. GORMAN] was called away just now, and I am paired with him.

Mr. HAMPTON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES], but he has authorized me to vote for the amendment of the Senator from Connecticut. I therefore vote "nay" on this amendment.

Mr. MCDILL (when his name was called). The pair of the Senator from Mississippi [Mr. LAMAR] and myself has been transferred to the Senator from Michigan [Mr. FERRY], leaving the Senator from Nevada [Mr. FAIR] and myself at liberty to vote. I vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from Texas [Mr. COKE].

Mr. ROLLINS (when Mr. MAHONE's name was called). The Senator from Virginia [Mr. MAHONE] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. VAN WYCK (when Mr. SAUNDERS's name was called). My colleague [Mr. SAUNDERS] is paired with the Senator from Kentucky [Mr. WILLIAMS]. My colleague would vote in favor of the amendment.

I further state that the Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from Oregon [Mr. SLATER]. The Senator from Oregon is opposed to the bill and the Senator from New Jersey in favor of it.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WINDOM (when his name was called). I am paired with the Senator from West Virginia [Mr. DAVIS].

The roll-call was concluded.

Mr. BAYARD. I am paired with the Senator from Ohio [Mr. SHERMAN]. I would vote against the amendment.

Mr. DAWES. I announce the pair of the Senator from Illinois [Mr. LOGAN] with the Senator from North Carolina [Mr. RANSOM]; the Senator from Kentucky [Mr. BECK] and the Senator from Maine [Mr. HALE]; the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON]; and the Senator from Kansas [Mr. PLUMB] and the Senator from Missouri [Mr. VEST].

The result was announced—yeas 12, nays 26; as follows:

YEAS—12.

Blair,	Harrison,	Lapham,	Miller of N. Y.,
Camden,	Hill,	McDill,	Rollins,
Dawes,	Hoar,	Miller of Cal.,	Van Wyck.

NAYS—26.

Barrow,	Frye,	Ingalls,	Pugh,
Brown,	Garland,	Jackson,	Sawyer,
Call,	George,	Jonas,	Sewell,
Cameron of Wis.,	Groome,	Jones of Nevada,	Voorhees,
Conger,	Hampton,	Maxey,	Walker.
Davis of Ill.,	Harris,	Morgan,	
Edmunds,	Hawley,	Platt,	

ABSENT—38.

Aldrich,	Fair,	Logan,	Saunders,
Anthony,	Farley,	McMillan,	Sherman,
Allison,	Ferry,	McPherson,	Slater,
Bayard,	Gorman,	Mahone,	Tabor,
Beck,	Grover,	Mitchell,	Vance,
Butler,	Hale,	Morrill,	Vest,
Cameron of Pa.,	Johnston,	Pendleton,	Williams,
Cockrell,	Jones of Florida,	Plumb,	Windom.
Coke,	Kellogg,	Ransom,	
Davis of W. Va.,	Lamar,	Saulsbury,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. MITCHELL. In that case I am ready to vote.

Mr. EDMUNDS. The Senator can not vote after the result is announced.

Mr. BLAIR. I hope there will be no question raised as to a quorum.

Mr. PLATT. Let the roll be called again. I have no doubt a quorum will appear on the next vote.

Mr. HARRIS. I ask unanimous consent that the vote be retaken without a formal call of the roll.

Mr. EDMUNDS. That can not be done; the rule forbids it.

Mr. HOAR. The Senate has required a very large number of Senators to be absent on committee service. It is known that Senators are not from their seats without excuse. I hope, therefore, the facility the Senator from Tennessee proposes will be granted.

Mr. HARRIS. I ask unanimous consent that the vote be taken over without any formal roll-call.

The PRESIDING OFFICER. There is objection made to the proposition to retake the vote; the Senator from Vermont objected.

Mr. EDMUNDS. I withdraw the objection. If the Chair can get along with the rule, I will say nothing.

Mr. HARRIS. Then a motion to adjourn or the calling of the roll is the only thing in order.

Several SENATORS. The objection is withdrawn.

Mr. HARRIS. If the objection is withdrawn, I ask unanimous consent that the vote be retaken.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair will put the question again on the amendment of the Senator from New Hampshire.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. If he were here, I should vote "nay."

Mr. LOGAN (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. Were he here, I should vote "yea."

Mr. ROLLINS (when Mr. MAHONE's name was called). The Senator from Virginia [Mr. MAHONE] is paired with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Allison,	Harrison,	Miller of Cal.,	Van Wyck,
Blair,	Hill,	Miller of N. Y.,	Windom.
Dawes,	Hoar,	Mitchell,	
Frye,	Lapham,	Plumb,	
Hale,	McDill,	Rollins,	

NAYS—31.

Barrow,	Davis of Ill.,	Hawley,	Platt,
Beck,	Davis of W. Va.,	Ingalls,	Pugh,
Brown,	Edmunds,	Jackson,	Sawyer,
Call,	Garland,	Jonas,	Sewell,
Cameron of Wis.,	George,	McMillan,	Vest,
Cockrell,	Groome,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.
Conger,	Harris,	Pendleton,	

ABSENT—28.

Aldrich,	Farley,	Kellogg,	Saulsbury,
Anthony,	Ferry,	Lamar,	Saunders,
Bayard,	Gorman,	Logan,	Sherman,
Butler,	Grover,	McPherson,	Slater,
Camden,	Johnston,	Mahone,	Tabor,
Cameron of Pa.,	Jones of Florida,	Morrill,	Vance,
Fair,	Jones of Nevada,	Ransom,	Williams,

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. MITCHELL. I desire to offer an amendment to come in after the word "month" in the seventeenth line of the amendment of the Senator from Connecticut.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri; and

A bill (S. 1785) for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3335) for the relief of Mary A. Lee; and

A bill (H. R. 7626) authorizing the reappraisement of the steam transport-boat Planter, captured by Robert Smalls, and for a distribution of proceeds thereof.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered in Congress upon the life and character of Hon. John W. Shackelford, of North Carolina; and it was thereupon signed by the President *pro tempore*.

CORTE DE MADERA DEL PRESIDIO.

Mr. PLUMB. I ask to be indulged for a moment. I have been absent all day and should be absent now, but this is a matter that ought to be attended to at once. I offer the following resolution:

Resolved, That the Committee on Public Lands be authorized and directed, during the Forty-eighth Congress and in vacation, to make the investigation committed to it under date of the 26th instant concerning a certain grant of land in the State of California, and for the purpose of such investigation shall have power to send for persons and papers and to employ a stenographer, who shall be paid from the contingent fund of the Senate.

I ask for its immediate consideration.

Mr. EDMUNDS. What do the words "Forty-eighth Congress" mean there?

Mr. PLUMB. I adopted the language of another resolution. The Forty-eighth Congress commences on the 4th day of March, I understand. This only extends the committee during the vacation.

Mr. HOAR. Do you mean the persons now composing the Public Lands Committee?

Mr. PLUMB. For the purposes of this investigation.

Mr. HOAR. Are they persons who will be members of the Senate after the 4th of March?

Mr. PLUMB. All but two.

Mr. HARRIS. What is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Kansas asks consent to offer a resolution.

Mr. HOAR. The Senator from Kansas will not be sworn in until next December; and can he act?

Mr. PLUMB. There will a quorum without me whose terms do not expire.

Mr. EDMUNDS. Let the Committee on Public Lands have leave to sit during the vacation.

Mr. PLUMB. The Senate has already committed the subject-matter of this resolution to the Committee on Public Lands.

Mr. HOAR. It seems to me that the proper way, the parliamentary way, to get at that, and it is well to follow precedents and rules, is to have a special committee, with the understanding that those members of the Committee on Public Lands who hold over shall be appointed on that special committee.

Mr. PLUMB. But in this case the Senate has already directed the Committee on Public Lands to do this thing. I am only following the original direction.

Mr. HOAR. But that order expires with the session.

Mr. PLUMB. That is true, but in the mean time it is advisable for the purpose of arresting matters that are liable to go on that it should be known whether this investigation is to proceed or not.

Mr. HOAR. It seems to me the true way would be for the Senator to embody in his resolution the names of the committee. He can put in the same men who are on that committee and authorize them during vacation to make this inquiry.

Mr. PLUMB. I will let the matter lie over until to-morrow morning. If it can be taken up in the morning hour and disposed of then, it will probably answer the same purpose.

Mr. EDMUNDS. The practice has been to authorize committees, as the Senate is a continuing body, to sit in vacation. All committees fall at the end of the session unless there be such an order. It is true the committee will not be full, but if it has a quorum it can go on.

Mr. PLUMB. It will have six members.

The PRESIDENT *pro tempore*. The resolution will lie over.

HOUSE BILLS REFERRED.

The bill (H. R. 3335) for the relief of Mary A. Lee was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7626) authorizing the reappraisement of the steam transport-boat Planter, captured by Robert Smalls, and for a distribution of proceeds thereof, was read twice by its title, and referred to the Committee on Finance.

RATES OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1410) to amend the pension laws by increasing the pension of soldiers and sailors who have lost an arm or a leg in the service.

Mr. HARRIS. The Senator from Kansas consents that his resolution shall go over until to-morrow. I move that the Senate proceed to the consideration of executive business. I want a short executive session.

Mr. MITCHELL. I hope not. I hope the Senate will go on and finish this bill.

Mr. HARRIS. What I desire will take only a few minutes, and I very much desire an executive session.

Mr. MITCHELL. That can be done after we get through the bill.

Mr. HARRIS. You will probably not get through with the bill for the next few days.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

Mr. CALL. I ask the Senator from Tennessee to allow me to appeal for unanimous consent on a matter to which I do not think there will be any objection. I introduced a motion to reconsider an indefinite postponement of a bill.

Several SENATORS. Regular order!

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRIS. I adhere to my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

The question being put, a division was called for, and the ayes were 12.

Mr. HARRIS. While I think it is rather an ungracious thing to deny me the privilege of a few minutes of executive session, I will withdraw the demand for a division and let the question go, as I do not want to develop the want of a quorum.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. MITCHELL] moves an amendment to the amendment. Will he state it?

Mr. MITCHELL. I propose, after the word "month," in line 17 of the amendment of the Senator from Connecticut [Mr. PLATT], to insert:

> And all persons who in like manner shall have lost the sight of one eye shall receive a pension at the rate of $12 per month, and in cases in which the injury of the one eye manifestly affects injuriously the sight of the other eye or in which the other eye shall have been partially disabled in the service and line of duty as aforesaid, shall be entitled to an equitable increase in their pension not to exceed, when the loss of sight is less than total blindness, in the whole amount, $30 per month.

Mr. PLATT. I desire to ask the chairman of that committee whether that is the exact rate adopted by the House in a House bill which passed? I am not certain about that.

Mr. MITCHELL. I have that bill before me. I did not look at it. I put $30 there, as proposed in the amendment of the Senator from New Hampshire, so as to make it conform to the highest rate proposed by the amendment now before the Senate. I will look and see. [Examining.] The House passed a bill on this subject also covering cases of deafness, on the 13th of January, and I find the rate there is $25 instead of $30.

Mr. PLATT. If the Senator will make the rate correspond with the House bill I shall not object.

Mr. MITCHELL. I will then modify the amendment by striking out $30 and inserting $25. The House passed this bill, and this is in the precise language, I think, of the House bill, with one exception, and that is covering the case of total blindness, which we fixed at $72. The provision which I have sent up is more guarded in that respect. This has been examined by the Commissioner of Pensions, and if anything is to be done on it it meets his approval. I think certainly we ought to do this, for there is manifest inequality and injustice in the existing law, which gives only $4 to a man who has lost an eye in the late war. The maximum of $25 contemplates a proper rating by surgical examination.

Mr. PLATT. I do not think that is seriously out of proportion to the other rates in the bill, and I shall not object to the amendment.

Mr. VAN WYCK. Before this amendment is voted on I should like to say a word. I desire to have it distinctly understood how far the amendment of the Senator from Connecticut applies, so that there shall be no misunderstanding of this matter. It applies only to two classes of cases, that where the pension now is $18 it is made $24; but where the pension is now $24 it is made $30. All other classes, which are cases more serious by far, like amputations at the shoulder and at the hip, are not raised in the least.

Mr. PLATT. I beg the Senator's pardon. Amputation at the shoulder will be raised to $30.

Mr. VAN WYCK. The pension for loss of both arms is now $25; that the amendment does not propose to raise on the most serious cases of amputation.

Mr. PLATT. I beg the Senator's pardon again. The loss of both hands is $72.

Mr. VAN WYCK. That the gentleman does not propose to raise. So there is a class of cases where the pension is now $31.25, and that is not proposed to be raised; and that class of cases where the pension is now $36, for a more serious disability, is not proposed to be raised by this amendment. The Senator has claimed and others have claimed that there was inequality and injustice in the pension rates as they exist to-day, and yet this very amendment proposes to draw a line and increase that injustice and that inequality. If this amendment sought to reach anything that was just, it should take all the cases of the loss of limb and increase them in the same ratio that it increases the two classes of cases.

That is all I desire to say to the Senate, that they may know how far the amendment reaches. The amendment will still more increase the dissatisfaction with the present rate, because it works a clear and manifest injustice.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania [Mr. MITCHELL] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. I said that I thought I would not object to that amendment; but as I understand it is to be followed by other amendments, and as I have gone in my proposed amendment as far as I can in my conscience and judgment go, I must object to this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Connecticut.

Mr. MITCHELL. My purpose is only to offer another amendment covering the cases of deafness, and upon that also the House has acted.

The PRESIDENT *pro tempore* put the question, and declared that the noes appeared to prevail.

Mr. MITCHELL. It appears to me the Senate does not understand this matter, or has not given it sufficient consideration. The inequality and injustice under the existing law to this class of pensioners is great. We have before us gentlemen who suffer that disparity. To say that a person who lost the sight of one eye in the Army shall only receive $4 per month when we grant such liberal allowance in other cases seems to me to be so unreasonable and unjust that the Senate ought to be gracious enough to allow what the House of Representatives here propose. If we are to do anything on the subject at all I shall be glad to see some just ratio preserved. For my own part I would be perfectly willing to agree to the amendment proposed by the Senator from Connecticut if we can perfect it, but as it stands I do not regard it as of any particular advantage at all. I doubt very much the policy of enacting that amendment into law. It will leave the whole question unsettled. If we can cover this plain case of disparity in rates in existing law it will be a step in the right direction, and I shall be glad to vote for it.

I call for a division on my amendment.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania calls for a division on the amendment to the amendment.

Mr. MITCHELL. I think I should like to have the yeas and nays. There is a demand in this country for legislation on this subject. It is important. I hope the Senate will be disposed to consider it as it has considered other measures of importance.

The yeas and nays were ordered.

Mr. INGALLS. I shall vote against this amendment as I voted against that offered by the Senator from New Hampshire, and as I propose to vote against that offered by the Senator from Connecticut; not because they may not be just, not because the pension law does not require amendment, but because if we are to do anything it seems to me obvious that we must pass the bill as it came from the House or do nothing. I am very confident that in the condition of the public business, with the capacity for debate that has been exhibited during the two days this bill has been under consideration, if we send the bill

back to the House with such amendments as have been offered here, the session will close without anything being done. But believing that the rate proposed in the House bill ought to be adopted, I shall prefer to leave the inequities and the partialities to be corrected at some subsequent session.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ROLLINS (when Mr. HAMPTON's name was called). The Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Nevada [Mr. JONES].

Mr. ROLLINS (when Mr. MAHONE's name was called). The Senator from Virginia [Mr. MAHONE] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. PENDLETON (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote, and therefore I withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WALKER (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

Mr. MCMILLAN (when Mr. WINDOM's name was called). My colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS].

The roll-call was concluded.

Mr. VAN WYCK. In addition to what I said in regard to the pairs on the last vote, I desire to say that those pairs apply to the amendments and to the bill.

Mr. PLATT. There is no quorum, I believe.

The PRESIDENT *pro tempore*. The Chair has sent to the room of the Committee on Appropriations. Several Senators are there.

Mr. CALL. I announce the pair of my colleague [Mr. JONES, of Florida] with the Senator from Iowa [Mr. ALLISON].

Mr. PLATT. I am very loath to let the vote be announced——

Mr. HARRIS. No debate is in order until the result is announced.

Mr. MITCHELL. I hear it said on several sides that we might as well adjourn. I do not know but that we may as well adjourn.

The PRESIDENT *pro tempore*. Debate is not in order until the vote is announced.

Mr. VOORHEES. Let it be announced.

The result was announced—yeas 15, nays 17; as follows:

YEAS—15.

Blair,	Hoar,	Miller of Cal.,	Sawyer,
Conger,	Lapham,	Miller of N. Y.,	Sewell,
Davis of Ill.,	McDill,	Mitchell,	Van Wyck.
Harrison,	McMillan,	Rollins,	

NAYS—17.

Barrow,	Edmunds,	Jackson,	Pugh,
Brown,	Garland,	Jonas,	Voorhees.
Call,	George,	Maxey,	
Cameron of Wis.,	Harris,	Morgan,	
Coke,	Ingalls,	Platt,	

ABSENT—44.

Aldrich,	Fair,	Johnston,	Ransom,
Allison,	Farley,	Jones of Florida,	Saulsbury,
Anthony,	Ferry,	Jones of Nevada,	Saunders.
Bayard,	Frye,	Kellogg,	Sherman,
Beck,	Gorman,	Lamar,	Slater,
Butler,	Groome,	Logan,	Tabor,
Camden,	Grover,	McPherson,	Vance,
Cameron of Pa.,	Hale,	Mahone,	Vest,
Cockrell,	Hampton,	Morrill,	Walker,
Davis of W. Va.,	Hawley,	Pendleton,	Williams,
Dawes,	Hill,	Plumb,	Windom.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. PLATT. Can there be a motion to adjourn without a call of the roll?

The PRESIDENT *pro tempore*. Yes.

Mr. PLATT. I suggest to the Senator from Pennsylvania that he had better move that the Senate adjourn.

Mr. MITCHELL. I am not willing myself to make that motion. I believe that unless this bill is disposed of to-night it can not be acted on during this session. I am informed that the sundry civil bill is likely to be brought in early to-morrow, and if it is I see no probability of reaching a conclusion on this bill.

Mr. HALE. The sundry civil bill will be reported to the Senate in a few minutes if the Senate remains in session. That will give it an opportunity to be printed.

The PRESIDENT *pro tempore*. There are enough Senators with the Senators in the Appropriations Committee to make a quorum.

Mr. HARRIS. I am informed that the Committee on Appropriations desire this evening to report the sundry civil appropriation bill, and I hope there will be no adjournment until they have the opportunity to do so.

Mr. HALE. It is very desirable that it should be reported, and the chairman is coming with it now.

Mr. HARRIS. I will move, if I am recognized by the Chair, that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Before that is done I ask leave to report the sundry civil bill.

Mr. HARRIS. Of course I withdraw the motion.

Mr. EDMUNDS. Is there a quorum, Mr. President? If not, no such motion can be made.

Mr. HARRIS. If the roll is called now there will be a quorum found present.

Mr. ROLLINS. Let us have a call of the Senate.

Mr. EDMUNDS. The Chair can count the Senate.

The PRESIDENT *pro tempore*. If Senators will sit down the Chair will count. [Counting]. Forty Senators are in the Chamber—a quorum.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I report from the Committee on Appropriations the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, with various amendments. I desire to give notice that I shall ask the Senate to take up the bill to-morrow morning immediately after the close of the morning business.

RATES OF PENSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

Mr. VOORHEES. I wish to say a word before the order of business is disposed of. It is perfectly manifest that if we stop here on this bill relating to one-armed and one-legged soldiers and the sundry civil bill is taken up to-morrow morning, the pension bill will be defeated, and to that disposition of this meritorious measure I do not mean to be a willing party. I have thought that we should vote down the amendments offered to the House bill, and then pass it. It is true the amendment offered by the Senator from New Hampshire had many merits to commend it to our favor, and if the session was in a different stage of advancement I might have voted for it; but to amend this bill is to defeat it; to send it to the House is to insure no action. Consequently I have thus far voted against all amendments, intending to press the passage of the original bill as it came from the House.

I have no fear, no trepidation, and no alarm about the amount of money that will be spent. The whole press of the country has been lecturing us upon the fact that we have too much revenue, that we have too much money in the public Treasury, that we are inclined to waste it because it is so plenty; and we have been severely criticised because of some liberal legislation in regard to internal improvements. There has been a hue and a cry for a reduction of taxation. I am in favor of reducing taxation wherever it can be properly done. I am not, however, in favor of reducing taxation or diminishing the revenues at the expense of the few veterans who are hobbling through the world on crutches or who are marching down the lane of life with empty sleeves.

As I stated this afternoon, originally there were less than 15,000 of these maimed and mutilated people. Fourteen thousand now constitute the number of those who became entitled to artificial limbs and artificial assistance. By reason of the appalling destruction of life which the loss of a limb entails, there are not half the number alive now that there were when the war closed. I hope that I may be able to some extent to allay the fears of Senators on that subject. It will not impoverish this country to give $40 a month to the few who remain and whose chance of life is curtailed by reason of this calamity on an average fifteen years of their entire lifetime.

Now, Mr. President, I am perfectly willing that the Senator shall have an executive session; I am not willing, however, that that executive session shall be a cover for an adjournment. If we can come out of that executive session and transact this business, well and good. If, however, we are going into executive session there to adjourn, so that to-morrow morning the chairman of the committee on appropriations, the Senator from Iowa [Mr. ALLISON], can claim the floor to the exclusion of this legislation, then I am against it. There has been too much expectation of the legislation that we are now engaged in for it to have this impotent and lame conclusion. Too long already a meritorious and most suffering class of people have looked with hope to the Senate to do what the House has already done. They have looked to the bill No. 1410 as they had a right to do. I have said but little on this subject, but I see at this moment the danger of the loss of this measure on which the House spent so much time and attention. If it is to fail I do not intend that the fault shall lie at my door; and if it is expected to adjourn after going into executive session, I hope we shall not go into executive session.

While the Senator from Tennessee and myself do not agree upon this measure, yet I know his magnanimity and chivalric view of questions so well that I do not believe he would press his motion for an executive session if it was to cut off the further consideration of this subject. We approach the end of it, Mr. President; we are near the conclusion; we are voting upon the important amendments; but a little while will be necessary to vote upon the bill itself. If a majority of the Senate begrudge the men on crutches and with empty sleeves the pittance of $40 a month, let us say so; if on the other hand they are willing to pay them that for their flesh and blood and bones, let us say so and be done with it. But let us not slur it over by leaving it now when we approach the last and vital vote.

Mr. HARRISON. Mr. President, I only want to say that if those who have expressed here in speech the great desire they had to pass this bill would only have given the Senate during the day an opportunity

to vote upon it, we should have spent less time in discussion, and we should have had the bill through by this time.

Mr. VOORHEES. I think that criticism is well and good, but it does not apply to me, for I have not occupied five minutes.

Mr. HARRISON. I was not making any personal application of it, but I think it will be discovered by the real friends of this bill that those who have desired its passage have been keeping their seats and asking that the vote may be taken.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania [Mr. MITCHELL], which failed for want of a quorum. The yeas and nays were ordered, and will be called again.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. BAYARD (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. Were he here, I should vote "nay."

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were here, I should vote "nay."

Mr. PENDLETON (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. VOORHEES (when his name was called). I vote against this amendment for the reason I gave for voting against all, not on its merits.

Mr. MCMILLAN (when Mr. WINDOM'S name was called). I desire to announce that my colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS].

The roll-call was concluded.

Mr. MCDILL. My colleague [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. If my colleague were here, he would vote "yea."

Mr. LOGAN. If there is no quorum I will vote. I am paired, however. I vote "yea."

Mr. KELLOGG. I am paired with the Senator from North Carolina [Mr. VANCE].

Several SENATORS. Vote to make a quorum.

Mr. HARRIS. I object to all debate during a roll-call.

The PRESIDENT *pro tempore*. Every Senator must decide for himself what to do.

Mr. HARRIS. But the way to do it is to vote or not to vote.

Mr. HOAR. The Senator is debating. I object.

Mr. HARRIS. The Senator is not debating, but is objecting to debate, and intends to object to debate under the circumstances.

Mr. BAYARD. I understand that my pair with the Senator from Ohio [Mr. SHERMAN] has been transferred to the Senator from California [Mr. FARLEY]. Therefore I am at liberty to vote. I vote "nay."

Mr. KELLOGG. I understand the Senator from North Carolina [Mr. VANCE], if here, would vote "nay." I vote "nay."

Mr. VOORHEES. I desire to state that the Senator from Michigan [Mr. FERRY] has a pair with the Senator from Nevada [Mr. FAIR]. If he were here, I wish to state generally that the Senator from Nevada [Mr. FAIR] would vote for the most liberal pensions to the suffering soldiers of the Union.

The result was announced—yeas 19, nays 21; as follows:

YEAS—19.

Blair,	Hill,	McMillan,	Rollins,
Conger,	Hoar,	Miller of Cal.,	Sawyer,
Davis of Ill.,	Lapham,	Miller of N. Y.,	Sewell,
Hale,	Logan,	Mitchell,	Van Wyck.
Harrison,	McDill,	Plumb,	

NAYS—21.

Barrow,	Coke,	Jonas,	Vest,
Bayard,	Edmunds,	Kellogg,	Voorhees,
Beck,	Garland,	Maxey,	Walker.
Brown,	George,	Morgan,	
Call,	Groome,	Platt,	
Cameron of Wis.,	Harris,	Pugh,	

ABSENT—36.

Aldrich,	Fair,	Jackson,	Ransom,
Allison,	Farley,	Johnston,	Saulsbury,
Anthony,	Ferry,	Jones of Florida,	Saunders,
Butler,	Frye,	Jones of Nevada,	Sherman,
Camden,	Gorman,	Lamar,	Slater,
Cameron of Pa.,	Grover,	McPherson,	Tabor,
Cockrell,	Hampton,	Mahone,	Vance,
Davis of W. Va.,	Hawley,	Morrill,	Williams,
Dawes,	Ingalls,	Pendleton,	Windom.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has another amendment to offer, the Chair understands.

Mr. MITCHELL. I have a further amendment which I propose to insert at the same place.

The PRESIDENT *pro tempore*. It will be reported.

The ACTING SECRETARY. After the word "months," in line 17, it is proposed to insert:

And all those who, while in the military or naval service of the United States, in the line of duty, by injury received or disease contracted, shall have totally lost the hearing of both ears, shall be entitled to receive a pension of $25 per month; and for any loss of hearing less than total deafness they shall receive an equitable proportion thereof.

Mr. MITCHELL. I desire to say that those are the words contained in House bill No. 1247. That is the amount fixed in that bill.

Mr. VOORHEES. I should like to inquire of the Senator from Pennsylvania whether he desires to amend the House bill?

Mr. MITCHELL. I desire to amend the House bill very considerably. So far I have been unable to accomplish my object.

The PRESIDENT *pro tempore*. The Senator is moving to amend the amendment of the Senator from Connecticut so that if it passes it shall be in the form he proposes. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Connecticut.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. I desire to say one word in reply to the Senator from Indiana. I think this amendment should be adopted. I have no kind of doubt that it will pass the House if the bill shall be passed by the Senate with the amendment.

Mr. LOGAN. I want to say but one word, and that is that as between this amendment and the House bill, so far as I am concerned, I very much prefer the House bill. I hope the amendment will not be adopted and that the House bill will pass as it came to the Senate.

Mr. PLATT. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were here, I should vote "yea."

Mr. PENDLETON (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. PLUMB (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. SLATER (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. MCPHERSON]; but as I understand that he would vote the same way I would, I vote "yea."

Mr. VEST (when his name was called). My colleague [Mr. COCKRELL] is paired with the Senator from Iowa [Mr. ALLISON]. My colleague would vote "yea" if here.

The roll-call was concluded.

Mr. GEORGE. I desire to announce that the pair my colleague [Mr. LAMAR] had with the Senator from Iowa [Mr. MCDILL] has been transferred to the Senator from Michigan [Mr. FERRY].

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. FERRY] is paired with the Senator from Nevada [Mr. FAIR].

Mr. GEORGE. The Senator from Nevada [Mr. FAIR] is now paired with the Senator from Iowa [Mr. MCDILL]. I make that announcement for the remainder of the session.

Mr. JACKSON. I am paired with the Senator from Maine [Mr. FRYE]. I would vote "yea" if he were present. I have reserved the right to vote to make a quorum.

The PRESIDENT *pro tempore*. Then the Senator from Tennessee had better vote.

Mr. JACKSON. I vote "yea."

Mr. PLATT. I desire to say that my colleague [Mr. HAWLEY], who is paired with the Senator from Ohio [Mr. PENDLETON], would vote "yea" if present.

Mr. MCDILL. My colleague [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. If my colleague were here, I believe he would vote "nay."

Mr. MCMILLAN. I desire to announce that my colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS]. Both Senators are absent from the Chamber.

Mr. MITCHELL. I understand that there is not a quorum voting. In that case I vote "yea."

Mr. KELLOGG. If there is no quorum, as the Senator from North Carolina [Mr. VANCE] would vote "yea," I vote "yea."

The result was announced—yeas 31, nays 9; as follows:

YEAS—31.

Barrow,	Davis of Ill.,	Hoar,	Morgan,
Bayard,	Edmunds,	Jackson,	Platt,
Beck,	Garland,	Jonas,	Pugh,
Blair,	George,	Kellogg,	Sewell,
Call,	Groome,	Lapham,	Slater,
Cameron of Wis.,	Hale,	McMillan,	Vest,
Coke,	Harris,	Maxey,	Walker.
Conger,	Hill,	Mitchell,	

NAYS—9.

Harrison,	Miller of Cal.,	Rollins,	Van Wyck,
Logan,	Miller of N. Y.,	Sawyer,	Voorhees.
McDill,			

ABSENT—36.

Aldrich,	Dawes,	Ingalls,	Plumb,
Allison,	Fair,	Johnston,	Ransom,
Anthony,	Farley,	Jones of Florida,	Saulsbury,
Brown,	Ferry,	Jones of Nevada,	Saunders,
Butler,	Frye,	Lamar,	Sherman,
Camden,	Gorman,	McPherson,	Tabor,
Cameron of Pa.,	Grover,	Mahone,	Vance,
Cockrell,	Hampton,	Morrill,	Williams,
Davis of W. Va.,	Hawley,	Pendleton,	Windom.

So the amendment was agreed to.

Mr. CALL. I move to add as an additional section to the bill the following:

SEC. —. That a pension of $12.50 per month is hereby granted to all the survivors of the soldiers of the Mexican and Indian wars up to and before the year 1856.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. HOAR. I hope the Senator will not insist on embarrassing this question with that which relates to a wholly different war. I am in favor of pensioning every surviving veteran of the Mexican war on precisely the same terms, or on better terms, than were allowed to veterans of the Revolution, at the same distance of time from the close of that war, or on the same terms, or better terms, than were allowed to veterans of the war of 1812, at the same distance of time from the close of that war, or on the same terms that are allowed to veterans of our late war; but I am not in favor of putting upon the pension-roll of this country surviving veterans of the Mexican war whose disabilities have not been removed, and who contemptuously refuse to have their disabilities removed. I have no desire to say anything which will excite angry debate or unpleasant recollections, but the Senate know very well what I refer to when I make this observation; and if it becomes necessary it is a subject which I shall discuss with great plainness.

This proposition would put upon the pension-roll persons who contemptuously refuse the amnesty of the Government. It would put upon the pension-roll also men who are rich, hale, strong, in active and robust middle life, when that never has been done by this Government in regard to the veterans of any other war. The veteran of the Revolution was obliged to prove, for nearly forty years after that war closed, his need, and to accompany his proof with a schedule of his real and personal property. I should not for one be disposed to make such a requisition in regard to any living surviving veteran. The veteran of the war of 1812 was not put upon the pension-roll without regard to his need until the youngest surviving veteran of that war had reached the age of 78 years and most of them had reached the age of over 84 years, so that age itself was a disability. The dependent father, the dependent mother, of the soldier of our late war for the Union is obliged to prove that dependence and need in order to obtain a pension; and the veteran himself, though twenty years have elapsed, does not receive a pension except in case of a disability. Why should the survivors of the Mexican war and of the Indian wars be singled out from every other class of soldiers and have a bounty extended to them which we have not extended to anybody else?

I wish to call attention to the fact that the Senate, as I believe, has been ready, this side of the Chamber has been ready (of course those soldiers are upon the pension-rolls under the general pension law), to extend to the veterans of the Mexican and Indian wars a liberal policy, which will enable all those who are in need and who are under no existing disability to receive the pension of the Government if they desire it.

I hope that the Senator from Florida will not undertake to press an amendment which goes further.

Mr. CALL. Mr. President, I do not propose to detain the Senate with any discussion on this question. For four years I have been endeavoring to get some little tardy justice done to the veterans of the Indian wars and to those of the war with Mexico. Bill after bill, resolution after resolution has been referred to the Committee on Pensions, but no report has ever been obtained, either favorable or unfavorable.

I apprehend that nobody can deny, upon the principles upon which this bill is proposed to be voted for, that the survivors of the Mexican war and the survivors of the Indian wars, that conquered the territory from the savages and acquired it from foreign countries, ought to be pensioned, especially those who are in destitution, those who are a disgrace to the country, because they are left to strive in absolute penury and want, as time after time, year after year, bill after bill, resolution of Legislature after Legislature are brought to Congress appealing for this small meed of justice to men who have served their country gallantly and well and who are in absolute need and destitution. I therefore think that there can be no question that as a matter of doing justice to soldiers of another war this is a proper amendment to be attached to this bill.

There never has been an occasion when I have not aided in granting reasonable pensions through the system of special bills, which is the appropriate and proper system of relief, because a man may have lost one leg or one arm or some other member of the body and still be a capable and an efficient man, able to take care of himself and to acquire a living. A remedy has always been afforded, and it is the proper way to afford relief by special bill in Congress for a special case. I have never refused and I have voted time and again upon special bills for the relief of pensioners whose cases were special, and who required a larger amount than the amount appropriated by the general bill. In my judgment that is the proper system. No man who has been a soldier and who has done his duty gallantly and well and is in a state of suffering, should be allowed to want for the adequate means of subsistence and comfortable support. The system of special bills is the only mode in which his particular case can be reached; it can not be done by a general bill.

As I said, it does not follow because a man has lost one arm or one leg that he is not a more capable and efficient man than those not so wounded. He may have lost none, and yet be the victim of the most severe and extreme suffering and incapacity.

In my opinion the bill does not meet the necessities of the soldiers. I for one have always voted and I am always willing to vote to the full extent of the capacity of this country to pay, and to pay liberally, every soldier who is in need that amount which is necessary for his comfortable support. That is the reason why this amendment should pass, pensioning the survivors, now but few in number, of the Mexican war and of the Indian wars. The Legislature, I believe, of every State at different times has passed resolutions recommending it.

If the Senator from Massachusetts can see in the present condition of the country, twenty years after the war of the rebellion, a necessity for putting upon the amendment some condition which shall attach to persons who have not applied for and received an amnesty let the amendment be proposed, and if it is the pleasure of a majority of the Senate that it shall be passed, let it be done. There is no reason why this amendment should not be passed. If he wishes to apply to it terms which shall limit it to the indigent soldiers, to those who are in absolute destitution, let such an amendment be proposed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SLATER. I appeal to my friend from Florida to modify his amendment by striking out "$12.50," and inserting "$8," as the rate of pension per month. That is the minimum, and it will in that respect make the amendment conform to the present laws on that subject, and I think it would be more palatable to some.

Mr. CALL. I will accept the amendment suggested by the Senator from Oregon and so modify my amendment.

Mr. HOAR. The amendment can not now be modified, the yeas and nays having been ordered.

Mr. CALL. I accept the amendment and will make it $8 per month.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. MORGAN. Mr. President, I regret that the Senator from Florida has felt himself bound to offer the amendment on this occasion, not that the amendment is not in itself just and proper, and not that the people of the United States do not owe it to their own character for justice and gratitude to adopt the amendment and to enact it into a law, but it is obvious that the Senate is not now in a temper to consider this important subject.

It is true that the veterans of the Mexican war have been a long time lingering here, petitioning the Congress of the United States for some recognition of their services. They perish one by one. A great many of them are living now in the last remnants of their lives in abject poverty. I know some of them myself who are in extreme necessity. The Congress of the United States refuses to allow them an opportunity even to prove that they are in a necessitous condition, and while doing that Congress is adding by this bill more than twice the amount of money which the Senator from Florida proposes to pay them by way of addition to men who are already receiving pensions and have been enjoying the bounty of this Government for years together.

This is a crying, shocking injustice. It is an outrage upon the respectability of the American character. It is an act of base ingratitude, and it is done by men who received and have in their possession a domain brought as a dower to the people of the United States greater than Cæsar ever brought to Rome.

No set of men have ever suffered in the cause of their country so heroically, so patriotically as the soldiers of the Mexican war, for the reason that they are the only class of men who have been called to invade a foreign country. All the other men who have fought and bled and suffered on this continent have done so in the defense of their own homes and firesides; they have done so in respect to a principle which animates every honorable man in the world. A man who will not fight for his own homestead and for his own family and his own fireside is not worthy of the respect of mankind; he is not worthy of their confidence or of their bounty. When he has done so I am willing that the country shall be liberal and generous toward him. When you carry your flag into a foreign country and it is followed by the brave men who volunteer in the service of your country and they come back bearing it in victory and triumph to their own Government, laying at the feet of power in the Government of the United States a domain the richness of which is incalculable beyond all calculation, then for us to turn to those old men when they are perishing one by one and tell them that we will not grant them $8 a month with which to buy their bread will only prove the ingratitude and the baseness of this generation.

When that subject is presented a Senator rises on this floor and makes a threat that he will make some very plain remarks about the political opinions of some of the men who fought when that Senator was a boy, perhaps a youth at college somewhere. For the purpose of preventing the Government of the United States from giving those men an opportunity to keep out of the poor-house the Senator says that he will have

some plain remarks to make about something that they have done since that time. Let him make his remarks; let him wage his war against those men.

Mr. HOAR. To what Senator does the Senator from Alabama refer?

Mr. MORGAN. I refer to the Senator from Massachusetts.

Mr. HOAR. He certainly is not stating correctly anything I said.

Mr. MORGAN. I comprehended the Senator's remarks; I am correctly stating them. We have no right to deny to those men this contribution to their necessities in their old age and in their infirmity; it makes no difference what their opinions may be, it makes no difference what they may have done against this country. If one of them had been consigned to the penitentiary and had served out his term he would have a right to claim the bounty of this Government for services which he rendered before the stigma of conviction fell upon him. If one of them was engaged in the rebellion and has since been pardoned by the general amnesty of the Government of the United States he is restored to all his rights and privileges as freely and as fully as the Senator from Massachusetts.

This complaint against one or two individuals in the United States is constantly paraded here for the purpose of gaining an opportunity to deny justice to thousands and tens of thousands, I am afraid there are, of the survivors of the Mexican war.

Mr. SLATER. About 8,000.

Mr. MORGAN. There are about 8,000 of them. While we are bestowing money under a bill which Senators variously estimate at from five million to fifty million dollars to men who have done nothing except to serve their country around their own firesides and protect and defend them against a domestic foe, while those men professed to be, and I have no doubt were acting in obedience to one of the highest instincts and impulses of every honorable spirit in the world, while we are rewarding them and doing it properly for the service they rendered, we are refusing to reward the men who carried our flag into a foreign country, and who came back to us loaded with an empire of wealth the like of which no country ever acquired before with so little expenditure of blood or of treasure.

Sir, the results of the Mexican war to the people of the United States in actual dollars and cents is greater than any conquest that can be named which has been achieved in a single war by the Anglo-Saxon people; and we, the inheritors of this vast wealth, with overflowing coffers, with a Treasury that we are trying to deplete by every measure that we know, how refuse the bread of life to the poor men who bore this banner in their youth to victory in a foreign land, and have returned only to experience the truth that this country is ungrateful to them.

I have now said all that I expect to say on this occasion about this bill. I expect the proposition again to be trampled under foot, again to be voted down, and it will be two years, yes, it will be five times two years, before the Senate of the United States will get its consent to give those men $8 a month; and while we are refusing that we will run back upon the pension-list and we will vote a sum of money that amounts to $100,000,000 a year to men who have got no higher claim to the gratitude of this country than that they fought for their own homesteads, their own families, and their own firesides.

Mr. JACKSON. Mr. President, I shall detain the Senate but one moment. I wish to read the whole case as stated by a veteran of the Mexican war himself, which presents the case of the veterans of that war better than I could possibly do. In writing to me on the subject he says:

> I am also an old "Mexican veteran," and while I am writing to you I would beg leave to call your attention to the fact that these old Mexican soldiers are becoming few in numbers, and a majority of the number are in very indigent circumstances, while the Treasury Department is calling upon the Congress of the United States to build vaults and storehouses in which to store the precious metals taken from that vast western empire added to our country by the valor and blood of these old Mexican veterans. We are all well along down the western slope of life, and a small pension would be a God-send to many a home and family dependent on one of these old fellows. They can no longer by their labor produce anything, and we think the time has come when our claims should be recognized.

That states the whole case.

Mr. HOAR. I should like to put a question to my friend from Tennessee, who I believe to be one of the most candid, fair men anywhere to be found.

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. JACKSON. I am through.

Mr. HOAR. Why is it that it is asked to apply to the soldiers of the Mexican and Indian wars a policy which we deny to the soldier of the late war, which we denied to the soldier of the Revolution, and which we denied to the soldier of the war of 1812? The soldier who was 20 years old in 1846 at the close of the Mexcan war will now be 56 years old, just my own age. When this matter came up before there were three of the most hale and vigorous men in the Senate, veterans of that war (one of them has since gone to his honored grave), men of vigorous health and models of manly strength, and I suppose all of them men of wealth; but I know nothing about that. There was a man in my own State, the warden of the State prison, 48 years old, a giant in strength and enjoying a salary of $4,000 a year, and there were such cases all over the country. I do not know anybody who is not willing to take the pension law as it applied to the soldiers of the Revolution thirty-six years after the Revolution closed and apply that to the soldiers of the Mexican war if they desire it, and I would make it much more liberal than that myself.

Mr. VOORHEES. What was that?

Mr. HOAR. That was to give a pension to everybody who was in need, but it required an inventory of the property of the soldier. I do not think that ought to be required. I would not ask that strict rule. I would simply have some general statement by the man himself that he needed the pension. In the case of a soldier of the war of 1812 we did not put them all on the pension-roll, as I said just now, until the youngest survivor of the war of 1812 was 78 years old, and those who survived averaged over 84. In regard to the soldier of our late war, the dependent father or the dependent mother to get a pension must prove the need and prove the dependency.

It does not seem to me to be quite fair when we meet this general proposition by saying, "If you will not ask any new policy in regard to these men we will grant the relief," to simply say that some of them are veterans, that some of them are going down the hill, that some of them are poor and feeble. I do not think the honorable Senator from Indiana [Mr. VOORHEES], who is rising to address the Senate in a moment, would accept a pension from the Government at present with his manly strength of body and of mind; and I suppose I am not saying anything improper if I suppose he is old enough to be a survivor of that war; I do not remember what his age is. That is the point of this thing.

Mr. JACKSON. As the law now stands, the veterans of the war of 1812 are pensioned for having served fourteen days without having been engaged in a single battle.

Mr. HOAR. But that was not done until they got to be 80 years old.

Mr. JACKSON. I am aware that law was passed, I think in 1878, after a long lapse of time, but here has been a long lapse of time and distinguished service. It can not be better stated than in the letter which I read, the Government calling upon Congress to build vaults, to build storehouses in which to preserve the precious metals derived from that vast domain which the valor and courage of those soldiers added to the country. There is the whole case. I know there may be exceptions in this class of veterans that ought not properly to be included in a pension law, but the majority of those who were private soldiers are in indigent circumstances, and those old veterans are going down the lane in poverty.

Mr. BLAIR. I should like to ask the Senator if this amendment to the amendment would be objectionable:

> *Provided*, That such soldiers shall be in needy circumstances and shall take the oath of allegiance to the United States.

Mr. CALL. I accept it.

The PRESIDING OFFICER. The amendment suggested by the Senator from New Hampshire will be in order as an amendment, but it can not be accepted as a modification of the amendment of the Senator from Florida, as the yeas and nays have been ordered upon that.

Mr. VOORHEES. Mr. President, there is one part of the amendment of the Senator from New Hampshire that I accept, and that is that the beneficiaries of this provision shall take the oath of allegiance. I care nothing for that; but I would ask no man to proclaim his indigence. I would ask no man to certify to his destitution and poverty. That is mean charity.

Mr. BLAIR. I do not propose to debate that point. I do not admit——

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. VOORHEES. I do not know that I need to yield. The Senator says he does not propose to debate that point, and I am gratified to know that he does not, for it is not susceptible of debate.

What I meant to say was that men who have rendered distinguished services that the whole world recognizes should not be brought to the block, as it were, to certify that they are poor and want their pauper's soup-bowl filled by Government charity.

Whether we have gone as far from the scenes of the Mexican war as we did from those of the Revolutionary war or the war of 1812 before we granted pensions is not the question. The soldiers of the Mexican war achieved such success in a material sense as should disarm the economy or the avarice, or whatever else you may call it, of members of Congress. If a statue of gold were erected at full life size to every surviving Mexican soldier it would not be one-quarter of 1 per cent. of what they have given this Government. Let me repeat it: If a statue of gold, life size, were erected by our Government to every surviving soldier who fought the battles in Mexico it would not cost one-quarter of 1 per cent. of that which they acquired for this Government. I state that simply materially considered, considered in point of dollars and cents; but when you estimate the glory which they gave this country throughout the world, the renown which they achieved, it can not be estimated even in statues of gold.

I was deeply impressed with the letter read by the Senator from Tennessee [Mr. JACKSON] stating that while we are asking additional vaults and chambers to relieve those that are now plethoric with the precious

metals acquired by the valor of those men, the remnant of whom we are speaking for, it is objected to, and there is a parsimonious and higgling spirit in regard to allowing them anything.

I once before on this floor took occasion to speak of this question as it really exists, and that is as a sectional question. New England had but little share in the Mexican war. We might as well tell the truth while we are going along. State after State in New England had no concern in it. The State of the Senator from Massachusetts had but little share in it except by purchased troops. Other States in New England had not one single soldier there.

I intend to advertise the country again of the fact that New England was opposed to that war and had no troops there. I will qualify that expression to this extent: when I say that New England had no troops there I do not mean literally that there was nobody there from New England, but I do mean that New England gave no support to the Mexican war. I mean further that I can take a map and outline the boundaries of this Government as it would have been if New England had had her policy. She fought Jefferson. Jefferson purchased Louisiana, with her outlying, vast, and vague boundaries, and New England wanted to impeach him. James K. Polk, another Democratic President, fought the war with Mexico and New England fought him.

The results of Jefferson's purchase are known and the results of the Mexican war are known.

If the policy of New England had prevailed, if the old Federal idea had obtained, this day and this hour I would hold up on the floor of the Senate the map of the United States bounded on the west by the Mississippi River. The Senator from Massachusetts well knows that fact. I challenge him to show a single instance where New England has ever advocated the advancement of the standard of this country beyond the Mississippi River. When I say that I say it with regard, so far as he is personally concerned, because I call to mind while saying it a most liberal, broad, and national letter of his last summer on the subject of the improvement of the Mississippi River. I do not include him in any criticism of the policy of the past, but I speak of the past as it is. If this hour the policy of the old Federal party was stamped upon the map of the United States it would be found as it is hung up in the office of the Commissioner of the Land Office, at the Department of the Interior. I have looked upon it, and I proclaim here that every step beyond, every step on the sunset side of the Father of Waters, is due to the spirit, policy, action, and legislation of the Democratic party, and in direct hostility and triumph over the policy of New England and the Federal party of that section.

I find every time that the question of paying these old veterans who exist in a few numbers in each county in the United States except New England, ten or fifteen in the various counties, poor, humble, waiting—whenever a question arises here to do something for them, however small, it is encountered by that section of the country which had neither sympathy, action, nor men in that movement.

I do not know that the amendment of the Senator from Florida is to obtain to-night. I expect not. It will be obstructed in some way. I did not intend to advocate a single amendment to the original bill 1410 that came here from the House, nor did I. I opposed every one of them. I voted against the amendment of the Senator from New Hampshire, which I thought very well of. I opposed the amendment of the Senator from Connecticut, which is not entirely objectionable, but I wanted this bill that came from the House, pure and simple, to help one-legged and one-armed men to pass, and so I voted against amendments that were in themselves meritorious.

But now, inasmuch as the amendment of the Senator from Connecticut has been adopted, I shall vote for one more; I shall vote for this amendment offered by the Senator from Florida. I would not vote for it, much as I approve of it, if the bill had not already been amended; I would keep it pure and clean; but whenever the question of paying the survivors of the Mexican war comes before the Senate I shall adhere to what I have heretofore said, that I shall meet this question, always raised on the part of New England in the interest of economy, but I think in the interest of an ancient policy on their part, as I have met it here to-night.

Mr. HOAR. Mr. President, it certainly can not be the duty of any representative of a New England State at this period of the session and upon a bill like this to undertake to repel such an attack from such a quarter. The Senator from Indiana is as little acquainted with the history of the Mexican war or the history of the relation of New England to the purchase of Louisiana, or her position with regard to the administration of Thomas Jefferson, as a Hindoo baby on the banks of the Ganges.

I think the Democrats of the time of the Mexican war who are left will have indignation enough for the man who has permitted himself to say that the Massachusetts regiment in the Mexican war or the New Hampshire regiment commanded by Franklin Pierce in the same war were mercenaries. There was not a man of their number who was not a volunteer. The great statesman of Massachusetts, Daniel Webster, gave his son to the service of his country in that war. Has the Senator from Indiana never heard of George Lincoln, who died fighting, gallantly resisting with his single arm four Mexican soldiers? Has he never heard of May, through whose veins the best blood of Massachusetts coursed? Has he never heard of Caleb Cushing, or Isaac H. Wright, who still lives? I should like to see the countenances of the soldiers of the Mexican war of any New England State when they read the words of the Senator from Indiana.

Mr. VOORHEES. Mr. President, there is a wonderfully easy way for some people who can answer in no other way to assume a style and claim a superiority that requires them not to answer. I have met those kind of people before. The last thing in my purpose is to say an unpleasant word to the Senator from Massachusetts; but when he rises here and says in reply to what I have stated that it is not necessary at this late day for a representative from New England to reply to anything, that is an old style way of meeting facts, and deceives nobody and imposes on nobody. It is simply the reassertion—if the Senator will pardon me for saying it—of that political Pharisaism which sometimes imposes upon people, but does not impose upon me.

Whether the Senator from Massachusetts thinks it is necessary for him to reply or not is for him to determine. It is nothing to me whether he does reply or not; but when he announces with a flourish that at this late day it is not worth while for him to reply to a few kindly suggestions that I made upon the policy of New England it becomes necessary for me to recall again what I said.

The Senator, I think with some latitude of statement, informs the Senate that I know no more about the policy of New England in regard to the purchase of Louisiana than some newly born barbarian. That may be so. I am not here to assert my superior knowledge; I am not here even to criticise unkindly so sweeping a statement; but would it not have been better for that Senator, with his wide knowledge, his critical information—and I know that he has it—to have informed me whether I was in fact mistaken in the proposition that the Federal party proposed to impeach Thomas Jefferson for purchasing the Louisiana territory?

Mr. HOAR. The Senator was certainly mistaken.

Mr. VOORHEES. What do you say?

Mr. HOAR. The Senator I believe to be certainly mistaken in that.

Mr. VOORHEES. On the contrary I know that I am not mistaken.

Mr. HOAR. Perhaps not.

Mr. VOORHEES. I know that I am not.

Mr. HOAR. I understand——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. VOORHEES. Oh, yes.

Mr. HOAR. If the Senator will pardon me, I understand that one man moved the impeachment of Mr. Jefferson, for which motion on the yeas and nays in the House there was no vote but the vote of the mover.

Mr. VOORHEES. Still the fact is that Jefferson's purchase of Louisiana was a measure to which New England was thoroughly hostile, and whether at that particular moment the proposition to impeach him received one or more votes it was a measure widely contemplated, as the Senator well knows. I am not quite so ignorant of the history of those times as he assumes. I do not know whether it is in good taste for one Senator to assume that he knows everything and another nothing, or not, consequently I shall not assume that I know all about that period; and yet I will state that the historical records bear me out in what I have said, that if the federal policy of New England had prevailed the Western map of our country now would terminate at the Mississippi River. That party was not and never has been in favor of the acquisition of one single inch of territory beyond what we had when the war of 1812 was closed.

So far as the appearance of gentlemen in New England is concerned when reading my statements, I have this to say: It is a well-known fact, and I challenge the Senator from Massachusetts to go to the Adjutant-General's Office of the United States Army; he will there find that the regiment accredited to Massachusetts, commanded by Caleb Cushing (I will not speak disrespectfully of him now dead, but for whom while living I had no exalted respect as a soldier or civilian), was recruited in the city of New York and in a measure paid for, not all of them but most of them, and 25 per cent. of them deserted after they got to Mexico. When I interrogated the Adjutant-General why that enormous disgrace was put upon that regiment, I learned that it was because they came from the purlieus and slums of New York. That was the Massachusetts regiment. There were some troops there from New Hampshire and there were some very excellent men from Connecticut. Thomas H. Seymour was from Connecticut and General Pierce was from New Hampshire.

Mr. ROLLINS. I suppose the Senator from Indiana does not mean to include New Hampshire when he assails New England.

Mr. VOORHEES. No, I do not.

Mr. ROLLINS. Because New Hampshire up to the years 1855 and 1856 was a good old Democratic State, and certainly the Senator from Indiana would not assail the people of that State for want of patriotism during the Mexican war. Certainly no Democrat would assail that State, for New Hampshire furnished the President of the United States soon after, who was one of the heroes of the Mexican war.

Mr. VOORHEES. Certainly.

Mr. HOAR. Does the Senator from Indiana claim that the New England regiment did not behave as well at the battle of Buena Vista or any other as the regiment of his own State?

Mr. VOORHEES. I do not know of any regiment from New England that was at Buena Vista. Does the Senator?

Mr. HOAR. Did they not behave as well in the Mexican war?

Mr. VOORHEES. Will the Senator now pardon me?

Mr. HOAR. My question was whether at the battle of Buena Vista or any other the New England regiment did not behave as well as the regiment from Indiana?

Mr. VOORHEES. I will have to know first whether the Senator can name any New England regiment that was at Buena Vista.

Mr. HOAR. I am asking about the Indiana regiment.

Mr. VOORHEES. I ask the Senator again. He made the point whether I disputed that the New England regiment did not behave as well at Buena Vista or elsewhere as the Indiana regiment. I ask him to name a New England regiment that was at Buena Vista.

Mr. HOAR. There was a New England regiment at Buena Vista, unless I am much mistaken.

Mr. VOORHEES. Please name the New England regiment.

Mr. HOAR. I can not give the number of any regiment. I suppose the Senator can not.

Mr. VOORHEES. Oh, yes; I can give the numbers of a good many.

Mr. HOAR. My recollection is (perhaps I am mistaken; I will not undertake to be confident) that there was a regiment at Buena Vista which bore the name of the New England regiment and was so called, whose colonel perished at the head of his regiment. Will the Senator answer whether he claims that that regiment did not behave as well as the Indiana regiment at the battle of Buena Vista?

Mr. VOORHEES. I am trying to find out whether there was a New England regiment there. I will answer about the Indiana regiment to the Senator's satisfaction.

Mr. MAXEY. Will the Senator pardon me for an interruption?

Mr. VOORHEES. I would be glad to have it. Here is a gentleman who was there.

Mr. MAXEY. I was not at the battle of Buena Vista, but I know something about it. There was a very gallant officer from New England, to whom I presume the Senator from Massachusetts refers. He was not a member of a New England regiment. He was an officer of the United States Army, Captain Lincoln, who was killed there.

Mr. HOAR. I am not speaking of Captain Lincoln. I referred to him a little while ago. He was an officer of the regular Army.

Mr. MAXEY. He was killed there, but I have no recollection whatever of a gentleman from Massachusetts commanding a volunteer regiment there.

Mr. HOAR. Colonel Ransom is the person I speak of.

Mr. MAXEY. He was the commander of a brigade, a brigadier-general appointed by the governor, and was not in command of any Massachusetts regiment that I know of. I would say from memory only that if there was any Massachusetts regiment there I do not know of it. There was a battalion under Fletcher Webster, a son of Daniel Webster.

Mr. HOAR. Fletcher Webster was not in the Mexican war. Captain Edward Webster, a son of Daniel Webster, was killed at the battle of Buena Vista.

Mr. MAXEY. I simply miscalled the first name. I knew that there was a battalion under the command of Major Webster.

Mr. VOORHEES. The Senator from Massachusetts, with his long experience and his broad intercourse with the history of his State, can not name (I want to call attention to the fact) any troops from his State on that historic battlefield. So far as Indiana is concerned, I can name a regiment that the Senator wanted to throw an old sneer at, a regiment that bore the first brunt, that broke on the left wing of that army and received the shock of two-thirds of Santa Anna's army, a single regiment that had been pushed out beyond where it ought to have been placed, and after a firing in which it lost nearly one-third of its numbers it broke, and the Illinois troops broke, and ever afterward, ever since the battle of Buena Vista, when a member of Congress or anybody else wanted to relieve himself from the opprobrium of having taken no part whatever in the battle of Buena Vista, and having done no fighting and not being there at all, he commenced talking about a regiment from Indiana which, after being slaughtered, broke.

If that is any comfort to Senators whose constituents were not there, and who can not name a roll-call of the troops, let it be so. Troops of Indiana were there, and they staid until by all the rules and usages of warfare they were justified in leaving the untenable position which they held. If the Senator from Massachusetts is satisfied with the exhibition here to-night that he himself, one of the best historians of his State, could not name a soldier nor give the name of a man from his State who had been in that battle, until he was aided by the Senator from Texas, by retorting on the fact that one regiment out of three from Indiana was driven from their position on that bloody and terrible day, he may have what comfort he can take out of that matter.

Mr. HOAR. Will the Senator yield?

Mr. VOORHEES. Yes.

Mr. HOAR. I wish to say that the Senator seems to be as forgetful of the history of this debate as he seems to me to be forgetful of the history of his country in many respects. I named the New England men and the Massachusetts men who took part in that war, every person who has been named in this debate, without any suggestion from the Senator from Texas or anybody else.

Mr. VOORHEES. I think the RECORD will not bear the Senator out in that statement.

Mr. HOAR. I had stated the fact that Mr. Webster had given his son to the service of his country, who died in that war. I alluded to George Lincoln, to Burbank, to Franklin Pierce, of New Hampshire, to Ransom, of Vermont. The Senator from Texas spoke, and by a very natural slip of the tongue, of Major Fletcher Webster, and I called his attention to the fact that it was not Fletcher but Edward Webster.

Mr. MAXEY. I corrected it immediately, I will say. It was simply a mistake of the Christian name.

Mr. HOAR. Certainly; but I had referred to that officer before the Senator from Texas rose.

Mr. MAXEY. I did not hear it. I was not in the Chamber at the time.

Mr. VOORHEES. I think very likely if the Senator will hold the floor a little longer we shall have it proved that New England fought the Mexican war; and if so, I shall expect the New England Senators to take care of the veterans of that war. Still that would not be historically true.

Mr. HOAR. Mr. President, I do not wish to prolong this discussion. It is undoubtedly true, which no man desires to forget, to conceal, or to palliate, that a very large portion of my own State—I will not speak for the States of Maine and New Hampshire, which I think were Democratic States at that time, so that the Senator's grouping together of the New England States is historically unfortunate—that the people of Massachusetts believed then and believe now that the Mexican war was a war undertaken by this country, a strong power against a weak power, when we were in the wrong, and that the motive of it was to extend the area of slavery and to obtain new slave territory; and for that reason they resisted it.

Mr. BLAIR. Mr. President, I am not inclined at this, as I have never been at any time, to indulge in anything which partakes of the nature of sectional bickering, and I could I think appeal to the Senator from Indiana himself for the vindication of New England against the unjust aspersions which he has cast upon her.

So far as my own State is concerned, it is true of her sons as it is true of the sons not only of New England but of Indiana and of the whole country, that their blood has mingled in the turf on every battle-field where American soldiers have fought for their country.

But, sir, I do not propose that this debate, bearing directly upon a very important bill, which concerns the interests of the soldiers of the entire land, shall be turned aside and shall be dwarfed and belittled by this unnatural bickering which has been brought into it. I rose as I thought, if I know my own motives, impelled by a just and generous sentiment toward the veterans, a majority of whom, it is true, reside in the South; but they are not an unknown nor are they an infinitesimal quantity among the citizens of my own State. One President of the United States won a reputation for gallantry upon the battlefields of Mexico, and all the way from Vera Cruz to the capture of the capital of that republic he was as conspicuous as any man in the discharge of his duty. I am anxious for one that the Mexican war soldier, in his old age and in his poverty and under circumstances which we have never considered in dealing with the soldiers of any other war, should be favorably considered. I would give him his $8 a month. I would give him more if he needed it. I would give him everything that his necessities required, whether it is $8 or $50 per month; but of the soldiers of the Revolution, of the soldiers of the war of 1812, of the soldiers of the Mexican war, so far as they have already shared in the generosity of that country which they have made so great, of the soldiers in the last war, not one is receiving a pension from the country unless it be for disability. Never to a single one of them has there been a proposition so generous as that which I suggested, which was to give to the Mexican soldier the necessary sustenance in his poverty and his age.

The Senator calls that unjust, and he sneers at it as a sort of nutmeg New England economy. He himself ought to be ashamed of what he said in reference to my own State and my own proposition in this debate. Sir, I would give to the Mexican soldier at the South and to the Mexican soldier at the North his sustenance if he needs help from his country. Although the question and the proposition of the Senator from Florida was precisely that proposition, I asked that it might be modified in such a way as to meet the scruples that any patriot must feel, that any Southern patriot must feel, no matter what his course might have been during the recent rebellion, that he should now when he comes to partake of the munificence of the Government if there is a question about his past loyalty settle that question by the oath of allegiance. Any man who loves his country, any man who has sacrificed what these Mexican veterans have in former time in her defense, will not hesitate to asseverate when he partakes of the bounty of the Government he has made so great that he is to-day its supporter.

It is a mere question of fact. It is necessary that some condition of this kind should be imposed, and it is the simplest possible. I think

that the Senator from Florida and the other Senators who are by him in their readiness to accept this amendment exhibited a proper appreciation of the situation, and with that simple addendum to the amendment of the Senator from Florida I shall be very glad to vote for it, and so far from it being an incumbrance to this bill, which seems to be apprehended on this side of the Chamber, I say to you, Mr. President, that this addition to the bill would be not only an act of justice and generosity but it would be, as I believe, the very thing that would carry this to a happy conclusion not only in this Chamber but in the other, and insure for it the signature of the President of the United States.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire as offering the suggestion he made as an amendment to the amendment of the Senator from Florida?

Mr. BLAIR. I did so, and I understood it was ruled out because the roll-call had commenced, but there has been a very lengthy debate going on since then and I do not understand why we can debate this business by the hour if I can not offer an amendment.

Mr. CALL. If it is in order, I will accept the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Florida can not accept the amendment or modify his own, the yeas and nays having been ordered on the amendment.

Mr. BLAIR. Then I move this as an amendment to the amendment.

The PRESIDING OFFICER. It is in order as an amendment to the amendment of the Senator from Florida. The question then is on the amendment proposed by the Senator from New Hampshire to the amendment proposed by the Senator from Florida, which will be read.

The ACTING SECRETARY. It is proposed to add to the amendment the following:

Provided, Such soldier shall be in needy circumstances and shall take an oath of allegiance to the United States.

Mr. LOGAN. I am in favor of the passage of the bill providing for an increase of pensions applicable to the particular class to which it applies. As I said once before to-day, I prefer the House bill to the amendment, but the amendment has been adopted by the Senate, and I shall now vote for it, but I shall not vote for the amendment of the Senator from Florida for this reason, if no other: without giving any expression of opinion as to whether I would vote for it as a separate bill or not, I shall vote against it here because I do not deem it necessary.

To give my opinion upon this subject at this time, having been a Mexican soldier myself, may not be very proper for me to do; but my judgment is that if the amendment of the Senator from Florida is adopted that is the end of this bill. It will not pass the House with that amendment, and it ought not to pass with that amendment at this time, for the reason that the amendment has not properly been considered, and it makes no distinction whatever in reference to grades or anything else, but simply gives so much money to each soldier who served in the Mexican war. I do not think sufficient consideration has been given to it for it to be adopted at this late hour of the session, and I hope it will not be for that reason, that I believe it will be the end of this bill, that it will be such a weight upon it as will carry it down, and I do not want to see that done. I want to see the bill pass, and let the House agree to it and increase these pensions for a certain specified class.

A proposition of this kind, that is merely for one peculiar class of soldiers, crippled, with legs off, arms off, eyes out, or anything of that kind, it is very inappropriate to amend by adding a general bill legislating upon the subject of pensions as applicable to any war or any general class of soldiers without its being applicable to this particular class. I do not think it ought to be adopted, and for that reason I shall vote against it.

Mr. PLATT. I do not desire to discuss this question. I simply want to say that the bill to which this is proposed as an amendment is a bill which relates to the rates of pension to pensioners who are now entitled under the existing law; and without expressing any opinion upon the justice or merits of the pensioning of the survivors of the Mexican war, I shall vote against this amendment, as I would vote against any amendment to pension any other class of soldiers not already pensioned.

Mr. ROLLINS. Now, Mr. President, is it not possible for us to have a vote? ["Question!" "Question!"]

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Florida [Mr. CALL].

Mr. BLAIR called for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. KELLOGG (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. LOGAN (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], unless my vote is required to make a quorum.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I desire to announce that my colleague [Mr. HAWLEY] is paired with the Senator from Ohio [Mr. PENDLETON]. I vote "nay."

Mr. SLATER (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how he would vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. ALDRICH. The Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Delaware [Mr. BAYARD]. The Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE].

Mr. GEORGE. I am paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. CALL. I wish to announce the pair of my colleague [Mr. JONES, of Florida] with the Senator from Iowa [Mr. ALLISON].

Mr. BARROW. My colleague [Mr. BROWN] is paired with the Senator from Kansas [Mr. PLUMB].

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON]. I do not see him in his seat. I understand the Senator from Rhode Island [Mr. ANTHONY] is paired with the Senator from Maryland [Mr. GORMAN], who is absent. If there be no objection to transferring the pairs to the Senator from Iowa [Mr. ALLISON] and the Senator from Maryland [Mr. GORMAN], the Senator from Rhode Island and myself, being present, will vote.

Mr. GROOME. That will be satisfactory to my colleague.

Mr. CALL. I announced the pair of my colleague [Mr. JONES, of Florida] with the Senator from Iowa [Mr. ALLISON]. I understand that it has been transferred to the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. It does not make any difference which one the Senator from Iowa is paired with.

Mr. ANTHONY. I understand the Senator from Missouri proposes to pair my pair with his pair so that we can both vote; and therefore I vote "yea."

Mr. JACKSON. I vote "yea."

Mr. KELLOGG. For the purpose of making a quorum I vote "nay."

The result was announced—yeas 8, nays 32; as follows:

YEAS—8.

Anthony,	Call,	Davis of Ill.,	Plumb,
Blair,	Conger,	Hoar,	Rollins.

NAYS—32.

Aldrich,	Harris,	McDill,	Platt,
Barrow,	Harrison,	McMillan,	Pugh,
Bayard,	Hill,	Maxey,	Sawyer,
Cockrell,	Ingalls,	Miller of Cal.,	Sewell,
Coke,	Jackson,	Miller of N. Y.,	Sherman,
Edmunds,	Jonas,	Mitchell,	Vest,
Garland,	Kellogg,	Morgan,	Voorhees,
Groome,	Lapham,	Morrill,	Walker.

ABSENT—36.

Allison,	Fair,	Hawley,	Ransom,
Beck,	Farley,	Johnston,	Saulsbury,
Brown,	Ferry,	Jones of Florida,	Saunders,
Butler,	Frye,	Jones of Nevada,	Slater,
Camden,	George,	Lamar,	Tabor,
Cameron of Pa.,	Gorman,	Logan,	Vance,
Cameron of Wis.,	Grover,	McPherson,	Van Wyck,
Davis of W. Va.,	Hale,	Mahone,	Williams,
Dawes,	Hampton,	Pendleton,	Windom.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Florida [Mr. CALL], on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. LOGAN (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. Were he here, I should vote "nay."

Mr. PLATT (when Mr. PENDLETON'S name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Ohio [Mr. PENDLETON]. If he were here, I have no doubt my colleague would vote "nay."

The roll-call was concluded.

Mr. SLATER. On this question I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how he would vote, but if he were present, I should vote "yea."

Mr. BECK. I am paired on all questions with the Senator from Maine [Mr. HALE]. I would vote "yea" if he were here.

Mr. GEORGE (after having voted in the affirmative). I voted inadvertently. I am paired with the Senator from Wisconsin [Mr. CAMERON]. I withdraw my vote. I would vote "yea" if he were here.

Mr. COCKRELL. To-day, while we were considering a bill in the Appropriations Committee, I was paired with the Senator from Iowa

[Mr. ALLISON], and left the room without saying anything further. I understand my colleague has paired him with the Senator from Florida [Mr. JONES]. That being so, I am of course unpaired, and I vote "yea."

Mr. LOGAN. I am authorized to vote to make a quorum. I vote "nay."

Mr. JACKSON. In order to make a quorum I vote "yea."

Mr. GEORGE. Will the Senator from Illinois allow me to transfer my pair with the Senator from Wisconsin [Mr. CAMERON] to his pair, so that I can vote to make a quorum?

Mr. LOGAN. Provided you vote the same way I will, I have no objection.

Mr. GEORGE. I vote "yea."

Mr. KELLOGG. The Senator from North Carolina [Mr. VANCE] with whom I am paired would vote "yea" if he were here. I shall vote for the purpose of making a quorum, but I do not vote if it is not necessary.

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Barrow,	George,	Jonas,	Vest,
Call,	Gorman,	Maxey,	Voorhees,
Cockrell,	Groome,	Miller of Cal.,	Walker.
Coke,	Harris,	Morgan,	
Garland,	Jackson,	Pugh,	

NAYS—22.

Aldrich,	Harrison,	McDill,	Rollins,
Blair,	Hill,	McMillan,	Sawyer,
Conger,	Hoar,	Miller of N. Y.,	Sewell,
Davis of Ill.,	Ingalls,	Mitchell,	Sherman.
Dawes,	Lapham,	Platt,	
Edmunds,	Logan,	Plumb,	

ABSENT—36.

Allison,	Davis of W. Va.,	Johnston,	Ransom,
Anthony,	Fair,	Jones of Florida,	Saulsbury,
Bayard,	Farley,	Jones of Nevada,	Saunders,
Beck,	Ferry,	Kellogg,	Slater,
Brown,	Frye,	Lamar,	Tabor,
Butler,	Grover,	McPherson,	Vance,
Camden,	Hale,	Mahone,	Van Wyck,
Cameron of Pa.,	Hampton,	Morrill,	Williams,
Cameron of Wis.,	Hawley,	Pendleton,	Windom.

So the amendment was rejected.

Mr. GEORGE. I offer the following amendment:

SEC. —. That a pension of $8 a month be, and the same is hereby, granted to every surviving soldier of the United States who served for three months or longer in the last war between the United States and Mexico, and who was honorably discharged from said service: *Provided*, This section shall not apply to any such surviving soldier who has means of support without resorting to manual labor.

If the Senate is ready to vote, I will not say anything.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. HOAR. I move to amend that amendment by adding at the end of the proviso:

And who labors under the disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. EDMUNDS. May I appeal to my friend from Mississippi and to everybody else not to raise this Mexican question and this disability question on this matter of providing for people who we know are specially and destructively disabled? Let the two things stand by themselves and let us at the next session take up the Mexican bill and dispose of it one way or the other; but do not let us leave these people without legs and arms, &c., without a little additional provision for their comfort in our squabbles and discontents over this insoluble problem that we have discussed so long, insoluble in this way by way of particular amendments. I do appeal to my friend from Mississippi and to everybody else to just leave this simple bill about one class—not all classes of the soldiers of the late war but one particular class—who have to the eye been disabled so that it is not a question that there can be any fraud or deceit about. Let us provide for them and not hang up their hopes and their lives, their needs and necessities on these other disputed questions.

Mr. GEORGE. To the appeal of the Senator from Vermont I would respond very readily if I could. Nearly a year ago I had the honor of offering a resolution embracing the substance of the amendment I have just offered, directing the Committee on Pensions to report a bill allowing a pension to indigent soldiers of the Mexican war. That resolution was referred to the Committee on Pensions and there that resolution has slept to this day. The committee has taken no action. The Congress is about to expire, and now I want to appeal to the Senator from Vermont and to every other Senator upon that side of the Chamber to vote for the amendment which I have offered.

Mr. President, if you will but remember the date of the Mexican war you will call to mind that there can be but few of the survivors of that war who are under 60 years of age, and most of them are older than that. This amendment which I have had the honor to offer only proposes to extend aid to those who are compelled to labor with their hands for support. It embraces no property-holders and no professional men. It proposes a boon only to those being over 60 years of age who are compelled to resort to manual labor in order to procure the means of subsistence.

Now, Mr. President, to the survivors of an army which rendered such signal service to this country as the soldiers of the United States in the Mexican war, to the survivors, I say, of such an army, now standing almost upon the verge of the grave, destitute of property, destitute of friends who have property, at that period of life when men are incapable of pursuing manual labor with comfort or success, something is due from the American Congress; and ought we not when we take into consideration these facts to vote cheerfully for the small pittance proposed in the amendment I have offered? No man who has the means of supporting animal existence independent of his own labor gets any benefit; no man who has the means of supporting existence by the exercise of his talent as a professional man can get any benefit from the amendment. The benefit goes solely to those who in their old age and being without property are compelled to resort to hard labor for a subsistence.

I desire to say a word or two more on this subject. Many of these soldiers reside in the State which I have the honor in part to represent on this floor. I know them. I meet them occasionally. We have little conventions or meetings in which we exchange views about this question and about others. I see the men there who held up the flag of this country in that war; they come to those meetings bearing every evidence of poverty. They write to me, many of them, they appeal to me to press their claims so that they may have a few of the comforts of life in their declining years.

Mr. President, the soldiers of the Union Army in the last war deserve, I admit, the gratitude and bounty of the Government. I am willing so far as I am concerned, though I was on the other side, to vote them liberal pensions. But it has been objected to this that we ought not to associate the two together. I think we ought, for however much honor the Union soldier may have deserved for his services in the late civil war he can deserve no higher honor than the soldier who upheld our flag in the Mexican war. Most of these soldiers reside in the section of country from which I come. From causes not necessary for me now to relate, it is well known that the people of those States are not in that condition of affluence which enables them to dispense charity with a bounteous hand to those who need it, nor to the extent which the more favored section of the country can extend it. These men are poor; nine out of every ten of them are poor; they are needy. Their neighbors, charitable, kind, and generous as they may be, are most of them in that hard condition which prevents them extending a generous helping hand. So I appeal to the Senator from Vermont, as the bill has already been amended and as it must go back to the House, to allow this amendment to be passed, and thereby at this late day to extend to these veterans in poverty, as they are, some little of the bounty of the Government whose honor and interest they so well and so bravely sustained in a foreign land.

Mr. EDMUNDS. Mr. President, the philosophy of my friend from Mississippi as to the nature of his amendment does not quite agree with mine. I do not know any reason why a professional man who is destitute and who served his country should be excluded from the benefit of his country's gratitude, while the man who is not a professional man should receive it. That is not the way to tempt professional people and mercantile people, and all the other body of people except day laborers, to uphold the flag of their country. The amendment itself, therefore, if it means what my friend thinks it does, proceeds upon a false theory, in my view. But no matter for that, I do not want to take up time about that.

The difference between the case we have in hand, the men whose legs and arms are gone, and the case the Senator from Mississippi states is this: In this case we know that these people are in their present condition in consequence of their service; the indigent survivors of the Mexican war who do not already have pensions for disability incurred in the line of duty are indigent, are sick, or in trouble, not because they were soldiers of the United States, but because like the rest of mankind they are subject to the ihfirmities of human nature and to the changes and chances of this mortal life. I do not mean to say that that is not a reason why our gratitude should be applied to them, but I say it marks a clear distinction that we ought to observe—unless we mean to destroy this bill for the benefit of those whose legs and arms are gone, which I can not impute to the Senator from Mississippi, a distinction that we ought to observe and not embarrass one thing that we all agree about I hope, by another that is not so clear.

Now when you come to the question of pensioning people who have served their country in war because they are now in need, what difference do years make? Why should not the soldier of the Union of 1861 to 1865 who is now indigent, and in trouble and distress, be just as much entitled to the gratitude of his country as the soldier of the Mexican war who is now indigent and in trouble and distress, I should like to know. I am unable to see that time has anything to do with that question. I should be glad to have somebody explain how it can have.

We did pension all the survivors of the Revolutionary war fifty or sixty years afterward because they, like a great many other things that happened at that time, as long periods of years went on, became mere monuments of national glory, a few people scattered here and there that the country was able and glad to decorate them with this honor, as well as to provide for them in their old age.

Mr. MAXEY. If the Senator from Vermont will permit me, I will state that my recollection is, though I speak entirely from memory, that about the year 1817, during the first administration of Mr. Monroe, a bill was passed granting pensions to the soldiers of the Revolutionary war who were needy.

Mr. EDMUNDS. That may be and it might have been passed, upon the principle that my friend from Mississippi proposes, in the year 1789, when the Constitution was adopted just as well, because if we owe anything in the way of duty or gratitude to the soldiers of the Republic who came out of the war as well as they went in—and I agree that we do as far as we are able to do it—we owe it not in respect of the lapse of time that has occurred after they came out of the war, but in respect of the necessity that they happen to be in; and therefore I repeat that in my opinion there is no distinction in principle between providing for the indigent soldiers of the war for the Union, if I may call it so—others call it the war between the States, the civil war, and so on—there is no distinction in principle that can be made between the Mexican soldiers and the soldiers of 1861–'65, if you put it on the ground of necessity. But I say in either case that the question that is before the Senate on this House bill as amended is an entirely different one from the one proposed by the Senator from Mississippi, and if I did not know his patriotic impulses I should suspect that the effect might be (as I am afraid it may be, though the purpose may be a legitimate and parliamentary purpose), to destroy this measure for the people who stand before our eyes, maimed for all their lives in the service of their country to have this little addition to their support, by getting up a question of this kind.

Mr. WILLIAMS. It seems to me, Mr. President, that everybody else in this country gets a pension except the soldiers of the Mexican war. We have been giving pensions until our pension-list now amounts to over $100,000,000 per annum, but I do not complain of it. I wish the Senator from Vermont [Mr. EDMUNDS] had not gone out because I want to answer the question he asked as to what was the difference in principle upon which the soldiers of the Mexican war were to be pensioned and the soldiers of the late war not; why was it that a soldier was entitled to a pension any more than a civilian, than a professional man? The principle of the whole thing in our Republic is this: We have no large standing army; our policy is to rely upon our citizen soldiery when an emergency comes for the defense of the country; we keep up no hundred thousand or five hundred thousand soldiers as they do in the despotisms of Europe. We go upon the idea that we must be dependent upon our citizen soldiery rather than to be dependent on a great standing army. That is the principle on which the whole thing rests.

Our Government says to its citizens when war comes, "Enlist, volunteer, take the flag of your country and carry it in triumph, and when you have grown old and become infirm the country will see that you are kept out of the poor-house, that you are kept off from public charity." We find it cheaper to do this than it is to keep up a large standing army of 500,000 or 600,000 men, as governments with much fewer people than we have do. We have in this country to-day a standing army of less than 25,000 men, and there is not a kingdom in Europe of half our population that has not an army of twenty times that size. That is the difference.

Everybody else can be pensioned, black, white, and red men, all but the Mexican soldiers, the very men whose blood and toil have brought into this Union vast possessions covering a million square miles of territory squaring up our country from ocean to ocean, giving us 1,250 miles of Pacific seacoast, bringing to this country all the vast extent of territory from the Missouri River to the Pacific Ocean with all its wealth of gold and silver and other precious metals. All this has come from the toil of those old veterans of the Mexican war who are rapidly passing away.

Ah, Mr. President, if these men resided now in New England the Senator from Vermont would long ago have had them upon the pension-roll. It is because they come from a country that is opposed to the Republican party that these men have been neglected. Gentlemen's sympathies move out for all other soldiers. You have a bill before you to-day that in my judgment will add $60,000,000 the first year to the taxes of this country; there is no doubt in my mind about it; and yet Senators hesitate to put upon the pension-roll a few old men the sum total of whose pensions will not amount to a million and a half a year. Where is the consistency? Where is the reason? It is because these men happen to reside West and South and not in New England. The country believes that.

I have just come into the Senate Chamber and I do not understand exactly the condition of the question, except as I caught it from the two speeches made by the Senator from Mississippi [Mr. GEORGE] and the Senator from Vermont [Mr. EDMUNDS], but I understand the proposition of the Senator from Mississippi is only to put upon the pension-roll those indigent soldiers who make oath themselves and substantiate it by other proof that they are unable to support themselves. Is that the proposition, I ask the Senator from Mississippi?

Mr. GEORGE. The proposition is to put on the roll only those who have not the means of acquiring subsistence except by manual labor.

Mr. WILLIAMS. Have they got to swear to that?

Mr. GEORGE. I suppose some regulation will be made by the Pension Office to ascertain the fact.

Mr. WILLIAMS. As a Mexican soldier myself I scorn any such pension as that. Put them on the roll as you put the soldiers of the Revolution, put them on the roll as you put the soldiers of the war of 1812, and do not insult the Mexican soldier by making him swear that he is a pauper. No man likes to do that. Let him believe that this pension is an honor from his Government and that it is not a pittance of charity. Why, sir, we go to our friends and our kindred for charity; we go to our Government for justice.

I never can talk about this subject without being carried off. I feel that these men have been treated with the grossest injustice possible. Here we are paying to the Union soldiers of the Republic $100,000,000 a year; here is a bill before you proposing to increase that $50,000,000 more per year. I care not what the tables or estimates may have made it; no man can convince me that if the bill before the Senate becomes a law your pension-list will not be swelled to $50,000,000 more than it is to-day. How? The bill provides that every man who shall have lost a hand or lost a foot in the war shall have his pension increased to $40 a month, and that every other man who has received an injury equivalent thereto shall have his pension increased in the same ratio. Can anybody tell me that it is possible for a man to receive a gunshot wound in his body that so disables him as to entitle him to be put on the pension-roll at all, that he will not have incurred a disability equal to the loss of a hand or the loss of a foot? I have seen a man's hand taken off successfully and his foot taken off successfully and he be as stout as he was before; but shoot him through the hip, or through the shoulder, and he is disabled. What difficulty is there in getting a doctor to certify that a fellow who has varicose veins, who has chronic diarrhœa from bad food, who has a stiff elbow from a shot in his arm, or a stiff knee from a shot in his leg, has a disability equal to the loss of a hand or a foot? It is perfectly apparent.

We have nearly 300,000 men already on the pension-roll, and 200,000 more applying for pensions. How many of these men will be put under this equivalent-disability clause on the roll at a pension of $40 a month? Not less than 200,000. It is a wide door open to plundering the Treasury; and let me say to my Republican friends that there are two parties to this question; there are other people in this country besides the soldiers; there are the tax-payers as well as soldiers to be pensioned, and beware how you arouse and stir up these people against this system, which I think is just, equitable, and proper, lest you may stir them up to destroy the entire system. What would you destroy it for? Do you want to squander the public money? Do you want to induce the necessity of a higher tariff, higher taxes upon foreign imports, higher taxes upon internal products? Do you want to tax tobacco higher, to tax whisky higher? Do you want to put a higher tax upon foreign wools, upon iron, upon everything that people consume?

Oh, Mr. President, let me warn the Senate that there is a day of reckoning not far off when they will be called to an accountability for what they are doing. How does all this happen? Why in such a hurry when we have been asked to reduce taxation? Are you now for increasing it? Why is that? If you are so ready to increase it $50,000,000 or $100,000,000 a year for the young soldiers of the Republic, why can you not allow a few old fellows, tottering on to the grave, whose whole pension would not amount to over a million and a half a year, to have the benefit of it? I made an estimate a year or two ago when we discussed this question; I had no idea it was coming up to-night, and was absent only an hour from the Senate, when I came back; but then we were just in the midst of this question. If there ever was a class of men on this continent who deserve recognition at the hands of their Government it is these Mexican soldiers. Twenty-six sovereign State Legislatures have instructed their Senators to vote for putting them on the pension-roll. Where are the fifty-two members answering to those instructions? What will you say to the people when you go home? That you have refused to obey their instructions?

I want these men put upon the pension-roll; I want them put on fairly and squarely. I do not want them put upon that roll in a manner that will humiliate and degrade the soldier in his own estimation. I do not want him to take an oath that he is a pauper and a fit subject for the poor-house. Uphold his pride and manliness; cheer the old man's declining years as he goes tottering down to the grave with the idea at last that he is honored by his country, that this is a boon, a grace from his Government, and is not an act of charity. That is the last thing a man in this life wants—charity even from a friend or from his government. These men are proud and gallant men who caught the flag of their country in the hour of its peril thirty-seven years ago, and carried it in triumph through the burning plains of Mexico and placed it upon the halls of the Montezumas. It was the first foreign war this country ever had; it was the first war in which this country demonstrated its capacity for warlike operations. Before that war we had no reputation among the nations of Europe as a warlike people, but that demonstrated the fact that freedom made men brave and courage made them warlike, and the skill of our generals and the valor of our troops in that war stamped this nation as the foremost military nation upon the face of God's earth. The glory and the honor that war brought to this coun-

try is worth much. Ah, Mr. President, the glories that were achieved by the Mexican soldiers were not dimmed by one single drop of fraternal blood; all were won in the common cause of a common country; and as the few remaining old men yet among us move on toward the bourn, as they cross the silent river to the camp beyond it, let us cheer them on their way, for they are dropping out day by day, and their graves, like milestones, mark their march to the end of all things.

I had hoped that this Congress would ere this have granted a pension to these men as it did to the Revolutionary soldiers and the soldiers of 1812; and when the soldiers of the late war have grown as old as these men, then let us take them up and pension them too; but the other soldiers have the start by sixteen or twenty years, and I know myself that nine out of ten are indigent. I do not know in all my State of fifty men who are in independent circumstances who served in the Mexican war. We know that the men who go to war, the men who rush out at the tap of the drum or the sound of the bugle, and who seize their country's banner and march to the field of battle, are not the most thrifty fellows who make money at home. That class of men stay at home and hire substitutes, but the gallant, the brave-hearted, the magnanimous young fellow takes the banner of his country and marches to the field irrespective of consequences, and all of us know that these men are not frugal as a general thing, and most of them are necessarily poor.

However, I am sorry that this proposition is not in a more satisfactory shape to me. I feel that while there is great necessity for pensioning even the poor, it is an insult to them all to put it upon the ground that they are objects of charity and not because of merit. Recognize their services, and do not bestow charity. That is the point of the whole thing.

I feel perfectly assured that if a majority of these soldiers had belonged to New England, they would long since have been pensioned, for New England always takes care of her people of all sorts, her soldiers and her laboring people and her manufacturers and her capitalists. She is careful about them; she is kind; she goes upon the idea that charity begins at home and that a man who takes not care of his own household is worse than an infidel or any other demon on the face of the earth.

Now, let us put all these men on the pension-roll, as you ought to have done long ago. It has been done by this body three times. I saw it done on the floor of the Senate before I took my seat, by an almost unanimous vote, but it was reconsidered and voted down the next day.

What defense can you give to the country; what reply can you make to your Legislatures who have instructed you, Senators, for I know that twenty-six States have instructed you; what reply can you make to the demands that have come from these old soldiers now for more than ten years?

I feel in great difficulty about this proposition, because with due respect to my friend from Mississippi I think that his proposition will leave out a large class of men whose pride is too great to allow them to come up and swear that they are paupers. It is shameful to make these poor old men take that oath, for if there is anything that a man hates to do it is to take an oath that he is a pauper.

Mr. GEORGE. Mr. President, the Senator from Kentucky, had he been present in the Senate and paid attention to what has transpired here within the last two hours, would have been saved from the necessity of delivering the very extraordinary speech he has just made, considering the circumstances under which he spoke.

In the first place, he would have known that the Senate, by a very decided majority, had voted down an amendment pensioning the Mexican soldiers, every one of them, those who are able to live without it and those who are not able to live without it. He would have found that out.

Mr. WILLIAMS. The Senator will allow me to state that I had just come in and I did not know the Senate had voted down any proposition of that sort.

Mr. GEORGE. Of course.

Mr. WILLIAMS. I understand since my remarks that the Senator from Massachusetts has offered an amendment which I did not understand either, and I want to have a response to that when the Senator gets through.

Mr. GEORGE. The Senator's speech could not have been made if he had known the situation before the Senate.

I offered my amendment not as an original proposition, not as containing the measure of what I thought was due to the Mexican soldiers, but because, as the Senator from Kentucky would have learned if he had been present, the proposition to pension all having been voted down, it was stated by one or two Senators on the other side who voted against that general proposition that they would vote for a proposition of this sort.

The Senator from Kentucky says that when the Senate of the United States, by a decided majority, refuses to pension all the Mexican soldiers, it is an insult to those who are compelled after they have arrived at the age of 60 years to work for a living to offer them a little help in their old age. The Senator from Kentucky is very easily insulted. I have heard no such sentiment from the Mexican soldiers whom I represent. It is true they all demand that there shall be a general recognition of their services, but none except the Senator from Kentucky, so far as I know, will refuse to accord it to those who are unable to live without manual labor because we can not give aid also to the wealthy.

Again, Mr. President, the Senator says that the amendment requires the recipients of this bounty or of this pension to take a pauper's oath. There is nothing of that sort in the amendment, no requirement of the kind. I suppose that the ministers of the law, the pension agents, will formulate rules by which the condition of the soldier will be ascertained without exacting from him any degrading confession. If the Senator had heard the amendment read he could not have made the remarks which he made upon that question.

Again, if the Senator had been present when the Senator from Texas, who sits before me [Mr. MAXEY], interrupted the Senator from Vermont he would have learned another fact of which he is entirely ignorant, and that is that the soldiers of the Revolutionary war were insulted, according to his theory, in the same way by the statesmen of this country who lived and carried on our affairs during the administration of Mr. Monroe; for this amendment is almost literally copied from the first bill that was ever passed by the American Congress to pension the soldiers of the Revolutionary war, other than those who had received disabilities in the war. So the Senator's sensibilities bring him in contact not only with an humble individual like myself, but with the fathers of the Republic who were making provision for the men who had won our independence. Certainly if there were any men in the world who deserved not to be insulted they were the soldiers who in the seven long years of the Revolutionary war bore the brunt of battle, half-fed, half-clad, fighting against enormous odds, following Washington in the darkness and gloom, spending that horrible winter at Valley Forge, but they did not deem themselves insulted, nor did the statesmen who lived in that early era of our Government feel that they were insulting them, by giving to those who were unable to earn their subsistence except by manual labor a pension from the Treasury of the Government.

This is not a matter of sentiment; it is a business transaction. Here are these men, as the Senator from Kentucky says himself, nine out of every ten of them poor, compelled to labor for a living; here is a statement made by more than one Senator on the other side, who voted down the amendment to pension all, to vote for a proposition something like this; and shall we, after we have testified by our votes—the Senator did not, because he was not here—after we have given evidence by our votes of what we thought they deserved, a pension to all—shall we now, failing in that, turn to the poor laboring survivors of the Mexican war who have not the means of subsistence except by hard toil, and say, "We could have got this boon for you, but we would not insult you by giving it to you unless we included within the bounty the rich who did not need it?" That is the Senator's position.

Now, Mr. President, I want to do for these poor men the best that can be done for them. I do not propose to turn these poor laboring soldiers of the Mexican war from the doors of the Treasury of the United States because I am unwilling to give them their due unless at the same time I can give somebody else what I think is due him.

Mr. President, a word in reply to the Senator from Vermont. He seems to think that this is an unusual proceeding to give pensions to soldiers who had not been disabled in the Army in the service of the country; yet he was informed by the Senator from Texas that about the year 1817 the Congress of the United States had set a precedent for what we now ask you to do for the Mexican soldiers, and to give the bounty alone to those who are compelled to earn their living by manual labor. The Senator from Vermont seems to think there was just as much reason for pensioning the professional man and the man who is able to live without any exertion of any sort as to pension the laborer. That may be true in one sense, but still we have precedent for doing what we are doing, and we have the vote of the Senate declining by a very decided majority to pension all without reference to their condition in life who served in the Mexican war.

I hope, Mr. President, that the amendment which I have offered will prevail. It is not all I want. I have voted this night for more; I will do it again; but I see no chance to get any more. When but little is in sight, I will take whatever chance I may for it.

Mr. MAXEY. Mr. President, I have no intention of making a speech on this question. I have heretofore at former sessions of Congress placed upon record the views I have in respect to the main question of pensioning the soldiers of the Mexican war. Those reasons I do not care at this time to repeat; but simply as to the amendment offered by the Senator from Mississippi, I desire to say that I do not look upon it as the honorable Senator from Kentucky does. He was in the Mexican war, and he thinks it an insult to those men who are needy, who are not able to earn their living to call on the Government to help them, and that to take an oath in respect to their inability would be the pauper's oath and an insult to them. The Senator from Mississippi, whom I honor for having offered the amendment, was a member of the gallant Mississippi Rifles, and there was not a better regiment ever went to Mexico than that regiment, nor any one which did more gallant or efficient service for the flag of the Union than that regiment.

This does not propose to give a pension to any man who is capable of making his own living. The Senator from Kentucky [Mr. WILLIAMS] does not need anything; the Senator from Illinois [Mr. LOGAN], who was in that war, needs nothing; the Senator from Mississippi [Mr. GEORGE]

needs no aid, nor do I. I know of no other four here, nor does this amendment make any provision for any of us, and so long as I am able to earn my living by the sweat of my face I want no aid from any government; but I do know that there are men all over the State which I have the honor in part to represent who thirty-seven years ago marched out under the flag of the Union, full of life, full of hope, full of promise, and I know that many of those men who thirty-seven years ago fought the battles of their country under the flag of the Union upon a foreign soil to the acquisition of the grandest empire ever added to any country, are to-day old and needy, and it is for them that the Senator from Mississippi enters his plea, and I join him and second him in entering that plea; not that I want anything; not that any Senator here who served in that war wants anything; but there is and there ought to be a fellow-feeling among soldiers who served in the same war and under the same flag. If they were true to the flag of their country there is a fellow-feeling; and I do feel for those men whom I see around me who were in that Mexican war and who to-day are needy. I do not want to see them go to the poor-house; I do not want them to become the objects of private charity; and because I do believe they have an equitable appeal to the charity of this Government, I say this amendment ought to pass, and it extends to that class and to that class only.

In my own State, unlike perhaps the condition represented by the Senator from Kentucky, there are many men who were in the Mexican war who to-day are in a comfortable condition; they have made themselves so by their own exertions; but there are others, honest and true men, now old, many of them decrepit, helpless, who need this little pittance of $8 a month, and if this Government is the generous and charitable government that it ought to be, it seems to me this aid ought to be extended.

But, says the Senator from Vermont, this ought not to interfere with those who lost an arm or a leg in the late war and are therefore rendered unfit to earn their living. Sir, these men by reason of age, decrepitude, and many of them by reason of exposure in the Mexican war have been brought to that condition of decrepitude where they are not able to earn their living. Therefore there is a parallel between the cases. Wherever these men may live, whether in the bleak snows of Maine or of New Hampshire or down in the sunny land where I reside, it makes no difference. I believe that the soldiers who fought under the flag of the Union in the late war, if the question were submitted to them, would say that these gallant old remnants in decrepitude of the Mexican war ought to be pensioned and would gladly pay their portion for doing it, and I say it, sir, upon the faith of the fact that to-day there are filed in the Senate and in the other House the positive instructions of some twenty-seven or twenty-eight States of this Union to pension not these poor decrepit men only, but the soldiers generally of the Mexican war, and for reasons best known to Senators that has not been done. I propose to obey that instruction because it is right, and whenever the opportunity is presented I propose to vote for a bill pensioning the soldiers of the Mexican war as they ought to be, for it is not a bounty granted to them; they have given to this Government an empire, a mere trifle of which would much more than compensate them with a larger pension than was ever granted to any soldier in the history of this country, not out of money that the Government had before the war, but out of that which was added to the Government by a fair construction.

Mr. PLATT. Mr. President, can not we have a vote now?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. VEST. Let it be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The ACTING SECRETARY. At the end of the proposed amendment it is moved to add:

> And who labors under the disabilities imposed by the fourteenth amendment of the Constitution of the United States.

The amendment to the amendment was rejected.

Mr. HOAR. I will not call for the yeas and nays on that at this time; but I wish to be permitted to say that that amendment is preserving the language of a bill which was offered on the other side of the Chamber by some gentleman representing more particularly the desires of these soldiers two years ago. I was thinking it was the Senator from Texas, but he assures me I was mistaken.

Mr. MAXEY. No; I offered a different bill.

Mr. HOAR. That was a bill introduced and referred. It was pending here. The Senator from Kentucky made a long speech in its favor. That contained the exception of persons who were under disability.

Mr. GEORGE. I will state to the Senator from Massachusetts that there is not a single person in my knowledge who is under the disability that would be entitled to the benefits of the amendment.

Mr. HOAR. It can do no harm.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Mississippi [Mr. GEORGE].

The question being put, a division was called for.

Mr. HARRIS. It is just as well to have the yeas and nays at once, because a division will develop the want of a quorum as well as the yeas and nays. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. Let the amendment be read.

The amendment was again read.

Mr. VOORHEES. I hope the amendment will be voted down.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ANTHONY (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. GEORGE (when his name was called). I am paired with the Senator from Wisconsin [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. JACKSON (when his name was called.) I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. KELLOGG (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. WILLIAMS (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. SAUNDERS]. If he were here, I should vote "yea."

Mr. MCMILLAN (when Mr. WINDOM'S name was called). My colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS].

The roll-call was concluded.

Mr. JONAS. The Senator from Ohio [Mr. PENDLETON] is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. LOGAN. I was paired, but I have transferred the pair to the Senator from Mississippi [Mr. GEORGE], so that we can both vote to make a quorum.

Mr. GEORGE. I vote "yea."

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE].

Mr. SLATER. On this question I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. CALL. I announce the pair of my colleague [Mr. JONES, of Florida] with the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I supposed I was paired with the Senator from Missouri [Mr. COCKRELL].

Mr. CALL. The Senator from Missouri [Mr. VEST] I think transferred the pair to my colleague.

Mr. ALLISON. Very well; then I withhold my vote.

Mr. MILLER, of California. I will vote to make a quorum, and I vote "yea" because my colleague [Mr. FARLEY] would vote "yea."

Mr. PLUMB. On this question I am paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 16, nays 24; as follows:

YEAS—16.

Barrow,	Coke,	Harris,	Morgan,
Bayard,	Garland,	Jonas,	Pugh,
Call,	George,	Maxey,	Vest.
Cockrell,	Groome,	Miller of Cal.,	Walker.

NAYS—24.

Aldrich,	Harrison,	McDill,	Platt,
Blair,	Hill,	McMillan,	Rollins,
Conger,	Hoar,	Miller of N. Y.,	Sawyer,
Davis of Ill.,	Ingalls,	Mitchell,	Sewell,
Dawes,	Lapham,	Morrill,	Sherman,
Edmunds,	Logan,	Pendleton,	Voorhees.

ABSENT—36.

Allison,	Fair,	Jackson,	Ransom,
Anthony,	Farley,	Johnston,	Saulsbury,
Beck,	Ferry,	Jones of Florida,	Saunders,
Brown,	Frye,	Jones of Nevada,	Slater,
Butler,	Gorman,	Kellogg,	Tabor,
Camden,	Grover,	Lamar,	Vance,
Cameron of Pa.,	Hale,	McPherson,	Van Wyck,
Cameron of Wis.,	Hampton,	Mahone,	Williams,
Davis of W. Va.,	Hawley,	Plumb,	Windom.

So the amendment was rejected.

Mr. HARRIS. I simply want to give notice that hereafter upon any question that is to be decided by the vote of the Senate, as the Senate is very thin and we have to draw up Senators and pairs have to be broken in order to make a quorum, I shall object to this course of proceeding. It is not a fair expression of the judgment of the Senate, and I shall object to this system of waiting and drumming up in order that we may show a quorum to decide not the judgment of the Senate but the judgment of the few that may be here, even though they be paired. I simply want to serve that notice, and whatever under the rules of the Senate I may have a right to do in the future, no matter what the question is, I give notice that I will do.

Mr. EDMUNDS. Will do what?

Mr. HARRIS. When the roll-call ends and Senators present have voted that see proper to vote, I shall insist that the vote be announced and the result declared.

Mr. EDMUNDS. That is right.

Mr. HARRIS. And no drumming up to hunt up a quorum and breaking pairs to make a quorum that would not express the judgment of the Senate if the Senate were full, shall be allowed.

Mr. ROLLINS. Does the Senator from Tennessee object to sending out for Senators to committee-rooms?

Mr. HARRIS. I do not; but I object——

Mr. ROLLINS. What does the Senator mean by breaking pairs?

Mr. HARRIS. I do object to Senators breaking pairs and voting to make a quorum when they express not the judgment of the Senate but the judgment of the few who choose to be so unpaired.

Mr. ROLLINS. As to the matter of pairs I simply state that pairs have been quite as often broken on the other side of the Chamber as on this.

Mr. HARRIS. On that subject the Senator from New Hampshire is radically and wholly mistaken.

Mr. ROLLINS. The Senator from New Hampshire is not radically mistaken or wholly mistaken.

Mr. HARRIS. The RECORD will show it.

Mr. ROLLINS. The Senator from New Hampshire knows whereof he speaks.

Mr. ANTHONY. I take advantage of this vanishing quorum to move that the hour of meeting to-morrow be 11 o'clock.

Mr. EDMUNDS. Do not decide that yet; let us wait.

Mr. HARRISON. Let us have a vote on the bill.

The PRESIDENT *pro tempore*. The motion is not in order while this is pending.

Mr. ANTHONY. It is always in order.

The bill was reported to the Senate as amended and the amendment made as in Committee of the Whole was concurred in.

The PRESIDENT *pro tempore*. Shall the amendment be engrossed and the bill be read a third time?

Mr. HARRISON and Mr. ROLLINS called for the yeas and nays; and they were ordered.

The PRESIDENT *pro tempore*. When the roll-call is finished the Chair will announce the result. If any persons wish to vote they must vote before the roll-call is finished.

Mr. EDMUNDS. Before the result is announced, by the paper being handed to the Chair?

The PRESIDENT *pro tempore*. Yes, sir.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BARROW (when his name was called.) On this vote I am paired with the Senator from Massachusetts [Mr. DAWES.] If he were here, I should vote "nay."

Mr. BARROW (when Mr. BROWN'S name was called). I believe that my colleague [Mr. BROWN] is paired with the Senator from Kansas [Mr. PLUMB].

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Ohio [Mr. PENDLETON]. If he were present, my colleague would vote "yea."

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. LOGAN (when his name was called). I have transferred my pair with the Senator from North Carolina [Mr. RANSOM] to the Senator from Mississippi [Mr. GEORGE], but I do not see him present. I presume he will be here. I vote "yea," and I can withdraw my vote if he does not appear.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. WILLIAMS (when his name was called). I am paired with the Senator from Nebraska [Mr. SAUNDERS]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. SLATER. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. He would vote "yea" and I should vote "nay."

Mr. GEORGE. I have exchanged pairs with the Senator from Illinois [Mr. LOGAN]. I vote "nay."

Mr. ALLISON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea." The Senator from Nebraska [Mr. SAUNDERS] was paired with the Senator from Kentucky [Mr. WILLIAMS]. That pair is transferred by agreement to the Senator from Florida [Mr. JONES]. Therefore I vote "yea."

Mr. MCMILLAN. I desire to announce that my colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS]. My colleague would vote "yea."

The result was announced—yeas 27, nays 14; as follows:

YEAS—27.

Aldrich,	Edmunds,	McDill,	Rollins,
Allison,	Harrison,	McMillan,	Sawyer,
Blair,	Hill,	Miller of Cal.,	Sewell,
Cockrell,	Hoar,	Miller of N. Y.,	Sherman,
Conger,	Ingalls,	Mitchell,	Vest,
Davis of Ill.,	Lapham,	Morrill,	Voorhees.
Dawes,	Logan,	Platt,	

NAYS—14.

Barrow,	Garland,	Jonas,	Walker,
Bayard,	George,	Maxey,	Williams.
Call,	Groome,	Morgan,	
Coke,	Harris,	Pugh,	

ABSENT—35.

Anthony,	Farley,	Johnston,	Ransom,
Beck,	Ferry,	Jones of Florida,	Saulsbury,
Brown,	Frye,	Jones of Nevada,	Saunders,
Butler,	Gorman,	Kellogg,	Slater,
Camden,	Grover,	Lamar,	Tabor,
Cameron of Pa.,	Hale,	McPherson,	Vance,
Cameron of Wis.,	Hampton,	Mahone,	Van Wyck,
Davis of W. Va.,	Hawley,	Pendleton,	Windom.
Fair,	Jackson,	Plumb,	

So it was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time.

Mr. COKE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. VOORHEES. I regret that the bill as it came from the House has been amended, but as it has been amended I shall vote for it in the hope that the House will pass it as it first sent it, and I have confidence that it will do so. I did trust that we should have passed the House bill as it came here, but as it has not been done I shall vote for the bill as it now stands before us.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN], having transferred my pair with the Senator from Wisconsin [Mr. CAMERON] to him.

Mr. BECK (when Mr. HALE'S name was called.) The Senator from Maine [Mr. HALE] is absent and I am paired with him.

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Ohio [Mr. PENDLETON]. If he were here, my colleague would vote "yea."

Mr. JACKSON (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. KELLOGG (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. SLATER (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. MCPHERSON].

The roll-call was concluded.

Mr. MCMILLAN. I again announce that my colleague [Mr. WINDOM] is paired with the Senator from West Virginia [Mr. DAVIS].

Mr. MILLER, of California. I am paired with my colleague [Mr. FARLEY].

Mr. ROLLINS. The Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Nevada [Mr. JONES]. The Senator from Virginia [Mr. MAHONE] is paired with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 27, nays 14; as follows:

YEAS—27.

Aldrich,	Hale,	McDill,	Rollins,
Allison,	Harrison,	McMillan,	Sawyer,
Blair,	Hill,	Miller of N. Y.,	Sewell,
Cockrell,	Hoar,	Mitchell,	Sherman,
Conger,	Ingalls,	Morrill,	Vest,
Davis of Ill.,	Lapham,	Platt,	Voorhees.
Dawes,	Logan,	Plumb,	

NAYS—14.

Barrow,	Coke,	Jonas,	Walker,
Bayard,	Garland,	Maxey,	Williams.
Beck,	George,	Morgan,	
Call,	Harris,	Pugh,	

ABSENT—35.

Anthony,	Farley,	Johnston,	Ransom,
Brown,	Ferry,	Jones of Florida,	Saulsbury,
Butler,	Frye,	Jones of Nevada,	Saunders,
Camden,	Gorman,	Kellogg,	Slater,
Cameron of Pa.,	Groome,	Lamar,	Tabor,
Cameron of Wis.,	Grover,	McPherson,	Vance,
Davis of W. Va.,	Hampton,	Mahone,	Van Wyck,
Edmunds,	Hawley,	Miller of Cal.,	Windom.
Fair,	Jackson,	Pendleton,	

So the bill was passed.

Mr. PLATT. I move to amend the title by adding "and for other purposes."

The motion was agreed to.

Mr. VOORHEES. I move that the Senate do now adjourn.

Mr. CONGER. I hope the Senator will withdraw that. It is very important to have an executive session.

Mr. VOORHEES. I withdraw the motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion; in which it requested the concurrence of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. MAXEY, it was

***Ordered*, That leave be granted to withdraw from the files of the Senate the papers of Charles C. Cresson, subject to the rules.**

AMENDMENT TO A BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 6737) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 21 minutes spent in executive session the doors were reopened, and (at 10 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 28, 1883.

The House met at 11 o'clock a. m. Prayer by Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CONFEREES ON REVENUE BILL.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] desires to make a statement.

Mr. RANDALL. If I had followed my impulses on the moment of the announcement of the conferees on the part of the House on the differences between the two Houses as to tax and tariff legislation I would have then and there declined service, but I preferred to act after reflection and deliberation, and thus avoid the semblance of what might be thought hasty action. Seldom, if ever, during my service in this House have I avoided duty or responsibility, but in this instance I feel I can better serve the interests of my State by a relinquishment of the labor assigned to me. I leave behind me on the committee of conference a member representing my own State, and in fact my own city, who has devoted a lifetime to the subjects in controversy. Whatever report may come as a result of this action of the House, when it is presented I shall be more at liberty to pursue such course on its consideration as will enable me to best promote the great and many interests of the country.

I therefore, Mr. Speaker, ask that the House may relieve me from the service which you were kind enough to assign me to, and that you will select some one else in my stead.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania [Mr. RANDALL] will be relieved from service on the conference committee. [After a pause.] The Chair hears no objection.

The Chair will appoint to fill the vacancy thus created Mr. MORRISON, of Illinois.

Mr. MORRISON. I respectfully decline the service.

The SPEAKER. The Chair will appoint to fill the vacancy occasioned by the declination the gentleman from Virginia, Mr. TUCKER.

Mr. TUCKER. Mr. Speaker, as the third appointee I must respectfully decline.

The SPEAKER. The Chair will consider the question further.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, communicated to the House a duplicate engrossed copy of a bill heretofore sent to the House and lost, namely:

The bill (S. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.

PERSONAL EXPLANATION.

Mr. PAGE. I rise to a question of personal privilege.

Mr. Speaker, last night during the debate on the river and harbor bill in a colloquy between the gentleman from New York [Mr. COX] and myself, that gentleman, as I am informed by him, misunderstanding what I said and attributing my remarks as being personal to himself, made a response which was personally offensive to me. I trust that after the gentleman from New York has had time to consider it he will make the necessary explanation to the House of the remarks which he made in the presence of the House last evening.

Mr. COX, of New York. That is not just exactly the way in which I intended to put it. [Laughter.]

I desire to say this: that on what seemed to me a provocation I used language in reply which I sincerely regret having used toward the gentleman from California. I have served with him here many years. We have had very near relations lately on our shipping committee. We all have our partialities; I have a partiality for him more than for most members on this side. But when the gentleman used expressions that were entirely personal, I retorted, as I inevitably do when attacked, and never otherwise. With the consent of the gentleman from California and myself all that personal matter was left out of the RECORD, very properly. I supposed that there would be no more of it. But my friend is going home to California and I would not have him take away one single feeling of resentment toward any man, much less myself. And therefore, in the presence of the House, if there is any feeling about it, I make the amplest apology. [Applause.]

ALASKA DELEGATE OR AGENT.

Mr. PAUL, from the Committee on Elections, reported a joint resolution (H. Res. 366) for the relief of M. D. Ball; which was read twice, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed, together with the accompanying report.

ORDER OF BUSINESS.

Mr. FORD. I ask leave to take from the Speaker's table Senate bill No. 281 and substitute it for House bill 7538, and ask for its present consideration.

The SPEAKER. Does the gentleman desire to take up the Senate bill?

Mr. FORD. Yes, sir.

Mr. HISCOCK. I call for the regular order.

Mr. BINGHAM. I desire to present a report.

Mr. HISCOCK. I call for the regular order.

The SPEAKER. The regular order will be the call of committees under what is known as the Pound rule.

Mr. HISCOCK. I move to dispense with the Pound rule for to-day.

The SPEAKER. The Chair thinks that can not be done.

Mr. HISCOCK. Not by a two-thirds vote?

The SPEAKER. The Pound rule does not interfere with appropriation bills.

Mr. HISCOCK. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union, and I give notice that my intention is to proceed with the deficiency appropriation bill.

Mr. PAGE. I shall raise the question of consideration against the deficiency appropriation bill; and if the motion to consider that shall fail, I shall then move to go into Committee of the Whole on the state of the Union to further consider the river and harbor appropriation bill.

The SPEAKER. The morning hour for the call of committees, although it comes after the hour for the Pound rule, must be first dispensed with.

Mr. HISCOCK. Then I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

The SPEAKER. The gentleman from New York [Mr. HISCOCK] moves that the House resolve itself into Committee of the Whole on the state of the Union, stating that his purpose is to proceed with the consideration of the deficiency appropriation bill.

Mr. DUNNELL. I rise to express the hope that the gentleman from New York [Mr. HISCOCK] and the gentleman from California [Mr. PAGE] will avoid the waste of time which will be consumed in wrangling over which bill shall be considered.

Mr. PAGE. Let the House decide that matter.

Mr. HISCOCK. I submit that question to a vote of the House.

The SPEAKER. The question is upon the motion of the gentleman from New York.

Mr. KENNA. I rise to a parliamentary inquiry, for the purpose of ascertaining the effect of the action of the House on this motion. Suppose the House should vote down the motion of the gentleman from New York——

Mr. HISCOCK. I object to debate; nobody can understand what is being said.

The SPEAKER. There is no debate. Progress will be made by hearing only one at a time.

Mr. KENNA. I desire to ascertain from the Chair what will be the effect of the action of the House in case it should vote down the motion of the gentleman from New York?

The SPEAKER. The way will then be open to another proper motion.

Mr. KENNA. To a motion to go into Committee of the Whole on the state of the Union for a different purpose?

The SPEAKER. If it relates to appropriations.

Mr. KENNA. The Chair will see the difficulty which I desire to avoid. If the proposition to go into Committee of the Whole to consider the deficiency appropriation bill shall be voted down I desire to ascertain if it will then be in order for the gentleman from California [Mr. PAGE] to move to go into Committee of the Whole for the purpose of considering another appropriation bill?

The SPEAKER. The Chair thinks it would.

Mr. PAGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. When the Committee of the Whole rose last evening it had under consideration the river and harbor appropriation bill. Does

not that bill take precedence when the House again goes into Committee of the Whole?

The SPEAKER. It is unfinished business.

Mr. PAGE. It is unfinished business?

The SPEAKER. In Committee of the Whole, however.

Mr. PAGE. Then I would like to make a further inquiry of the Chair. If the House shall decide to go into Committee of the Whole, would not the river and harbor appropriation bill be the first business in order in committee?

The SPEAKER. The Chair thinks the general appropriation bill would take precedence, if the motion of the gentleman from New York shall be carried.

Mr. PAGE. Then I raise the question of consideration against that bill.

The SPEAKER. That will be determined by a vote of the House.

Mr. HISCOCK. Let the vote in the first instance be taken by tellers as a test vote.

Mr. KENNA. As I understand it, if the motion now made to go into Committee of the Whole, no matter for what purpose the gentleman from New York may indicate he desires to go there, should prevail it would then be a question for the committee to determine which business should be first considered.

The SPEAKER. The Chair does not desire to decide what may properly come up in committee.

Mr. KENNA. I do not ask the Chair to decide any question which may arise in Committee of the Whole, but I do ask the Chair to decide whether it is a question for the House or for the committee to determine.

The SPEAKER. The Chair has already indicated that in his opinion the general appropriation bill would take precedence. But there is a question involved, from the fact that in Committee of the Whole on the state of the Union there is pending unfinished business; which question the Chair does not want to decide.

Mr. KENNA. I would ask the Chair to state whether that is a question for the committee or for the House to decide.

The SPEAKER. The rule provides the mode of getting rid of this question. If objection is made in Committee of the Whole to the consideration of any bill, the committee must rise and then the House determines the question by a vote.

Mr. KENNA. All I want is to have a ruling on that point.

Mr. HISCOCK. Let the vote be taken by tellers, which will test it.

Mr. McLANE, of Maryland. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. McLANE, of Maryland. I did not want to make it, but I feel it my duty now to make it. My point of order is that no motion such as that made by the gentleman from New York [Mr. HISCOCK] can be entertained. You can not in the House resolve to go into Committee of the Whole on a particular bill. When the House shall go into Committee of the Whole then the rules indicate the order of business.

Mr. SPRINGER. I wished to make that point of order myself.

The SPEAKER. The Chair thinks the rule covers that point.

Mr. SPRINGER. I understood the Chair to entertain the motion that the House shall now go into Committee of the Whole, to consider the deficiency appropriation bill.

Mr. McLANE, of Maryland. I ask the Chair to decide my point of order, and I do not wish the gentleman from Illinois [Mr. SPRINGER] to interpose. I have submitted a question of order to the Chair, that the gentleman from New York [Mr. HISCOCK] can not properly make the motion he has made; he can only give notice of what his intention is in making the motion.

Mr. HISCOCK. That is all I have done.

Mr. McLANE, of Maryland. There is no objection to that.

The SPEAKER. The Chair does not entertain the motion to go into Committee of the Whole on a particular bill. The Chair calls attention to paragraph 9 of Rule XVI, which the Clerk will read.

The Clerk read as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of considering bills raising revenue or general appropriation bills.

Mr. McLANE, of Maryland. As I understand, it is contended that the river and harbor bill is a general appropriation bill, and in Committee of the Whole we shall have to decide which of the appropriation bills shall be taken up.

The SPEAKER. The Chair is not prepared to pass on that question.

Mr. SPRINGER. I give notice that there is another bill in Committee of the Whole not disposed of—the tariff bill—which takes precedence of both these other bills.

The SPEAKER. The Chair entertains the only motion submitted, which is that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. PAGE. I rise to a parliamentary inquiry. Under the rule which has been read, may the chairman of the Committee of the Whole decide that the river and harbor bill is not a revenue or general appropriation bill, and decline to recognize it as entitled to consideration?

The SPEAKER. That point the present occupant of the chair will not undertake to answer. Does the gentleman from California demand tellers on the motion to go into Committee of the Whole?

Mr. PAGE. No, sir, unless gentlemen are willing that the vote be now taken by tellers as a test upon the question whether the river and harbor bill shall be taken up in Committee of the Whole.

Mr. KENNA. It will not operate as any test.

Mr. PAGE. Very well; if it will not operate as a test I do not ask tellers.

The SPEAKER (having put the question on the motion). The motion of the gentleman from New York is agreed to; and the House decides to resolve itself into Committee of the Whole House on the state of the Union. The gentleman from Wisconsin [Mr. POUND] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. POUND in the chair.

Mr. PAGE. I move that the Committee of the Whole proceed to consider the unfinished business coming over from yesterday—the river and harbor appropriation bill.

Mr. HISCOCK. Upon that I raise the question of consideration, my object being that the deficiency appropriation bill be taken up.

Mr. SPRINGER. I rise to a question of order. I make the point that neither of these bills is in order. The rule determines what business is in order. It says that we shall consider bills in their order upon the Calendar. The unfinished business in order is the tariff bill, which was left in Committee of the Whole a week ago last Saturday on the supposition that we would resume its consideration on the succeeding Monday, but it has not been touched since.

Mr. FLOWER. Did not the President in his message urge legislation on the tariff? [Laughter.]

Mr. SPRINGER. Yes, sir; of course he did. I need not read his words again on that subject. He says this Congress must revise the tariff.

Mr. HISCOCK. The deficiency bill is a general appropriation bill, and I submit is entitled to consideration.

The CHAIRMAN. The Chair will direct the Clerk to read clause 4 of Rule XXIII.

The Clerk read as follows:

In Committees of the Whole House, business on their calendars shall be taken up in regular order except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

Mr. HISCOCK. Now, which bill does the Chair hold is first in order?

The CHAIRMAN. Under this clause of the rules the Chair decides that the river and harbor bill, being unfinished business, takes precedence of the deficiency appropriation bill.

Mr. HISCOCK. Then I raise the question of consideration, and object to the consideration of the river and harbor bill.

The CHAIRMAN. Objection being made to the consideration of this bill, the committee, in accordance with the rule, will rise, that the House may determine the question whether the bill shall be considered.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POUND reported that in Committee of the Whole House on the state of the Union objection had been made to the consideration of the river and harbor bill, and the committee, in accordance with the rule, had risen, that the House might decide whether the bill should be considered.

The SPEAKER. The question is, Shall the Committee of the Whole proceed further with the consideration of the river and harbor appropriation bill?

Mr. PAGE. Let us have tellers on that question.

The SPEAKER. If there be no objection, tellers will be considered as ordered. The Chair hears none. The gentleman from New York, Mr. HISCOCK, and the gentleman from California, Mr. PAGE, will act as tellers.

Mr. PAGE. Will the Chair again state the question?

The SPEAKER. The question is, Shall the Committee of the Whole on the state of the Union further proceed with the consideration of the river and harbor bill?

The question being taken, there were—ayes 92, noes 71.

Mr. TOWNSHEND, of Illinois. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 23, noes 93; less than one-fifth voting in the affirmative.

Mr. CAMP. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered.

The SPEAKER. The House decides that the Committee of the Whole shall proceed with the consideration of the river and harbor appropriation bill. The gentleman from Illinois [Mr. CANNON] will take the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole

on the state of the Union, and resumed the consideration of the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from Maryland [Mr. McLANE] is entitled to the floor.

Mr. McLANE, of Maryland. Mr. Chairman, before I proceed I want, if possible, to reach an understanding with the gentleman from Michigan [Mr. BURROWS] who said he wanted time for the Mississippi River Committee. The gentleman from California [Mr. PAGE], the chairman of the Committee on Commerce, is disposed like myself to give all the time that committee demands. I wish simply to call the attention of the gentleman from Michigan to this fact, that the Committee on Commerce, which reported this bill, have not yet consumed one hour in support of the proposition. The chairman of the committee took his hour, out of which he yielded to the gentleman from Michigan [Mr. HORR] and then reserved fifteen minutes, which he now has. So in truth only three-quarters of an hour have been consumed by the Committee on Commerce for the bill. Then the gentleman from New York [Mr. RICHARDSON] took the floor against the bill and spoke for one hour. I followed the gentleman from New York, and there remains two and a half hours, and I propose to the gentleman from Michigan [Mr. BURROWS] and the gentleman from Massachusetts [Mr. ROBINSON] I shall go on with what I have to say, yielding some time to the friends of the bill, and then the Committee on the Mississippi River can take the floor and have the time, the chairman of the Committee on Commerce disposing of the time in closing to the friends of the bill. Is that the agreement?

Mr. BURROWS, of Michigan. I want to be recognized in my own right.

Mr. McLANE, of Maryland. That is dividing the time between the friends and the opponents of the bill about equally.

Mr. BURROWS, of Michigan. I desire to take the floor in my own right.

Mr. TOWNSHEND, of Illinois. No time seems to be given to those who are opposed to the bill.

Mr. ELLIS. How much time?

Mr. McLANE, of Maryland. About an hour and a half.

Mr. ELLIS. An hour and a half to be divided between those holding opposing views.

Mr. KENNA. I desire to have a definite understanding about this procedure. I understand the gentleman from Maryland to be entitled to one hour. I understand the chairman of the committee [Mr. PAGE] to have reserved only fifteen minutes.

Mr. McLANE, of Maryland. That is all.

Mr. KENNA. That leaves an hour and a half, and I do not understand that hour and a half to be yielded to those who represent any particular view of the committee.

Mr. McLANE, of Maryland. To the whole committee.

Mr. KENNA. And it is to have it to be divided as the committee pleases.

Mr. PAGE. This can be easily settled. Let the gentleman from Maryland proceed with his remarks and speak as long as he pleases, and then yield whatever he has left.

Mr. McLANE, of Maryland. I am going to do that, but I thought it wise to have an understanding with the chairman of the Committee on the Mississippi River.

Mr. GIBSON. I understood from the chairman of the committee he would yield one half hour to me.

Mr. PAGE. After the previous question.

Mr. TOWNSHEND, of Illinois. Does the gentleman from Michigan oppose the bill? I do not see any time for those who are opposed to the bill.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor for fifty-five minutes.

Mr. McLANE, of Maryland. Very well; then I should like to go on.

Mr. GIBSON. I rise to a point of order. There is so much confusion we are unable to hear the gentleman from Maryland.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor and will proceed.

Mr. McLANE, of Maryland. Mr. Chairman, I am very sorry this river and harbor bill should always excite so much feeling in committee and make it well nigh impossible for any man to do either himself or the subject justice. I have myself no sympathy with this violence of passion which characterizes either the friends of or the opposition to this bill. I naturally feel as any decent man must at the display of vulgarity and ignorance which have marked this debate. When a man undertakes on this floor or elsewhere to abuse the English language by using improper terms, or by inventing terms which are not to be found in any respectable authority, and that language is applied either to the legislature as a body or to individuals, a man may naturally feel some regret and shame, although he may not have the slightest possible feeling, and though he may not make any personal application of it. So, also, when we learn from the other end of the Capitol that these river and harbor bills which have composed the ordinary and current legislation of the country since the first administration, always in the same form, always embracing such rivers and harbors as Congress in its discretion thought ought to be improved, when we learn they are a vicious branch of legislation calculated to corrupt, not only the legislature, but the executive branch of the Government itself, when we hear that from the other end of the Capitol, and look to see what there is that can be corrupted, and find the only executive branch that has to deal with the rivers and harbors is one of the most enlightened and honorable and faithful branches of the public service, when we find nobody has to do with the execution of river and harbor bills but the Engineer Corps of the Army, and when we find that corps without fear and without reproach, standing if you please as a sign of all that is most honorable in the executive government, a man is at liberty to feel some regret at this want of judgment and want of measure in the language of the Executive.

I understand very well that the Executive is called upon from time to time to make recommendations to Congress. He recommends to them such measures as he thinks wise and proper. But I also understand that when the Executive makes these recommendations he ought to restrain himself within the bounds of propriety, and that he ought not to criticise the legislation of the country in a way to place the legislators at a discredit. Now, I think it inexcusable in a high executive officer performing his constitutional duty to speak in terms of disrespect of the legislature that he is advising, that he is giving information to. And that in my judgment is an impropriety; but the impropriety becomes much more offensive when it is accompanied with a great display of ignorance as to the particular legislation he is criticising and discussing.

Now, Mr. Chairman, let me have the forbearing attention of my colleagues in this committee; because none of them, be they political friends or personal friends, have more respect for the Executive, who gives us the information, than I have. I believe him to be a most honorable, intelligent, and faithful officer, but like everybody else in the performance of public duty he can be—not being infallible, but far from it—he can be misled, and can therefore make fundamental mistakes of his own, or can be grossly misled by his executive advisers; and being misled, he may do very great injustice to others. Mr. Chairman, never in the course of my experience in public life have I known the Executive to be so grossly misled and mistaken as now; and through that mistake comes the injustice he has done to the legislative body. And more than that, his high example has worked an infinite deal of mischief. When the President of the United States tells you that we have appropriated $18,000,000 for the improvement of works upon rivers and harbors, many of which are unworthy the favor of the legislature of this Government, and that the amount you have appropriated can not be expended and that it is on hand, and that therefore because it is on hand and unexpended you should not appropriate any more, and that the manner in which you have appropriated it is vicious, every political declaimer and penny-a-liner in the country has very high authority for denouncing the legislature. And so honorable gentlemen upon this floor, who are not willing to give the necessary time for reading even the bill, much less for consulting the authorities upon which it has been based—I say many members who are not willing to even give time to read it feel quite at liberty to follow that high example and authority at the other end of the Avenue, denouncing the bill and the legislature.

Therefore it is a common occurrence in debate upon rivers and harbors to find members who never did read the bill denouncing it because we have appropriated more money than we can spend and that we have more than enough in the Treasury to-day to carry us through the year 1884. The men who have the authority of the President of the United States and the Secretary of War for that assertion can not be found fault with. I find no fault with the honorable gentleman who makes the statement from the official record that we have appropriated more money than can be spent and that we have now on hand enough to carry us through the year 1884, and therefore this Congress ought not to appropriate more. I find no fault with him, because he has that statement given to him by the Executive; but I appeal to him never to repeat that statement again, because he can not repeat it and speak the truth. We appropriated about $18,000,000 for the improvement of rivers and harbors for the year terminating July 1, 1883. Now, there is always on hand at the end of every fiscal year some four or five million dollars depending upon the amount appropriated and used in the current work, but already pledged for work already contracted for.

We appropriated about $18,000,000; we have now the official record from the War Department advising us how much of that money will be expended on the 1st of July, 1883, and we have further information from the War Department how much of it will be left at the end of the summer. Now, I want to say to this committee that of the eighteen millions appropriated, not referring to the balance turned over from the last year, and it is like the balance that comes over every year, but dealing with this specific sum in question of $18,000,000, you will have about five millions of it unexpended on the 1st of July, 1883; but you will have all of it contracted for and expended by the 1st of December, 1883, when you will not have a dollar of it; and if you mean to have the public works go on you must have money to carry them on. Now, let me make the application of that to a harbor with which I am most familiar. Let us make the application of it to the Baltimore Harbor,

and I do not select it because I am more interested in it than any other harbor, nor because I have a Representative relation to it, but because I know personally the facts to which I wish to call attention. There was a sum of money, $450,000, appropriated for dredging that channel. The heaviest dredges in the world have been obtained to do that work. They are actually in the channel. The channel itself is about three hundred feet wide; the length of a ship coming up that channel is between three and four hundred feet. There is therefore at best very little room, and the dredges are in the channel.

From one cause or another three hundred and odd thousand dollars of the $450,000 is left unexpended on the 1st of July, 1883; but the whole $450,000 is contracted for and will be expended by the end of the summer of 1883.

Therefore if you appropriate no money for the next year your channel will be obstructed with your dredges, and a work that was intended to be finished in two years may take three or four years—an indefinite time, during all of which time your channel is impeded, and in its condition worse than when you commenced work. Better far, Mr. Chairman, never to have undertaken that work than to perform it in this unskillful and unscientific manner.

This House and the other branch of the Legislature are invited to appropriate no more money for that work because what you appropriated is to-day unexpended, when the fact is before your calendar year is terminated there will be not a dollar of it on hand.

What I say for that harbor applies to other harbors and other rivers. Now, that is the fact, and that is the fact acknowledged by the Secretary of War. How it was that the President of the United States was misled is not for us even to inquire. There can be no excuse for the Secretary of War that misled him. There can be no excuse for the executive officer, whoever he was, who took that information to the President and which the President communicated to Congress. Either his motive was sinister or his ignorance was inexcusable. Who was it? It would be in the interest of the Government to know. I have sought to know. No official record shows it. No record comes from the War Department that is not perfectly accurate. No exception can be taken to any report that ever emanated from the Secretary of War. I have seen them all, and know that no more honorable, no more intelligent gentleman is to be found in the Federal administration than the Secretary of War, and all the reports which he has sent to Congress are strictly accurate. And I am speaking from them to-day when I tell you that the whole amount of your appropriation of $18,000,000 will be expended during the year 1883, and that if your works are worthy of support you must appropriate money to carry them on.

Now, not only was the President misled, but I have no doubt his mortification is greater than mine. I confess that I am mortified that I should be arraigned in the discharge of my duty as a Representative by an Executive that tells me I have appropriated more money in the first session of this Congress than can be expended during the two years, because it was my business to know, and I did know that I appropriated not a dollar more than could be profitably expended.

Why, Mr. Chairman, we have the estimates of the Secretary of War himself communicating to us the estimates of his engineers, telling us we could expend profitably about $33,000,000 for rivers and harbors; and we appropriated half that amount only, and that half will have been expended during this calendar year. And the Secretary of War who made those estimates is the man upon whose report I base my statement to-day. Who it was that the President referred to when he said the Secretary of War informed him that there would be this balance passes my comprehension. I have not been able to ascertain how he could have had any such information from the Secretary of War, because when I voted for the river and harbor bill I had the report of the Secretary of War that he could expend profitably twice as much as I voted for and twice as much as Congress appropriated.

It is out of such exaggeration that comes this vulgarity of abuse, whether we hear it on this floor or whether we read it in the press. It is on this floor we hear about our river and harbor "steal." Now, if I had used that language, I should have sought in justice to myself to have found a justification. If I had found that I had been misled by the Executive, I would denounce the Executive, and not my colleagues on this floor; and if I had used that language, misinformed by the Executive, I would feel called upon now to make some amends to my colleagues whom I had traduced.

It is very little matter to us on this floor what the newspapers write about this bill, or about any bill; because they have fallen into a habit of very loose and extravagant style, and they call each other liars and thieves and vagabonds from day to day without reserve. There is no high journal in the country, there is no high metropolitan journal such as has been sometimes referred to here, that does not when it speaks of its neighbor and colleague in the press call him a liar and a thief and a vagabond as it pleases.

Mr. Greeley originated that style. He never when speaking of a brother editor hesitated to call him a liar when he differed from him, and his bad taste and bad habit has come down to our day, and you have only got now to read what they say of each other to anticipate what they say of us.

But though I am thus indifferent to this bad taste in newspapers I am not indifferent to-day when I meet it in a colleague on this floor, and I never will permit any man on this floor to denounce a vote of mine as unworthy of respect without challenging him to the proof; and, thank God, I feel a great confidence that I can brand him to-day if not as a calumniator, then as a man ignorant of the current legislation, and he ought to make an excuse to the House for his want of attention to the current work. How can any honorable gentleman who has never read this bill—and there are some who have not—talk about the amount of money in it or the character of the work?

Now, time is pressing on me so that I have not the opportunity to say to the opponents of this bill what I want to say.

I know no man on this floor who is opposed to all river and harbor improvements; not one. I know no man who has planted himself upon any such position. If I have sufficient acquaintance with the subject and with the debates of this House, every man who has made himself felt upon this floor in opposition to this bill has done it upon the merits of the bill itself. He has denounced the bill for the amounts appropriated, or for the value and character of the works.

Now, I beg his attention. I do not believe that there is in this bill, or that there was in the bill of last year, twenty items unworthy of being in that bill. And I do not believe that the aggregate amount of those twenty items exceeds $250,000 out of the $18,000,000 appropriated by the bill. So convinced am I of that, that although I give my concurrence to the bill now reported by the Committee on Commerce, and which appropriates $7,987,000, I greatly prefer the bill of last year as it passed the House.

The bill of last year, when modified as to the Mississippi River improvements so as to make the item for the Mississippi River appropriation correspond with the recommendation of the Mississippi River Committee, when that item was brought down to one and a half million dollars, and some thirty small items omitted, then the bill that would pass the House with that one and a half million dollars would amount to about $14,000,000. That is the bill which in my judgment this Congress ought to send to the President for his signature.

It will contain everything estimated for by the Secretary of War; it omits thirty-three items of last year's bill, and those thirty-three items are not in it because the works are completed, or because more than the small balances that remain can not be profitably expended. Altogether those thirty-three items amount to $284,000 only. There are therefore only $284,000 in the amount of last year's bill which is not embraced in a bill which I should like to move as a substitute for this bill, and which I certainly shall move so as to take the sense of the House upon it, if it is not the pleasure of the House to pass the bill reported by the Committee on Commerce.

I wish I could have a little more opportunity to confer with the gentlemen who are opposed to this bill, because, as I said before, none of them want to refuse all river and harbor improvements. And the appeal which I want to make to them is this: These items in this bill which have excited their opposition are meritorious items. I would appeal to them to shake off from themselves the sectional feeling that induces their opposition.

Now, we might as well look this question in the face, as we ought to look all questions in the face. For years and years these river and harbor bills were confined to the Atlantic seaboard and the Northern States, with small, insignificant sums for the Mississippi River. But now, as time has developed our Western country, as population has transferred itself from the eastern slope of the Alleghanies to the valley of the Mississippi, great changes have taken place, and the bill that used to contain four or five hundred thousand dollars for the Western rivers now contains from one to nine millions of dollars.

No proper river and harbor bill can ever be framed in this House with less than $5,000,000, I think $10,000,000, for the Mississippi River and all its tributaries. The bill of last year, you know, Mr. Chairman, appropriated nine millions and some hundreds of thousands of dollars for the Mississippi River and all its tributaries. It was that enormous appropriation of $10,000,000 for the Mississippi River Valley that shocked the northern and eastern sections of the country.

My friends from Massachusetts never felt any embarrassment about a river and harbor bill until they found the magnitude of these Western appropriations. And the patriotic and candid gentleman from Massachusetts in front of me [Mr. CRAPO] nods his head in assent. Ten million dollars to improve the Mississippi River? That has shocked the Eastern country, that has shocked the Northern country, and those districts which a few years ago were anxious to divide one or two million dollars and take their share for the lakes and the Atlantic coast now hesitate to take anything. Their harbors are now for the greater part finished; there is little work left to be done upon them; and rather than give $10,000,000 to that great valley those gentlemen representing these sections oppose the bill.

Other gentlemen on this floor have talked of railroads; have raised the hue and cry of railroads. In my judgment that is no nearer the truth than the cry of the opposition against jobs and "log-rolling."

Some of the great railroads of this country are conspicuous in support of river and harbor bills. I understand very well that when you take these $10,000,000 which I speak of for the Mississippi Valley you disturb the nerves of some of the great transportation lines running north

and south, and some little those of the lines running east and west; mainly those running north and south.

But whether it be the north and south lines or the east and west lines, we representatives of the people ought to show supreme indifference to their opposition. It is not necessary to abuse them, it is not necessary to denounce them. It is in human nature if the improvement of these great water ways diminish their profits that they should be against those improvements.

But we who legislate for the people, who legislate to develop the interior of our country, ought not to be disturbed by their opposition. And that is all there is in this bill to excite opposition to-day, that this large sum of money is appropriated for Western rivers, and very naturally we have gone up to the headwaters of some of these Western rivers, and others of the Southern rivers, opening to the people of the interior easy ways of transportation and communication with the outside world.

The gentlemen who represent Mississippi, Alabama, and Georgia will appreciate what I say; the regions of those States which have no railroads but have magnificent streams embarrassed by logs and obstacles of one kind or another easily removed. They have been added to this bill, and the development of those States and the adjoining States of the Carolinas is something wonderful. These improvements were not formerly in river and harbor bills.

It is to them I appeal not to abandon this system because they are confronted with an angry and, as I said before, a vulgar and ignorant opposition. Let them not be deterred by the cry of a "river and harbor steal." Why, sir, who gets that money? Why, sir, so far as the representatives of the people are concerned, the most that can be said is that some man renders himself popular politically.

If that is the offense, give it its characterization. Do not expose yourselves to the imputation of calumniating honorable gentlemen who differ with you in opinion. "A river and harbor steal!" I tell you, Mr. Chairman, most of that talk comes from men ready to give themselves away either to a river and harbor or any other "steal." The malice that inspires it is accompanied with a covetous imagination which is "the father of the thought."

I do not want these allusions to take me from the merits of this question. I wish, before I close, to call attention, not only of gentlemen from all parts of the Mississippi Valley, but especially those gentlemen of this House who at the last session were inspired to oppose the Mississippi River improvement because perhaps it might save some man's house or farm or other property. Why, Mr. Chairman, this country, so fond of regarding itself as a great empire, this country of fifty million of people, that is so gracious to everybody who tells it of its wealth and magnitude and power—this country hesitates to-day to appropriate one-third of what France appropriates for her rivers and harbors—one-fourth of what England appropriates—less than half of what that little country, Holland, appropriates. She is not afraid of protecting the property and lives of her people. She understands perfectly well that when she improves a great alluvial valley like the Rhine River the navigation is not so important as the property and lives of her people. So far from hesitating about a dike or a levee here or there we ought to be delighted that our system of engineering in improving navigation makes property and life safe at the same time.

I have looked with amazement at gentlemen who would surround the appropriation for the Mississippi River and hedge it about with conditions that the river itself should not be improved if thereby property and life were preserved. With very great difficulty we passed through this House in the last Congress a bill containing the condition that levees should be built if in building them the navigation would be improved at the same time; but that it should appear clearly that the navigation was improved, or the levee should not be erected. So great was the embarrassment of the engineers in consequence of the language which the wisdom and the illiberality of this House put into that bill that they could not improve the river at all for fear of building a levee forbidden by the conditions of the law.

The CHAIRMAN. The gentleman from Maryland has fifteen minutes remaining.

Mr. McLANE, of Maryland. I will go on with what I have to say; and I am only anticipating what will be, in my mind, an answer to that which is to come. Not only ought every river and harbor bill to contain a sufficient appropriation for the Mississippi River and its tributaries, but in improving that great river I believe the highest science in the country will clearly establish the propriety of the levee system. I am not afraid to say this in the presence of my honorable colleagues who have recently gone down that river on a steamboat. I have myself often gone down that river on a steamboat. In my youth I explored it as a United States engineer. I explored it expressly with a view to ascertain whether its navigation could be improved in the same manner that the rivers in Holland and Austria and Italy had been improved; and before I explored it I had an opportunity to explore the rivers of those countries. There I found rivers leveed to three times the height to which any man dreams the Mississippi River will ever be leveed. There you will find superb cities on the banks of rivers where the levees are as high as the tops of the houses. There you will find a rich and cultivated people who have had this done for them by their government.

But some gentlemen may say as to the people who are to receive some of the benefits of this Mississippi River improvement, this is not their Government. I deny it. This is their Government. This always was their Government; and it does not lie in the mouth of any man who forced them by fire and sword to have it remain their Government to deny to-day the fact that it is their Government. It is their Government, possessing all the powers that their original State governments possessed so far as commerce is concerned. No respectable statesman who ever lived in this country has questioned the fact that when the States formed this Union they surrendered to the Federal Government all commercial power—all power to improve rivers. A State is not allowed to-day to put a dredge-boat in a river if it obstructs navigation. A State is not allowed to-day to improve its own harbor if it obstructs navigation. It surrendered everything. It can not do it either by taxing tonnage or by its own local taxation. The point is, it can not obstruct the river. Gentlemen who represent Northern districts, Northern States—my honorable friend from Minnesota, and my other friend from Wisconsin who sits beyond him—know very well that the shallow rivers of Wisconsin have been declared to be waters of the United States within the admiralty jurisdiction of the United States, although nothing but a flat-boat had ever navigated them until the United States had improved them and removed the obstacles. That is the law of the land and the law of the most enlightened epoch of our history. That is the law which has come down from Marshall to Waite. Only the other day the Supreme Court, speaking through the mouth of David Davis, applied the doctrine laid down by Marshall to the Fox River in Wisconsin. In that case it was shown that before the United States improved the river nothing could navigate it but a flat-boat; and since the United States improved it it is navigated by steamers, and these steamers are subject to the admiralty jurisdiction of the United States.

Now let me ask some gentleman to show me a creek of Delaware or Maryland or Louisiana (where they have their creeks and bayous), to show me some creek more insignificant than that Fox River, which could only be navigated by flat-boats.

Mr. BRAGG. I would like to say to the gentleman that it is not navigated now by anything but log-rafts.

Mr. McLANE, of Maryland. The gentleman must not interrupt me, unless he wants to correct me.

Mr. BRAGG. I do. That river is not navigated now except by logs.

Mr. McLANE, of Maryland. The gentleman from Wisconsin abuses his privilege; he has not corrected me.

Mr. BRAGG. That depends upon whether the gentleman insists on the fact as he had stated it.

Mr. McLANE, of Maryland. I yielded for a correction, and the gentleman has not corrected me.

Mr. BRAGG. I say that river is not navigated now by anything except logs. It is utterly unnavigable.

Mr. McLANE, of Maryland. I state the fact that it is navigated by steamers——

Mr. BRAGG. Oh, no, sir.

Mr. McLANE, of Maryland. It is navigated by steamers, as it could not be before the United States improved it.

Mr. BRAGG. I will state to the gentleman that he is misinformed.

Mr. McLANE, of Maryland. No, I am not misinformed. I have the decision of the United States Supreme Court to justify what I state. The gentleman from Wisconsin [Mr. BRAGG] is no better authority than those who testify to this fact. The witnesses in that case were the most honorable men in this State.

Mr. BRAGG. Will the gentleman permit me a moment?

Mr. McLANE, of Maryland. I have only a moment.

Mr. BRAGG. Before the improvement of the Wisconsin River there was more steamboat service on it than there purports to be now. There is now, in fact, no regular steamboat service on it. It is a stream running through white sand where the channel changes every season.

Mr. McLANE, of Maryland. The testimony taken in the Montello case, a case well known, where the opinion of the court was given by Judge David Davis, the testimony in that case tells us distinctly before the United States improved the river it was not navigable for steamers. It was only navigable for flat-boats. That is the testimony. And then the court go on, and they add, although after improvement it was open to steamboat navigation, it was nevertheless within the admiralty jurisdiction of the United States before it was improved. But I refer to the Fox River and not the Wisconsin River, and I did not understand the correction of the gentleman from Wisconsin [Mr. BRAGG].

Now I am addressing myself to the opponents of this bill. I want the men who find fault with these insignificant creeks to review their opinions. I want to appeal to the men who have up to this time been willing to vote for the Mississippi River. I doubt the sincerity of men much who say they are willing to vote for the Mississippi and will not at the same time vote for the Hudson River—there is a stream within one State—or Duck Creek, on the Delaware Bay.

I tell you, Mr. Chairman, there is a spirit of illiberality manifested in opposition to this bill which is discreditable to the intelligence and information of this House. When a man talks to me about a little stream that is not navigable, who has never sounded its depths, who

has never looked to know what the term navigable means; because when we speak on this floor we use terms in their legal signification, and when a man talks about a navigable stream in a river and harbor bill, it is not his caprice which determines whether it is navigable or not—no matter how learned he is, and still less when he is altogether ignorant—no matter how learned, it is not his caprice, because the law of the land defines whatever is navigable, and whatever is navigable is open to improvement. And then the point I make following that, you ought to be delighted to improve the small streams if they are within your power to improve. Here, Mr. Chairman, if I had to choose to-day between the Mississippi River, even great and imperial as it is in its proportion, and sacrifice in its behalf all the headwaters of the interior navigation of the country where live those rustic and rural people who have no means of communication with the world, I would let the Mississippi wait and first improve those rivers and creeks in North Alabama, North Mississippi, North Georgia, North Carolina, and South Carolina, and Florida, as well.

I will not say I would not vote for a bill that did not improve them, because I will take what I can get. But I mean to say as a statesman—if I may make the application of that term to myself—I mean to say as a statesman I think it is the duty of this Government, as the imperial power, to improve them first.

Remember, Mr. Chairman, I have made the point this is an exclusive power in this Federal Government. I made the point we have all the power of a State before the Union was formed, and the power the State had before the Union was formed was all the power the Crown of England has to-day, to improve its rivers and harbors. A friend within my hearing says I ought not to have forgotten West Virginia. [Laughter.] No man who reads that bill will ever forget West Virginia. [Laughter and applause.] She is like Kentucky—she is as well provided for as it is possible to provide for her. I do not speak of this little bill, but I speak of the bill of last year and the bill I would like to pass to-day.

The feeling I have on this question has been excited, I confess, by the sectional character of the opposition. I live along in this middle latitude, and never in my life, not even in war, never in my life have I lost my interest in what the gentleman from New Jersey [Mr. ROBESON] would call "Federal instinct," although he makes a very unfortunate application of it to me when he gives it a political sense, for I only cherish it in view of the general welfare of the whole country. I can not hope to aspire to all the virtues and all the merits of my ancestors, but I may be spared any responsibility for political opinions that are not my own. I have been associated with the Democracy of the country in important relations all my life, from the days of Jackson to the present time, and though I have had my vicissitudes, yet I have had my triumphs also; and I never want any better political future than I have enjoyed in the past. I only want to see this Democratic party maintaining its integrity and its honor and usefulness to the country in the future as it has in the past. I do not believe it is entitled to govern the country unless it commands its respect.

I do not believe that any political party is entitled to govern this country that does not command the respect of the country. And I do not believe a narrow, mean, illiberal exercise of the power of this country ever did or ever will command its respect. That is my line of opposition to friends on this side and to friends on that who would deny these appropriations. I believe them to be not only right, but necessary, and it is a source of great regret to me that this arrest has taken place in the Mississippi River improvement.

[Here the hammer fell.]

Mr. VAN VOORHIS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VAN VOORHIS. We have now consumed the greater part of the time of the discussion upon this bill in speeches in favor of the bill. When the chairman of the Committee on Commerce moved to limit debate last night to two hours and a half the preceding time had been taken up by the friends of the bill. My question is, what time, if any, is to be given to the members of this House who desire to oppose the bill, and who have a right to be heard upon it?

The CHAIRMAN. The Chair can only state that that is not a parliamentary inquiry.

Mr. VAN VOORHIS. There has not been a speech against the bill. The gentleman from Maryland promised me five minutes, but he did not live up to the promise.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. BURROWS, of Michigan. I would thank the Chair to admonish me when I have consumed fifteen minutes of the time allotted to me, as I do not desire to occupy more time than that, in justice to the other members of the special committee.

Of course this brief time will not enable me to enter into a discussion to any considerable extent of the character of the improvements now going on on the Mississippi River. A special committee was appointed by this House in August last charged with the duty, first, of examining into the proposed works in progress on the Mississippi River; secondly, as to the feasibility of the outlet system; and, thirdly, the jetty system and the extent to which it had aided the navigation of that river. Your committee discharged that duty as best they were able, and recommend in their report:

First. That the efficacy of the plan determined upon by the Mississippi River Commission for the channel improvement of the river is not sufficiently established to warrant its general application without further trial; and that such works should be restricted to Plum Point and Lake Providence reaches and brought to a state of completion, and that a sufficient sum should be appropriated for the successful prosecution of the work at these two points; and that the plan of the commission should not be applied to or continued at any other place on the river until the works at these two points are completed and their desirability established.

Second. That the construction and repair of levees is not essential to the improvement of the navigation of the Mississippi River, and that Congress should make no appropriation therefor.

Third. That while the outlet system might relieve the river of its flood-waters, yet your committee are not prepared to recommend it to the favorable consideration of Congress as a method for improving navigation.

Fourth. That the system of jetties established at the mouth of the river facilitates navigation and answers the purpose for which they were constructed.

In all these conclusions the committee are not unanimous and minority views have been submitted. I desire to submit some considerations touching the first proposition, that the plan determined upon by the Mississippi River Commission for improving the river should be restricted to two points on the Mississippi River; that is, to Plum Point and Lake Providence reaches, and the work at these two points brought to a state of completion and their efficacy decided before work is undertaken at any other point. I think I may say I speak for the entire committee, the gentlemen composing the special committee, when I say that it is the view of the committee that such a step is desirable. The plan already determined upon for the improvement of the Mississippi River I need not now take time to comment upon. I can simply say it is indicated in this map which I hold in my hand, the object being to improve the low-water navigation of the Mississippi River by dike work at the heads of the islands or bars so as to throw the river into a narrower channel within a space of 3,000 feet, as recommended by the commission. Now, the committee have no doubt, and I have none myself, that if that work can be successfully accomplished and the river at low water brought within a boundary of 3,000 feet, it will improve navigation. I think there is no question about that. The only question for the committee and the only question with the House it seems to me is, can that be successfully accomplished? I desire to call the attention of this committee to the fact that it is a very difficult undertaking. In the first place, in order to narrow the channel it is necessary to protect the caving banks, and those are, I will not undertake to say how many miles in extent; but in order to bring the channel within the space of 3,000 feet as contemplated it is necessary in the first place that they shall be protected from the encroachment of the water. It is attempted to protect them by mattresses of willows, laying them upon the caving banks and fastening them with stone, the upper portion being protected by revetments. This plan, as I have said, if it can succeed would prevent the caving of the banks, and will aid in narrowing the channel.

Mr. FLOWER. Will the gentleman permit me to ask him a question?

Mr. BURROWS, of Michigan. Most certainly.

Mr. FLOWER. I wish to ask the gentleman from Michigan if the committee took into consideration the advisability of preserving the forests on the headwaters of the Mississippi River, and on the Saint Louis River, a tributary of the Mississippi River, and also of the tree culture along the banks of the Upper Missouri, in order to prevent the rush by the high waters coming down in the spring and expending its force upon the levees of the Mississippi River?

Mr. BURROWS, of Michigan. No, sir; the committee did not look into that at all.

Mr. WASHBURN. They are doing that by the construction of reservoirs which hold the waters back.

Mr. FLOWER. I suppose that is intended to obtain water to drive logs with.

Mr. BURROWS, of Michigan. That was not before the committee, and was not considered at all.

Now, let me say the cost of doing this work was estimated in the first place at $23,000,000. The cost of bank protection on the channel work of the entire Mississippi River below Cairo was estimated at $23,000,000. General Comstock, the president of the commission, before your committee said that he would have to revise the estimate, and placed the cost at $66,000,000. He said that would be the cost of doing the work.

The bill before the committee—and in that particular the committee are in accord with the Committee on Commerce—restricts the work to these two places, for the reason that the committee believe that this work is experimental. True, the commission believe that it has passed beyond the stage of experiment, and that it will be perfectly safe to enter upon the work from Cairo to Red River, anywhere where the banks are caving, and to use any amount of money, and that it would be successful; and your committee do not believe that this work should be undertaken until its efficacy is established at these two points; and these two points are selected because they are the most dangerous points in the river, and where navigation is the most difficult.

Mr. KASSON. What is the depth of water at these two points?

Mr. BURROWS, of Michigan. It varies. The river spreads over a great space, and in some places there is only a channel through which the vessels or boats can go.

These works have been tried at other places, and have not always proved successful. Major Suter testified upon this question as to the use of this plan at other places as follows:

By the CHAIRMAN:

Question. I understood you to say that the key to your improvement is the holding of the caving banks?

Answer. Yes, sir.

Q. If that fails your work fails?

A. Unquestionably.

Q. There is no question about that?

A. No, sir; no question whatever about that.

Q. Why?

A. Well, sir, we are agreed as to the means to be employed to get deep water for low-water navigation; we have got to have concentration and contraction. We can not possibly have contraction unless we have something to contract against. It means that we must cut off a certain portion of the present river bed, and that necessarily throws the whole river either against one side or the other, and the bank on that side must be held.

Q. And if you can not hold the banks the whole thing will be a failure?

A. Yes, sir.

Q. That depends upon the strength, the efficacy, and the durability of your works?

A. Yes, sir.

Q. You say that work of a similar character was tried in 1877?

A. Yes, sir; the instance I mentioned was on the Missouri River, at Saint Joseph.

Q. Was that on a caving bank?

A. Yes, sir; that was on a caving bank; a very rapidly caving bank.

Q. Were the works that you put in at Saint Joseph the same as the works that you put in at Plum Point?

A. The same general character of work, although the details are different. It was not nearly as perfect work as we do at the present day.

Q. You put down mattresses?

A. Yes, sir. The mattresses used at Saint Joseph were made of fascines; that is, bundles of willows, willow saplings tied up in bundles and fastened together.

Q. How thick?

A. About ten inches.

Q. How much of that work was put in at Saint Joseph?

A. I do not remember. I think that particular year we put in about half a mile, perhaps. We only had a little money to spend and could not go very far, and I do not think there was more than half a mile put in at that time.

Q. You say that such work has been lost in the river?

A. Yes, sir.

Q. How much?

A. I would not undertake to say that. It extends over several years, and every year we lost pieces here and there.

Q. Did you lose any there in 1877?

A. No, sir.

Q. In 1878?

A. No, sir; in 1879 was the first loss.

Q. How much bank-work did you lose that year?

A. Several miles. The pieces of work done along the river rarely exceeded a mile in length.

Q. Now, if you will tell me the number of miles of bank-work lost in 1879, and the reasons for the same, I shall be obliged to you.

A. The total amount did not exceed two miles. That is, there was about one mile lost opposite Omaha, and a similar amount at Nebraska City.

Q. There was a mile lost opposite Omaha?

A. Yes, sir.

Q. Which bank?

A. The left bank of the river.

Q. What kind of a bank was that?

A. It was nearly pure sand.

Q. It was a caving bank?

A. Yes, sir.

Q. Does it overflow?

A. It does in great floods. In fact, at Omaha it overflows every year to a certain extent, a foot or two feet, perhaps.

Q. Was this a protection by a mattress?

A. Yes, sir.

Q. How wide was the mattress?

A. The mattress was about forty feet in width.

Q. How high was the bank above the water?

A. The bank was about fifteen feet high above low water.

Q. When was that work begun?

A. It was put in in the previous fall, in 1878.

Q. Was it completed?

A. No; it was not completed. When I speak of completion I mean the whole bank that was caving was not protected, because we had not money enough to do it. The work as far as it went was completed.

Q. When did it go out?

A. In the spring following.

Q. Did the entire work go out?

A. Well, it was so seriously damaged that we had to rebuild it.

Q. Where did it go to; did it go down the stream?

A. Yes, sir; it went down the stream. Some of the matresses were caught, I believe, at Memphis. That work was built upon the theory of the pilots.

Q. What was the cost of that work?

A. The cost of it was about $2.25 a foot.

Q. Did that work go out at once in a single day or night?

A. No, sir; it was of course progressive, but it went pretty rapidly.

Q. Were you present at the time?

A. No, sir.

Q. What information have you about it?

A. I have the information of my assistant, who was on the ground at the time.

Q. Did he explain to you how it went out?

A. Yes, sir.

Q. The river cut in from above, as I understand you?

A. Which are you referring to now?

Q. I am talking of the one opposite to Omaha.

A. In that case the damage was principally from above, from the upper part of the bank. The water cut in on top of the revetment.

Q. The water then overflowed this work?

A. No, sir; it did not overflow.

Q. How could it cut in, then?

A. The flood which came in brought down the ice from the upper portion of the river, great masses of ice, and very heavy ice at that, and when they struck the upper bank, which had been but lightly protected, it cut right through the light protection, which was all that had been thought necessary above low water. We had merely put a thatching of brush on the bank, and the fields of ice cut through this. Then the water, flowing along the upper edge of the mattress, as the river was still rising, cut in behind them and they were finally all carried away.

Q. In other words, the mattress was cut in behind by the flood?

A. That was the ultimate result; yes, sir.

Q. Now you have completed the explanation of the manner in which that went out?

A. Yes, sir.

Q. Suppose the current should cut in at the head of that?

A. It would undoubtedly go out the same way that the other did.

Q. Well, you have not done so?

A. No, sir.

Q. What was the value of the work that went out?

A. It cost about $2.50 a foot.

Q. That would make it about $15,000?

A. In that neighborhood somewhere.

Q. That was independent of any plant?

A. Yes, sir; that is just the net cost of the work itself.

Q. Have you lost any at other places on the river?

A. There has been some lost at other places.

Q. Where?

A. There was a piece of work lost at Nebraska City during the great flood of 1881.

Q. Of the same kind?

A. No; that had been lost, as I told you before, in 1879.

Q. It was renewed then?

A. Yes, sir.

Q. You say there had been work lost at Nebraska City in 1879?

A. There was about a mile lost in 1879.

Q. Was that of the same kind and character of work?

A. Yes, sir.

By the CHAIRMAN:

Q. What caused that to go out?

A. That was caused by underscour.

Q. That lifted the mattress out—took it out?

A. No, sir; it went down into a hole. The water washed the ground away underneath and the mattress went right down.

Q. Did it all go out together?

A. Yes, sir.

Q. What did the work cost?

A. That was cheaper; that only cost $1 a foot; there was a loss of some five or six thousand dollars there.

Q. Do you know where that went to?

A. No, sir; that was heavy wood that would not float; and I think it staid there.

Q. You built another work there?

A. We were working at it while the other was going out.

Q. When was it completed?

A. The same season—in 1879.

Q. Where is that?

A. That is gone too. That went out in 1881.

Q. How much?

A. The same amount—about a mile.

Q. It does that, then, sometimes?

A. Yes, sir.

Q. Then the second work, completed in 1879, that went out in the flood of 1881?

A. Yes, sir.

Q. The whole thing?

A. The whole thing.

Q. How did that go out? Just explain it.

A. Well, sir, during that flood the whole country was overflowed. The work was eight feet under water. The work lay at the foot of a long bend twelve or fifteen miles around. The river began cutting a mile and a half or more above where the works terminated. This cut went on widening as it came down stream. When it reached our works it was a quarter of a mile or more wide, and as that slice came down it took the work out.

Q. Did it take it out and carry it down the stream?

A. Well, I do not know about that. When it disappeared I lost all interest in it.

Q. You do not know what became of it?

A. I presume it is buried somewhere in the bottom of the river.

Q. I think you stated what the cost in the first place was?

A. Yes, sir; that was about $5,000.

Q. And have you put in any other?

A. No, sir.

Q. You concluded to quit with that?

A. We concluded to wait until we had money enough to extend the works a little farther.

Q. Did you lose mattresses at any other places?

A. Another place was at Leavenworth.

Q. When was that built?

A. That was built in 1878.

Q. How much?

A. Two miles.

Q. When did it come out?

A. Eighteen hundred and eighty-one.

Q. The whole of it?

A. No; not all of it; I think about one mile and a half.

Q. Did that go out?

A. That was scoured underneath. I had some more work in the same place. I said two miles; I had three miles in place, and about half of it was lost. The balance was built on sounder principles, and that staid.

By the CHAIRMAN:

Q. How much did that work cost?

A. About $2.30 or $2.50 a foot.

Q. And a mile and a half of that went down?

A. Yes, sir.

Q. You spoke of some works being lost at Memphis; what was the extent of the works lost there?

A. I would not be able to state positively. I said there had been some damage done.

Q. How was that done?

A. The steamboats land against the work, and as they came in at low water they would punch their bows through the mattresses.

Q. Then it would not do for steamboats to land where this work is built?

A. That could have been prevented by covering the work with stone.

Q. Well, has there any damage been done at Vicksburgh?

A. Yes, sir; in the way I have described. The work was isolated.

Q. Who built that?

A. Major Benyaurd had it in charge.

Q. Do you know how much was lost there?
A. I do not.
Q. And you do not know personally how it was lost?
A. I have always understood that the work was isolated, and that it was attacked from above and below and lost in high water.

I have not the time to go over the entire testimony. This plan has been tried at several different places. While at some places it has been successful and has answered the purposes for which it was constructed, yet in other places it has failed.

But to bring this question of the stability of these works directly to the attention of the committee, as my time has nearly expired, let me say that the very work at Plum Point has been disturbed during the present month. As will be remembered, the gentleman from Massachusetts [Mr. ROBINSON] called upon the Secretary of War, through a resolution of the House, to advise the House as to the loss of works at Plum Point. In reply, the officer in charge, Captain Knight, says:

[Telegram.]

CAIRO, ILL., *February* 26.

CHIEF OF ENGINEERS, *Washington, D. C.:*

I estimate 1,475 feet of dike and 1,400 feet of foot mattress for bank protection carried away. Total value, $8,000. Of this about 600 feet of dike had been completed; but, having been carried higher than later work, and piling being weaker, it could not sustain shock of heavy flow of drift. The rest of dike was lost by reason of scour having set in before foot-mat could be sunk, and of mattress because it had not been sunk before high water rendered its sinking impossible. In my opinion the method followed has not been shown defective by this damage.

KNIGHT, *Engineer.*

Now, I think the committee act very wisely in restricting the work to these two points.

Mr. WILLITS. Will the gentleman allow me to ask him a question?

Mr. BURROWS, of Michigan. Yes, sir.

Mr. WILLITS. I see the item for improving the Mississippi River includes the harbors of New Orleans, Natchez, Memphis, and the deflection of the waters of the Red and Mississippi Rivers from the Atchafalaya River.

Mr. BURROWS, of Michigan. We did not have that in charge at all.

Now, in relation—and I am sorry my time has so nearly expired—in relation to the advisability of applying this work to two points—

General Wright, Chief of the Engineer Corps, testified before your committee as follows: "It has always been my view that only one reach of the river should be attacked first, say the Plum Point reach. That was the worst reach in the river. It always seemed well to me that Congress should appropriate money enough to make a fair test upon that reach, and to wait until the results there were sufficiently known before attempting anything beyond." In reply to a question if time sufficient had elapsed to test the Plum Point reach General Wright answered: "No, sir; the works are not sufficiently advanced; I was not in favor of expending money on any other portion of the river below Cairo until those works were completed and the results fully known. If they were satisfactory, as I believed they would be, then appropriations might be made at the will of Congress for any number of bad places. Work could be carried on at half a dozen places as well as at one; but it did not seem to me wise to commence at all the places at the same time. We would learn a good deal from our works as they progressed at one point that would cheapen work very much, looking toward economy in all future works."

General Comstock stated to your committee upon this point: "In my opinion, the best way would be to take one of these reaches of forty or fifty miles in length and have Congress appropriate liberally for work upon that particular reach, so that we might do it thoroughly and on an extensive scale; and by that means we would be able to determine whether the work is going to be stable, and whether it is wise to stop or go on."

Mr. DUNN. Will the gentleman from Michigan now allow me to ask him a question with reference to the mattress work from which he passed just a moment ago. I visited Captain Knight when he was conducting those works, before the gentleman's committee reached there, and he informed me he had no doubt at all about the permanence of those works if they are made thick enough; but the effort of the engineers was to find a minimum cost at which the mattress work could be done.

Mr. BURROWS, of Michigan. What is your question? I have but a minute left.

Mr. DUNN. Did not your committee find that the work being done was on the basis of ascertaining the minimum cost at which the mattress work could be made effective, and to that extent it was somewhat experimental?

Mr. BURROWS, of Michigan. Let me say that the commission testified, I think without exception, that the work is not experimental.

Mr. DUNN. Experimental only in respect to the thickness of the mattresses.

Mr. BURROWS, of Michigan. I have but a minute left of my time. I say that there is no difference of opinion among the members of the commission. This work has passed beyond the stage of experiment; and whether that be true or not, yet your committee recommend, in accordance with the views of General Wright and of the president of the commission, that it is wise to restrict this work to a single point, and not to appropriate money with a lavish hand for work along the whole course of this river, and then perhaps in the future have the work which has been done entirely destroyed.

I say that so far as I am individually concerned, if work had not been undertaken at both Plum Point reach and Lake Providence reach I should strongly incline to the opinion that it should be restricted to one reach alone, in accordance with the views of General Wright and of General Comstock. But because work has been entered upon at both of those reaches, and nearly one million dollars has been expended for plant to carry on the work, and a large amount of material is on hand, to abandon the work at either one of those places might endanger it there and destroy it; so that as a matter of economy I think it wiser, and the committee so recommend, that work be continued at both of those points.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURROWS, of Michigan. My friend from California [Mr. PAGE] intimated that he would yield to me a portion of his time.

Mr. WHITE. I desire to inquire how much has the mattress work at these two places been washed out?

Mr. THOMAS. The report of the Secretary of War states that.

Mr. WHITE. I mean since that report was made.

Mr. THOMAS. That is the latest.

Mr. KASSON. I ask unanimous consent that the gentleman be permitted to proceed, not to extend the time for general debate.

Mr. BURROWS, of Michigan. The gentleman from California said he would yield to me five minutes of his time.

Mr. KASSON. My proposition is that the time of the gentleman from Michigan [Mr. BURROWS] be extended, but not to extend the time for general debate.

Mr. PAGE. I will yield five minutes of my time to the gentleman.

Mr. BURROWS, of Michigan. I am greatly obliged to the gentleman from California. I was saying that if work had not been undertaken at both of these points, I should think it wise to restrict the work to one only of those reaches.

Mr. BUCKNER. What is the distance embraced in those points?

Mr. BURROWS, of Michigan. In one it is thirty miles, in the other twenty-five miles. So much has been expended for the plant, and so much work has been done at both of these reaches, that I think it wise to go on with the work at both points. They present different conditions, and under the circumstances your special committee recommend that work be continued at both of these points, and that work at no other point be undertaken until the works here have been brought to completion at those two points and their efficacy tested by being subject to repeated floods, to see whether they will accomplish the end they were designed to accomplish.

Now, I may be permitted to speak briefly of the cost of building the works at these two points. General Comstock, the president of the commission, says there has been expended at Plum Point already $1,250,000, and he estimates that it will require from $2,000,000 to $3,836,000 to complete the improvement at that reach alone.

He further states in reference to the work at Lake Providence reach that the amount appropriated to that point and allotted out of the present appropriation is $1,100,000, and that it will require $1,600,000 more to complete the work at that point.

For one I am exceedingly gratified that the Committee on Commerce in this bill have restricted the work to these two reaches. When we reach that portion of the bill I shall offer an amendment restricting the commission from doing channel work, which consists of bank protection and dike-building, at any other point; and let Congress appropriate a sufficient sum of money, I care not how liberal the appropriation may be, to test the efficiency of the work at those two points.

I desire to say in conclusion simply this, what I need scarcely say, that I am a friend of the Mississippi River improvement. It is a national work and should be under national care.

That man is not a friend of the improvement of that stream who is ready and anxious to take this plan or any plan and apply it to the whole Mississippi River, expending upon it untold millions, the $66,000,000 which is estimated, before he is certain that the plan will accomplish what is desired.

He is a friend of the improvement of that river who is willing to try an experiment at a single point and bring it to a state of perfection at that point, and demonstrate its ability to do what is desired. If you enter upon the other system and apply this plan to the whole river, and if by some accident the work should be destroyed and swept down to the Gulf, it will delay the improvement of the Mississippi River for a generation.

Mr. KASSON. And create new obstacles down there.

Mr. BURROWS, of Michigan. It will delay the improvement of the Mississippi River for a generation; there is no question about that, and the nation will abandon all effort at improvement. But if you apply it to one or two points, as proposed by this bill, and bring it to a state of perfection, and test its ability to narrow the channel and improve the navigation, then I trust this great Government will appropriate with a liberal hand to improve the Mississippi River from Cairo to the Gulf.

I now yield fifteen minutes of the remainder of my time to the gentleman from Massachusetts [Mr. ROBINSON].

Mr. ROBINSON, of Massachusetts. The gentleman from Maryland [Mr. MCLANE], in the course of his remarks, stated that Massachusetts did not find occasion to oppose river and harbor bills until items were included for the great Western rivers. I only speak for myself, not for the rest of the delegation; but I want to tell him that so far as I am concerned I have been from the outset, and am now, in favor of every proper and reasonable expenditure for the improvement of the

Mississippi River. The other rivers are not now under discussion. The position I have taken in debate since I have been in Congress is open for the inspection of everybody, and my declarations are sufficiently clear and pronounced to be beyond question.

The committee of which I happen to be a member, specially directed to consider the improvements of the Mississippi River during the last recess of Congress, have had their views presented somewhat by their chairman. It is impossible for me to extend them at length upon the general question. Suffice it to say that the committee are unanimous in the conclusion that the expenditures for the improvement of the river should be confined to two reaches called Plum Point and Lake Providence, not including at all the question of the harbors. We say, "Go on and attempt to improve under the plan proposed the two reaches, one of them thirty-eight miles in length, the other twenty-five; and those shall be the tests, after the floods have risen against those structures, to determine for the country whether the improvement shall go on throughout the length of the entire river. With that proposition I believe this House is in accord. I am glad to see that the Committee on Commerce has so restricted the appropriations in this bill; and it is only necessary, as I believe, to make the language of the clause a little more specific so that the appropriations provided in this bill shall be confined strictly to those reaches.

I shall use the remaining portion of my time in speaking upon the application of levees to channel improvements. I do not question at all that levees are a proper expedient for the protection and reclamation of lands. Mr. Chairman, I do not stop to discuss the constitutional question whether under the authority of the Constitution Congress may expend money for the protection and reclamation of lands. I waive any discussion of that question, because if I appreciate the sentiment of the House I believe it will not appropriate money for this purpose. At any rate I have not time to discuss that feature of the proposition. I wish to say that the committee, with the exception I believe of two members, agreed that the levees should not be constructed as a part of the scheme of channel improvement, especially at this time when it is proposed that only the two reaches shall be put under treatment. I think it does not need a demonstration to show that when we proceed to work only upon one space of 38 miles and another space of 25 miles we shall not go forward applying the levee system to the remainder of the 1,200 miles of the Mississippi River from Cairo to the Gulf. Why build levees outside of those two reaches, if you are working for channel improvement under the plan now agreed upon?

Therefore I say we should take the precaution that this commission shall not expend another dollar for the building or repair of levees. Why? Because, although in the first act giving $1,000,000 it was provided in substance that no money should be applied to the building of levees except as a means of improving the channel for the purpose of navigation, and although the commission did not go on to spend out of that appropriation anything for levees, yet, when in the last bill we gave them $4,123,000, what did they do? They went forward and spent or allotted out of that appropriation $1,010,000 to repair levees. Recollect, Mr. Chairman, that they are only working for channel improvement upon Lake Providence Reach, twenty-five miles long, and Plum Point Reach, thirty-eight miles long. You would expect that they would be building levees against those two reaches. Not at all. Where did they go to work to build levees? Down below the mouth of Red River; at that point they applied $110,000 for the repair of levees.

Now, why? Not a living man will tell anybody there is any difficulty in navigation of the Mississippi below the Red River. It is right at all stages of the river. The commission say so unanimously, and not a steamboat man, not a river man, not a resident ever said to us that it was anything but good navigation at all seasons of the year from the mouth of the Red River to the Gulf of Mexico. That being so, I question very much the propriety of the commission going on to spend $110,000 at a point where there is no difficulty in the channel navigation.

More than that, what did they do and how did they do it? They at once, at the beginning, when they wanted to spend that million and ten thousand dollars for levees, proceeded to meet the State authorities. They called a convention and they sent their delegate, and they met at the city of Memphis and proceeded to allot money to the State of Louisiana and to the State of Mississippi and to the State of Arkansas and to all of the States except Missouri out of this money to repair levees within those States. How did they do it? By a kind of partnership. They said to those gentlemen representing those States: How much money can you put in to repair levees? It was stated, and they proceeded to supply some more out of the United States Treasury to make up the sum necessary. They found out what was necessary. When we asked the engineer of the State board of Louisiana what he was trying to do in building levees, he said, "Undoubtedly to protect lands; that is what we are trying to do."

And so you have this condition of things: The State of Louisiana, for instance, appropriating money into one common pool to build levees for the protection of lands, and the commission of the United States putting some more into the same pool and paying out of the same contribution. One is said to be for the protection of the lands; the other is for channel improvement. That is the argument.

There is a railroad that crosses Bonnet Carré Crevasse, where there has been an opening since 1874. No trouble there with the navigation; none at all. Oh, yes; they say a steamer went in there once, and they tell you of that one steamer; but the men of the river say for ordinary purposes, the common purposes of navigation, it is well enough. At high water the river flows out through that crevasse; at low water it does not. What did they do? The commission applied $15,000 of that money to assist the railroad company to build the bank across that opening, and that bank was the protection of the railroad company's track—the Mississippi Valley Railroad—I have not the whole name before me, but it is something like that. Fifteen thousand dollars was applied, because the railroad company notified them they would apply the rest of it themselves to build that levee.

I believe that is not right. Look at the map which is before you. There is a map showing the overflowed portion of the Mississippi Valley during the last flood, the colored portion. What do the commission propose to do? To make channel works 3,000 feet apart within the bed of the river, below the natural banks, of course. When it is low water, or when the river is not more than bank-full, it is supposed those contracting works will restrain the water way so the river will pass in that space of 3,000 feet. The levees, we all understand, are on the banks, perhaps half a mile or a mile away. The river is broad in many places. If the water overflows the bank there is no difficulty about the navigation of the river, but there is difficulty about the lands. So the commission had this theory; notice it: They say we propose to make these new banks by the contracting works. Then the question is, what will you do with the levees? They are to have an ideal river, says Major Suter, an ideal Mississippi River 3,000 feet wide. Then what is he going to do with his levees? He told us he proposed to bring his levees up to the bank of that ideal river and build new levees on that newly constructed bank, on that new edge. Recollect, when that foundation is gone the superstructure will come down with the foundation. But suppose it stands. In the last flood the country was overflowed seventy-three miles wide in one place. On the testimony the water was all the way from three to twenty-five feet deep in that space of seventy-three miles. Yet the Commission propose experimentally to draw up that water seventy-three miles wide into a leveed space of 3,000 feet, and hold it there. The common sense of all uneducated men leads one very much to doubt the feasibility of such a plan, and the competence of the distinguished gentlemen to deal with such a problem.

Mr. KING. It has been done once and can be done again.

Mr. ROBINSON, of Massachusetts. What I have to say is if they are working to that plan, and that is what they say, this Congress ought to understand it before it appropriates money for any such scheme as that.

Gentlemen say they have done it before. That is, I suppose, they have built levees before and have restrained the water; but if the gentlemen living along that line of States have built them, for what did they build them? For the protection of the lands, is the unanimous testimony, and nothing else.

Oh, they say, you will have the works at Plum Point and at Lake Providence Reach, three hundred miles, we will say, above the mouth of the Red River. But they propose to go below the mouth of the Red River and build levees so that when the waters come down there, in a channel perfectly good at all stages of water, it will behave well under that restraint. That is the theory. Not that it needs to scour the bed of the river; no, because the bed is sufficiently low at all times for the purposes of navigation. But on the explanation of their theory it is proposed to bring the water within the restraints of good behavior throughout the State of Louisiana. Not that there is any difficulty with the navigation. No; nor are they open to the insinuation. They say that it is done to protect the land; and yet it needs only that it be very seriously questioned whether the great dominating influence of that section, and I say it without hostility, I say it without reflecting upon them, it is very proper that they should be interested in the question, but whether the great dominating influence of that section is not after all but an effort in favor of their lands under the guise of channel improvement. And it is distinctly stated by prominent gentlemen who testified before our committee in the city of New Orleans that it was right for the Government of the United States under the protective theory to build these levees to protect the lands for the benefit of the sugar-planters in the State of Louisiana. That was the claim, that was the testimony. That testimony is before the House; it is in this volume which is open to the inspection of anybody.

Mr. GIBSON. Will the gentleman from Massachusetts permit me to ask him a question?

Mr. ROBINSON, of Massachusetts. Certainly, if I have time to answer it.

Mr. GIBSON. Does not the gentleman from Massachusetts think that he is doing the scientific commission and the officers of the Army, the engineer officers who are performing the work to which he now refers, a great injustice when he says that the work they recommend is for the protection of the alluvial lands along the banks of the river and not for the benefit of its navigation?

Mr. ROBINSON, of Massachusetts. I did not say it. I did not say that the Army engineers were building them for that purpose. But I

stated, and I believe, that the influence of that portion of the Mississippi Valley which is on the lower part of the river is for these improvements principally because they will protect their alluvial lands. The gentlemen above on the river are interested in the channel improvements, and for everything that will give them a good channel from Saint Louis to the Gulf of Mexico. I am with them heartily, for I think that is exactly what ought to be done. I am for the improvement of the channel of the river wherever its improvement is necessary. And when I come to vote upon the question I shall vote just in that direction every time, and that is the extent to which we ought to go unless this Congress proposes to go on and take upon itself the whole burden of protecting the lands in the alluvial valley of the Mississippi River.

[Here the hammer fell.]

Mr. GIBSON. The gentleman from Massachusetts is mistaken as to the question of the protection of these alluvial lands. It is the improvement of the river which is of prime importance——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROBINSON. If I had a little more time I would be glad to hear the question of the gentleman and reply to him.

Mr. BURROWS, of Michigan. I now yield fifteen minutes of the time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, as has been stated by the chairman of the committee [Mr. BURROWS, of Michigan] as well as by another member of the select committee, upon most of the questions submitted to it for its investigation the committee are agreed. That the work of the Mississippi River Commission has been done according to the terms and provisions of the law is shown by the committee in their report. That the Mississippi River Commission exceeded its authority under the law in any part or parcel of their work is not established by the voice of one respectable witness that came before the committee.

I have not the provisions of the law before me, but I recall the fact that that commission was to devise means, if possible, to prevent disastrous overflows, and if the history of the past shows that levees have restrained the waters of the river and prevented disastrous overflows, then the commission in the expenditure of the money alluded to have kept strictly within the letter of the law. And I desire to put myself on record here and now in favor of the plan of the Mississippi River Commission, and that, too, including levees to prevent disastrous overflows.

Why, Mr. Chairman, stop and think for a moment. The morning mist is water distributed and in that form is wholly harmless. Concentrated, however, that same mist is the mighty ocean, which is absolutely irresistible. The floods falling upon a field in the form of gentle rain, as has been said by one of the most accomplished writers on hydraulics in this country, will not disturb the most delicate vegetable mold, whereas if the same water is concentrated in one channel it will tear down the firm hills. Sir, few realize, even those who have been upon its waters, the power and volume of the Mississippi River and the strength of its floods. There is more dynamic force, more power in that river to scour out its bottom when confined within proper limits than the aggregated force of all the artificial power in the world. Are you aware that that river when its waters are fully charged with sediment and its current is checked will deposit 5,000 or more cubic yards of sediment in one place during twenty-four hours?

The stream that can carry that load can, if properly confined and if its forces are conserved, bear its burden of silt on and out into the Gulf and out of the way of navigation. Why, sir, the bottom of the Mississippi River is simply hills and valleys. It may be very properly described, as the topographical map shows, as a succession of lakes or lagoons with hills intervening. These hills are sand-bars; the lagoons are stretches of deep water between. The Mississippi River has only as much water for purposes of navigation as is found over the highest sand-bar between its source and its mouth, and a boat can carry no greater load than is warranted by the depth of water upon the highest sand-bar. The sand-bars are to be found only where the forces of the river have been checked and where its load of silt has been thrown down by reason of obstruction.

The plan the Mississippi River Commission proposes is to confine the water of the river so as to force it over the crests of these bars and cut them down, and thus unite by a safe navigable channel these lagoons or long stretches of deep water. And inasmuch as great opposition to the improvement of the Mississippi River has been developed by the interstate artificial transportation lines, as well through themselves as their agents, as well through their advocates outside as inside of Congress, as well through newspapers as other influences, the committee, recognizing that this improvement of the Mississippi River was for the purpose of giving to the producers of the West the cheapest possible transportation for their produce, said: "Notwithstanding this howl and clamor, we are determined—since Congress has adopted it—to have this plan of improvement tested fairly and fully, but, lest it should prove a failure, we are willing to confine the work for the present to the two reaches of the river known as Plum Point and Providence."

But I ask, sir, that the Mississippi River Commission may be allowed to expend the paltry appropriation proposed by this bill, according to the plan adopted by it after a long, thorough, and earnest investigation, a plan which was indorsed by the Forty-sixth Congress after full investigation, and was reindorsed by this Congress at its last session.

And now, forsooth, eight members of Congress, floating down the Mississippi River through nights and days of fog and rain on a freight-boat loaded down with empty kerosene barrels, agricultural implements, and every imaginable sort of freight, steaming along and stopping only four times on the way, come here and in the face of all the experience of the best scientists in the world say, "You shall not spend the money for this purpose or that, for we have been down the Mississippi River and know more about it than the commission does." How absurd, when this commission is composed of the best hydraulic and dynamic engineers in the world, men who have reputations confined to no State, to no country, but that reach out wherever human intelligence and civilization are known.

In the face of all this we find the friends of freight-pooling companies of railroads proposing to limit this great national work, proposing to strangle it to death by this means or that. I object to being governed by their dictates.

But, says my friend from Massachusetts [Mr. ROBINSON], and I wish him to understand as well as the chairman that in the reference I make to friends of monopolies I do not refer to them, as he refers to a map and calls attention to the fact that the floods of 1882 spread over seventy miles wide of territory, and were from three to twenty-five feet deep, "How can you hold that water within a channel of 3,000 feet?" He forgot to tell you another thing, and that was that the flood—the crest of the flood wave being perfectly defined, but while the water was still within its natural banks—traveled from Cairo to the Gulf in exactly ten days. But after the river's force had been weakened by its waters being spread all over the country, when it had lost momentum by the obstruction of every intervening tree and hill, it took the second wave about one hundred days to travel the distance which the first had traveled in ten days.

Now, the commission propose—and their friends all stand by them—to confine this water so that it will run out in ten days, instead of in one hundred days, as is required when the river overflows its banks. If gentlemen think the people of this coutry are idiotic enough to suppose they could command that river to stand still as Joshua did the sun, till they piled it up into a column of water sixty feet high, they certainly reckon without their host, and show that they have no proper appreciation of the intelligence of the people of this country. The people realize that the river runs downward and onward to the sea, and waits not for the hand or the pleasure of man Why, sir, this river, as any one will see who looks at it, runs through the lowest part of the great Mississippi Valley. Why? Because water always seeks the lowest level.

And that fact is established by another fact; that is, that all of the lateral streams run into the Mississippi; and hence it is that the channel of the river is the lowest part of that valley. It builds its own banks; it is the creature of its own power. It carries on its shoulders and within its waters all the time all the silt that it can, and it builds its own banks from that silt. It builds them up to within three inches of the average flood-height.

Now, if we can put three inches more on top of its own banks, banks built by itself, then we will protect the country from the average floods. And if we can put a foot more on we will protect the country from extraordinary floods.

Gentlemen talk here of these levees as though we were going to build them as high as St. Peter's dome and as broad as the Capitol of the United States. Nothing of the kind is necessary. All that is required is to build them high enough and strong enough to meet the extraordinary floods. And when the river is concentrated, as I said a while ago, in its own channel, it will take up the silt from the bottom of the channel and remove these irregular points and obstructions, wash them off, thereby deepening the channel, and navigation will be thereby improved, disastrous floods will be prevented, commerce will be promoted, and the mails will be properly delivered as the law provides they should be.

But, say some of my friends, if we build levees all this alluvial country will be reclaimed and we can not stand that. Now, I am more liberal than they. I say that if we can by this plan deepen the channel of the river and thereby improve its navigation and increase the commerce of the country, and if as an incident to that work the alluvial lands are reclaimed, I am not going to find fault with it.

I shall not find fault if the 45,000 square miles of the most magnificent lands the world has ever seen are reclaimed and made a garden spot instead of being overflowed marshes and lagoons—made to furnish homes to hundreds, ay, thousands and millions of people, instead of homes for musquitoes, frogs, and alligators, as they do now.

This appears to me to be a great national work. We waited fifty years for some one to furnish a plan for the improvement of this river. This plan and that have been tried, but experience has shown that they are all worthless except this plan of the Mississippi River Commission, which has shown itself to be founded upon proper engineering principles and eternal truths.

The Mississippi River Commission, at the instance of Congress, came forward and furnished this plan, and so far as it has been developed

and applied to the river it has shown the most magnificent results. At Horsetail bar, a short distance below Saint Louis, is has produced an improvement in depth of water, through the whole length of that shallow bar, of from six to fourteen feet. And at Minturn's Point, where there was a bar so large and high that a steamboat could not enter the harbor at Cape Girardeau, by the employment of a line of piling the bar has been swept away and there is now a good harbor.

The plan of the Mississippi River Commission and its works are no longer experimental, but are assured and established facts worthy of the confidence and support of Congress and the country.

[Here the hammer fell.]

Mr. PAGE. I now yield five minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. In the five minutes allotted I can not discuss any engineering problem. I can not solve any problem connected with the improvement of the Mississippi River.

I can only refer to the political question. It refers to the power of the General Government on this subject. It involves the dividing line between Federal and State authority. I hold to the very strictest construction of our Federal Charter. I would go back to the methods of our fathers, at least from the time these appropriations were asked for in 1827, down to the present time.

Gentlemen when they bring in these bills have some sort of miraculous skill of getting them in and through. We can not see what passes them. It is a mystery—a fairy, sportive mystery. If the gentlemen in charge of this bill have seen the opera of Iolanthe they must have noticed that there was a "fairy member of Parliament." He had the support of the enchantments of the unseen fairy world in all his legislative work—

> Every bill and every measure,
> Whatever suits his mind and pleasure,
> Though your fury it arouses,
> Shall be passed by both your Houses.

[Laughter.]

What is the cause of the passage of these kind of bills!

Mr. DUNN. Common sense.

Mr. COX, of New York. Mr. Robert T. Lincoln, Secretary of War, says:

> The aggregate amount of the appropriations of August 2, 1882, remaining unexpended on December 9, 1882, in the Treasury and in the hands of disbursing officers is about $16,500,000, a considerable portion of which is covered by existing contracts.
>
> Although not called for in the resolution, it is proper to state that the amount in Treasury December 9, 1882, belonging to appropriation acts for river and harbor works prior to act of August 2, 1882, was $2,330,510.58. This amount includes the amounts reported in List E herewith.
>
> The amount which will probably remain unexpended and uncontracted for July 1, 1883, of the appropriation of August 2, 1882, is $3,513,475, a large part of which can not be judiciously expended during the present fiscal year, owing to the impracticability, in some cases, of completing preliminary arrangements for work in time to secure its application within the period stated, and, in others, to the desirability of extending operations beyond the present fiscal year for economical considerations. The remaining portion of this balance is accounted for in Statements A, B, C, and D, herewith, and to which I beg again to refer.
>
> It is further estimated that the aggregate amount that will be on hand June 30, 1883, from all appropriations hitherto made by river and harbor acts is $6,375,299.75.

If this be so, what is the necessity of this bill? There is a sufficiency of means for all Federal commerce and national uses.

Mr. Chairman, I am proud to say that for over twenty-five years I have known the present Secretary of War, as boy and as man. I have known him as Secretary of War; and I am happy to say that he is in every regard a model executive officer. That is better than high descent or great ancestry. When, sir, he makes the report, from which I have quoted, showing the large surplus remaining out of the appropriations of last year, and when he shows the inutilities of such uses of our moneys, I prefer to take his recommendation made under judicious and engineering examination before I take the recommendation of men who have local interests to gratify and local pride to enforce them. This bill should be separated. The goats should be divided from the sheep.

I sent to the Committee on Rules a resolution, twice asking them to separate the larger streams, those which refer to Federal commerce, from the little streams and little harbors; so that we might have two bills, one good, the other bad; one very good like Jeremiah's figs, and the other probably very bad. That resolution was as follows:

> *Resolved*, That the seventh clause of Rule XI be amended by adding at the end of the paragraph the following:
>
> "*Provided*, That in reporting bills making appropriations for the improvement of rivers and harbors, said Committee on Commerce shall make said report in two separate bills; the first to include all appropriations for improvements upon the sea, lake, and Gulf coasts and the rivers navigable through two or more States or parts of States; the second to include rivers of local or State commerce only."

It has been impossible to get a response from the Committee on Rules for that resolution. Why? I do not know. The resolution is too good to pass.

Some time we may get a chance to vote on this appropriation for national objects, such as Galveston, Baltimore, New York, San Francisco, and for your rivers of national commerce, such as the Mississippi, Missouri, Ohio, and Hudson.

In conclusion I ask to have printed the veto message of President Polk in 1847 on this subject. It shows that by these inordinate taxes for rivers and harbors you tax people who have no rivers and harbors for the benefit of their fellow-citizens who are more advantageously situated. This is a crying sin and a mutual wrong. This system is as bad if not worse than the tariff. It is based on the same principle, of giving localities special advantages at the expense of localities that do not enjoy any such advantages.

I ask to have printed with my remarks President Polk's message on this subject and the vote of the House upon a resolution disapproving that message. It will be seen that in those early days every Democrat, including my friend from Maryland [Mr. MCLANE], voted indirectly to sustain the position of President Polk. Every Whig voted the other way.

TUESDAY, *July* 11, 1848.

Mr. White moved that the vote taken yesterday on agreeing to the resolutions introduced by Mr. Stephens be reconsidered, and that this said motion to reconsider be laid upon the table; which motion was agreed to.

On motion of Mr. Goggin the House proceeded to the orders of the day and resumed the consideration of the report from the Committee on Commerce, upon the memorial from the Chicago convention, relative to the improvement of rivers and harbors by the General Government; and, also, upon other memorials upon the same subject; the veto message of the President of the United States at the present session, upon a bill of the last Congress, providing for the improvement of rivers and harbors; and the bill relative to tonnage duties; the question being on agreeing to the second resolution accompanying said report; which was read, as follows:

"*Resolved*, That the interests of our national commerce, the common defense, and general welfare of the United States require a judicious exercise of the foregoing power."

And the question being put, will the House agree thereto?

It was decided in the affirmative—yeas 112, nays 53.

The third resolution was then read, as follows:

"*Resolved*, That the reasons assigned by the President in his veto message of December 15, 1847, for his refusal to approve and sign the bill passed March 3, 1847, making appropriations for the improvement of certain harbors and rivers, are deemed insufficient and unsatisfactory."

And the question being put, will the House agree thereto?

It was decided in the affirmative—yeas 91, nays 72.

The following is President Polk's veto message:

To the House of Representatives:

On the last day of the last session of Congress a bill, entitled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both Houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the House of Representatives, in which it originated. For this reason the bill was retained; and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of $6,000 to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the States of the Union.

At the preceding session of Congress it became my duty to return, with my objections, to the House in which it originated, a bill making similar appropriations, and involving like principles; and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and, to prosecute it to "a speedy and successful termination," had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the Government, a loan of $23,000,000 was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other, by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world? It is to be apprehended that, by entering upon such a career at this moment, confidence, at home and abroad, in the wisdom and prudence of the Government, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the Treasury would have been made at each succeeding session of Congress, for the improvements of numerous other harbors, bays, inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years, the applications to Congress for appropriations, in furtherance of such objects, exceeded $200,000,000. In this alarming crisis, President Jackson refused to approve and sign the Maysville Road bill, the Wabash River bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the National Treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt, and to present to an admiring world the unprecedented spectacle, in modern times, of a nation free from debt, and advancing to greatness with unequaled strides, under a government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference in principle, or mischievous tendency, between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States; and rivers and harbors, alone, open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the pub-

lic money for internal improvements, is full of eloquent warnings. It seems impossible, in the nature of the subject as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the States systems of internal improvements have been projected, consisting of roads and canals, many of which taken separately, were not of sufficient public importance to justify a tax on the entire population of the State to effect their construction; and yet, by a combination of local interests, operating on a majority of the Legislature, the whole have been authorized, and the States plunged into heavy debts. To an extent so ruinous has this system of legislation been carried, in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their Legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States where the systems of taxation are direct, and the representatives responsible, at short periods, to small masses of constituents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are raised by indirect taxation, and whose functionaries are responsible to the people in larger masses and for longer terms?

Regarding only objects of improvement of the nature of those improved in this bill, how inexhaustible we shall find them. Let the imagination run along our coast, from the River Saint Croix to the Rio Grande, and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes, and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this Republic, and the objects of improvement it will embrace as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

Already our confederacy consists of twenty-nine States. Other States may, at no distant period, be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west, and 7° of latitude from south to north. By the admission of Texas into the Union, we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers, equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen, in our States, that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the General Government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the object. We should be blind to the experience of the past if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea, on the ocean or on our lake shores, on the margin of which may exist a commercial city or town, engaged in foreign or domestic trade, but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a harbor, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own private advantage.

What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi or it may be the smallest and most obscure and unimportant stream, bearing the name of river, which is to be found in any State in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnaissances and surveys were made during that period for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value, and they themselves be enriched, by the large expenditures which they were promised, by the advocates of the system, should be made from the Federal Treasury in their neighborhoods. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain-head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it will admit ships of heavy burden? And has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand-bars in the beds of its rivers, and may it not excavate a canal around its water-falls or across its lands for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canaling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government! There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods, by spending within it the moneys of the nation, will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several States and sections of the Union. There is no equality among them in the objects of expenditure, and, if the funds were distributed according to the merits of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the Treasury, and the member of Congress who could procure the largest appropriations to be expended in his district would claim the reward of victory from his enriched constituents. The necessary consequence would be sectional discontents and heartburnings, increased taxation, and a national debt never to be extinguished.

In view of these portentous consequences, I can not but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact that the Constitution itself indicates a process by which harbors and rivers within the States may be improved, a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the General Government, just in its operation and actually practiced upon without complaint or interruption during more than thirty years from the organization of the present Government.

The Constitution provides that "no State shall without the consent of Congress lay any duty of tonnage." With the "consent" of Congress such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the convention that framed the Constitution. It appears, in Mr. Madison's report of the proceedings of that body that one object of the reservation was that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that "the restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the Federal councils. It is needless, therefore, to remark further on this head than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasonable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check against the abuse of this discretion."

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power, because before such duties can take effect the "consent" of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are, in every instance, to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the National Treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence "for the purpose of clearing and deepening the channel of Providence River, and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter in the Kennebunk River, for the improvement of the same, by "rendering the passage in and out of said river less difficult and dangerous."

On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels "to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels "for improving the navigation of James River."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels for "improving the navigation of James River from Warwick to Rockett's landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels for "improving the navigation of Appomattox River from Pocahontas bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nag's Head, and improving the navigation of said sound with its branches;" and in November, 1828, an amendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty for the purpose of "building a marine hospital in the vicinity of Charleston;" and on the 17th of December, 1816, another law was passed by the Legislature of that State for the "maintenance of a marine hospital."

On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah for the purpose of "clearing" the Savannah River of "wrecks and other obstructions" to the navigation.

On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of fees of the harbor-master and health officer of the ports of Savannah and Saint Mary's."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels for the improvement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore and laying a tonnage duty on vessels to defray the expenses.

Congress has passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790 and the last in 1843. By the latter act the "consent" of Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the Legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both gov-

ernments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city; but if an appropriation be made from the national Treasury for the improvement of the harbor of Boston, it must be paid in part out of taxes levied on the commerce of Baltimore. The result is that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit; and in addition contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which can not but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether, and all harbor and river improvements made under the authority of the United States and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective Legislatures may think proper to propose and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be levied by the State was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the Constitution not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such purposes, the expenditures will be unequal and unjust. The money in the Federal Treasury is paid by a tax on the whole people of the United States; and if applied to the purposes of improving harbors and rivers it will be partially distributed and be expended for the advantage of particular States, sections, or localities at the expense of others.

By returning to the early and approved construction of the Constitution and to the practice under it this inequality and injustice will be avoided and at the same time all the really important improvements be made, and, as our experience has proved, be better made and at less cost than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them upon the same principle that the expenses of the post-office establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the Treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the Government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made in 1820 and 1821 for surveys. An act was passed on the 3d of March, 1823, authorizing the President to "cause an examination and survey to be made of the obstructions between the harbor of Gloucester and the harbor of Squam, in the State of Massachusetts," and of "the entrance of the harbor of the port of Presque Isle, in Pennsylvania," with a view of their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the Government went into operation under the present Constitution. On the 30th of April, 1824, an act was passed making an appropriation of $30,000 and directing "surveys and estimates to be made of the routes of such roads and canals" as the President "may deem of national importance in a commercial or military point of view or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the 26th May, 1824, an act was passed making appropriations for "deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania," and to "repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed."

President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed the opinion that the Constitution had not conferred upon Congress the power to adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system, by virtue of any or all of the enumerated grants of power in the Constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion, he avowed that, "in the more early stage of the Government," he had entertained a different opinion. He avowed that his first opinion had been, that, "as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers;" and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the Government," he gave up in 1822, and declared that—

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements would be to appropriate the money necessary to make them. For any act requiring legislative sanction or support, the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent."

But it is impossible to conceive on what principle the power of appropriating public money, when in the Treasury, can be construed to extend to objects for which the Constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years, embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

Among other acts assuming the power, was one passed on the 20th of May, 1826, entitled "An act for improving certain harbors and the navigation of certain rivers and creeks, and for authorizing surveys to be made of certain bays, sounds, and rivers therein mentioned." By that act large appropriations were made, which were to be "applied, under the direction of the President of the United States," to numerous improvements in ten of the States. This act, passed twenty-seven years after the organization of the present Government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that administration, many other appropriations of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which the universal opinion of the framers of the Constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the State governments. Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid from the Treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents, until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "Act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "An act authorizing subscriptions for stock in the Louisville and Portland Canal Company;" "An act for the improvement of certain harbors and the navigation of certain rivers;" and, finally, "An act to improve the navigation of the Wabash River." In his objections to the act last named he says:

"The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the First Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees on Internal Improvements bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about $106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects which have been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress, presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded $100,000,000."

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government, the sum asked for from the Treasury for various projects amounted to more than $200,000,000. President Jackson's powerful and disinterested appeals to this country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There can not be a just and equal distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the Government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States, that they did not even assume the power to erect light-houses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the States, without their consent, for the purposes of internal improvement; and the eyes of eager millions were turned from the State governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power is rapidly leading is shown by the veto messages of President Jackson; and to what end it is again tending is witnessed by the provisions of this bill and bills of similar character.

In the proceedings and debates of the general convention which formed the Constitution, and of the State conventions which adopted it, nothing is found to countenance the idea that the one intended to propose, or the others to concede, such a grant of power to the General Government as the building up and maintaining of a system of internal improvements within the States necessarily implies. Whatever the General Government may constitutionally create it may lawfully protect. If it may make a road upon the soil of the States, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the State in which it is situated. If it may deepen a harbor it may, by its own laws, protect its agents and contractors from being driven from their work, even by the laws and authorities of the State. The power to make a road or canal, or to dig up the bottom of a harbor or river, implies a right in the soil of the State, and a jurisdiction over it, for which it would be impossible to find any warrant.

The States were particularly jealous of conceding to the General Government any right of jurisdiction over their soil, and in the Constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the States in which the same shall be, for the erection of forts, magazines, dock-yards, and other needful buildings." That the United States should be prohibited from purchasing lands within the States, without their consent, even for the most essential purposes of national defense, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

A proposition was made in the convention to provide for the appointment of a "secretary of domestic affairs" and make it his duty, among other things, "to attend to the opening of roads and navigation, and the facilitating communications through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion a proposition was made to confer on Congress the power to "provide for the cutting of canals, when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition it was urged that "the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut."

During the consideration of this proposition a motion was made to enlarge the proposed power for "cutting canals" into a power "to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual States may be incompetent;" and the reason assigned by Mr. Madison for the proposed enlargement of the power was, that that it would "secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members

of the convention, who afterward participated in the organization and administration of the Government, advocated and practiced upon a very liberal construction of the Constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict construction class the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view to apply an anticipated surplus in the Treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of the Federal powers;" and he adds: "I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares that "the power to regulate commerce among the several States can not include a power to construct roads and canals, and to improve the navigation of water courses, in order to facilitate, promote, and secure such commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress."

President Monroe, in a message to the House of Representatives of the 4th of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:

"Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the only power granted.

"If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the States, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power the next adjoining States imposed lighter duties, to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or, rather, certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us, in both respects, as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States; and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781 Congress recommended it to the States to vest in the United States a power to levy a duty of 5 per cent. on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated, and most earnestly urged. In 1784, it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785, the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis, of delegates from several of the States, on this subject, and on their report the convention was formed at Philadelphia, the ensuing year, from all the States, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, '85, '86, and '87, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second, no reason has been assigned which appears to have the least weight."

Such is a brief history of the origin, progress, and consequences of a system which for more than thirty years after the adoption of the Constitution was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the Constitution, and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash River bill, declares that "to inherent embarrassments have been added others from the course of our legislation concerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash River bill, and other bills of like character he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the Constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the Constitution is, "Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes." That to "regulate commerce" does not mean to make a road or dig a canal or clear out a river or deepen a harbor would seem to be obvious to the common understanding. To "regulate" admits or affirms the pre-existence of the thing to be regulated. In this case it presupposes the existence of commerce, and of course the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals, and all the means of transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the Constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improvement which can facilitate or create trade and intercourse "with foreign nations, among the several States, and with the Indian tribes."

Should any great object of improvement exist in our widely extended country which can not be effected by means of tonnage duties, levied by the state, with the concurrence of Congress, it is safer and wiser to apply to the States, in the mode prescribed by the Constitution, for an amendment of that instrument, whereby the powers of the General Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson; and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and, in either case, their decision should be final. In the mean time I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

JAMES K. POLK.

WASHINGTON, *December* 15, 1847.

Mr. PAGE. I yield one minute to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. The gentleman from New York [Mr. COX] says that he is following the views of the "fathers." I wish to read from a letter addressed by George Washington, October 12, 1783, to the Marquis de Chastellux, a French nobleman:

I have lately made a tour through the Lakes George and Champlain as far as Crown Point; then returning to Schenectady, I proceeded up the Mohawk River to Fort Schuyler, crossed over to Wood Creek, which empties into the Oneida Lake, and affords the water communication with Ontario; I then traveled the country to the head of the eastern branch of the Susquehanna, and viewed the Lake Otsego, and the portage between that lake and the Mohawk River at Canajoharie. Prompted by these actual observations, I could not help taking a more contemplative and extensive view of the vast inland navigation of these United States, and could not but be struck with the immense diffusion and importance of it, and with the goodness of that Providence who has dealt His favors to us with so profuse a hand. Would to God we may have wisdom enough to improve them!

This is the language of "Father" Washington.

Mr. COX, of New York. But that does not meet the point. I recognize Washington as the father of my country; but the extract read does not touch this question.

Mr. CASWELL. Mr. Chairman, I avail myself of this opportunity to say a word upon the pending bill. I do not object to limited appropriations for the improvement of the rivers and harbors which are entirely national in their character. Indeed, I regard the water-ways of the country the natural check upon the railroad companies in establishing routes for transporting the products of the West to the seaboard, and in that the people of my State have a large interest. Congress would therefore be justified, in my opinion, in carrying on those improvements to a reasonable extent. It was well settled, however, in the recent elections that the people of this country are opposed to the use of the public money for the improvement of rivers not of a national character. This expression was too emphatic to be ignored, and I for one can not vote to continue any improvement which does not redound to the use and benefit of the whole country. There are many items in this bill for which I could cheerfully vote. They come within the class which will clearly benefit the commerce of the United States. But I can not consent to continue the pernicious practice of coupling with works of national those of purely a local character. If I vote for the one in this bill I must also vote for the other. We are told by the Secretary of War, who has charge of these works, that the appropriation of last year was so liberal, and that there is yet so large an unexpended balance in the Treasury, that further appropriations by the present Congress is unwise if not unnecessary. In this I think he is right, and an attempt now to appropriate a further sum I regard as a reckless use of the public money, and I feel it my duty to vote against the bill.

Mr. BURROWS, of Michigan. I yield the remainder of my time to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, the time which I am allowed for the discussion of this question is too limited to enable me to do either

it or myself justice. I was a member of the committee appointed to investigate the plans of the Mississippi River Commission for improving that river. The gentleman from Massachusetts [Mr. ROBINSON] has rightly said that there was no dispute or controversy in the committee as to the propriety of making needful and needed appropriations to improve the navigation of the Mississippi. It is a stream of national consequence, and the Government that forced its way through enemies' lines to the Gulf in order to open that national highway will not be likely now to neglect it or fail to make proper appropriations for the improvement of its navigation.

To recognize the necessity for such improvement is one thing; the means to that end is quite another. If I had any criticism to make upon the gentlemen with whom I was brought in contact while acting as a member of that committee it would be that they promptly called in question the friendship of any one who disputed the fitness and propriety of their pet method or methods. There was something of a disposition to treat the members of this committee as if they were strangers in a hostile land, unless they would subscribe to every proposition placed before them in regard to the improvement of that river. I do not mean that gentlemen were uncivil or inhospitable, but that they seemed to take each suggested criticism of their own peculiar plans for the improvement of the Mississippi as an evidence of hostility to any and all improvement.

Sir, the commerce from my own section finds its way to the Gulf and to the markets of the South and Europe down the Mississippi River; and we are as much interested in its navigation as those who live along its banks. But, sir, gentlemen familiar with the soil and the conditions with which we have to deal from Cairo to the Gulf, a distance of 1,200 miles, know that it is all made earth—an alluvial deposit, percolated all through by quicksands. The soil is such that it melts in water like sugar, caving off by the acre, nay by acres, and is swept down the stream, so that it may in very truth be said that that mighty river holds in solution an empire. Some of our friends are under the impression that they can confine the water spreading over sixty miles by building mud walls along the banks, without a compromise with muskrats or a truce with moles, and thus keep within the narrow confine of these earthen barriers an ocean that sweeps along with the force of twenty Niagaras. We doubt if they can do it. If they can, we shall be very glad to learn it.

Now, Mr. Chairman, the committee believed—I do not know that there were more than one or two dissenting voices—that the attempt to protect the banks of the Mississippi River by a system of willow mattresses, or the like, was and is purely experimental. Nobody will be more glad, I take it, than gentlemen of that committee if this experiment should prove to be successful. But, sir, we are dealing with a stretch of river of which 1,200 miles is to be protected on both sides by this system, costing an immense sum of money, certainly much above $50,000,000. All the committee say is, until the present plan shall have passed beyond the region of experiment and proved a success, we ought not to strew money up and down the banks of that river as Ceres strewed corn. That is all.

When it shall have been demonstrated that the levee system is a needed supplementary work, and that the system adopted by the Mississippi River Commission will serve the purpose for which it is intended, I will vote and advocate, wherever I am, an appropriation equal to the improvement of the banks from its source to its mouth.

The gentleman from Massachusetts [Mr. ROBINSON] is clearly right when he asserts that the commission has gone beyond the letter, certainly the spirit, of the law in using so large a part of the appropriation for the construction of levees along the banks of the river. Sir, I do not inveigh against either the levee or any other system which is being tried as an experiment by the Mississippi River Commission. I only want all those attempts to be treated as an experiment, because they are in the experimental stages, and when we get beyond that it will be time enough to consider what appropriation will be necessary to keep and control the Father of Waters and improve its navigation.

The fact that an immense commerce floats on its bosom does not change the character of the banks nor the difficulty of dealing with that stream. It is the opinion of old and experienced navigators that what is most needed is a system of dredge-boats properly and energetically worked—that which they do not have now; but whatever is necessary to be done I am sure the committee in its entirety are willing to do. The question remains, what ought we to do? The experiments being made will determine, and then we can act advisedly, and will, I trust, appropriate liberally.

Mr. Chairman, I was appointed chairman of a sub-committee to consider a special branch of the investigation which related solely to the outlet system. We have made a report which I commend to the reading and careful consideration of the members of this House. I have not time now to consider it beyond saying this: The sub-committee found the Mississippi dammed up at its mouth, and the waters backed up the stream, impeding the natural flow of the current; so that the river, while it is two hundred feet deep at New Orleans, is less than twenty feet deep at the mouth; it therefore occurred to the sub-committee that if by any means, through an outlet, you could lower the plane of that stream ten or fifteen feet it would tend to increase the current of the river below, improve navigation, and as an incident protect the riparian owners. And hence we advised the experiment of cutting an outlet at Lake Borgne, some ten or twelve miles below New Orleans.

Let me leave the consideration of the Mississippi River matter, Mr. Chairman, to refer generally to the system for the improvement of rivers and harbors. My honorable friend from New York [Mr. COX] goes back more than half a century, and notes the nature and amount of appropriations to determine what this House may properly do to-day in the matter of appropriations for the improvement of rivers and harbors. I want him to understand that the young Republic is no longer an infant in swaddling clothes. It no longer occurs that the harvest fields and gardens about your cities and villages yield enough to satisfy the wants of all the inhabitants. It no longer occurs that even the great West, in the valleys of the Mississippi—it no longer occurs that the forests yield all the fuel they want or all the lumber they require. In place of the forests of a quarter of a century ago, we seek now the great coal-fields in the country, and from thence we get our fuel. And it seems to have been a wise provision of Providence that these ample coal-fields are placed at the head of the streams upon which the mined coal may be floated at little cost to the homes of the inhabitants below. Can it be doubted, sir, that to the inhabitants of the Mississippi Valley, of the Ohio Valley, the Kanawha River is much more important than the Hudson?

The Hudson or the Big Kanawha, which could we best spare? Why, sir, there is not a village or hamlet within twenty-five miles of the Ohio that does not receive its coal from that stream or adjacent streams. Upon the banks or in the hills along those streams God has stored our fuel, indispensable to us and to all the people in the Ohio and Mississippi Valleys. We must have fuel and we want it cheap. And this recalls an incident. While I was speaking about the question of river and harbor improvements in a town fifty miles north of Cincinnati, some anxious soul was in the audience and was concerned to catechise me. I asked him: "How much do you pay for coal here?" He said: "We get it put into our cellars at 15 cents a bushel." "You do, and you get it by rail from a mine that is less than a hundred miles away, while I get my coal from Kanawha, brought on the river five hundred miles, a superior article, put into my cellar two miles away from the city at 11 cents a bushel."

Why my friend talks as if those who are in the harvest fields of Kansas and Iowa are not interested in this matter at all. Gentlemen from Iowa and from Kansas, let me ask, whom do you feed? Where is the market for your hogs, for your oats, for your wheat, your barley, and for all that you produce for the markets. Where is it? Is it about your homes? Not at all. Is it in the villages and hamlets of your several neighborhoods? Not at all. Where then is the market for your produce? It is in the hives, the busy hives of industry upon the Atlantic, down the Mississippi River and throughout this vast country in other localities; and the highways that God has digged for the people of these localities ought to be improved that your products may reach those marts cheaply. How else can you reach them? Cheap transportation is what you want, and then it will not occur again, as it has in the past, that men will be starving in the streets of New York for the corn which you are burning for fuel in your houses in Iowa and Kansas.

I want to say a word touching the East. Gentlemen, there is not a river, there is not a creek harbor of yours that we have not improved and improved liberally if it is in any respect or in any degree important to the commerce of this country. The little bays and shoal places along your coasts where a fishing-smack with twenty kits of mackerel and fifty codfish might ride safely at anchor, we have improved. We ask now that rivers bearing the commerce of this country from the corn and wheat fields of the West shall be also improved, and that the Constitution shall be construed with reference to existing conditions. The streams and rivers that fifty years ago nobody would have dreamed of improving have since become important factors in the problem of our national and interstate commerce, in the sense in which the term "commerce" is used in the Constitution.

To my friend from New York, when he speaks of the "great arteries" of commerce, let me say that the arteries of commerce, as the arteries of the human system, are of little consequence if the veins that feed them and by which they are fed are dried up. I say more, in defending the action of the House touching the river and harbor appropriation bill of last year (conceding, as I do, that there were many objectionable features in it; these were, however, the speck in the ointment), that it shall not be forgotten that the time will soon come, if it is not now here, when men from the Mississippi Valley who shall refuse to vote ample appropriation for improving the people's highways will not get votes enough to pay for counting them. Do not forget, men of New York and of the East, you who would treat the country as an orange you have sucked and now want to chew the pulp; do not forget that from the East, not through the balmy South, nor yet the frigid North, but along the central line, with North to South conjoined, "Westward, the course of empire takes its way." And in the line of that march of empire these necessary improvements will follow; nay, more, will henceforth walk abreast, and the needed appropriations to that end be voted, and the people's highways made ready and convenient for the people's use. [Applause.]

[Here the hammer fell.]

Mr. ELLIS. I am glad, Mr. Chairman, for the poor privilege of speaking, if only for fifteen minutes, upon this question. I have not time even to gather about the shores of the truths that lie hidden in this subject. I can but devote the brief space of time given to me to try to elaborate one single point. I have agreed with the majority of the committee, the special committee appointed by this House, in concurring that for the present at least the efforts of the Mississippi River Commission should be confined exclusively to the points where work has already begun. It was not, Mr. Chairman, any lack of confidence in the theory or plans of the commission. It was not but that I believe they will successfully work out the permanent improvement of that river; but it was because they themselves testified that until the like character of work which they had adopted for the purpose of this river improvement had proved satisfactory and all sufficient for their designs and plans they themselves would prefer that the work should be so confined. What is that plan? It has not been half stated in this discussion. It is as stated in the report of the minority of the committee, which I propose to read, simply this; and I now beg the careful consideration of the committee to this point, because it is one of magnitude and importance in connection with the question:

The contraction for low-water channel of the river to a uniform width of 3,000 feet between one of its natural banks revetted and held in place, so that caving is impossible, and a bank formed within the channel by the rivers' deposits of silt, arrested and held by permeable dikes and piles so constructed as to arrest the current and cause the necessary deposit.

That is the low-water channel. And now, coincident with this, and absolutely inseparable from this, is the theory of the high-water channel. That is a channel constructed upon or near the dikes on the bend of the levees, along which the river must be trained into the same course or direction of current secured as the low-water channel. And the plan embodying both the low and high water channel is an entirety, a whole, and you can not separate them. I will read also the language of the minority of the committee with reference to this high-water channel:

Coincident with this plan for low-water channel, dikes or levees are to be constructed on or near the natural banks for the purpose of training the flood waters in the direction and course of the low-water current, to restrain them from breaking off into cross or counter currents, which would endanger the lower-water channel works and cause deposits therein, and to secure additional dynamic force for the more speedy discharge of flood waters.

Now, what is the proposition of the gentleman from Massachusetts? He says to this commission: take Plum Point reach and Lake Providence reach and work out your plan; and then he proposes that Congress shall deprive them of one essential of their plan. He says, "Go work out your theory, but you shall not have the opportunity to illustrate and develop that theory in full."

Ah, Mr. Chairman, that gentleman's progress on this subject has been rather like that of the craw-fish. He has been looking one way and going another. In 1879, when this commission bill was before Congress, that gentleman said—and I challenge his attention and ask him to explain it under the five-minute rule——

Mr. ROBINSON, of Massachusetts. I will be happy to do so.

Mr. ELLIS. The gentleman said—

The committee have found—

The committee of which he was a member and which framed this commission bill—

The committee have found these two subjects to be interdependent. They have not seen in the investigation they have given that the one necessarily stands apart from the other. All the writers and all the engineers from whom they have heard declare that in some measure, greater or less, the protection of the lands has also an influence upon the navigable character of the river.

He further said:

This bill is intended to provide a commission to devise a plan for the improvement of the Mississippi River and the protection of the alluvial lands combined. If as a part of the whole plan for the improvement of the river for the purposes of navigation, and incidental thereto, the lands of the valley may be protected, I am in favor of it.

Now, what is the gentleman's attitude here to-day? As I have shown, the plans of low-water channel and of high-water channel are coincident and the one depends upon the other. Now, what does the gentleman hold? "You may go and work out your low-water channel; if you can we will give you money to try the experiment; but you shall not have the high-water channel." That is the proposition of the gentleman from Massachusetts to-day.

Now, Mr. Chairman, I desire to say that this theory met the approval of every engineer that testified before us save one, a most intelligent gentleman from his own vicinity, who could by no possibility of means be suspected of entertaining any sectional prejudices that way that would lead him to wish to take the Government money and apply it for the protection of property. Professor Clemens Herschell told him this was the means of training rivers in Europe, and that the plan was an entirety; and that the low-water channel was dependent upon the high-water channel. That is the main point, Mr. Chairman. The members of the committee were told that when the river overflowed it attacked not only the surface-water, but the water away down to the bottom of the river attacked the bank. There is your revetment bank—the wall of the House will represent it. Over it a crevasse plunges. Now, by the experience and deliberate testimony of these engineers the water when it overflows even to the depth of three or four feet, the surface-water directing the attacking column, attacks that bank down to the very bottom of the river. What chance would revetment have with such an attack, an attack that plows its way two hundred or three hundred or four hundred yards into the bank of the river creating a great bay? What will protect all your low-water improvements if you permit attacks of this character?

No, sir. You must train and must guide these flood-waters in a course coincident with the low-water scour, or your low-water plan will fail.

There was another thing that bothered the gentleman from Massachusetts [Mr. ROBINSON], who is a great and good lawyer and a scholar, but who, I judge, would hardly muster up engineering skill enough to construct a flutter-mill on the boyhood plan of thirty years ago. He looks at that stained map and asks how it is possible to gather up these flood-waters into banks 3,000 feet apart. Mr. Herschell, his friend and neighbor, told him. Let me read his testimony. He was being cross-examined by that gentleman at the time. I ask the attention of the gentleman again to that testimony, because there is a good deal in it which he may learn from. I call his attention to this portion of Mr. Herschell's testimony:

Question. Have you had experience or observation in Europe?
Answer. Yes, sir.
Q. Do you know whether that system has been pursued in European rivers?
A. I know that it has.
Q. What river?
A. The Rhine is a good example of it, the upper reaches of it. It is a well regulated and trained river from Switzerland to the mouth, to the German Ocean.
Q. How has it been regulated and trained?
A. Generally by the very system I have described. In the time of flood its waters are limited and defined. In time of low water they are likewise marked out within the high-water limits.
Q. A channel within a channel?
A. A channel within a channel: that is it precisely.
Q. Is it regarded in streams that are subject to flood periods as necessary to have the high-water channel well defined?
A. I think that is the general opinion among engineers. It certainly is mine.
Q. Why is that; is it a protection to the inner channel, the low-water channel?
A. I should say the principal reason was to keep the river from abandoning entirely its former channel and striking out in a new course for itself, as it would be likely to do unless guided during times of flood. Another reason is that the very material that the river erodes or takes up is one of the chief causes of its forming shoals. That is where the most of the material that makes shoals comes from. It comes from being picked up in one place and deposited in another. In order to have a river of proper navigable depth—a reliable navigable depth—at all stages it is necessary that it shall pick up material as little as possible.
Q. I should suppose, however, that those high-water banks can not provide against every exigency; occasionally a flood will come that will go over them?
A. In case of river works, they are liable to floods such as occur, we will say, once in a century or thereabouts. They will be higher than has been provided for. It does not pay commercially to provide against exigencies of this sort, that are not liable to occur more than once in a hundred or two hundred years. At this very moment the greater part of Central Europe is recovering from the effects of a flood from both the Danube and the Rhine, the like of which I am informed has not been seen for two hundred years. To make the river works on those rivers sufficient to guard against grossly exceptional floods of that character probably would not pay. It is practically impossible. A contingency of that sort must be endured.
Q. Certainly. Like the flood of which we read—they could not help it. But generally, in your opinion, it is necessary to control the river in high-water periods?
A. I think it is.
Q. And this essentially, in your judgment, for the purpose of navigation and commerce?
A. I think it is.
Q. It looks like a mammoth undertaking, does it not, to gather up the flood waters that extend, for instance, fifty or sixty miles wide and three or four feet deep? For instance take this point where, according to the section lines, the flood was seventy miles wide. It looks like a huge undertaking to propose to control all that water and keep it within the channel of the river and compel the river to discharge it.
A. Well, sir, it does not look so very formidable to the hydraulic mind.
Q. To the unprofessional mind I confess it looks like a big job.
A. If the river discharged it it would not spread out.
Q. That is true.
A. There would be nothing to gather up, as it were.

That is, by the theory of general concentration you compel the discharge before the waters have accumulated. And this is a well-known principle in hydraulic engineering, that every increase of dynamic force of a current increases the rapidity of discharge.

I quote from Mr. Herschell's testimony further:

Q. Under what law of hydraulic engineering or dynamics would the river ever control and discharge that immense flood?
A. It is one of the most notable laws of hydraulics that the channel with an increase of depth and only a slight increase of slope, discharges so much more water. Five feet increase in depth when the depth is already 80 feet, say, may double the discharge.
Q. Five feet increase in depth may double the discharge.
A. Those are mere random figures to illustrate that a small increase in depth will very greatly increase the discharge.
Q. Is not that the law?
A. It is the law.
Q. It is a well-ascertained, incontrovertible law.
A. It is a well-ascertained law that one handling water becomes very familiar with, and is not surprised at, when he sees it in practice.

Again, at pages 331–2, he says:

Q. But could the flood of 1882, extending down in the valley, ranging from twenty to seventy miles in width, and in depth over the land from five to ten feet, be confined in that space? Do you look forward to it as a practicable scheme that by any walls of earth in the bed of the river, or on the banks, you could confine that flood and carry it out to the Gulf without disturbance?
A. Certainly. The width of a flooded district and the moderate depth over which it has flowed are alarming-looking figures. But if that water, instead of standing still and flooding the land, had been enabled to pass on it would not

have assumed this alarming proportion. It is like the genii in the Arabian Nights Entertainment. So long as it was kept within the bottle it was all right; but when it got out it looked very formidable and impossible to get it back again.

It is in testimony here, as recalled by my friend from Illinois [Mr. THOMAS], that whenever the water is confined within its channels, it travels from Cairo to New Orleans, 1,000 miles, in ten days. Where the water had spread all over the country, the floods have consumed one hundred days in traveling the same distance. That is, by confining it, the discharging power of the water increased 1,200 per cent.; and for every foot of rise the scouring power is also increased, and the current is deepened.

They have testified that every additional rise, while confining the waters, adds immeasurably to the discharging power of the river. Here, then, you find these two plans, the one dependent upon the other, tending to work out all the design that was contained in the instructions to the Mississippi River Commission.

There is one thing said by the gentleman from Massachusetts [Mr. ROBINSON] which I desire to correct. It was intended to prejudice the minds of members of this House against the building of levees. I refer now to the testimony of Major Harrod. The attempt was made, and has been made, to produce the impression on the minds of members of this House that this Mississippi River Commission has been colluding with State and private corporations for the building of levees.

Mr. ROBINSON, of Massachusetts. The gentleman from Louisiana [Mr. ELLIS] does injustice not only to myself but to Major Harrod. I did not refer to Major Harrod at all.

Mr. ELLIS. Major Harrod was the gentleman who was badgered on that subject like a witness in the police court.

Mr. ROBINSON, of Massachusetts. I refer to Major Richardson. I interrupt the gentleman because I do not wish to have any injustice done to Major Harrod. I did not refer to him in any manner in what I said.

Mr. ELLIS. He was a witness and was cross-examined by the gentleman in regard to building a railroad dike. Major Richardson had nothing to say about that.

Mr. ROBINSON, of Massachusetts. General Comstock testified about that.

Mr. ELLIS. The testimony of Major Harrod and the testimony of Mr. Taylor, of Indiana, was this: that it being in the direction of the work of the commission in establishing this high-water channel and closing these outlets, when they found State or corporations building works in the direction of the accomplishment of their object, they found they could do the work a great deal cheaper and with a great deal more of economy to the Government by inviting their aid.

So when they found that the State and the railroad company were about to close Bonnet Carre cavasse they found they could with $15,000 do what would ordinarily require eighty-five or ninety thousand dollars to do. And when they found that this railroad company was prepared to construct a dike along the bank of the river in the form and shape of a levee, so as to accomplish their purpose of high-water channel confinement, they found they could do for $30,000 what would otherwise cost $60,000.

And with that scrupulous care for the interest of the Government which has been developed in every line and syllable of this testimony, they embraced the opportunity of doing the work which was best for the Government.

[Here the hammer fell.]

Mr. VAN VOORHIS. I ask leave to print some remarks upon this bill.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. ROBERTSON. I ask leave to print some remarks, as I find I shall have no opportunity to deliver them.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. PAGE. I find that I have three or four minutes of my time left, which I do not care to occupy. I prefer to have the bill read by paragraphs.

Mr. WHITE. As a member of the Committee on Commerce, I ask leave to occupy the four minutes' time remaining which the gentleman from California says he does not wish to occupy.

Mr. PAGE. I have no objection; there are three minutes remaining, I believe.

Mr. WHITE. As a member of the Committee of Commerce, who I believe my colleagues will bear witness during the last session gave close attention to the work of preparing the bill which received such wide condemnation, beginning with the veto of the President, I desire to say that at this time I am opposed to passing any river and harbor bill. But I am pursuing this course to help educate the people up to the necessity for more liberal appropriations for internal improvements in the future.

In the first place, we were told last year by the President that the duty devolved upon him to withhold his signature from a bill containing appropriations which in his opinion greatly exceeded in amount the needs of the country for the current year. If the $18,000,000 we appropriated last year was more than the Executive knew how to properly expend, then I think it would be unwise to make an additional appropriation at this time.

Again, the President said that his principal objection to that bill was that it contained appropriations for purposes not for the common defense or general welfare, and which did not promote commerce among the States. He said that in the bill he found an appropriation for the Potomac marshes, which he had recommended, and an appropriation for the Mississippi River, which he had recommended; but which in my opinion were the worst things in that bill.

After spending days and nights for months carefully preparing a bill which in my opinion met the wants of the country, the Senate amended it and the President vetoed it, saying that there was more money in it than he could properly expend. Now, if that was so, there must be a surplus fund on hand to-day.

Let the President and his advisers alone until they have expended the $18,000,000 appropriated last year and notify Congress that more money is needed.

Last year the House's river and harbor bill was carefully prepared to meet the wants of the entire country; while this bill has not been carefully prepared and does not meet the wants of the entire country. It proposes additional appropriations, when the Executive who has the disbursing of the fund through his subordinate officers notified us and the country that we had appropriated more money last August than they know how to expend.

I am therefore opposed to passing any river and harbor appropriation bill at this session of Congress.

The CHAIRMAN. The time for general debate has been exhausted. The Clerk will now proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Portland, Maine: Continuing improvement, $15,000.

Mr. PAGE. I am instructed by the Committee on Commerce to offer the amendment which I send to the Clerk's desk and which was omitted from this bill by mistake.

The Clerk read as follows:

After the paragraph just read insert the following:

"Improving harbor at Rockland, Maine: Continuing improvement, $20,000."

The amendment was agreed to.

Mr. SINGLETON, of Illinois. I desire to offer the following amendment:

Improving Quincy Bay: Continuing improvement, $25,000.

Mr. PAGE. That amendment is not germane to this part of the bill. I ask the gentleman to wait until we get to the part relating to the Mississippi River. I will notify the gentleman.

Mr. SINGLETON, of Illinois. I have no objection to withdrawing the amendment for the present.

The Clerk read as follows:

Improving harbor at Plymouth, Massachusetts: Continuing improvement, $1,000.

Mr. ANDERSON. I move to strike out the last word. I wish to inquire whether Plymouth, Massachusetts, is not one of the cases referred to by the Secretary of War where there is an unexpended appropriation in the Treasury?

Mr. PAGE. It is among the items which were objected to by the Secretary of War, but upon examination the committee found it to be, in its claim for an appropriation, one of the strongest works in the river and harbor bill. This position is justified by the reports of the engineers for this year, last year, and preceding years. In addition to this at the last session a letter was addressed to the chairman of the Committee on Commerce by the Secretary of War calling attention to the damage done to that harbor by storms, and urging an appropriation of $14,000 to carry on the work last year. I hold in my hand an additional letter from the Secretary of War asking for an appropriation of the same kind.

Mr. WASHBURN. I wish to inquire whether the appropriation made last year has not been expended, or will not be expended before the end of this fiscal year?

Mr. PAGE. It will be, and this additional sum of $1,000 is for the completion of the work.

Mr. CRAPO. I would like to answer the question put by the gentleman from Kansas [Mr. ANDERSON]. The harbor of Plymouth is in the neighborhood of my home; and hence I have personal knowledge in regard to it. It is the first in the detailed list of alleged unimportant works in the last river and harbor bill which the Secretary of War reported to Congress in his recent communication in answer to the resolution of the House. I think this particular item in the bill deserves some attention in order that we may determine what reliance can be placed upon the statements made by the Engineer Department in that detailed list. The Secretary of War, in his list of objectionable works, forgets the special communication which he made to Congress in April of last year, when the last river and harbor bill was in the course of preparation by the Committee on Commerce, in which he urged the re-

pair and maintenance of Long Beach, in this harbor; and asserted that any action of the sea thereon likely to injure it should be at once arrested; and recommended over his official signature an appropriation by Congress of $14,000 for this work——

Mr. McLANE, of Maryland. Out of the regular order.

Mr. CRAPO. Out of the regular order as a special appropriation. That appropriation was made in the last river and harbor bill. Yet in his recent communication specifying objectionable works the Secretary of War says that this particular appropriation ought not to have been made, because the benefits to be derived from the improvement are local, with but little bearing upon the general commerce of the country. Now, the fact is that the harbor of Plymouth has a very considerable foreign commerce. There came into that harbor last year merchandise from foreign countries amounting to over $320,000; and merchandise was exported from that harbor to foreign countries. The custom-house at that port, during the last year, collected on merchandise coming from foreign countries duties amounting to over $47,000; and there is to-day in bonded warehouses of the United States at that port foreign merchandise valued at $120,000, upon which the duty when collected will amount to $18,000 or $19,000. This very port of Plymouth, in the amount of customs duty which it collects, is the second or third of the ten collection districts of Massachusetts, Boston of course standing first.

In view of these facts and figures, to say that the improvements at Plymouth are simply local and of local importance is to throw discredit generally upon the conclusions of the Secretary of War in the document sent to the House enumerating unimportant and objectionable harbor works.

Mr. ANDERSON. I withdraw my former amendment and move to strike out the words "one thousand dollars." I am perfectly aware, Mr. Chairman, that the different items in this bill will be passed as they have been heretofore, and therefore there is not much inducement to make any motion to strike out. And on account of the historic name of Plymouth and of the friendship of the gentleman from Massachusetts I would be willing to withdraw the motion to strike out $1,000. If you put it as a matter of friendship, if you put it as a recognition of the name of Plymouth and the effect of its traditions upon this country which have gone into American history, I repeat I am perfectly willing that this appropriation shall remain in. But, Mr. Chairman, if you put this appropriation as in any sense regulating railroad rates or as in any sense affecting the broad commerce of the nation, I certainly would not concur in such an appropriation. The fact is that all along that coast there are other points to which commerce comes. Now, I happen to know something of that specific harbor from personal experience. I have sailed on it; and at low tide, if the mud was not so soft that you could not walk upon it, you would have a particularly large amount of traveling to do to reach the land.

Mr. CRAPO. But how deep is it at high water?

Mr. ANDERSON. I do not know; I did not get out to measure it at that time. [Laughter.] But that is one case where you have a question of expending a large amount of money before you can make a channel through which any large vessel can pass. The gentleman from Massachusetts knows as well as I do that at low water this is used largely to-day for fishing-smacks.

Mr. CRAPO. Let me say to the gentleman from Kansas that this is not for the preservation of the channel; but it is for the preservation of a beach which protects the harbor from the encroachments of the ocean.

Mr. ANDERSON. Oh, yes; and ultimately you will have to run it all along that long arm that reaches out there, and it will require additional expense.

But, Mr. Chairman, I am calling attention to this particular item for the purpose of illustrating my opposition to this class of appropriations, under the guise of improvements of rivers and harbors for the commerce of this country. Where you dig a channel that is necessary, where you improve a harbor that is necessary for the commerce, where you take one work that is really affecting even to a limited extent the general commerce of the country, I am ready to vote for it, but in no other case.

Mr. WASHBURN. What do you call general commerce?

Mr. ANDERSON. I do not call some little petty creek the general commerce of this country.

Mr. TOWNSEND, of Ohio. Does the gentleman from Kansas know that during the last year 2,700 vessels arrived at that port, according to the statistics?

Mr. ANDERSON. If that be true, then of course they must have come in at high tide. When I get through I expect to withdraw my motion to strike out the $1,000, because if that harbor is already adapted to the entrance of the number of vessels to which the gentleman refers, then $1,000 will not make any material difference in its improvement. If it is not adapted to their entrance, that sum of money will not have any effect upon its improvement. But the appropriations which are made in a bill of this kind should be for purposes which can be of utility in connection with the commerce. It may just as well in such a case as this go where a great deal of the details of appropriations as mentioned here will go; we may charge it up to a high general royal account. My object in presenting this motion was only, however, to call attention to the facts in connection with this matter of appropriations as carried by this bill, and I now withdraw the motion.

The Clerk read as follows:

Improving channel between Staten Island and New Jersey: Continuing improvement, $25,000.

Mr. ANDERSON. I move to strike out the last word for the purpose of asking the gentleman in charge of this bill what the purpose of this appropriation is?

Mr. PAGE. Let me say to the gentleman that it is made in pursuance of the recommendations of the engineers. I can turn to the engineer's report if the gentleman wants to hear it.

Mr. ANDERSON. It is not one of the objected-to items?

Mr. PAGE. No, sir.

Mr. ANDERSON. I withdraw the motion.

The Clerk read as follows:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $100,000.

Mr. RICHARDSON, of South Carolina. In line 70, I move to strike out "100" and insert "250;" so that it will read:

Continuing improvement, $250,000.

The amount recommended by the Engineer Department for the improvement of Charleston Harbor is $1,800,000. The amount which the Engineer Department has said can be used and ought to be appropriated for the improvement of the harbor for the next fiscal year is $755,000. In a report which I hold in my hand, and a part of which I will incorporate with my remarks, the Engineer Department informs us that unless a sufficient amount is appropriated now to continue the improvements which have been begun great losses must result to the Government and serious injury to the work. Here is what the report from the Engineer Department says:

The work as far as constructed is generally in a satisfactory condition, notwithstanding some slight settlement has occurred at different periods at several portions of both jetties. Thus far nothing of a serious nature has taken place. At other points sand is collecting over the work, aiding in protecting the mattress logs from the attacks of the teredo.

Considerable scour has recently been observed alongside of and past the seaward portion of the south jetty. This has not only necessitated the construction of spur jetties on either side of it, but also indicates the expediency of a rapid seaward extension of the work, to guard against an undue increase of its ultimate cost.

To expend the sum of $300,000 appropriated for improving the entrance to Charleston Harbor, by act of Congress passed August 2, 1882, a contract was entered into, on September 30, 1882, with Mr. A. Ames Howlett, of Syracuse, New York, who agreed to do at least $25,000 worth of work per month.

Operations under this contract were commenced during the latter part of October last, and are now progressing. It is calculated that of said appropriation not more than $50,000 will remain unexpended at the end of the present fiscal year, and it is probable that the entire sum will be expended by the first of the following August.

It should be stated that, while the future ship-channel proposed to be developed and protected by the jetties is not yet formed nor available for the passage of large vessels, though some important changes are taking place, the existing or Pumpkin Hill Channel shows unmistakable signs of deterioration, caused no doubt by the influence of the works now in progress. A further reduction of the depths of this channel may be reasonably expected. It seems, therefore, to be of great importance, if not of urgent necessity, to promote the formation of the new ship-channel, not only by pushing out and raising both jetties as rapidly as possible, but also to hasten this effect by dredging, so that increased depths may be obtained at an early date. The increase gained in this manner will undoubtedly be substantially maintained by the jetties if the latter are simultaneously extended and strengthened.

The present appropriation is not sufficient to carry the work through this critical stage, and it is therefore greatly to be desired that an additional sum be made available for the coming fiscal year, in order to prevent a suspension of operations.

Should this latter take place, it would undoubtedly cause a very material increase in the cost of this work, and seriously jeopardize even the present inadequate facilities for commerce.

I understand the plan of the committee has been to give ordinarily one-third of the amount recommended by the Engineer Department. And yet, in this instance, we have less than one-seventh of the amount appropriated. Now, I appeal to the committee that in the interest of economy as well as a matter of justice to the people of Charleston to put them upon an equal footing with the other appropriations which they recommended in the bill, they should at least give one-third of the amount which the Engineer Department has asked for as absolutely necessary to be appropriated in order to carry on in a proper manner this great work and to prevent loss on the work already done. If they do not intend to abandon the work and allow all that has been done to be lost, and the expense incurred by the Government wasted, I appeal to them to adopt the amendment I have offered and at least allow a sufficient amount to enable this work to be carried to such a state of improvement that no loss will result to the Government from a cessation of all work. I hope the amendment will be adopted.

Mr. PAGE. I agree with what the gentleman from South Carolina [Mr. RICHARDSON] has said as to the importance of this work. The committee endeavored to keep this bill down somewhere between bounds. They tried to make a bill against which there could be no complaint as to the extravagant amount of money carried by it. It is true that the Engineer Department asked for $755,000. There are $60,000 now on hand or will be on the 1st of July. We have given $100,000 more, making in all that will be available for that harbor for the next year $160,000. I leave it to the Committee of the Whole to decide whether they wish to increase this appropriation.

Mr. RICHARDSON, of South Carolina. Let me read a single passage from the engineer's report.

Mr. PAGE. There are many other works in the same condition as the Charleston Harbor is.

Mr. RICHARDSON, of South Carolina. Mr. Chairman, the engineer in his report in answer to Senator BUTLER's request uses this language speaking of the suspension of operations:

> Should this take place it would undoubtedly cause a very material increase to the cost of this work and seriously jeopardize the present inadequate facilities for commerce.

I trust, in the interest of economy and the preservation of what has already been done, that we shall pass this amendment.

Mr. MACKEY. I move to strike out the last word.

The amount appropriated in this bill for the continuation of the work now in progress for improvement of Charleston Harbor is so utterly inadequate that it is almost equivalent to an abandonment of the work which was begun there several years ago for the deepening of the channel at the entrance of the harbor. Any one who will take the trouble to read the reports that have been made by the engineers in charge of the work will see that those engineers express the opinion that unless an adequate amount is appropriated for the purpose of continuing the work throughout the next fiscal year serious shoaling may occur in the channel now used for the purpose of entering the harbor, which may result in a serious injury to the commerce of the port. In a recent communication from Lieutenant Bailey of the Engineer Corps, that officer says:

> The work is now just in that condition when it should be pushed with energy. A discontinuance would unnecessarily expose the present work to deterioration, increase the cost of future construction, and seriously delay the development of the new channel.

With an appropriation of only $100,000 work can not be carried on through more than about one fourth of the year and consequently during the balance of the fiscal year the work will have to be suspended.

In comparison with the appropriations provided in this bill for other harbors, the Committee on Commerce, in proposing so small an amount for Charleston Harbor, have acted rather unfairly to that locality. By this bill the appropriation proposed for the harbor of Mobile, Alabama, is $100,000, the same amount as it is proposed to give to the harbor of Charleston. And yet by reference to the annual report of the Chief of the Bureau of Statistics on the commerce and navigation of the United States it appears that the value of imports and exports of merchandise during the past fiscal year from the port of Charleston was over $20,000,000, while the value of imports and exports from the port of Mobile, for the improvement of whose harbor it is also proposed to give $100,000, amount to only $3,637,681, about one-sixth of the value of the imports and exports at Charleston. Furthermore, in the value of her imports and exports Charleston ranks as the eighth port in the United States, while Mobile ranks as the twenty-fourth.

Let me mention another instance. By this bill it is proposed to give Galveston, Texas, $200,000, or twice the amount given to Charleston, and yet in the value of her imports and exports Galveston stands below Charleston. And so in other cases, which I could mention if I had the time. Here is a port, the value of whose commerce is over $70,000,000——

Mr. DAVIS, of Illinois. Can the gentleman give us the amount of tonnage?

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. WASHBURN. I hope this amendment will not be agreed to, and I hope no amendment will be agreed to increasing these appropriations. There are hardships in many cases no doubt, but the Committee on Commerce, desiring to bring in a bill that would meet the approbation of the House, have felt it their duty to reduce many appropriations they otherwise would have increased. I trust all friends of the river and harbor bill will stand by the bill as reported by the committee, at least so far as keeping it within its present bounds is concerned.

Mr. BURROWS, of Michigan. I would ask the gentleman one question. In that case what is the use of considering the bill?

Mr. WASHBURN. I have a right to appeal to the House to keep this bill within its present limits. It is in the discretion of the House to do as they please. The river and harbor bill of last year passed through the House without an amendment, and I hope this will. Those who are desirous of beating the bill entirely I notice are in favor of amendments.

Mr. WHITE. The gentleman will not insist that this bill is prepared as carefully as the last one was.

Mr. WASHBURN. If the gentleman from Kentucky [Mr. WHITE] had taken pains to be in the committee-room a few times he would have known all about it.

Mr. WHITE. The committee was not full at any time; the bill was prepared by half a dozen men.

Mr. MACKEY. I will ask the gentleman, is not the amount appropriated for Charleston Harbor much less in proportion than in any other case?

Mr. WASHBURN. That may be the fact, but Charleston is one of the harbors for which large appropriations have been made. The Galveston Harbor improvements are comparatively recent; so that there is very good reason for the larger appropriation in the latter case than in the former.

Mr. MACKEY. The gentleman is mistaken as to that.

Mr. KENNA. I move to strike out the last word, for the purpose of asking the chairman of the Committee on Commerce, or some member of that committee, whether in the reduction made in reference to the appropriation for Charleston Harbor the same rule substantially has been applied that was applied to other reductions throughout the bill?

Mr. HORR. I will answer the gentleman by saying that the reduction of the appropriation for Charleston Harbor is larger than we have generally made throughout the bill; there is no doubt about that. The facts are these: we last year gave a larger amount to Charleston Harbor than to any other harbor along that coast. Of that amount there is $60,000 left, and we concluded that they could get along this year very well with $160,000, though upon the face of it the gentleman from South Carolina [Mr. MACKEY] is correct in his statement. It does not look exactly just, but we tried to give what we thought they ought to have.

I am frank to confess for one that when the estimates came to the committee there was a feeling that the one for Charleston Harbor was a very large one.

Mr. KENNA. I made that inquiry, looking further than merely the appropriation in this particular instance. If the Committee on Commerce in devising this bill have made the same general reductions, taking into consideration and always having in view the question of the amount which will be on hand for each of these works at the close of the present fiscal year—if, in other words, the reductions have been made with some degree of uniformity and with a general degree of fairness throughout, I am ready to accede to the request of the gentleman from Minnesota [Mr. WASHBURN] and aid in the passage of this bill as it came from the committee.

Mr. MACKEY. But in this instance the reduction has not been made with uniformity and justice.

Mr. WHITE. I move to strike out the last word. The estimate for 1884 for Charleston Harbor was $755,000. The amount recommended by the Committee on Commerce in this bill is $100,000.

I rise to reply especially to the gentleman from Minnesota [Mr. WASHBURN], who has intimated that if I had attended the meetings of the committee a little oftener I would not have had such a bad opinion of this bill.

Mr. HORR. No; he said you would have known more about it.

Mr. WHITE. I desire to remind that gentleman, without betraying any of the secrets of the committee, that among the first things we did in that committee was to agree on some system by which to prepare this bill. And the gentleman from Michigan [Mr. HORR] offered a resolution that we would take the estimates and prepare a smaller bill than we had last year upon some fair basis, say of 33⅓ per cent. of the estimates.

After we had proceeded a little ways it was found that that would not work as well as it was thought originally it would work. When we came to this Charleston Harbor the grossest injustice was done by giving not merely 33⅓ per cent. but going way down below that proportion of the estimates, and treating that harbor unjustly and unfairly, although the board of trade asked us for an appropriation to develop the trade in Charleston, as the board of trade in Louisville did for that city.

I say again, as I said a moment ago, that this bill has not been carefully prepared but is a patched-up arrangement.

Mr. BISBEE. I wish to say a word upon the pending amendment for the reason that I represent a district that has an improvement going on which is in precisely the same condition as the improvement at Charleston.

I do not wish to condemn or criticise the Committee on Commerce. But when they inform the House that they have adopted as a rule of action as the basis of their report the taking one-third of the estimates of the engineers——

Mr. PAGE. No such statement has been made, no such rule was adopted.

Mr. BISBEE. Then I think they have gone on a wrong basis.

Mr. WHITE. Let me interrupt the gentleman a moment.

Mr. BISBEE. Not now.

Mr. WHITE. Merely to correct a mistake.

Mr. BISBEE. Not now. This is a national work, and after a plan of improvement has been adopted by the Engineer Department and the work commenced, I want to know what reason there is for not appropriating money enough to keep that work continuous until it is completed. Is it not economy to do so?

Would it not be a waste of public money to frame a bill giving a little appropriation for one harbor and a little for another, instead of giving sufficient to keep the works going on continuously until they are completed. There is no sense in acting otherwise, and there is certainly no statesmanship in so doing.

The Government is committed to the completion of this work. There is no complaint that the Government has not money enough to complete it. It is obliged at some time to complete the work, but instead of appropriating money enough to do so in one year or two years, it is proposed to drag it along through a series of four or five or even ten years.

I have a word to say to this side of the House. In 1880 we had a national convention at Chicago, and in the platform adopted at that convention I find among other things that the party committed itself to this:

That we esteem it the duty of Congress to develop and improve our watercourses and our harbors.

And I find in the letter of acceptance of General Garfield the following:

Fortunately for the interests of commerce there is no longer any formidable opposition to appropriations for the improvement of our harbors and great navigable rivers, provided that the expenditures for that purpose are strictly limited to works of national importance.

Now, sir, we are committed to this doctrine of improving our seacoast harbors and all the navigable waters under the jurisdiction of the United States.

[Here the hammer fell.]

Mr. TOWNSEND, of Ohio. I desire to say very briefly——

The CHAIRMAN. The Chair will interrupt the gentleman from Ohio [Mr. TOWNSEND] by saying that he was in error in recognizing him, as he desires to alternate from side to side of the House, and will now recognize the gentleman from South Carolina [Mr. EVINS].

Mr. EVINS. I want to say but a word or two. This is a very serious matter, not only to the people of Charleston, but to all who trade with Charleston. The engineer in charge of the work is now here; a delegation from that city is also here to represent to this Congress the importance of making a more liberal appropriation for the completion of the improvements of that harbor.

The gentleman from Michigan spoke of the large estimate made by the engineers and seemed to question—at least by his manner—whether the estimate should have been made so large.

Mr. HORR. No; the point I made was that it seemed to be larger than the other estimates for works on the coast, and consequently a different rule would apply.

Mr. EVINS. Mr. Chairman, the reason of that is very evident. The character of the work is such that it is absolutely necessary it should be pressed with all vigor to completion.

Mr. HORR. That may be.

Mr. EVINS. The plan of the work there, as members of the committee know, is the jetty system; and in order to make this work effective, in order that it may not obstruct the entrance to the harbor, it must be prosecuted vigorously. It has already changed somewhat the channel entering into that harbor. By the continuance of the work the channel is constantly shifting, and there is great danger that the Government, too, will suffer great loss if the work should not be continued without interruption as the engineers desire.

I regretted very much to hear my friend from Minnesota appeal to the House to stand by the bill as it came from the committee. Why, Mr. Chairman, if that is the way in which bills are to be passed through this House, what is the use of considering them at all? What is the use of taking up the time of members by going into Committee of the Whole and considering bills of this kind, item by item, if the bill as framed is to be accepted by the Committee of the Whole without change?

We may be sure, Mr. Chairman, that the members of the Committee on Commerce, representing different portions of this country, have taken care of their own local interests; but I trust that there are in the House friends enough of justice and fair dealing to adopt this amendment. The appropriation proposed in the bill is entirely inadequate, as must appear when it is examined, especially in connection with appropriations reported for other harbors along the coast. As was stated by my colleague, the appropriation for Galveston Harbor is $200,000; the appropriation proposed for the Tennessee River is $200,000; but here is one of the most important works upon our whole seacoast, a work the importance of which is urged upon us by the chambers of commerce of New York and other commercial cities, which is cut off with the insignificant sum of $100,000. This important work being now in progress and likely to deteriorate greatly, to greatly injure the approaches to the harbor if not prosecuted rapidly to completion, this House should not hesitate about granting the additional appropriation proposed. If we are in earnest about this matter, if this measure is not intended to be a job, if we desire to improve our great rivers and harbors and thereby aid the commerce of the country, I am sure gentlemen can find no better opportunity for a wise appropriation of the people's money than is afforded by this amendment, and I trust it will be adopted.

The question being taken on the amendment of Mr. RICHARDSON, of South Carolina, there were—ayes 42, noes 55.

Mr. EVINS. I ask for tellers.

Mr. PAGE. I hope not.

Mr. EVINS. This amendment is so just that I hope the Committee of the Whole will not refuse to adopt it.

Mr. PAGE. I will say to the gentleman that if he has any disposition to have this bill considered in the Senate——

Mr. EVINS. I would rather not have the bill considered than that an appropriation so unjust in amount as that proposed in the bill should be made.

The CHAIRMAN. Does the gentleman from South Carolina demand tellers?

Mr. EVINS. Yes, sir. No quorum voted.

The CHAIRMAN. The point in regard to a quorum was not raised in time.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. MACKEY. I move to amend the pending paragraph by striking out "$100,000" and inserting "$200,000."

Mr. PAGE. Make it $150,000.

Mr. MACKEY. No, sir. All we ask is that this committee give to the harbor of Charleston the same amount given to the harbor of Galveston. In point of commercial importance our harbor stands a great deal higher. This is an exceptional case. The stoppage of this work is a serious injury to the harbor. Unless you are willing to give a sufficient amount to carry on this work properly, you might as well strike out the whole appropriation. We either require $200,000 or we require nothing. If we can not get what we are justly entitled to, I for one shall vote against this whole bill.

The question being taken on the amendment of Mr. MACKEY, there were—ayes 29, noes 53.

Mr. MACKEY. No quorum.

Tellers were ordered; and Mr. PAGE and Mr. MACKEY were appointed.

The committee again divided; and the tellers reported that there were—ayes 59, noes 81.

So the amendment was not agreed to.

Mr. MACKEY. I now move to amend by striking out "$100,000" and inserting "$175,000."

The amendment was not agreed to, there being—ayes 36, noes 47.

The Clerk read as follows:

Improving harbor at Pensacola, Florida: Continuing improvement, $25,000.

Mr. PAGE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, had come to no resolution thereon.

TARIFF AND INTERNAL REVENUE.

The SPEAKER. The Chair desires to announce the appointment of the gentleman from Georgia, Mr. SPEER, to fill the vacancy on the conference committee upon the bill (H. R. 5538) to reduce internal-revenue taxation.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford.

The message also announced that the Senate had passed, and requested the concurrence of the House in a bill, (S. 2482) to amend the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878.

The message further announced that the Senate had adopted a resolution (in which the concurrence of the House was requested) for printing 10,000 additional copies of the report of the Commissioner of Fish and Fisheries.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move that the House again resolve itself into Committee of the Whole for the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. CANNON in the chair), and resumed the consideration of the river and harbor appropriation bill.

Mr. DAVIDSON. I offer the following amendment.

The Clerk read as follows:

After line 79 insert the following:

"Improvement of harbor at Appalachicola, Florida: Continuing improvement, $20,000."

Mr. DAVIDSON. Mr. Chairman, I desire to say a word in support of the amendment. Appalachicola is a Gulf port situated at the mouth of the Appalachicola River. It is a city of growing importance, largely engaged in the manufacture of lumber. Annually for three or four years past Congress has made an appropriation for the improvement of the channel of the harbor of that city. Now, sir, the last appropriation will soon be exhausted and the work stopped unless appropriation be made for it by this bill.

The engineers report only $45,000 is required to complete the work. My amendment asks but for $20,000 to continue this work. Yesterday afternoon the gentleman from California [Mr. PAGE], the chairman of the Committee on Commerce, when appealing to this House to take up and consider the river and harbor bill, said that millions of money would be lost if that bill was not considered and promptly acted on, that the benefit resulting from appropriations heretofore made would cease. So I can say of the Appalachicola River that the appropriations heretofore

made will be lost unless this work is continued. Therefore, sir, not only as a matter of right, but as a matter of economy, I ask that this amendment be adopted. It is not to commence a new work at Appalachicola, but to continue a work which has been in operation for three or four years past.

Mr. PAGE. In response to the gentleman from Florida, Mr. Chairman, I desire simply to say that while I presume all he states is true, and no man on the committee regrets more than I do the inability of that committee or of Congress to give a sufficient amount of money to protect all these works, nevertheless the gentleman will observe we have given for the improvement of the harbor of Pensacola $20,000, or nearly one-half. There are many works which the committee could not provide for; but we have selected the most meritorious, leaving the others to be carried over and provided for in the next Congress.

Mr. DAVIDSON. I would not only be satisfied with 33 per cent., but would be satisfied with 25 per cent. of the amount recommended by the engineers.

Mr. WHITE. I wish to say a word in regard to this harbor at Appalachicola.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WHITE. I rise to support the amendment of the gentleman from Florida, and will move *pro forma* to strike out the last word.

Now, in reference to this improvement at Appalachicola Bay, Florida, I read from the report of the engineers:

6. *Appalachicola Bay, Florida.*—The present project for this improvement was adopted in 1880, the object being to afford a channel of entrance from Appalachicola Bay into Appalachicola River, up to the wharves of the city of Appalachicola, one hundred feet wide and eleven feet deep at mean low water. The channel before the improvement was commenced had a depth of four feet at the shoalest place.

Now, we have appropriated $1,000 to complete the work at Plymouth, where, as stated by the gentleman from Colorado [Mr. BELFORD], at low tide there is no water at all—a mere mud-hole. Here we have at mean low water a channel eleven feet deep. We have spent a good deal of money already. Last year the Committee on Commerce, which sat day and night for months, and not for a few hours, with a small part of the committee present, as it did at this session—that committee, then, at the last session thought this work was of sufficient importance to appropriate $25,000 for the purpose of continuing it. Now, because the President dared to veto that bill, and because the metropolitan press and the railroads of the country had dared to raise a howl against Congress on that account, we propose to put our tails between our legs and run away. If it were an important work last year it is an important work now. If we appropriated $25,000 last year, why not appropriate $25,000 now to continue this work, which by the engineers' report they can profitably expend this year?

The President says now they have more money than they knew how to use, but the Chief of Engineers says that for the next fiscal year they can profitably expend $45,000. Why, then, has not the committee provided for it in this report? Why did they leave it out entirely? Now, when the gentleman from Florida [Mr. DAVIDSON] asks for the small sum of $20,000 to continue a work, is this House ready to say to the country that last year it acted corruptly, that it was wrong in making appropriations aggregating $18,000,000, and therefore they are going to whittle it down to $8,000,000 this year? Will they do any such thing? If we are going to vote to stand by what was done last year, if we are going to take what the engineers estimate instead of the howl of the press, then let us stand by this appropriation moved by the gentleman from Florida. It is for the continuance of a work recommended by the engineers.

Mr. TOWNSEND, of Ohio. Mr. Chairman, I rise to oppose the amendment, and I desire to say in a very few words that the committee, in order to keep the bill down to a reasonable amount, allowed only 25 per cent. of the amendment recommended by the Secretary of War. We were compelled to make some reduction in many cases where we would have been glad to appropriate the full amount. Those only were omitted which would receive no injury by waiting for a year longer.

There will be no serious injury or loss by postponing that for a year or two. It is not necessary that it should be appropriated at this time, and I hope the amendment will not prevail.

Mr. WHITE. I withdraw the amendment.

Mr. BELFORD. I desire to offer an amendment, to come in at the end of line 75.

The Clerk read as follows:

That $100,000 be appropriated for the construction of reservoirs at points where the Platte and Poudre Rivers emerge from the Rocky Mountains, in the State of Colorado, to the end that the surplus waters of these streams which occur in the spring-time may be utilized in reclaiming the lands belonging to the nation.

Mr. PAGE. If the gentleman from Colorado desires to be heard upon his amendment I will reserve the point of order.

Mr. BELFORD. I beg to say a word on the point of order. This bill, Mr. Chairman, pertains to water, and my amendment proposes that for the reclamation and the redemption and the utilization of the arid plains of this nation the surplus waters of our Western streams shall be preserved. I have stood here and voted for the improvements of the rivers and harbors of the East. There is not a river in my State that is benefited by the appropriations carried in this bill. We have no harbors in the State of Colorado. I have regarded this, however, as a great national question, a question as broad as the confines of the Republic itself. I have voted for river and harbor appropriation bills because in the valley of the Mississippi River there are 30,000,000 of the people of this nation; because it is a river that goes through eighteen States and two of our Territories. I have voted for it because I believed the time had come when the Republican party, with its grand generosity of character, could reach its hand down to the struggling people of the South and lift them out of the destitution and the impoverishment of war. I voted for it because I regarded it as the entering-wedge into the great coming political battle against the monopolists of the nation. Both parties are destitute of issues. The railroad companies of this country have subsidized its press and have attempted to disgrace, discredit, and dishonor the action of this Congress because it desired and dared to promote the national commerce. I propose to vote for this bill now because I believe it will cheapen transportation. Reduce the tonnage tax 1 mill and you save to the people of this country $70,000,000. Add 1 cent to it and you tax them $700,000,000 a year. I regard this bill in the interest of the great body of the toiling, working, laboring people of this nation, and for that purpose and that purpose alone it shall receive my hearty support. [Applause.]

I withdraw the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Florida.

The House divided; and there were—ayes 52, noes 59.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Tampa Bay, Florida: Continuing improvement, $10,000.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 81 insert:

"Improving the northwest channel of the harbor of Key West, Florida, $25,000."

Mr. DAVIDSON. I am aware, Mr. Chairman, that the prospect is not very cheering to secure the passage of that amendment, but I offer it in the discharge of what I believe to be a duty devolving upon me. The commercial importance of Key West demands that this harbor should be improved. It is the extreme southern city of the Union, containing a population of more than 10,000 souls. It collects annually for the Government between four and five hundred thousand dollars of revenue. The number of vessels that entered and cleared from that port during the year 1881 was more than nine hundred. This amendment asks for an appropriation of $25,000 to improve the northwest channel of that harbor. Should that channel be deepened the distance from Key West to the Gulf ports would be shortened by about one hundred miles, as will be seen by the letter of the collector of the port which appears in the report of the engineers.

Now, Mr. Chairman, this is not only a local matter, in my judgment, but it is one of national importance, for the ports of the Atlantic as well as of the Gulf are concerned in it. Not only citizens of Key West are interested, but all persons concerned in sailing vessels around the Florida capes are interested.

If I may be permitted I will say that the claims of Key West in my judgment have not been recognized by Congress as they should have been. Long since there should have been a public building there for customs, court-house, and post-office; for the buildings—shanties, they may be called—in which these offices are now kept do no credit to our Government and are altogether inadequate for the purpose for which they are used. But I can not hope for the passage of a bill of that kind during this Congress. Still, in view of the importance of that city and the character of the work proposed, and notwithstanding obstacles that have been thrown in the way of any additions to this bill, I hope the committee will adopt the amendment.

Mr. PAGE. Let me call the attention of the gentleman to the fact as shown by Miscellaneous Document No. 15, that the sum of $25,000 already appropriated for this purpose has not been used, nor has any order been given by the Secretary of War to commence the work.

Mr. DAVIDSON. I could have anticipated what the gentleman has said, but as I live in that district I think it only proper to state that by the time the next Congress meets this appropriation will have been exhausted.

Mr. PAGE. But the $25,000 appropriated last year is still on hand, and there is no order to begin the work.

Mr. DAVIDSON. I know that, but probably it will begin very soon, and that sum is not adequate to keep it up until the next Congress meets.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida [Mr. DAVIDSON].

Mr. DAVIDSON. I do not desire to delay one moment the progress of this bill, but in justice to my constituency I must demand a division.

The committee divided; and there were—ayes 29, noes 42.

So (there being no further count called for) the amendment was not agreed to.

The Clerk read lines 92 and 93, as follows:

Improving Sabine Pass, Texas: Continuing improvement, $75,000.

Mr. WHITE. I desire to have some explanation of this item. Why does the bill appropriate $75,000 for Sabine Pass?

The CHAIRMAN. The Clerk will report the gentleman's amendment.

Mr. WHITE. I move to strike out lines 92 and 93.

The CHAIRMAN. The gentleman from Kentucky will be heard on his motion to strike out.

Mr. WHITE. The point, Mr. Chairman, I desire to call attention to is that in this case the appropriation is $75,000, whereas in the engineer's report it is estimated that $500,000 can be profitably expended there. I want to know from the committee why it is they propose to keep that work hanging fire on the pittance of $75,000 when it is reported by the engineer that $500,000 can be profitably expended?

Mr. DUNN. But they can not do it all at once.

Mr. WHITE. I call upon the chairman of the committee to explain this to the satisfaction of the House and the country. I think it is another evidence of what I have twice stated, that this bill is simply an endeavor to appease what our committee believe—and it is hoped the House will indorse that action—was the scare throughout the country that last session we did something that was horribly bad.

Now, sir, I do not believe that. And if there is any reason why that work last year should have had $150,000, and if this year they can profitably expend $500,000, and it is an important work, and in the unanimous opinion of our committee last year it was considered an important work, why should it be crippled in this way by giving it only half what we gave it last year?

Mr. DUNN. Why does the gentleman not move to increase the amount?

Mr. WHITE. I would move to increase it if I were in favor of passing any bill. But I say we should not pass any bill if we believe that the President and the Secretary of War have an abundance of that $18,000,000 on hand. The President, in his veto message, said it was more than he could expend within the year. I therefore would appropriate nothing, but would leave them to expend what they have on hand.

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Huron, Ohio: Continuing improvement, $4,000.

Mr. ANDERSON. I move to strike out the paragraph just read.

I find this language in the report of the Secretary of War:

IMPROVING HARBOR AT HURON, OHIO.

Continuing improvement..... $2,500

The local engineer reports that he has endeavored to procure statements of the commerce of the port for the past ten years, with the aggregate amount of imports and exports during that time, but it could not be furnished by the collector of customs. The records show that the amount of commerce to be benefited is very small; but the community anticipate some increase on the completion of a railroad which it is proposed to build to that point.

Mr. TOWNSEND, of Ohio. I simply desire to reply that this is one of the oldest harbors on Lake Erie. It has been a port of entry for forty years. It is in the collection district of Sandusky city and its commerce is reported to that office; and of course it has no very large amount of reports in its own office. It is one of the harbors that some years ago were more important than now. But there has been recently constructed a railroad terminating at that point and there is another in progress of construction which will make it a very important harbor. A large amount of shipping will be there. It is important to improve it; and this is only to keep the harbor in a proper state. It is a proper appropriation.

The amendment was not agreed to.

The Clerk read lines 106 to 107 as follows:

Improving ice-harbor at the mouth of Muskingum River, Ohio: Continuing improvement, $20,000.

Mr. DAWES. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$20,000" and insert "$40,000."

Mr. DAWES. I am perfectly aware of the extreme difficulty of breaking in upon the completed proportions of this bill, but here is a case where as soon as the Engineer Department became aware what the appropriation for the work was they immediately entered their protest.

The Secretary of War last night presented to this House a communication from the engineer in charge of the Ohio River, in which he says:

I notice the new river and harbor bill appropriates only $20,000 for ice-harbor at the mouth of the Muskingum River, Ohio. The necessary amount of work can not be undertaken without an appropriation of at least $40,000, and I therefore urge that this state of affairs shall be made known to the Committees on Commerce of the two Houses.

Now, the point is this: the work is especially hazardous for the reason that the Government is constructing a lock through a dam belonging to the State of Ohio. The portion of the lock above the dam is completed. The dam is to be cut through, and in order to enter upon that breaking through of the dam and the reconstruction of the dam special and extraordinary risks to the Government as well as to the improvement of the river are necessarily encountered. I shall incorporate as a part of my remarks the letter from Major Merrill. It is as follows:

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, February 20, 1883.

GENERAL: I notice that the new river and harbor bill appropriates only $20,000 to the ice-harbor at the mouth of the Muskingum River. The work at this point is specially hazardous, inasmuch as the United States is building a large lock, on a quicksand bottom, through an existing dam belonging to the State, which dam must be kept up and which has a low-water lift of twelve feet. All of the work lying in the pool of the State dam is finished; and the next thing to be done is to cut through this dam, remove the abutment and so much of the dam as comes within the lock, and immediately build up lock walls and new abutment so as to tie the new work to the land. Should a high flood come in the midst of these operations we should run the risk of having the river break through behind the new lock and carry away the large flouring-mill just below, and the Baltimore and Ohio Railroad bridge. But this risk is unavoidable, and if taken during the summer, when the rivers are usually low, it will not be imminent.

The point which I wish to urge is that we must either take this risk or do nothing at all during the coming season. But if we begin work we can not stop until both walls are built through the State dam and a firm connection is made with the bank. To stop short of this would be to invite almost certain destruction during the floods of the following winter.

This amount of work can not be undertaken without an appropriation of at least $40,000, and I therefore urge that this state of affairs should be made known to the Committees on Commerce of the two Houses.

It is specially important that a large appropriation should be made now, because a high stage in the Muskingum, with low water in the Ohio, may entirely demolish that part of the coffer-dam below the line of the State dam. As the old dam had to be cut entirely in two last summer to stop leakage, any serious damage to this part of the coffer-dam is almost sure to start another breach in the State dam, destroying navigation, and bringing serious loss upon the river interests.

We have reached a point where it is almost as dangerous to stand still as it would be to go ahead with insufficient funds.

As the Government has undertaken this work, justice to the people in whose interest it is built, and justice to the engineer, who is responsible for its safe construction, demands that such appropriations as are absolutely essential to the safe progress of the work should not be withheld.

Nothing can be done with an appropriation of but $20,000, and the committee should be so informed.

I inclose herewith a map, which shows the present condition of the work and illustrates my remarks on the necessity for a larger appropriation.

Respectfully, your obedient servant,
WM. E. MERRILL, *Major of Engineers.*

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, Washington, D. C.

It will be seen that this work is specially important, because of the risk of breaking the dam, and having floods occur such as they have had this season, destroying improvements below the dam, jeopardizing the bridge of the Baltimore and Ohio Railroad and putting in peril the property of the Government on which $150,000 have already been expended.

That is the situation. The estimate to entirely complete the work is $66,000. The committee have treated this as they have treated other works. They have given it its proportion of one-third, or $20,000. The committee were not in possession of these representations. They were laid before the House last night by this communication from the Secretary of War.

Now, the point in this case is that the property of the Government at this work is in peril, and the navigation of the river, involved in the preservation of that dam, is also imperiled, and the Government is bound to preserve and maintain that navigation as a condition of the grant by the State of right of way through its dam, which is one essential link in the chain of dams that make the river a line of navigation.

There is a valley here nearly one hundred miles long, with a rich commerce which is dependent upon the preservation of that public work. I am sure I will get the support of my honorable friend from New York, who speaks a great deal against this bill. He is a product of that valley, one of its fairest flowers, that has for many years adorned this Hall; I refer to the gentleman from New York [Mr. COX], who was born on the banks of that river, and if he can not support the bill he will scarcely refuse to help this small amendment for the Muskingum River.

Mr. BUTTERWORTH. A single word. I desire to say to the gentleman in charge of this bill that the investigation shows that the work here ought to be put in such condition that the Government shall not sustain actual loss.

Mr. PAGE. We gave more in proportion for this work than for many others.

Mr. BUTTERWORTH. If the condition of this work is such that it can not be placed in a condition of safety with the amount you propose to give, and the result of not giving more will be a great loss to the Government, then there will be neither a suggestion of economy nor of propriety in refusing such a sum as will put this work in a proper condition. The letter of the engineer shows that by refusing to give a proper appropriation you will jeopardize all that has been done by the Government, as well as the work belonging to the State.

Mr. TOWNSEND, of Ohio. I do not think it necessary to say anything about this matter. The facts were presented to the committee, and we considered them all carefully. I am aware that the engineer can do more work with $40,000 than with $20,000; but in justice to other works we propose to give $20,000 to this. I am satisfied that it can go over to the next year with the remainder of the public works, and I am not in favor of increasing the appropriation.

This information, referred to by my colleague [Mr. DAWES] came too late to the Commerce Committee. It is now impossible, in justice to the bill, to accept an amendment, and a liberal appropriation is made for this work in comparison with other works, and we must preserve the harmony of the bill if we expect to have any hope of passing it. I am in favor of this improvement and always have been.

The amendment of Mr. DAWES was not agreed to.

The Clerk read lines 110 and 111, as follows:

Improving harbor at Sandusky city, Ohio: Continuing improvement, $10,000.

Mr. TOWNSEND, of Ohio. I wish to offer an amendment to the paragraph just read.

Mr. WHITE. Lines 108 and 109 should be read after the amendment which was offered by the gentleman from Ohio [Mr. DAWES] in line 107.

Mr. TOWNSEND, of Ohio. Those lines have been read.

The CHAIRMAN. The Chair understands that those lines have been read.

Mr. WHITE. I make the point of order that they have not been read; that lines 108 and 109 have not been read since the gentleman from Ohio [Mr. DAWES] was allowed to move an amendment to line 107. And it is not in order for the Clerk to read lines before amendments have been offered to preceding lines.

The CHAIRMAN. The Clerk will read the lines indicated.

The Clerk read lines 108 and 109, as follows:

Improving harbor at Port Clinton, Ohio: Continuing improvement, $5,000.

Mr. WHITE. I move to strike out lines 108 and 109. The Secretary of War, in Executive Document No. 1 of this session, page 2, reports to Congress as follows in regard to this item:

The first survey of the harbor under the General Government was made in 1867; but no action was taken upon it. In 1870 a new survey was made, which showed the channel at the entrance to be narrow and intricate, with a depth of only five feet.

Now, I would like to know if that is not a trout stream?

Mr. RYAN. No.

Mr. WHITE. Well, it is a trout harbor. The amount appropriated in the bill of last August for this item was $6,000 in a bill appropriating over $18,000,000. We now propose to give to this trout harbor $5,000 in a bill of less than $8,000,000. You tell me this is a fair bill, is a just bill. I tell you it is a bill without due consideration, patched up to fit a few localities.

Furthermore, if we are going to make appropriations, let us do so on a fair basis, or we will get more condemnation for the bill we are running through now than we did after making a gallant fight with a bold front on the bill of last August.

The Chief of Engineers in his report to the Secretary and to the President, who vetoed the last bill, I believe, says that the amount which can be properly expended for the fiscal year ending June 30, 1884, for this purpose is $20,000. Now, I have no doubt that if we are going to make a good harbor out of this trout harbor, we can expend $500,000 before they will be done asking for it. This seems to be one of those places where it is convenient for the State of Ohio to spend money. I move to strike it out

The motion to strike out was not agreed to.

The Clerk read lines 110 and 111, as follows:

Improving harbor at Sandusky city, Ohio: Continuing improvement, $10,000.

Mr. TOWNSEND, of Ohio. I move to add to the clause just read the words "and to deepen the channel to sixteen feet." That was omitted by the committee.

The CHAIRMAN. If there is no objection the amendment will be adopted.

There was no objection.

The CHAIRMAN. The gentleman will send up his amendment in writing.

Many MEMBERS. Read! Read!

Mr. WHITE. I object to reading, until we know what amendment has been adopted.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add to the clause these words:
"And to deepen the channel to sixteen feet."

Mr. WHITE. On page 301 of this report I find that the engineer in charge recommends that the depth of the channel of this harbor be increased to sixteen feet. I would like to know whether the gentleman from Ohio [Mr. TOWNSEND], because he is a member of the Committee on Commerce, is going to override the recommendation of the Department for this harbor?

Mr. TOWNSEND, of Ohio. That is just what the amendment is.

Mr. WHITE. You are not going to do it all this year?

Mr. TOWNSEND, of Ohio. I want to say to my good-looking friend from Kentucky [Mr. WHITE] that this is in the line of the recommendation of the Engineer Department; does not increase the appropriation at all. It is proposed to deepen the channel of the harbor to sixteen feet, which is a proper depth for the channel of a harbor on Lake Erie.

Mr. WHITE. Mr. Chairman——

Mr. WILSON. The apology is all right, WHITE; sit down. [Laughter.]

Mr. WHITE. Mr. Chairman, the Chief of Engineers in this report says he estimates the cost of gaining this increased depth at $61,000. Now, if I understand the object of the gentleman from Ohio it is to drive a peg upon which to get future appropriations. There can be no other object. But we are now in an era of reform. We have passed the civil-service-reform bill. We have heard from the country on tariff reform at the election of last November. We are now about to have another election on internal-improvement reform. If the President was right in vetoing the last river and harbor bill, then the amendment of the gentleman from Ohio is not only in bad taste, but in direct violation of the spirit of that veto message which seems to have been indorsed in Ohio, though it was not indorsed in Kentucky. I am doing this for the good of the Republican party in Ohio.

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at Michigan City, Indiana: Continuing operations at outer harbor, $50,000.

Mr. ANDERSON. In order to make an inquiry I move to strike out the paragraph last read. The Secretary of War in his report says:

Work on the outside harbor was designed in the interest of the general commerce of the lakes, and has been carried on in pursuance of approved projects. Work on the inner harbor has for its object the enlargement of an unnavigable creek to a capacity sufficient to admit vessels drawing over twelve feet of water, and the docks are built on private property adjoining as rapidly as the improvement is carried forward. Its prime benefit accrues immediately and directly to the owners of this dock property.

There seem to be two points of appropriation here—the outer harbor, which might possibly be brought within the purview of the phrase general commerce, and this creek, the improvement of which is evidently for the benefit of private parties.

I see also that of the last appropriation of $80,000 only $45,000 was drawn. I wish to inquire whether the $50,000 appropriated in this bill, together with the $35,000 undrawn, will be expended on this creek or on the outer harbor?

Mr. PAGE. The objection made by the Secretary of War was to the improvement of the inner harbor; this appropriation is for the outer harbor.

Mr. CALKINS. Mr. Chairman, the misapprehension of the Secretary of War and also of the gentleman from Kansas——

Mr. ANDERSON. I simply quoted his language.

Mr. CALKINS. Is that they did not know that in 1865 the Michigan City Harbor Company was required to pay $100,000 for the benefit of the outside harbor before the Government would make any appropriation at all to again commence the work.

Mr. HORR. The outside harbor is a harbor of refuge.

Mr. CALKINS. The outside harbor is a harbor of refuge. The inner harbor has been improved by the harbor company, and the Government has simply been paying back to that company the money it was required to expend in 1865. But in this bill the committee have been so careful that they have done the injustice of not allowing the Government to pay the balance due to this harbor company.

Mr. WHITE rose.

Mr. ANDERSON. I withdraw my amendment in order that the gentleman from Kentucky may renew it.

Mr. WHITE. I renew the amendment. When we were considering the improvement of Charleston Harbor I stated that the Chief of Engineers has said that the Government could probably expend on that harbor $755,000. But notwithstanding the prayer of the boards of trade of Charleston, of Cincinnati, and of Louisville, the latter two cities looking forward to their railroad communications soon to compete with Charleston, this committee gave to Charleston Harbor less than one-seventh of the estimate of the Engineer Department, notwithstanding the rule of the committee to give one-third. In reference to this harbor at Michigan City, for which the Secretary of War recommended an expenditure of only $200,000, and the improvement of which, as stated by the gentleman from Kansas [Mr. ANDERSON], is to be largely for the benefit of private parties, this committee, though smarting under the lash of the President's veto and the rebuke at the polls in last November, has seen fit to give 25 per cent. of the estimate. In the case of Charleston Harbor, where the recommendation of the engineer is that $755,000 be expended, you give but $100,000, while for Michigan City, where the same engineer recommends $200,000, you give $50,000.

Mr. ANDERSON. I rise to oppose the amendment. I find that appropriations have been made for Michigan City since 1836—not in every year, but nearly every year. The total amount appropriated has been $858,918.

Mr. CALKINS. That does not include the $100,000 that the harbor company paid.

Mr. ANDERSON. Now, here is a case where it appears nearly $1,000,000 have been expended, and yet the improvement of this creek is uncompleted; and for the outer harbor there is to be an appropriation of $50,000 more. I would like to know how much more money it is going to take before this company is repaid and this improvement completed.

Mr. CALKINS. I will answer the gentleman from Kansas in a single sentence. The engineer in charge of this work has estimated that about $100,000 more will complete the harbor of refuge.

Mr. ANDERSON. I would like to ask my friend this question—I have no doubt what the answer will be: whether the engineer if by his daily work he had to earn this sum of $1,000,000 would be quite so liberal in his estimates of expenditure?

Mr. CALKINS. I do not care to go off into the philosophy of labor.

Mr. ANDERSON. There is a little bit of philosophy here. Somebody must furnish this money. We are called upon to vote as to the way of expending this money, and it becomes a question in my mind whether Michigan City has not had pretty nearly enough.

[Here the hammer fell.]

The amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Calumet, Illinois: Continuing improvement, $15,000.

Mr. ALDRICH. I move the amendment which I send to the desk.

The Clerk read as follows:

In the clause just read strike out "$15,000" and insert the following:
"Fifty thousand dollars, $35,000 of which shall be expended for the improvement of the Calumet River, in accordance with the recommendation of the board of engineers in their report dated October 6, 1882."

Mr. ALDRICH. It happens, Mr. Chairman, that the report made by the engineers has just come in. I expect that there is not a single member of the committee who has seen it, unless it be perhaps the chairman of the committee, to whom I showed it yesterday. That report was made and sent here in accordance with the bill passed at the first session of the Forty-seventh Congress; that is in the river and harbor appropriation bill of last year. It gives all the facts as before, but presents them in a much stronger light.

Now, I apprehend, Mr. Chairman, there is not any improvement in our State, or indeed anywhere in the West that I know of, which is more important than this. The manufacturing industries which have grown up in that particular locality are remarkable. The river for a mile and a half is now being laid out for the purpose of building more factories. And the report of the Chief of Engineers states what is necessary to be done is to straighten the river.

I ask only for a small sum. I do not ask for more, because I wish to get what I do ask for. I do not want to ask for more, for, Mr. Chairman, I am really anxious to have this bill pass. I will, therefore, not take up the time of the committee, but if this committee will do what is right they will accept the amendment for the small appropriation which I have asked. I know, busy as the members of the committee are, and have been, if they only had time to read one-half of the report of the engineers in behalf of this amendment, to say nothing on the subject generally, I am sure they would have put it into their report on this bill. I ask simply the justice to increase the amount because of the building of these factories. They have increased fourfold in two years on this river. The absolute necessity of the improvement of this river is apparent at a glance, and without detaining the committee further I will ask that my amendment be adopted.

The committee divided; and there were—ayes 64, noes 41.

So the amendment was adopted.

The Clerk read as follows:

Improving harbor at Chicago, Illinois: Continuing improvement, $75,000.

Mr. DAVIS, of Illinois. I move to strike out "$75,000" and insert "$125,000;" so it will read:

Improving harbor at Chicago, Illinois: Continuing improvement, $125,000.

Now, Mr. Chairman, I offer this amendment in the interest of economy. We have a small balance left over from the last appropriation of something like $40,000. We require in all to complete this great improvement at Chicago $384,000. That finishes the improvement. The breakwater that is being constructed is right in the line of passage of vessels, and until this is completed it is really of no service.

I wish now to call the attention of the committee to the improvement of this, apart from the fact they have stated they have given close attention and careful scrutiny to provide for the large ports of this country. I notice they have voted an appropriation of $75,000 to improve Sabine Pass. The total tonnage passing over the bar at Sabine Pass is 4,000; while that of Chicago is 8,000,000. Yet you give to Chicago the same amount you do to Sabine Pass.

Further, at Sabine Pass the Government has expended $400,000 in experiments, and they are now beginning a new project, the completion of which will require the payments of $2,800,000. Aransas Pass is another where $175,000 is appropriated. The tonnage of that place is 15,000. Galveston is given $200,000. The tonnage amounts to 200,000. So with many others.

The improvement of Chicago Harbor ought to be completed in the interest of the commerce of the entire West.

A MEMBER. What is the tonnage?

Mr. DAVIS, of Illinois. Eight millions of tons. There is arriving and departing every twenty-four hours during the entire navigable season, from the 1st of April to the 1st of December, one hundred vessels.

The gentleman from New York [Mr. RICHARDSON], in his speech last night, referred to the amount of grain shipped to Chicago by rail—something like 150,000,000 of bushels. He stated 96 per cent. came by railroad. He did not add over 81 per cent. was shipped by steamer or barge. This is one of the first ports in the country. But little more is required to improve it. In the interest of economy it should be improved at once.

[Here the hammer fell.]

Mr. PAGE. I hope this amendment will not pass.

The committee divided; and there were—ayes 51, noes 50.

Mr. PAGE demanded tellers.

Tellers were ordered; and Mr. PAGE and Mr. DAVIS of Illinois were appointed.

The committee divided; and the tellers reported—ayes 47, noes 66.

Mr. VAN VOORHIS. No quorum has voted.

The committee again divided; and the tellers reported—ayes 61, noes 90.

So the amendment was rejected.

The Clerk read as follows:

Improving harbor at Black Lake, Michigan: Continuing improvement, $6,000.

Mr. SPRINGER. I move to strike out those lines. The Chief of Engineers' report of last year, page 2313, states that the commerce of this port is local and extremely light. A statement of that commerce is given in a table, which shows that instead of an increase of commerce by reason of the improvement it has vastly decreased.

The number of vessels entering that port for the year ending June 30, 1870, was 1726. The number for the year ending June 30, 1881, was only 165. The fact of the matter is, Mr. Chairman, that that port has degenerated and is of no utility. In a national point of view, it is of no utility whatever, as the report shows. Certainly not in the line of the general commerce of this country, and therefore I think this should be stricken out.

It appears that there has been already expended at that port $229,478, and that there was an available balance on hand for the fiscal year ending June 30, 1882, of $10,000. It is proposed now by this bill to add $6,000 more to it, to be thrown away. I hope gentlemen will not insist upon wasting and squandering the people's money upon such trifling and insignificant harbors as this. Therefore I move to strike out the clause.

Mr. WHITE. Mr. Chairman, before the vote is put I would like to be heard in addition to what the gentleman from Illinois has just said. I wish to state that the number of vessels entering that port in 1869 was 1,865; in 1870 that number had decreased to 1,726; but last year, 1882, there was only 192.

The object of establishing that port was in the first instance to get the timber away. That object having been accomplished, having removed the timber, there is no longer any necessity for the port. It is only one of those dry harbors in Michigan which are very convenient to spend $6,000 upon. Unquestionably it has no place in this bill, if there is to be any reform on the subject of internal improvement appropriations. We can not appropriate for such important works as the improvement of the Charleston Harbor more than a mere pittance, but for these little trout harbors of Michigan, tad-pole harbors along the shores of Michigan, we can appropriate a few thousand dollars without any objection on the part of anybody.

Now we appropriate more here in this bill than they spent in 1882. More money than was spent in that year is appropriated here, and at a place where the work is not needed at all; where the commerce has dwindled from year to year until it amounts to nothing. I repeat, it is unquestionably a matter which should not be in this bill.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois to strike out.

The committee divided, and there were—ayes 10, noes 38.

So (no further count being demanded) the motion to strike out was not agreed to.

The Clerk read as follows:

Improving harbor at Marquette, Michigan: Continuing improvement, $3,000.

Mr. WHITE. I move to strike out lines 143 and 144.

Mr. VAN VOORHIS. I move to amend that motion by inserting in place of those lines the following——

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. WHITE. I would like to be heard for a moment.

In Executive Document No. 1, part 3, page 2115, I find that the original estimate for this harbor was $325,000. The amount appropriated up to this day is $314,000. Now, the Secretary of War, in volume 1, page 267, of these documents, recommends an appropriation of $10,000 for this year. The committee has seen fit to reduce it down to $3,000. I must confess, Mr. Chairman, that I believe in interior improvements as much as any member on this floor; but, sir, I do not believe in making up appropriation bills so as to catch votes. I do not believe in making an appropriation this year of $3,000 to a work which it will only take $15,000 to finish altogether; and when we are told by the War Department that they can properly expend $10,000, for us to exercise this right simply because we are on the committee, and for the House, because the committee agreed to it, to swallow the dose whole, strikes me will appear to many people that we are simply leaving over $7,000 to be put on the river and harbor appropriation bill of next year. Then Michigan will vote again on this question. If it takes $10,000 to complete it, let us appropriate that amount; and let us if we are going to complete the work do it in a proper way or else strike out this item altogether.

The question was taken on Mr. WHITE'S amendment; and it was not agreed to.

Mr. VAN VOORHIS. I now call up the amendment which I sent to the desk.

The Clerk read as follows:

Insert after line 144:
"*Provided*, That all unexpended moneys appropriated by former river and harbor bills, not needed to fulfill existing contracts, shall be covered into the Treasury."

Mr. PAGE. I make the point of order upon that.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. VAN VOORHIS. I would like to know what the point of order is.

Mr. PAGE. It is not germane to that part of the bill, and it changes existing law.

Mr. ANDERSON. And reduces expenditures.

Mr. BAYNE. It impairs the obligation of contracts.

Mr. PAGE. I submit to the Chair to decide the question.

Mr. VAN VOORHIS. I would like to be heard on the point of order.

Mr. PAGE. I withdraw the point of order.

Mr. VAN VOORHIS. Then I desire to be heard on the amendment.

The Secretary of War has sent to the Committee on Commerce of this House a letter, which has been printed. That letter was sent upon invitation of this House suggested by the chairman of the Committee on Commerce, and in it he states there are ninety-one of these useless and worthless improvements for which the money in the former bill has not been used. There is somewhere about $4,000,000 of funds appropriated for utterly worthless things. That money ought to go back into the Treasury. Now, that does not affect those valuable improvements which are entitled to have appropriations made for them. [Cries of "Vote!" "Vote!"]

Mr. Chairman, I am very much obliged to my colleague [Mr. CAMP], who has not been here for three months, for now calling "vote."

Mr. CAMP. The gentleman is mistaken. I did not call vote on him.

Mr. VAN VOORHIS. Then some loafer did. As I said before, for a meritorious work such as the engineers can perform—[cries of "Vote!" "Vote!"]—I wait for order.

The CHAIRMAN. The committee will be in order.

Mr. GUENTHER. I will state to the gentleman that it is not members of the Committee on Commerce who are crying "vote."

Mr. VAN VOORHIS. Then the cry proceeds from the friends of the Commerce Committee, from the "heelers" of that committee in this House. The cry comes from the men who have got something in this bill as a consideration for their votes for it. They are the men who howl down anybody who tries to talk.

I could not get an opportunity to be heard in the general debate. Some four hours were allotted to general debate, and you, Mr. Chairman, gave almost every minute of that time to the friends of the bill, giving only five minutes to my colleague from New York [Mr. COX], who made the only speech against it on the floor of the House.

The CHAIRMAN. The Chair desires to say he is not aware he is subject to the rebuke of the gentleman from New York. The Chair divided the time under the rules of the House.

Mr. THOMPSON, of Kentucky. That explanation is unnecesary. Let us have a vote.

Mr. TOWNSHEND, of Illinois. Let the amendment be again reported.

The Clerk read as follows:

At the end of line 144 insert:

"*Provided*, That all unexpended moneys appropriated by former river and harbor bills, and not needed to fulfill existing contracts, shall be covered into the Treasury."

Mr. FLOWER rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. FLOWER. I wish to inquire does this cover into the Treasury the appropriation of $400,000 made for the Harlem River improvement in 1879, under which the State of New York was obliged to secure the right of way for the Harlem River improvement and under which she has expended $50,000? Does that amendment take it back into the Treasury?

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. PAGE. The amendment covers everything.

The committee divided; and there were—ayes 15, noes 69.

Mr. VAN VOORHIS. No quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from New York, Mr. VAN VOORHIS, and the gentleman from Ohio, Mr. TOWNSEND.

Mr. HOLMAN. I hope the point as to a quorum will be withdrawn.

Mr. BUTTERWORTH. I understand this provision is already in the bill.

Mr. PAGE. No, sir; the amendment covers into the Treasury every dollar even for works under contract.

The committee again divided; and the tellers reported—ayes 26, noes 123.

So the amendment was not agreed to.

The Clerk read lines 149 and 150, as follows:

Improving harbor at South Haven, Michigan: Continuing improvement, $8,000.

Mr. BURROWS, of Michigan. I offer as an amendment, to be inserted after line 150, what I send to the desk.

The Clerk read as follows:

After line 150 insert:

"Improving Harbor, at Saint Joseph, Michigan, and water channel leading up to Benton Harbor, Michigan, $15,000."

Mr. BURROWS, of Michigan. I will not weary the committee if they will give me their attention for a moment. There are four harbors in my district. The committee have left out three and appropriated for one. The one appropriated for is not the most important. The most important are the harbor of Saint Joseph and Benton Harbor. They are the chief harbors in my district. I presume it is an oversight on the part of the committee; having so much work to do, it it is very natural they should omit something. The Saint Joseph Harbor lies on the lake, and the Benton Harbor on Saint Joseph River, a mile up the river. These two places were appropriated for last year, and for several years. I read from the report in regard to Saint Joseph Harbor:

The entire north revetment and pile pier is in a tumble-town condition, and nothing short of absolute replacing of the whole structure will be worth undertaking. To repair this work would be simply to throw away money.

The work will probably stand one more season, but hardly longer.

It is recommended that this work be replaced and that upon a line drawn from the angle formed by the cribs and pile pier, beyond the shore line to a point 1,100 feet east, which is 300 feet from the south pier opposite.

The cost of the above work is estimated, dredging included, at $37,650, and is recommended in place of pier extension, for the reason that it is thought that by converging the piers a little toward the present opening, instead of allowing them to diverge, the action of the current would be more positive upon the sands outside and that the result would be nearly if not quite as beneficial as a 200-foot extension of the pier outside, also because pier extension hardly seems advisable while the railroad bridge remains as it now is.

The crib at the end of the north pier, placed under contract with Dewar and Corlett in 1879, has settled at the outer end to about three feet below water, and remains unsuperstructured. This should be built up, and will be, should the amount appropriated in the pending bill be sufficient.

Repairs are needed upon the south pier, and catch-sand fences should be built to prevent the encroachment of sand from the beach. These also will be completed if the amount appropriated in the pending bill is sufficient.

The commerce of this harbor, in connection with that of Benton Harbor, will increase very rapidly under the impetus given by two new railroads which are now in process of construction with their respective termini at these ports.

It is estimated that $50,000 can be used to advantage during the fiscal year ending June 30, 1884.

The water channel or canal leading from Saint Joseph's River to Benton Harbor was constructed by the people of Benton Harbor at their own expense at the cost of $100,000. For two years the Government of the United States has taken the work in charge and appropriated expressly for it. The railroad is already completed to Benton Harbor.

In regard to Benton Harbor, I read from the report as follows:

At this junction—

Speaking of the improvement—

a proposition was made by the president of the Cincinnati, Wabash and Michigan Railway Company to Major Harwood in effect as follows, namely: That if the Government would dredge the canal to a width of ninety feet (instead of eighty feet as under approved project) the railroad company would build the entire revetment on the north side of the canal, agreeing to push the work as fast as the dredging would allow.

This proposition was submitted to the Chief of Engineers by Major Harwood with the recommendation that the canal be made one hundred feet wide, as the expense of dredging would not exceed the cost of the entire work as originally proposed, and being approved the dredge was put at work casting over, removing between September 1, 1881, and April 15, 1882, 88,060 cubic yards of sand and muck, and leaving a wide cut in the axial line of the canal twelve feet deep.

The south bank of the canal is revetted with sheath piling nearly four-fifths of its length. This was done by local parties and will probably be completed by the end of another season.

The north bank will be and is now being prepared by the railway company as the site of an extensive lumber and grain dock, and it is more than likely that a greater depth of water will be required in the canal than the present project calls for (namely, twelve feet).

A line of propellers plies between this port and Chicago daily, and the local fruit trade, augmented as it is about to be by the railroad shipments from a large area of Southern Michigan and lumber receipts from the North, gives the port, in connection with Saint Joseph, an importance which will demand ample harbor facilities in the near future.

The report further states that the amount that can be profitably expended in the fiscal year ending June 30, 1884, is $50,000.

[Here the hammer fell.]

Mr. BURROWS, of Michigan. I would like to have a minute or two more.

Mr. ANDERSON. I rise to oppose the amendment, and will yield my time to the gentleman.

Mr. PAGE. I hope the gentleman from Michigan [Mr. BURROWS] will see the propriety of not taking up more time.

Mr. BURROWS, of Michigan. I have not trespassed on the attention of this committee, and I desire to say one word more.

The CHAIRMAN. The Chair has recognized the gentleman from Michigan [Mr. HORR.]

Mr. HORR. I will yield two or three minutes of my time to my colleague.

Mr. BURROWS, of Michigan. I do not think that both of these harbors should be abandoned and one which is unimportant compared with these appropriated for in this bill. Let me say in connection with these harbors that last year there were eight hundred and seventy-five entries and clearances of vessels into and from these harbors. The commerce is large, the cities are growing, and I certainly think it was an oversight on the part of the committee to leave out this appropriation. Take the harbor of South Haven, for instance: the engineers recommend an appropriation of $30,000, though it is not so important a harbor as these, and the committee appropriate $8,000 for it; while in this case the engineers recommend an appropriation of $25,000 and the Committee on Commerce have given it nothing.

Mr. HORR. I desire to say to my colleague [Mr. BURROWS] that his statements are substantially correct; and the only reason that the committee omitted the appropriation for this harbor was on account of the fact that it was like entering upon a new work or a new plan, and we were drafting a bill leaving everything of that kind out.

Every statement my colleague has made is borne out by the report, and if we were preparing a bill containing the ordinary appropriations for these purposes which we make every year and from year to year we should have included an appropriation for this harbor as a just appropriation. It was left out of this bill simply because it was in the nature of new improvement, and for no other reason.

Mr. BURROWS, of Michigan. Allow me to say that the harbor of Saint Joseph, which lies a mile from Benton Harbor, is certainly not a new improvement; that has been appropriated for for twenty-five years. And the harbor of Benton has been appropriated for for the last two, nay three, years by Congress, and it is as important a harbor as Saint Joseph and is rapidly growing. The new railroad goes there, and the Government has undertaken this work. It is not a new work, but a continuation of a work already begun.

I think in fairness and justice this work ought not to be abandoned. These two are the chief harbors in my district, and I trust the committee will do justice to them and put in this appropriation.

Mr. TOWNSHEND, of Illinois. I move to strike out the last word. One of the grounds upon which a river and harbor appropriation bill has grown unpopular in this country is because of the unfair distribution of the funds sought to be appropriated.

I have made a computation of the amounts appropriated by this bill for the State of Illinois. I find that only $175,000 is appropriated by this bill for the improvement of the harbors and rivers and streams of Illinois, whereas I discover that there is appropriated for the State of Michigan by this bill $398,000—a State that is far less in territory and extent, far less in population, far less in commerce, and far less important in every particular than the State of Illinois.

Mr. KENNA. But infinitely greater in its navigable waters.

Mr. TOWNSHEND, of Illinois. Infinitely greater in having more influence upon the Committee on Commerce than the State of Illinois.

Mr. DUNN. Does the gentleman think this is a division of money among the States?

Mr. TOWNSHEND, of Illinois. I hope the gentleman will not interrupt me. A few moments ago a Representative from one of the Chicago districts asked for an increase of the appropriation for Chicago from $75,000 to $125,000, an increase of only $50,000 for that great harbor in which there is perhaps more commerce than in any harbor off the Atlantic coast.

The gentleman from Michigan [Mr. BURROWS] now comes here and asks us to make an appropriation for a little harbor up in Michigan which it would seem has just been discovered; for I thought the Committee on Commerce had discovered every little rivulet, inlet, and harbor there was in the State of Michigan. He comes here and asks us to make an appropriation for that little harbor, in face of the fact that the Committee on Commerce refused to make a dollar of appropriation for it, and also in face of the fact that the very able and vigilant friend from that State, one of her Representatives on that committee, did not deem it of sufficient consequence to make an appropriation for it.

And the same gentleman who asks us now to create a new object for appropriation himself voted to strike down the amendment offered by my friend from Chicago for an increase of the appropriation for the improvement of the harbor of Chicago. I certainly do not see how this committee can consistently vote in favor of the appropriation asked for by the gentleman from Michigan [Mr. BURROWS] right upon the heel of this vote just recorded against an increase of the appropriation for the harbor of Chicago.

Mr. BURROWS, of Michigan. If I thought the speech of the gentleman from Illinois [Mr. TOWNSHEND] would have any effect on the committee, I would like to reply to it; but I do not think it will.

The question was taken upon the amendment offered by Mr. BURROWS, of Michigan; and upon a division there were—ayes 19, noes 73.

Mr. VAN VOORHIS. No quorum has voted.

Mr. BURROWS, of Michigan. I do not make that point.

Mr. VAN VOORHIS. I make it on my own responsibility.

Mr. BURROWS, of Michigan. I trust my friend will not make that point.

Mr. VAN VOORHIS. Very well; I will withdraw it.

So (there being no further count called for) the amendment was not agreed to.

Mr. BURROWS, of Michigan. I move another amendment, making the amount $10,000 instead of $15,000. I hope the committee will adopt that amendment and not leave this harbor without any appropriation at all.

And I desire to say, in reply to what the gentleman from Illinois [Mr. TOWNSHEND] has said about this being a harbor recently discovered, that is wholly untrue, and the gentleman must himself know that the statement is not correct.

Mr. TOWNSHEND, of Illinois. Why did not the Committee on Commerce discover it?

Mr. BURROWS, of Michigan. I can not tell you why. I simply say it is an important harbor and one that should be appropriated for, and there is no reason why it should be left out of this bill.

It is hardly fair and honorable in the gentleman, simply because Chicago, in his own State, did not get all she wants, to attempt to inflame the members of this committee to strike down a harbor that does not get anything in this bill. That is hardly fair and hardly honorable. There is no reason why because he could not get all that he wanted for Chicago, in his State, therefore he should refuse to give anything for this harbor. There is nothing fair and honorable in an argument of that kind.

Mr. TOWNSHEND, of Illinois. If I desired to obtain lessons in what is honorable or fair, the gentleman from Michigan is about the last member on this floor from whom I would seek them. I do not consider that it is fair and honorable that the gentleman should vote here steadily against these appropriations in favor of Illinois and then have the inconsistency to ask this committee to make an appropriation of $15,000 for an insignificant harbor in Michigan, which the Committee on Commerce was unable to discover.

It does strike me, if there is anything unfair or not honorable, it is in the conduct of the gentleman from Michigan, who has antagonized this bill for the reason, I apprehend, that he did not get a large enough portion of the "pork."

Mr. BURROWS, of Michigan. The gentleman is in error in the supposition that I voted against the Chicago appropriation; I voted for it. He is in error also in saying that I am antagonizing this bill. I am not; I am for it.

Mr. TOWNSHEND, of Illinois. Then, Mr. Chairman, I want to say that when the gentleman took the floor during the time allowed for general debate and consumed one hour under the pretext that he was an opponent of this bill, his conduct certainly was worthy of some criticism.

Mr. BURROWS, of Michigan. I did not do that.

Mr. TOWNSHEND, of Illinois. Other gentlemen were denied the privilege of opposing the bill in the general debate, because, as was stated by members of the Committee on Commerce, the gentleman from Michigan was occupying one hour of the time allotted to the opponents of the bill.

Mr. BURROWS, of Michigan. The "gentleman from Michigan" occupied just fifteen minutes and five minutes yielded to him by the gentleman from California [Mr. PAGE], not in opposition to the bill, but simply in a discussion of the plan of improving the Mississippi River.

Mr. TOWNSHEND, of Illinois. I reassert that when I asked in regard to the time to be allotted to the opponents of the bill in the general debate, I was told by some members of the Committee on Commerce that the gentleman from Michigan took the floor to oppose the bill.

Mr. BURROWS, of Michigan. You were simply misinformed.

Mr. KENNA. As the gentleman from Illinois has just said to me that I was the person who made the statement, I wish to say that he misunderstood me if he understood me to make any such statement.

Mr. TOWNSHEND, of Illinois. The gentleman did not correctly understand what I said. It was my friend from Maryland [Mr. MCLANE] who gave me the information.

[Here the hammer fell.]

Mr. SPRINGER. I move to amend by striking out the last word.

Mr. TOWNSHEND, of Illinois. I ask my colleague in fairness to yield a moment that the gentleman from Maryland [Mr. MCLANE] may state he was the authority for my assertion that the gentleman from Michigan had occupied one hour of the time in opposition to the bill.

Mr. SPRINGER. There is no doubt, I presume, that the gentleman was so informed.

Mr. TOWNSHEND, of Illinois. I merely wanted to vindicate the correctness of what I had said.

Mr. SPRINGER. Mr. Chairman, the gentleman from Michigan is right in saying that this is not a new work. It is an old frequenter of these Halls. As the report of the engineers shows, we have already expended $297,000 in improving this harbor. The Committee on Commerce, it seems, thought we had expended about enough upon this work, and concluded it was time to call a halt. I commend the committee for discovering, in one case at least, that the Government had expended quite as much as was justifiable.

The further fact appears, according to the report of the engineers, that there is for the year ending June 30, 1883, an available balance of $12,407 for this improvement. No more money, therefore, is needed. I am glad to be able to compliment the Committee on Commerce for stopping this work.

Mr. BURROWS, of Michigan. Will the gentleman please read from the report of the engineers the further statement that $50,000 can be expended upon this work for the next fiscal year?

Mr. SPRINGER. Oh, I have not the slightest doubt that you can expend a million there. I withdraw my amendment.

Mr. WHITE. I renew it. We here have evidence of the statement I made early in this debate, that this bill is by no means perfect. We have in the consideration of the bill passed over many small appropriations and some quite as large as the present, without debate, without amendment, or if any amendment was offered it has been voted down simply because the committee had reported a certain appropriation.

Now, sir, here is a case where last year we thought it advisable to appropriate $12,407. The Secretary of War advised this Congress that $50,000 can be profitably expended there this year. Yet, sir, the committee has left that entirely out of the bill.

If we are going to have a bill that will secure the confidence of the people, that will have the approval of this House, then this bill ought to go back to the committee with instructions to report it back, a measure which in the opinion of the committee would be perfect in its provisions, without taking into account either the veto of the President or the denunciation of the metropolitan press of the country. In my judgment they have been attempting to please too many people instead of carrying out our instructions under the Constitution to make appropriations for the improvement of our rivers and harbors in behalf of the commerce of the country.

If I had the time, Mr. Chairman, I would put in every one of these harbors which the Committee on Commerce has left out from fear that the President might veto the bill again or the metropolitan press, owned by the railroads in New York, might condemn us. I say, sir, we ought to make a perfect bill, while this is an imperfect bill. It is unjust and unfair; the result of cowards, who are afraid of the public lash wielded by the railroads who own the metropolitan press. [Applause.]

Mr. BURROWS, of Michigan. I move to strike out the last word. My friend from Illinois expressed great surprise at the fact that $12,000 was unexpended. Here, in the case of Chicago, $241,000 remain unexpended, and yet you appropriate $75,000 in this bill. I make no complaint of that, but merely call attention to the fact.

Mr. SPRINGER. What year?

Mr. BURROWS, of Michigan. Unexpended on the 30th of June in this year $241,000.

Mr. SPRINGER. The gentleman is correct. But Chicago Harbor is not to be compared with that of Saint Joseph, Michigan.

By unanimous consent the *pro forma* amendment was withdrawn.

The amendment of Mr. BURROWS, of Michigan, was rejected.

The Clerk read as follows:

Improving harbor at Oconto, Wisconsin: Continuing improvement, $12,500.

Mr. SPRINGER. Then I move to strike out that paragraph.

The Chief of Engineers' report states that the estimated cost of this improvement is $125,000. The natural entrance, we are told, to the Oconto River has less than two feet of water in its channel. In the engineer's report, on page 2128, it appears there are two available plans for the improvement of that harbor.

Mr. POUND. Will the gentleman now permit me to make a suggestion?

Mr. SPRINGER. Certainly.

Mr. POUND. The gentleman is reading from an old report, which proposed to improve the river of Oconto, while this appropriation is for the improvement of the harbor of Oconto.

Mr. SPRINGER. I am reading from page 2128 of the last report of the Chief of Engineers. "Improvement of Oconto Harbor, Wisconsin; estimated cost of the present plan $125,000; appropriated $25,000."

Mr. POUND. What has the depth of water in the river to do with the harbor?

Mr. SPRINGER. This is to improve the harbor.

Mr. POUND. But the gentleman read from the report in regard to the river being only two feet deep.

Mr. SPRINGER. That is at the mouth of the river, where the harbor is. Now let me read from the report:

IMPROVEMENT OF OCONTO HARBOR, WISCONSIN.

Estimated cost of the present plan	$125,000
Appropriated	25,000

The first appropriation for this harbor having been made on an insufficient citizens' estimate, was withheld from expenditure until further action by Congress, as fully set forth in the last annual report (1881, pages 2062, 2063). Another appropriation having been made, it is proposed to begin the work this season, so that during the fiscal year 1882-'83 about 3,000 linear feet of slab pier will be constructed, and a new dredge built for work at this and other harbors in the vicinity. During the fiscal year ending June 30, 1884, it is proposed to continue pier extension and to begin the work of dredging.

MONEY STATEMENT.

July 1, 1881, amount available	$10,000 00
July 1, 1882, amount available	10,000 00
Amount appropriated by act passed August 2, 1882	15,000 00
Amount available for fiscal year ending June 30, 1883	25,000 00
Amount (estimated) required for completion of existing project	100,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1884	50,000 00

There is now unexpended for this purpose $25,000, and yet we propose to increase that by $12,500. It does not appear from the reports here there is any considerable business done at this place, and as there are only two feet of water in the mouth of the river where the harbor is to be, and it seems we are to make an artificial mouth and an artificial channel and harbor, I believe it ought to be stricken out. [Cries of "Vote."]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Port Washington, Wisconsin: Continuing improvement at outer harbor, $6,000.

Mr. ANDERSON. I move to strike out these lines. I do it because in the report made by the Secretary of War I find the following language:

The local engineer reports that Port Washington has as small an amount of commerce as Two Rivers. The benefits to be derived from expenditures at that place would have a local bearing only.

The amount appropriated under the act of August 2, 1882, was $17,000, from which there has been drawn on requisition until December 1, 1882, $10,000, leaving a balance of $7,000 on hand at this time unexpended. This bill proposes to expend in addition to that sum $6,000 more.

Mr. GUENTHER. This is for the deepening of the harbor.

Mr. ANDERSON. That may be all very true, but the facts are as I state them, that this is for local benefit only; and reference is made to the harbor at Two Rivers, Wisconsin. In that connection I desire also to quote the language of the Secretary of War transmitted in the report made accompanying this bill. He says:

The local engineer reports that Two Rivers Harbor is of no importance to the commerce of the lakes, its value being entirely local. The commercial statistics show a great falling off in the tonnage entering this harbor. Since 1879 steamers have not run to or called at this place.

Now, as I have shown, the local engineer reports that Port Washington has as small an amount of commerce as Two Rivers, and that is the report of the Secretary of War to this House, one of the constituted officers of the Government, one who has every facility that the Government can afford for obtaining information, one who has caused a special examination to be made of this particular case and who reports to this House that this can not come under the purview or within the jurisdiction of the proper doctrine of general commerce. He says that this is simply a matter of local commerce, and the facts, as I have stated, from his report show that there were $7,000 unexpended last year, with $6,000 to be appropriated by this bill. It seems to me that that authority ought to be good enough for this House to take into consideration the propriety of making this appropriation. I have no doubt that it is good, and this is another of the cases where I feel authorized to draw the line.

There is another reason also. The President, I think, in a previous message vetoed an appropriation bill of this kind for these places. I am not prepared to take the position that the President of the United States in that message did not express the popular opinion of this country and the sentiment of those who furnish this money, and to whom it belongs, with respect to this class of items named in this river and harbor appropriation bill.

I believe that he did express that sentiment. I believe furthermore that his expression of that sentiment and the response it met in the hearts of the people had very much to do with the last election; and I as a Republican do not want to repeat that mistake.

Mr. GUENTHER. In response to the remarks of the gentleman from Kansas, I will say that this subject has been fully examined by the Committee on Commerce and thoroughly considered. The present State Legislature of Wisconsin sent a memorial to Congress showing conclusively that the discontinuance of the work at this point would seriously imperil navigation. After careful examination the committee became convinced that this statement was correct.

This appropriation of $6,000 is for the superstructure of the piers in the outer harbor. The number of vessels that arrived at that port, as shown by the statistics, in 1882 was three hundred and ninety-eight steam and sailing vessels, with a tonnage of 60,000 and 4,300 crew. The exports and imports are large and of a character showing general and not only local commerce. So that no excuse can be offered for the statement of the Secretary of War that this is not for the benefit of the general commerce of the country. Besides that, it is a harbor of refuge and should be preserved on that account for the safety of vessels navigating on Lake Michigan. I call for a vote.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas to strike out.

The committee divided; and there were—ayes 4, noes 47.

Mr. ANDERSON. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. ANDERSON and Mr. KENNA were appointed tellers.

The committee divided; and the tellers reported—ayes 18, noes 122.

So (no further count being demanded) the amendment of Mr. ANDERSON was not agreed to.

Mr. PAGE. I move that the committee do now rise.

Mr. KENNA. Before that, I desire to ask the gentleman from California whether he proposes to take a final vote on this bill to-night.

Mr. PAGE. I do. I expect when we meet at half past 7 to-night to go on with the bill and continue its consideration until it is passed.

Mr. KENNA and others. That is good.

Mr. WHITE. Then I shall move that the House adjourn.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from California, that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor appropriation bill, had come to no conclusion thereon.

ORDER OF BUSINESS.

Mr. WHITE. I move that this House do now adjourn.

Mr. BINGHAM. I hope the gentleman will withhold the motion until I can make a report from the Committee on the Post-Office and Post-Roads.

Mr. McMILLIN. And I desire to make a report on a Senate bill.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 358) to provide for the publication of memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina.

SALARIES OF POSTMASTERS.

Mr. BINGHAM, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. 7611) to adjust the salaries of postmasters; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PHŒBE C. DOXSIE.

Mr. McMILLIN, by unanimous consent, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 43) granting a pension to Phœbe C. Doxsie; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. LYNCH, by unanimous consent, from the Committee on Education and Labor, reported back with a favorable recommendation the bill (H. R. 6204) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by failure of said company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STATUE OF JOSEPH HENRY.

The SPEAKER. In accordance with the provisions of the joint resolution of the House (H. Res. 356) accepting the invitation of the Smithsonian Institution to attend the inauguration of the statue of Joseph Henry, approved February 24, 1883, the Chair announces the appointment of the following-named members to be present and represent the Congress of the United States on the part of the House of Representatives, as provided in said joint resolution, namely: Mr. WAIT of Connecticut, Mr. ALDRICH of Illinois, Mr. BROWNE of Indiana, Mr. KASSON of Iowa, Mr. ROBESON of New Jersey, Mr. CANDLER of Massachusetts, Mr. WALKER of Pennsylvania, Mr. PETTIBONE of Tennessee, Mr. McCLURE of Ohio, Mr. COX of New York, Mr. ROSECRANS of California, Mr. KNOTT of Kentucky, Mr. TUCKER of Virginia, Mr. CURTIN of Pennsylvania, and Mr. GIBSON of Louisiana.

LEAVE TO PRINT.

Mr. MOORE, by unanimous consent, obtained leave to have printed in the RECORD remarks upon the pending House bill (No. 6158) relating to education. [See Appendix.]

WITHDRAWAL OF PAPERS.

Mr. WARD, by unanimous consent, obtained leave to withdraw from the files of the House all the papers relating to House bill No. 4446, entitled "A bill to require the testing of chains and anchors and for the better security of life and property on ship board," there being no adverse report thereon.

REPORT ON FISH AND FISHERIES.

The SPEAKER. The Chair lays before the House a concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 28, 1883.

Resolved by the Senate (the House of Representatives concurring), That 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1882 be printed, of which 2,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House, 1,500 copies for the use of the Commissioner of Fish and Fisheries, and 500 copies for sale by the Public Printer, at a price equal to the actual cost of publication and 10 per cent. thereon added.

The resolution was referred to the Committee on Printing.

JOHN CONNOLLY.

Mr. GARRISON, by unanimous consent, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 3409) for the relief of John Connolly; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK COOK.

Mr. GARRISON also, by unanimous consent, from the Committee on the District of Columbia, reported a bill (H. R. 7680) for the relief of Patrick Cook; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RECESS.

The SPEAKER. The hour of half past 5 having arrived, the Chair, in pursuance of the order of the House, declares the House in recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m.

MORRIS C. MENGIS.

Mr. SHALLENBERGER, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back with an adverse recommendation the bill (H. R. 6883) granting the right of way through grounds belonging to the United States at Sandy Hook, New Jersey, to Morris C. Mengis, his associates, successors, or assigns, for the construction of a railroad; which was laid on the table, and the accompanying report ordered to be printed.

FIRE-PROOF BUILDING FOR ARMY MUSEUM.

Mr. SHALLENBERGER also, by unanimous consent, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 7681) authorizing the erection of a fire-proof building in the city of Washington, to contain the records, library, and museum of the Army Medical Department; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DANIEL W. PERKINS.

Mr. EZRA B. TAYLOR, by unanimous consent, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 777) for the relief of Daniel W. Perkins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY A. LEE.

Mr. LACEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3335) for the relief of Mary A. Lee, and that the same be brought before the House for present consideration.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Mary A. Lee, mother and only heir at law of Walter J. Lee, late a second lieutenant in the Twenty-eighth Regiment Michigan Infantry Volunteers, the amount of pay and allowances of a second lieutenant of infantry from September 22, 1864 to the 10th of April, 1865, and the pay and allowances of a first lieutenant of infantry from April 10, 1865, to August 10, 1865; such payment to be made out of any money in the Treasury not otherwise appropriated, and deducting therefrom the amount of any pay, if any, made him for such service.

Mr. HOLMAN. Reserving the right to object I desire to hear the report read.

Mr. LACEY. The report accompanies the bill and it is very short.

The SPEAKER. Does the gentleman from Indiana desire to have the report read or to hear an explanation?

Mr. LACEY. I can explain it to the gentleman from Indiana if he so desires.

Mr. HOLMAN. I should prefer hearing the report.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3335) for the relief of Mary A. Lee, submit the following report:

It appears that Mrs. Mary A. Lee is the widowed mother and sole heir at law of Walter J. Lee, deceased, late a second lieutenant in the Twenty-eighth Regiment of Michigan Volunteers; that Lieutenant Lee was promoted from the ranks to be a second lieutenant in this regiment, was duly commissioned, and entered upon duty as such on the 22d day of September, 1864, and so continued till the 2d day of March, 1865, when he was placed in arrest for alleged disobedience of orders; that he was tried by court-martial on the 3d day of April, 1865, found guilty, and sentenced to be cashiered and to forfeit all pay and allowances due and to become due him; that said sentence was approved in a general order from headquarters Department of North Carolina, bearing date July 14, 1865; that Lieutenant Lee was commissioned a first lieutenant in the said regiment to date from April 10, 1865, but was not mustered; that he was released from arrest May 18, 1865, and performed duty as first lieutenant in said regiment until the said 10th day of August; that on the said 10th day of August the general commanding the department issued a general order remitting so much of his sentence as forfeited his pay and allowances, but it being held that the sentence had been executed by virtue of the order of July 14, the order of August 10 was inoperative. As Lieutenant Lee actually performed service up to the 10th day of August, and as it is to be presumed the commanding general had good reason for remitting this part of the sentence, it is the opinion of your committee that his pay and allowances to that date were at least equitably due him, and that they should now be paid to his mother and heir at law, and the passage of the bill is therefore recommended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. While there was a prospect of the Senate passing the general bill covering such cases which passed the House I was inclined to object to bills of this kind. But under the circumstances I will not object.

There being no objection, the bill was ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RICE, of Missouri, addressed the Chair.

Mr. PAGE. I call for the regular order.

Mr. SPRINGER. Do not call for it yet.

Mr. PAGE. Very well.

PUBLIC BUILDING AT JEFFERSON CITY, MISSOURI.

Mr. RICE, of Missouri. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill of the Senate, No. 889, to provide for the erection of a public building in Jefferson City, in the State of Missouri.

The SPEAKER. The Clerk will read the bill.

Mr. BURROWS, of Michigan. It is to be read subject to objection?

The SPEAKER. Certainly.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults extending to each story, in Jefferson City, in the State of Missouri, for the use and accommodation of the United States circuit and district courts, post-office, and other Government offices held and located in said city, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000; and said sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and the completion of said building: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of Missouri shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. RICE, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAZELTON. I call for the regular order.

MARINE HOSPITAL, CHELSEA, MASSACHUSETTS.

The SPEAKER laid before the House a letter from the Secretary of the Navy in response to a resolution of the House relative to the naval and marine hospital and grounds at Chelsea, Massachusetts; which was referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT LIBRARY.

The SPEAKER also laid before the House a letter from the Secretary of the Navy reporting the condition of the library in the Navy Department, as required by the act of August 7, 1882; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. JOYCE, for this evening's session, on account of sickness in his family.

D. AND J. R. MORDECAI.

Mr. TALBOTT. The regular order, I think, will not be insisted upon, and I ask unanimous consent to take from the Speaker's table for passage at this time Senate bill 1785, for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland. I have here a report from the Committee on Ways and Means of the House covering the same subject. It is one of a class of bills a number of which has been passed.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland, the sum of $822, out of any money in the Treasury not otherwise appropriated; which said sum was illegally collected from vessels owned by them by the collector of customs at Charleston, South Carolina.

The SPEAKER. Is there objection to the consideration at this time of the bill which has just been read?

Mr. HOLMAN. I reserve the right to object until I can hear the report read.

Mr. TALBOTT. I have here a report made by the gentleman from Illinois [Mr. MORRISON] from the Committee on Ways and Means of this House on a House bill of a similar import.

Mr. PAGE. How long is the report?

Mr. TALBOTT. It is very short.

Mr. PAGE. I think I shall have to call for the regular order.

Mr. TALBOTT. Let the report be read.

Mr. PAGE. If it does not take too long.

Mr. TALBOTT. It will not take more than two minutes to read it.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 6380) for the relief of Mordecai & Co., having carefully considered the same, submit the following report:

That David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland, were shipping merchants of Baltimore, Maryland, and were the agents and owners of a line of steamships doing business between the said city of Baltimore and the city of Charleston, South Carolina, doing a coastwise trade. They were illegally charged with entrance and port entry fees at the custom-house in Charleston, at various times between November, 1866, and January, 1877, amounting to $822, and were compelled to pay the same. Protest was made against the illegality of the charge; and representations being made to the Secretary of the Treasury by the said Mordecai & Co. of the exaction of the tax by the custom-house at Charleston, the custom-house officer was directed by the Secretary of the Treasury to discontinue the collection of the tax.

The petitioners applied for reimbursement of the amount illegally paid, to wit, the sum of $822, but were informed by the Treasury Department that they had no power to refund the amount illegally exacted, but they must ask the special enactment of Congress. The Secretary of the Treasury, in a letter to Hon. JUSTIN S. MORRILL, chairman of Finance Committee of the Senate, says:

"Under these circumstances I consider the relief which the bill proposes to give to Messrs. Mordecai & Co. as proper, and would recommend its passage."

The committee report favorably on the bill (H. R. 6380) for relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., and recommend the passage of the bill.

Mr. HAZELTON. What committee does that come from?

Mr. TALBOTT. Committee of Ways and Means.

Mr. HAZELTON. How did the committee stand?

Mr. TALBOTT. I think they were unanimous.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT SMALLS—STEAMBOAT PLANTER.

Mr. DEZENDORF. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (H. R. 7626) authorizing a reappraisement of the steam transport-boat Planter, captured by Robert Smalls, and for a distribution of the proceeds thereof.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to appoint a board of competent officers of the Navy, whose duty it shall be to make a reappraisement of the steam transport-boat Planter, taken during the late rebellion by Robert Smalls from the harbor of Charleston, South Carolina, and of all arms, munitions, tackle, and other property on board of said transport-boat at the time of her delivery to the Federal authorities by the said Robert Smalls; and when the full value of said transport-boat, the arms, munitions, tackle, and other property shall be ascertained, estimating said values by the worth of the property at the time of capture as aforesaid, shall cause an apportionment of such value so ascertained to be made between Robert Smalls and his associates on said transport-boat at the time of her capture and delivery to the Federal authorities, in the manner hereinafter provided for by this act, deducting only the amount or amounts paid to the said Smalls and his said associates under the act of Congress approved May 30, 1862.

SEC. 2. That the apportionment referred to in the first section of this bill shall be made as follows: One-third of the full amount of the value of the said transport-boat Planter, the arms, munitions, tackle, and other property at the time of her capture and delivery to the Federal authorities, shall be awarded to the said Robert Smalls, and the balance shall be equally divided between his said associates or their heirs at law.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay to Robert Smalls and his associates or their heirs at law as aforesaid, out of any money in the Treasury not otherwise appropriated, the sum which may be by the said board of officers hereby authorized apportioned, to each of them under the provisions of this act.

Mr. SINGLETON, of Illinois. Is this bill read subject to objection?

The SPEAKER. It is.

Mr. SINGLETON, of Illinois. Then I object.

Mr. HAZELTON. Then I call for the regular order.

Some time subsequently,

Mr. DEZENDORF said: The gentleman from Illinois [Mr. SINGLETON] has withdrawn his objection to the bill which I desired to call up for consideration.

Mr. HAZELTON. How does the committee stand on that bill?

Mr. DEZENDORF. It is a unanimous report from the Committee on Naval Affairs.

Mr. WISE, of Virginia. I object.

Several MEMBERS. Do not object.

Mr. DEZENDORF. I hope my colleague will not object.

Mr. WISE, of Virginia. Very well; I will withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. HOLMAN. I ask for the reading of the report; I hope there will be no objection to that.

The SPEAKER. The Chair is informed that it will take some forty minutes to read the report.

Mr. HOLMAN. Then I hope the gentleman calling up the bill will state the facts so that the House may understand what the bill is and act knowingly upon the subject.

The SPEAKER. The gentleman from Virginia [Mr. DEZENDORF] will be recognized to make a brief explanation.

Mr. DEZENDORF. This is a substitute for a House bill which was introduced to place Robert Smalls on the retired-list of the Navy with the rank of captain, in consideration of his services in capturing the steam transport-boat Planter. The Committee on Naval Affairs in examining the case found that there was no precedent for any such action. They however found that the appraisement which was made in 1862 was made at a ridiculously low figure, the facts of the case showing that the guns on board the vessel at the time she was captured were worth more than the appraisement of the vessel, guns and all.

The evidence shows that this ship was worth at the time of the capture $60,000, and the Government at that time was paying for just such vessels $400 per day. The evidence also shows that the guns and munitions of war on board the vessel were worth $10,000. Yet the appraisement was made at only $7,500, of which Robert Smalls received $1,500.

We found a precedent for the reappraisement of this vessel in the case of the confederate ram Albemarle. The report of the Committee on Naval Affairs recommending the passage of this bill was unanimous. I hope there will be no objection to the bill. I take the liberty of incorporating with my remarks the report of the committee:

The Committee on Naval Affairs, to whom was referred bill H. R. 7059, beg leave to report a substitute therefor (H. Report No. 1887, Forty-seventh Congress, second session), authorizing the President to place Robert Smalls on the retired-list of the Navy.

January 23, 1883, recommitted to the Committee on Naval Affairs and ordered to be printed.

Mr. DEZENDORF, from the Committee on Naval Affairs, submitted the following report, to accompany bill H. R. 7059:

The Committee on Naval Affairs, to whom was referred the bill to retire Robert Smalls as captain of the Navy, beg leave to report as follows:

This claim is rested upon the very valuable services rendered by Robert Smalls to the country during the late war. The record of these has been very carefully investigated, and portions of it are appended, as exhibits, to this report. They show a degree of courage, well directed by intelligence and patriotism, of which the nation may well be proud, but which for twenty years has been wholly unrecognized by it. The following is a succinct statement and outline of them:

On May 13, 1862, the confederate steamboat Planter, the special dispatch boat of General Ripley, the confederate post commander at Charleston, South Carolina, was taken by Robert Smalls under the following circumstances from the wharf at which she was lying, carried safely out of Charleston Harbor, and delivered to one of the vessels of the Federal fleet then blockading that port.

On the day previous, May 12, the Planter, which had for two weeks been engaged in removing guns from Cole's Island to James Island, returned to Charleston. That night all the officers went ashore and slept in the city, leaving on board a crew of eight men, all colored. Among them was Robert Smalls, who was virtually the pilot of the boat, although he was only called a wheelman, because at that time no colored man could have, in fact, been made a pilot. For some time previous he had been watching for an opportunity to carry into execution a plan he had conceived to take the Planter to the Federal fleet. This, he saw, was about as a good a chance as he would ever have to do so, and therefore he determined not to lose it. Consulting with the balance of the crew Smalls found that they were willing to co-operate with him, although two of them afterward concluded to remain behind. The design was hazardous in the extreme. The boat would have to pass beneath the guns of the forts in the harbor. Failure and detection would have been certain death. Fearful was the venture, but it was made. The daring resolution had been formed, and under command of Robert Smalls wood was taken aboard, steam was put on, and with her valuable cargo of guns and ammunition, intended for Fort Ripley, a new fortification just constructed in the harbor, about 2 o'clock in the morning the Planter silently moved off from her dock, steamed up to North Atlantic wharf, where Smalls's wife and two children, together with four other women and one other child, and also three men, were waiting to embark. All these were taken on board, and then, at 3.25 a. m., May 13, the Planter started on her perilous adventure, carrying nine men, five women, and three children. Passing Fort Johnson the Planter's steam-whistle blew the usual salute and she proceeded down the bay. Approaching Fort Sumter, Smalls stood in the pilot-house leaning out of the window with his arms folded across his breast, after the manner of Captain Relay, the commander of the boat, and his head covered with the huge straw hat which Captain Relay commonly wore on such occasions.

The signal required to be given by all steamers passing out was blown as coolly as if General Ripley was on board going out on a tour of inspection. Sumter answered by signal "all right," and the Planter headed toward Morris Island, then occupied by Hatch's light artillery, and passed beyond the range of Sumter's guns before anybody suspected anything was wrong. When at last the Planter was obviously going toward the Federal fleet off the bar, Sumter signaled toward Morris Island to stop her; but it was too late. As the Planter approached the Federal fleet a white flag was displayed, but this was not at first discovered, and the Federal steamers, supposing the confederate rams were coming to attack them, stood out to deep water. But the ship Onward, Captain Nichols, which was not a steamer, remained, opened her ports, and was about to fire into the Planter, when she noticed the flag of truce. As soon as the vessels came within hailing distance of each other the Planter's errand was explained. Captain Nichols then boarded her, and Smalls delivered the Planter to him. From the Planter Smalls was transferred to the Augusta, the flag-ship off the bar, under the command of Captain Parrott, by whom the Planter, with Smalls and her crew, were sent to Port Royal to Rear-Admiral Du Pont, then in command of the Southern squadron.

Captain Parrott's official letter to Flag Officer Du Pont, and Admiral Du Pont's letter to the Secretary of the Navy are appended hereto.

Captain Smalls was soon afterward ordered to Edisto to join the gunboat Crusader, Captain Rhind. He then proceeded in the Crusader, piloting her and followed by the Planter to Simmons's Bluff, on Wadmalaw Sound, where a sharp battle was fought between these boats and a confederate light battery and some infantry. The confederates were driven out of their works, and the troops on the Planter landed and captured all the tents and provisions of the enemy. This occurred some time in June, 1862.

Captain Smalls continued to act as pilot on board the Planter and the Crusader, and as blockading pilot between Charleston and Beaufort. He made repeated trips up and along the rivers near the coast, pointing out and removing the torpedoes which he himself had assisted in sinking and putting in position. During these trips he was present in several fights at Adams's Run on the Dawho River, where the Planter was hotly and severely fired upon; also at Rockville, John's Island, and other places. Afterward he was ordered back to Port Royal, whence he piloted the fleet up Broad River to Pocotaligo, where a very severe battle ensued. Captain Smalls was the pilot on the monitor Keokuk, Captain Ryan, in the memorable attack on Fort Sumter, on the afternoon of the 7th of April, 1863. In this attack the Keokuk was struck ninety-six times, nineteen shots passing through her. She retired from the engagement only to sink on the next morning, near Light House Inlet. Captain Smalls left her just before she went down, and was taken with the remainder of the crew on board of the Ironsides. The next day the fleet returned to Hilton Head.

When General Gillmore took command Smalls became pilot in the quartermaster's department in the expedition on Morris Island. He was then stationed as pilot of the Stono, where he remained until the United States troops took possession of the south end of Morris Island, when he was put in charge of Light-House Inlet as pilot.

Upon one occasion, in December, 1863, while the Planter, then under command of Captain Nickerson, was sailing through Folly Island Creek, the confederate batteries at Secessionville opened a very hot fire upon her. Captain Nickerson became demoralized, and left the pilot-house and secured himself in the coal-bunker. Smalls was on the deck, and finding out that the captain had deserted his post, entered the pilot-house, took command of the boat, and carried her safely out of the reach of the guns. For this conduct he was promoted by order of General Gillmore, commanding the Department of the South, to the rank of captain, and was ordered to act as captain of the Planter, which was used as a supply-boat along the coast until the end of the war. In September, 1866, he carried his boat to Baltimore, where she was put out of commission and sold.

Besides the daring enterprise of Captain Smalls in bringing out the Planter, his gallant conduct in rescuing her a second time, for which he was made captain of her, and his invaluable services to the Army and Navy as a pilot in waters where he perfectly knew not only every bank and bar, but also where every torpedo was situated, there are still other elements to be considered in estimating the value of Captain Smalls's services to the country. The Planter, on the 13th of May, 1862, was a most useful and important vessel to the enemy. The loss of her was a severe blow to the enemy's service in carrying supplies and troops to different points of the harbor and river fortifications. At the very time of the seizure she had on board the armament for Fort Ripley. The Planter was taken by the Government at a valuation of $9,000, one-half of which was paid to the captain and crew, the captain receiving one-third of one-half, or $1,500.

Upon what principle the Government claimed one-half of this capture can not be divined, nor yet how this disposition could have been made of her without any judicial proceeding. That $9,000 was an absurdly low valuation for the Planter is abundantly shown by facts stated in the affidavits of Charles H. Campbell and E. M. Baldwin, which are appended. In addition thereto their sworn average valuation of the Planter was $67,500. The report of Montgomery Sicard, commander and inspector or ordnance, to Commodore Patterson, navy-yard commandant, shows that the cargo of the Planter, as raw material, was worth $3,043.05; that at *ante-bellum* prices it was worth $7,163.35, and at war prices $10,290.60. For this cargo the Government has never paid one dollar. It is a severe comment on the justice as well as the boasted generosity of the Government that, while it had received $60,000 to $70,000 worth of property at the hands of Captain Smalls, it has paid him the trifling amount of $1,500, and for twenty years his gallant daring and distinguished and valuable services which he has rendered to the country have been wholly unrecognized.

Report of Flag-Officer Du Pont.

FLAG-SHIP WABASH,
Port Royal Harbor, South Carolina, May 14, 1862.

SIR: I inclose a copy of a report from Commander E. G. Parrott, brought here last night by the late rebel steam-tug Planter, in charge of an officer and crew from the Augusta. She was the armed dispatch and transportation steamer attached to the engineer department at Charleston, under Brigadier-General Ripley, whose barge, a short time since, was brought out to the blockading fleet by several contrabands.

The bringing out of this steamer, under all the circumstances, would have done credit to any one. At 4 o'clock in the morning, in the absence of the captain, who was on shore, she left her wharf close to the government office and headquarters, with palmetto and confederate flags flying, passed the successive forts, saluting as usual by blowing her steam-whistle. After getting beyond the range of the last gun, she quickly hauled down the rebel flags and hoisted a white one.

The Onward was the inside ship of the blockading fleet in the main channel, and was preparing to fire when her commander made out the white flag. The armament of the steamer is a 32-pounder, or pivot, and a fine 24-pounder howitzer. She has, besides, on her deck four other guns, one 7-inch rifled, which were to have been taken the morning of the escape to the new fort on the middle ground. One of the four belonged to Fort Sumter, and had been struck in the rebel attack on the fort on the muzzle. Robert, the intelligent slave and pilot of the boat, who performed this bold feat so skillfully, informed me of this fact, presuming it would be a matter of interest to us to have possession of this gun. This man, Robert Smalls, is superior to any who have come into our lines—intelligent as many of them have been. His information has been most interesting, and portions of it of the utmost importance.

The steamer is quite an acquisition to the squadron by her good machinery and very light draught. The officer in charge brought her through Saint Helena Sound, and by the inland passage down Beaufort River, arriving here at 10 o'clock last night.

On board the steamer when she left Charleston were eight men, five women, and three children.

I shall continue to employ Robert as a pilot on board the Planter for the inland waters, with which he appears to be very familiar. I do not know whether, in the views of the Government, the vessel will be considered a prize; but if so, I respectfully submit to the Department the claims of this man Robert and his associates.

Very respectfully, your obedient servant,

S. F. DU PONT,
Flag-Officer, Commanding, &c.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

UNITED STATES STEAMSHIP AUGUSTA,
Off Charleston, May 13, 1862.

SIR: I have the honor to inform you that the rebel armed steamer Planter was brought out to us this morning from Charleston by eight contrabands and delivered up to the squadron. Five colored women and three children are also on board. She carried one 32-pounder, and one 24-pounder howitzer, and has also on board four large guns, which she was engaged in transporting.

I send her to Port Royal at once, in order to take advantage of the present good weather. I send Charleston papers of the 12th, and the very intelligent contraband who was in charge will give you the information which he has brought off.

I have the honor to request that you will send back, as soon as convenient, the officer and crew sent on board.

I am, respectfully, &c., your obedient servant,

E. G. PARROTT,
Commander, and Senior Officer present.

Flag-Officer S. F. DU PONT,
Commanding South Atlantic Blockading Squadron.

Exhibit of the estimated values of certain ordnance and ordnance stores on board the rebel steamer Planter, which came out of Charleston, South Carolina, in the United States blockading fleet on the 15th day of May, 1862.

Articles of ordnance and ordnance stores on board the Planter.	Estimated under the supposition that the guns and projectiles are of value to the United States only as old material, the powder being considered as useful for saluting.		Estimated supposing that all the articles are valued at prices paid before the war, except the Brooks rifle and its projectiles, which are given at war prices.		Estimated supposing that all the articles are valued by the United States at war prices.	
1 long 32-pounder, of 7,200 pounds	At ½ cent per pound..	$54 00	At 5.6 cents per pound.	$403 20	At 10 cents per pound..	$720 00
1 short 32-pounder, of 3,300 pounds	At ½ cent per pound..	24 75	At 5.6 cents per pound.	223 00	At 9 cents per pound...	297 00
1 short 24-pounder, of 1,476 pounds	At ½ cent per pound..	11 07	At 6.6 cents per pound.	82 66	At 9 cents per pound...	132 84
2 8-inch Columbiads, of 9,240 pounds each	At ½ cent per pound..	138 60	At 5.6 cents per pound.	1,027 49	At 11 cents per pound..	2,032 80
1 7-inch rifle, of 10,500 pounds	At ½ cent per pound..	78 75	At 12 cents per pound..	1,260 00	At 12 cents per pound..	1,260 00
200 32-pounder shot	At 1½ cents per pound..	113 00	At 66 cents each	132 00	At $1 each	200 00
150 8-inch 32-pounder shot	At 1½ cents per pound..	170 62	At 83 cents each	124 50	At $1.25 each	187 50
200 32-pounder shell, loaded and fused	At 1½ cents per pound..	78 75	At $1.80 each	360 00	At $2.50 each	502 00
100 24-pounder shell, loaded and fused	At 1½ cents per pound..	29 26	At $1.40 each	140 00	At $2 each	200 00
200 7-inch rifle shell, loaded and fused	At 1½ cents per pound..	315 00	At $6 each	1,200 00	At $6 each	1,200 00
150 8-inch rifle shell, loaded and fused	At 1½ cents per pound..	131 00	At $2.33 each	349 50	At $3.39 each	508 00
400 32-pounder charges, 8 pounds each, 3,200 pounds	At 22 cents per pound..	704 00	At 18 cents per pound..	576 00	At 30 cents per pound..	960 00
100 24-pounder charges, 2 pounds each, 200 pounds	At 22 cents per pound..	44 00	At 18 cents per pound..	36 00	At 30 cents per pound..	60 00
200 7-inch rifle charges, 10 pounds each, 2,000 pounds	At 22 cents per pound..	440 00	At 18 cents per pound..	360 00	At 30 cents per pound..	600 00
300 8-inch Columbiad charges, 10 pounds each, 3,000 pounds	At 22 cents per pound..	660 00	At 18 cents per pound..	540 00	At 30 cents per pound..	900 00
1 32-pounder carriage, army pattern	At 22 cents per pound..	40 80	At 18 cents per pound..	330 00		500 00
1 24-pounder carriage, army pattern	At 22 cents per pound..	10 00		20 60		30 00
Total		3,043 05		7,163 35		10,290 60

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 3, 1883.

SIR: Your communication of the 26th ultimo, in relation to your services on the steamer Planter during the rebellion, and requesting copies of any letters from General Gillmore and other officers on the subject, has been received.

The records of this office show that the name of Robert Smalls is reported by Lieutenant-Colonel J. J. Elwell, Hilton Head, South Carolina, as a pilot, at $50 per month, from March 1, 1863, to September 30, 1863; and from October 1, 1863, to November 20, 1863, at $75 per month.

He was then transferred to Captain J. L. Kelly, assistant quartermaster, November 20, 1863, by whom he was reported as pilot from November 21 to November 30, 1863. He is reported by that officer in same capacity from December 1, 1863, until February 29, 1864, at $150 per month.

The name of Robert Smalls is then reported by Captain Kelly as captain of the steamer Planter at $150 per month from March 1, 1864, until May 15, 1864, when transferred to the quartermaster in Philadelphia.

He is reported by Captains C. D. Schmidt, G. R. Orme, W. W. Van Ness, and John R. Jennings, assistant quartermasters at Philadelphia, as captain of the Planter, at $150 per month from June 20, 1864, to December 16, 1864, when transferred to Captain J. L. Kelly, assistant quartermaster, Hilton Head, South Carolina, by whom he is reported to January 31, 1865.

From February 1, 1865, he is reported as a "contractor, victualing and manning the steamer Planter."

I respectfully inclose herewith copy of a letter dated September 10, 1862, from Captain J. J. Elwell, chief quartermaster, Department of the South, in relation to the capture of the steamer Planter, which is the only one found on file in this office on the subject.

Very respectfully, your obedient servant,

ALEX. J. PERRY,
Deputy Quartermaster-General, U. S. A.,
Acting Quartermaster-General.

Hon. ROBERT SMALLS,
Member of Congress, Washington, D. C.

OFFICE OF THE CHIEF QUARTERMASTER,
Hilton Head, S. C., September 10, 1862.

GENERAL: I have this day taken a transfer of the small steamer Planter of the Navy. This is the confederate steamer which Robert Smalls, a contraband, brought out of Charleston on the 13th of May last. The Navy Department, through Rear-Admiral Du Pont, transfers her, and I receipt for her just as she was received from Charleston. Her machinery is not in very good order, and will require some repairs, &c.; but this I can have done here. She will be of much service to us, as we have comparatively no vessels of light draught. I shall have her employed at Fort Pulaski, where I am obliged to keep a steamer.

Please find inclosed a copy of the letter of Rear-Admiral Du Pont to General Brannan in regard to the matter.

I am, general, very respectfully, your most obedient servant,

J. J. ELWELL,
Captain and Assistant Quartermaster.

J. G. CHANDLER,
Deputy Quartermaster-General, U. S. A.

Personally appeared before me Charles H. Campbell, of the city, county, and State of New York, who, being by me duly sworn according to law, deposes and says as follows:

That during the year 1862, and from that time up to and including the year 1865, he was doing service in the Department of the South, headquarters at Hilton Head, South Carolina; that he knows Hon. ROBERT SMALLS, of Beaufort, South Carolina; that he was present when the steamer Planter, of the city of Charleston, came into Hilton Head on or about the 13th of May, 1862; that he went on board the Planter and made a personal examination of her condition, and found she was built of live oak and red cedar, and a first-class coastwise steamer, well furnished and complete in every respect; that he was and is well acquainted with the value of steamers, and has been engaged in the business of steamboating, both as captain and owner, for the last fifteen years; that the steamer Planter was fully worth, at the time she came into Hilton Head, the sum of $60,000 in cash for the boat alone; that the United States Government was paying at that time for steamers of her class $400 per day under a charter-party agreement with the chief quartermaster at that place, the Government finding both wood and coal; that he chartered to the United States Government at or about that time the steamer George Washington for $350 per day, which was only about half the size of the Planter, and not more than half her value; that he executed seven charters for steamers with the Government, and also had a valuation set on them in case of loss, and the above statement is made in accordance with the prices paid by the Government at Hilton Head and elsewhere during the time the Planter was in the service; that, at the close of the war, and while the Planter was laying up in Charleston and in a very bad condition from the nature of her past services, I was commissioned by her former owner, Captain Ferguson, to purchase the Planter from the Government for the sum of $25,000, which sum I did offer, and the same was refused on the part of the Government of the United States; that the steamer Planter was an extra strong built boat, her frame was live oak and red cedar, and built as strong as possible; she was built expressly for the coastwise trade, and she is running out of the city of Charleston to-day, and is considered by steamboat men one of the strongest and best built steamboats in the South.

CHARLES H. CAMPBELL.

Subscribed and sworn to before me the 23d day of March, 1876.

[OFFICIAL SEAL.] JAS. A. TAIT,
Notary Public.

Personally appeared before me, a notary public, E. M. Baldwin, of the city of Washington, District of Columbia, who was by me duly sworn according to law, and deposes and says:

That during the year A. D. 1862 and afterward was doing service for the Navy Department at Hilton Head, South Carolina, in the South Atlantic blockading squadron; that he was captain of the steam-tug Mercury, and was one of the first persons that boarded the Planter at Hilton Head on the 13th day of May, A. D. 1862.

That he has been for years, and is now, engaged in the steamboat business as an officer and owner, and is familiar with the prices paid for charters by the quartermaster at Hilton Head, and the value of steamboats generally at that time and since; that he examined the Planter when she came into said harbor at Hilton Head, and found her a first-class steamboat, built of live oak and red cedar, and her outfit and findings complete in every particular; that she could have been readily sold at the time she arrived at Hilton Head for $75,000 in cash for the steamboat alone, or could have been chartered to the Government for $400 per day, which at that rate would have paid the purchase-money at the price aforesaid in less than one year, and would have left a large surplus to the purchaser; that she was considered by both the officers of the Army and Navy, on account of her light draught and great strength, by far the best steamer for that coast service in the Department of the South.

E. M. BALDWIN.

Sworn to before me and subscribed by him in my presence this 25th day of March, A. D. 1876.

[OFFICIAL SEAL.] JAS. A. TAIT,
Notary Public.

The committee in calling attention of the House to the above facts in this case, establishing, as they do, that Robert Smalls performed on the occasion referred to a most meritorious and praiseworthy action, calling for great bravery and daring, regret that they do not find any precedent in the history of the legislation of the country which would authorize them in recommending the action asked for in the bill, namely, placing a civilian on the retired list of the Navy.

Your committee, however, are of the opinion that the evidence on file in the case, and above recited, justifies them in the conclusion that Robert Smalls and his associates were unjustly dealt by in the matter of the appraisement of the Planter under the act of Congress approved May 30, 1862, and the apportionment made thereunder, which appraisement formed the value of said Planter, the arms, munitions, and tackle, at the sum of $9,000, while the evidence shows that the said boat was worth $60,000 at the time of her capture, and that the Government was offered $25,000 for her at the close of the war, and that the arms, munitions, and tackle alone were worth $10,000 at the time of capture.

Your committee therefore believe that there should be a reappraisement of said transport boat Planter, and the arms, munitions, and tackle on board of her at the time of her capture and delivery to the Federal authorities by the said Robert Smalls, and a reapportionment of the proceeds of the full value of said transport boat Planter, arms, munitions, and tackle between Robert Smalls and his associates, and for that purpose report the following bill as a substitute for H. R. 7059.

Mr. HOLMAN. I wish to inquire whether the rule laid down for the distribution of this fund, in the event——

Mr. THOMPSON, of Kentucky. How much money will this bill carry?

Mr. BISBEE. I happen to know the truth of the facts stated in this case. I was on the scene of action.

Mr. PAGE. The bill may not carry $2,000.

Mr. DEZENDORF. The amount of money will be very small.

Mr. HOLMAN. I wish to ask whether if this reappraisement be made and a further sum shall be found to be due to the captors, Captain Smalls will not under the rule provided in this bill receive a larger proportion of the amount than he would under the general law touching the capture of vessels?

Mr. DEZENDORF. He will receive the same proportion as in the case of the original appraisement under the act of May 30, 1862, one-third. The amount which he will receive will be very small at any rate.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; which was thereupon ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. DEZENDORF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF REBELLION ANNALS.

Mr. SPRINGER, from the Committee on Printing, reported a joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion; which was read a first and second time.

Mr. SPRINGER. I ask for the present consideration of this resolution.

The resolution was read, as follows:

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That the time in which the Senators, Representatives, and Delegates of the Forty-seventh Congress may designate the addresses to which the volumes of the Official Records of the War of the Rebellion shall be distributed, as provided in the act of Congress approved August 7, 1882, shall continue until the 1st day of September, 1883; and that all volumes not then designated by them to be distributed under the provisions of said act, and not directed by said act to be otherwise distributed, shall be sold by the Secretary of War as provided in said act.

Mr. McCOOK. Why not continue the time till the first of December?

Mr. PAGE. If this resolution is going to lead to debate I must object.

Mr. SPRINGER. It is not subject to objection. In explanation of the resolution I will state that the Secretary of War is of opinion that members under the act of August 7, 1882, will not have the right to designate addresses for the distribution of these volumes after the 4th of March next. This resolution provides merely for continuing the time and allowing members to designate addresses until the 1st of September.

Mr. BURROWS, of Michigan. Is this reported from a committee?

The SPEAKER. It was reported from the Committee on Printing yesterday, was printed in the RECORD, and went over.

The joint resolution was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MOORE. I ask consent to submit a resolution of inquiry, which will take but a minute.

Mr. BLANCHARD. I call for the regular order.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. CANNON in the chair), and resumed the consideration of the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The Clerk read as follows:

Improving harbor at Two Rivers, Wisconsin: Continuing improvement at the piers, $3,000.

Mr. ANDERSON. I move to strike out the lines just read. I am led to make the motion by the report of the Secretary of War to this House, in which it is stated:

The local engineer reports that Two Rivers Harbor is of no importance to the commerce of the lakes, its value being entirely local. The commercial statistics show a great falling off in the tonnage entering this harbor. Since 1879 steamers have not run to or called at this place.

Balance in Treasury July 1, 1882	$——
Appropriated act of August 2, 1882	15,000
Drawn on requisition, July 1 to December 31, 1882	7,000

The appropriation made last session for this work was $15,000, of which it appears about half remains unexpended. In addition to this balance, this bill proposes to appropriate $3,000. Now, if there have been no steamers calling at this point since 1879, if the tonnage is steadily decreasing, notwithstanding the fact that there are two rivers there, it seems to me we should abide by the recommendation of the Secretary of War, and enforce in this case the principles of the President's veto message. It seems to me this is a typical case. Attention has been officially called to it; and it is a case which certainly can not be covered either by the proposition of promoting general commerce or by that other proposition about decreasing the cost of transportation by rail.

Mr. GUENTHER. Mr. Chairman, what I said before taking a recess in reference to the harbor at Port Washington applies with equal force to this harbor. In fact, the two items were lumped together in that remarkable letter of the Secretary of War.

The Secretary of War, in his letter, says that no steamers have called at that port for a good many years. The fact is that since 1881 steamers have called there. In 1881, in addition to sailing vessels, there were one hundred and fifty-two steamer arrivals there, and just as many departures. I do not wish to take up the valuable time of this committee. I hope the motion of my mild-mannered friend from Kansas will be voted down. [Cries of "Vote!"]

Mr. VAN VOORHIS. I move to strike out the last word. Now, Mr. Chairman, I do not find in this bill Cheesequake Creek, and no bill is perfect that does not have Cheesequake Creek in it. I also miss another; I do not find Sacramento River. We gave by the last river and harbor appropriation bill $250,000 to take out of the Sacramento River *detritus* which the California miners throw into it. Now, sir, why are we not called upon to give something more for that purpose? Is the *detritus* all taken out? Is there no more *detritus*? The engineers say it will take a million and a half of dollars to do that. I ask some member of the committee why this noble river, which floats the commerce of a continent, is slighted in this manner? Why is nothing appropriated in this bill for taking out the dirt which the State of California permits the miners to throw into it?

The CHAIRMAN. Does the gentleman withdraw his *pro forma* amendment.

Mr. VAN VOORHIS. Yes; I will withdraw my *pro forma* amendment.

Mr. ANDERSON's amendment was disagreed to.

The Clerk read as follows:

Improving harbor at Oakland, California: Continuing improvement, $80,000.

Mr. ANDERSON. I move to strike out that paragraph. And I do so, Mr. Chairman, for the purpose of making an inquiry of my friend, the chairman of the Committee on Commerce, in regard to the necessity for this work at Oakland. Now, these appropriations running through the Eastern States are for $2,000, $3,000, $4,000, $6,000, $10,000, and even for Chicago, where there is greater commerce and greater tonnage probably than at all the other ports of the lakes put together, or nearly so, the appropriation is only for $75,000. Yet here is a proposition for the harbor at Oakland of $80,000. I do not remember what it was last year.

A MEMBER. Two hundred thousand dollars.

Mr. ANDERSON. I am told it was $200,000 last year. It so happens, as I remember that country, that at San Francisco, across the bay, is one of the grandest harbors which the Almighty has anywhere made. The entire shipping of the world could be accommodated in that San Francisco harbor. If you took in Suisun Bay and San José Bay it would be analogous to the splendid harbor along the front of New York, deep channel, broad channel, and fine harbor. There is a flat there where the sediment is deposited by the bay, and the proposition is to improve that flat at Oakland. I know Oakland has become an important city, but I am not quite clear when called upon to vote away $80,000 of the people's money I ought to vote to give it for making a harbor at Oakland when there is a magnificent harbor at San Francisco.

Mr. PAGE. Mr. Chairman, in order to gratify my friend, who has been to California and who ought to know, if he does not know, I will say that Oakland is on the side of the bay where all the wheat that is produced in the State of the California is shipped to Liverpool. Every pound of grain that comes to the harbor of San Francisco goes there at an expense of $2 a ton, being crossed in boats carrying cars loaded with wheat, when it ought to go to Oakland where ship and car ride side by side. On forty millions of quintals shipped from California to Liverpool there is a saving of $2 a ton. The Oakland Harbor of San Francisco is on the side of the bay where all the agricultural products of California exist.

The only other harbor is the wharf belonging to the Central Railway Company. I hope my friend is answered.

The estimate of the Engineer's Department is for $300,000, but this Committee on Commerce has only given $80,000. But as my friend from Kansas has been the advocate at all times of the interests of agriculture, and I have no reason to doubt his sincerity, I ask him to stand by this appropriation to-day, for if there is anything in this bill in the interests of agriculture it is the matter of this harbor at Oakland.

And furthermore, Mr. Chairman, let me say that every pound of tea, every pound of coffee, and all the produce of the Asias which comes into this country by way of San Francisco comes in at that point, where the ships that bring them are run up by the very side of the wharves of the railroad companies to unload their cargoes there; and from there they are shipped to New York, Philadelphia, and all of the other Eastern cities.

Mr. ANDERSON. I would like to be heard for a moment. [Cries of "Vote!" "Vote!"]

Mr. VAN VOORHIS. I move to strike out the last word.

Mr. ANDERSON. I do not believe that I occupied all of my time.

The CHAIRMAN. The Chair will hear the gentleman if he desires to be heard.

Mr. ANDERSON. I think I understood my friend from California to say that the depot at San Francisco for the arrival of these supplies and also several railroad companies was at Oakland?

Mr. PAGE. This wharf that I refer to is a wharf that belongs to the people; where ships that bring or carry away all of the commerce of the State may land, and where the wheat which comes by rail to be loaded for Liverpool or other points can be shipped from the cars to the boat without paying a tax of $2 a ton to be sent across the bay.

Mr. ANDERSON. Where is this wharf the gentleman speaks of?

Mr. PAGE. At Oakland water front.

Mr. ANDERSON. What railroad company comes in there?

Mr. PAGE. Oh, there are half a dozen of them.

Mr. ANDERSON. Well, that is just what I expected; just what I was looking for. Now, it turns out as I anticipated it would, that the development of that harbor is very largely for the benefit of the various railroad companies coming into Oakland. It will turn out, furthermore, Mr. Chairman, I venture to assert, to be an actual fact that there is no city in this Union where there is such a universal, absolute, heartless monopoly of the railroads as there is at this day in California. If you go to the very bottom of this thing I do not doubt but that you will find an expenditure of public money made here under the guise of developing the agricultural resources and products of the farms of California which is nothing more than a benefit to the railroad companies out there, with the Bank of California, the Steam Navigation Company, the Oregon Company, the California Fur Company all rolled into one great concern to derive all this benefit from the public moneys. [Loud cries of "Vote!" "Vote!"]

Mr. WASHBURN. I hope we can have order.

The CHAIRMAN. The committee will be in order.

Mr. PAGE. I do not concur with the views of the gentlemen who call "Vote!" "Vote!" when a gentleman is on the floor in good faith discussing a proposition.

Mr. VAN VOORHIS. I rise to oppose the amendment. I think I understand this Oakland Harbor matter very well. The object to which this money is to be applied is to build docks. I may say also in this connection that there are $220,000, as I am informed, unexpended belonging to this fund yet.

The harbor is deep enough, the water is deep enough, but somebody wants the Government to build dockage for them, so that these railroads, five or six of them, can use the docks built at the expense of the General Government. It is perfectly absurd to say that that is the improvement of a harbor.

Mr. HAZELTON. What do you know about it? [Laughter.]

Mr. VAN VOORHIS. I was there when my friend Mr. HAZELTON was, and he knows what I say to be true as well as I do. I am not going to let my friend contradict me when he does not know anything about it. I do not believe that he ever was in California. [Laughter.]

The CHAIRMAN. The gentleman's time has expired.

Mr. VAN VOORHIS. Oh, no; not yet!

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was not agreed to.

Mr. ANDERSON. I really am not satisfied with that Oakland matter. I move to strike out "80" and insert "75."

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

Mr. ANDERSON. I desire to be heard.

The question was taken.

The CHAIRMAN. The amendment is not agreed to.

Mr. ANDERSON. I demand a division.

The committee divided; and there were—ayes 10, noes 69.

Mr. ANDERSON. No quorum. I wanted to be heard on this motion.

Mr. PAGE. Regular order.

The CHAIRMAN. By consent the gentleman from Kansas may be heard.

Mr. ANDERSON. When I offered the amendment I stated that I desired to be heard.

The CHAIRMAN. The Chair begs the gentleman's pardon. He did not intend to take him off the floor, and did not hear his request to be recognized.

Mr. ANDERSON. I am entirely satisfied. I withdraw the motion.

The Clerk read as follows:

Improving harbor at Wilmington, California: Continuing improvement, $50,000.

Mr. BERRY. I offer the following amendment:

The Clerk read as follows:

After line 190 insert:
"For improving the entrance of Humboldt Bay, California, $100,000."

Mr. BERRY. Mr. Chairman, now, if I can have the attention of the House (which I do not often desire), I wish to say a word or two as to the improvement of the bar at the entrance of Humboldt Bay, which the Committee on Commerce, I am sure, have failed to provide for simply because the report of the engineer had not been laid before them in time. This, sir, is the second port upon the Pacific coast, that is, upon the California coast. The commerce of that port amounts to many million dollars per annum. There were about four hundred vessels entered and departed from that port during the year 1882. It is the port which taps the great redwood belt of that coast. We are shipping lumber to Australia and to China and to many of the South American states. There are some 80,000,000 feet of lumber shipped from this port annually. We have three steamers plying between San Francisco and the city of Eureka, situated at this port. There are railroad enterprises now being undertaken to run back thirty or forty miles into the redwood belt, where we have timber from five to fifteen feet in diameter and from two hundred to three hundred feet high, and it is known that the timber suitable for lumber is becoming limited in the United States.

Now, there is a bay that has twenty-seven square miles on the inside of the bar with fine navigable channels. The bar at the entrance of this bay is composed wholly of a sand formation and is constantly changing the channels; and the engineers who have examined this bar report that it should be taken charge of immediately by the Government; also, the consulting board of engineers appointed by the Government of the United States have examined the plans proposed for the improvement of the bar by the engineers in charge and have approved them and recommended there should be an appropriation of $600,000 made, in two appropriations, so that the work might be done economically and insure a proper depth of water whereby vessels might enter and depart with ease and safety.

[Here the hammer fell.]

Mr. FLOWER was recognized, and yielded his time to Mr. BERRY.

Mr. BERRY. Mr. Chairman, I would not trespass upon the patience of the House, knowing how important it is to put this bill through, were it not for the fact that this is the second port on the California coast and of vital importance to my people.

I wish to read one or two lines from the engineer's report I hold in my hand. Let me say that this report has not been printed yet. It was received so late that the Committee on Commerce had not time to examine it satisfactorily.

In 1851 this channel through this bar was 2,200 feet wide and was 21 feet deep; in 1871 it was 3,300 feet wide and only 14 feet in depth; in 1881 it was 2,740 feet wide, with only 14 feet depth of water. During the last year, 1882, the sand-spits that formed the boundaries of the channel have worn away, and we have a width of 4,000 feet and only 10 or 12 feet of water. There were eighteen vessels loaded for foreign ports with this redwood lumber that were compelled to lie for thirty days loaded inside the port waiting for the shifting channel to assume such a shape that they could depart.

Now, the engineers say by the construction of a jetty at one of these sand-spits that the channel could be so improved as to afford a constant depth of water varying from eighteen to twenty-two feet. Here, then, is really a proposition that is in the interest of the commerce of the world; it is truly international commerce. It is no mere local matter. This is a great harbor, and its improvement can be accomplished by the expenditure of $600,000. We only wish an appropriation of $100,000 to commence this work, a work recommended by the local engineers and indorsed by the consulting board of engineers appointed by your authority.

Sirs, from my personal knowledge I know there is no more important work being prosecuted by the Government than the work contemplated by my amendment, or that would result in greater benefits. I see my time has expired. Permit me to say that I hope this committee will adopt this amendment, and let the engineers enter upon this improvement by preparing material and making such other preparations as may be necessary to a rapid prosecution of the work when the channel through the bar may be found in the most favorable condition for the work.

[Here the hammer fell.]

The question being taken on Mr. BERRY's amendment, it was not agreed to.

The Clerk read lines 217 and 218, as follows:

Improving Cheesequake's Creek, New Jersey: Continuing improvement, $7,000.

Mr. SPRINGER. I move to strike out those lines.

The CHAIRMAN. The gentleman from New Jersey [Mr. JONES] is recognized.

Mr. JONES, of New Jersey. I suppose I am to do what no other member of the House has done or will do. I move to strike out of this bill appropriations for my own State. I do so because I do not think these works are for the interest of the commerce of the country, or are a national improvement. I will send up my amendment, and I propose to give my reasons for moving to strike out this part of the bill.

The Clerk read the amendment, as follows:

Strike out lines 217 to 224, inclusive, as follows:
"Improving Cheesequake's Creek, New Jersey: Continuing improvement, $7,000.
"Improving Elizabeth River, New Jersey: Continuing improvement, $5,000.
"Improving Mattawan Creek, New Jersey: Continuing improvement, $4,000.
"Improving Mantua Creek, New Jersey: Continuing improvement, $5,000."

Mr. JONES, of New Jersey. The first appropriation I wish to strike out is for improving Cheesequake's Creek. [Laughter.] I believe on that creek there are a couple of brick-yards and perhaps a clay pit. [Laughter.]

The next is for improving Elizabeth River; and that furnishes the

main reason why I get up here to oppose this. I see the report of the engineers states that there are 19,000 tons of commerce on that river. I have lived on that river for thirty years——

Mr. ROSS. Will the gentleman yield?

Several MEMBERS. Do not yield.

Mr. JONES, of New Jersey. I had a factory on that river for five years; and I have known the river for thirty years. There has not been a sloop or sail-vessel up that river for thirty years, and there will not be for thirty years more. The tonnage on that river is all on the first fifteen rods of it.

Mr. COBB. I want to ask the gentleman whether the Committee on Commerce were not mistaken in putting this into the bill?

Mr. JONES, of New Jersey. That is the very thing I am talking about. I do not believe the Committee on Commerce would have done anything wrong had they known it. Now, this report of the engineers gives the tonnage on that river as 20,000 tons, or about that. The tonnage of the river, as I have said, is all on the first fifteen rods of it. There is a wharf at the mouth of the river; and there has not for thirty years been a load two miles up the river.

That river runs up into the center of the city of Elizabeth. The upper end of it is dammed, and that is used for the supply of water to the city of Elizabeth; and all the water that goes into the river or nearly all of it, has to pass the houses and through the sewers into this river.

One object I have in making this statement and in opposing these items is to suggest that if the Committee on Commerce have been deceived on this particular paragraph, for these particular appropriations, they may have been deceived all the way through.

Mr. ANDERSON. Undoubtedly.

[Here the hammer fell.]

Mr. PAGE. As a member of the committee reporting this bill, I desire to say that the Committee on Commerce, after having their attention called to Cheesequake's Creek so many times through the public press, gave this matter their careful attention.

We examined the reports of the Engineers' Department. Naturally we had a prejudice against the name of Cheesequake's Creek. It has an unfortunate name, I admit. But what are the facts? I was in hopes that my friend from New Jersey [Mr. JONES], whom I esteem very highly, would have been enabled to enlighten this House upon the question of the commerce of that creek, as they call it; it is a tidal stream.

The statistics show that there were 40,000 tons of sand shipped out of that creek of the value of $80,000; that there were shipped 18,000 tons of pottery clay, of the value of $3 a ton, or $54,000.

Mr. SPRINGER. What is the gentleman reading from?

Mr. PAGE. I am reading from the report of the Engineers Department.

Mr. SPRINGER. I do not find anything like that in it.

Mr. PAGE. I can not help that. There were also shipped 4,000 tons of hay, which, at $12 a ton, was worth $48,000; of fertilizers, 37,500 tons, at $2 a ton, $75,000; of wood, 1,000 cords, at $4 a cord; of ashes, 10,000 bushels; of lime, 5,000 bushels; of oysters, 2,300 bushels; of farm products, $300,000, and of general merchandise $100,000, making in all $670,000 worth of produce that goes out of Cheesequake's Creek every year.

Mr. REED. Which end of it? [Laughter.]

Mr. PAGE. I do not care if it goes out of both ends. I will submit to my friend from Maine [Mr. REED] that he can now move for a committee of investigation to find out which end of the creek this commerce goes out.

So far as the Committee on Commerce is concerned, I desire to say now that while the committee once struck this out they afterward put it back again, because they believed that the engineer's reports and the facts and statistics stated in them justified them in making this small appropriation for this river with an unfortunate name. It is a creek, but it is a tidal creek; and as I have shown out of it comes thousands of tons of commerce every year. It is a creek, not in the sense in which we denominate the small streams and creeks of the mountain in the Northern States; but is a tidal stream. It is true that at low tide the water is shallow; but at high tide there goes out of it commerce enough to justify this appropriation.

Now, I submit the matter to the candid judgment of every man who will read the statistics upon the subject. I ask this committee not to be carried away by any cry of newspapers or any false pretensions against this creek because it happens to have an unfortunate name.

Before I conclude I want to state the number of vessels that sail in and out of this creek: Of sloops 152, of schooners 30, of barges 146, and of steam-vessels 222. That is the creek, Cheesequake's Creek, that everybody says is so insignificant that it ought not to be included in a river and harbor bill. I only know what the report of the engineers says, and I only desire to put the committee right on this question.

Mr. HARRIS, of New Jersey, addressed the committee. [See Appendix.]

Mr. BUTTERWORTH. I desire to put a question to my friend who has just taken his seat. The papers of this country have howled down this Congress as if we were the consorts of thieves in the matter of this river and harbor bill. If any member of the House has connived at securing an appropriation for a pond or a creek which has no commerce and has thus practiced an imposition upon this House we ought to know it. If any gentleman rises in his place to bear testimony here it should have some relation to the truth in order that the lightning may not bear all over this country statements made as if upon personal knowledge which are as far from the truth as Dives from the court of Heaven.

Mr. HARRIS, of New Jersey, again addressed the committee. [See Appendix.]

Mr. JONES, of New Jersey. Mr. Chairman, I move to amend by striking out the last word. My object in this matter, as I have said, is not to antagonize this committee, but to show to this House and the country the operations of this board of engineers. It is asked where the commerce of this river is. Now, a river may have a very good mouth; the first ten or fifteen rods of the river may be navigable and may be better than the sound adjoining, which is the case with Elizabeth River; and there may be a nice dockage. There may be, as is the case with Elizabeth River, a railroad connection, for a spur to the New Jersey Central Railroad runs to this point.

Mr. DAWES. That is to say there is a good harbor.

Mr. JONES, of New Jersey. There is a good harbor, and a good dockage. There is a rolling-mill right there. There is, or was, a large spoke factory there; I had the spoke factory myself for five years. I know what I am talking about, and I never saw a vessel run up the river in my life. I am stating this matter just as it is. I would not willingly antagonize a city within five miles of my own residence. I am making a good many enemies in doing it; but, gentlemen, I am not here for any individual enterprise. I am here for the good of the country, the whole country. I do not care anything about any individuals or any local enterprise.

My colleague has stated to the House that there is on that river a tonnage of so much sand, so much brick, &c. I know that there are a couple of brick-yards, a sand-pit, and a clay-pit. Now, is this improvement a local benefit or is it a public benefit? If it is a public benefit I want a railroad constructed from the Pennsylvania Railroad to my factory, because I have a factory there and have to do all the cartage by teams. If the Government is to dredge this river and dredge the Cheesequake's and the Morris River and all the other rivers there for the sake of a few individuals living there I say let the Government come in and build railroads for the benefit of private individuals.

Mr. HARRIS, of New Jersey. We did that once.

Mr. JONES, of New Jersey. Then it ought to be done again. If it was right then, or if it was once right, it is right all the time.

Now, Mr. Chairman, I do not want you to understand me as antagonizing the Committee on Commerce, but I am antagonizing the bill, and I am going to vote against it. [Laughter.] I was not well enough to be here last year and vote in the last Congress on this bill, because I was sick; and I was cursed for being sick. [Laughter.] Now I am here and I am going to show my constituents what I would have done had I been here last year. I intend to vote against the bill. [Laughter and applause.]

Mr. HARDENBERGH was recognized.

Mr. VAN VOORHIS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VAN VOORHIS. What gentleman from New Jersey is recognized?

The CHAIRMAN. The gentleman from New Jersey on the right [Mr. HARDENBERGH.]

Mr. VAN VOORHIS. I withdraw the point of order.

Mr. HARDENBERGH. Mr. Chairman, I rise simply for the purpose of asking a question of this committee in connection with the passage of this bill, or of my colleague, who, I presume, can answer it.

Now, in all the sessions of Congress during which I have been a member, I have never yet voted for a river and harbor appropriation bill; and I did not vote for them simply because I objected to the amount appropriated for that purpose. But this I do know, sir, that New Jersey in all of her history has received but very little favor so far as her internal improvements are concerned from the General Government of the United States. It has been exceedingly seldom that her representatives here have ever asked for one single dollar from the National Government for the improvement of her streams or the benefit of her commerce. But the question that I want to ask to-night as a representative of that State is this—and let us deal with it, gentlemen of the committee, as a plain, practical, common-sense question. It is not a question of the improvement of dry water-ways or the building up of disused harbors. The question which I wish to present is one that goes further than that. It is one of common, business intelligence, and of the proper management of such affairs. It is not whether it is an appropriation for local improvements or local purposes, but the question is how far in so appropriating money we are justified by the relations that our State bears to the Congress and to the country. The question therefore that I desire to ask this committee is simply this: In all these improvements, Mr. Chairman—improving Cheesequake's Creek, New Jersey (continuing improvement), $7,000; improving Elizabeth River, New Jersey (continuing improvement), $5,000; improving Mattawan Creek, New Jersey (continuing improvement), $4,000; improving Mantua Creek, New Jersey (continuing improve-

ment), $3,000—the Government has spent, as near as I can understand it, somewhere between fifty and sixty thousand dollars toward the improvements which I have thus specified, that is toward rendering these streams navigable, toward making them tributary to the commerce and for the benefit, if you please, of the State of New Jersey as she stands in her relations to the commerce of the United States.

Now, when these improvements have been commenced, where they have been made in part, what I desire to ask this committee is whether they should be continued, not whether there is necessity for them. I have nothing to say upon that subject. They are not in the limits of my district, and I leave that question to the representative of that district. But tell me, gentlemen, what is to be done with the money that has been expended already by the Government upon them? If they have been rendered navigable in part will you leave the money of the United States there expended useless, idle, and lost, or will you by a simple continuance of the small amounts of appropriation required proceed to render that money which you have already expended of service to the people and to the country by making these streams navigable and completing the purposes of the improvements? That is the only question I have to ask, and the only one that the State of New Jersey asks this Committee of the Whole and this Congress to consider. It is a plain business question. Will you throw away the money that has been already expended? Has it been used improperly? Is any further expenditure impracticable? If so drop it at once. But when you are asked to spend for that whole State a few thousand dollars to render useful the improvements you have already begun there, and to save the money that has been already put into these improvements, it is your duty not to throw aside the money that you have already expended, but to render it valuable for commercial purposes. In a sense of justice and right I ask you not to throw aside and waste the money that has been spent there, and if there be this addition made to the works already begun and commerce can be made practicable thereby, I ask in the name of New Jersey now that you will not stop the work but allow it to proceed. We want no special favors; we only ask this in a sense of justice.

[Here the hammer fell.]

Mr. VAN VOORHIS addressed the Chair.

Mr. PAGE. I want to ascertain if the committee can not come to some understanding as to the length of time this matter is to be discussed. I hope we can have a vote at once; if not I shall be compelled to move that the committee rise.

Mr. BUTTERWORTH rose.

The CHAIRMAN. Debate is exhausted upon this amendment.

Mr. BUTTERWORTH. I move to strike out the last three words.

The CHAIRMAN. That is not now in order; there are already two amendments pending.

Mr. BUTTERWORTH. Who moved the amendment?

The CHAIRMAN. The gentleman from New Jersey.

Mr. BUTTERWORTH. I hope he will withdraw the amendment.

Mr. HARRIS, of New Jersey. I withdraw the amendment which I offered.

Mr. BUTTERWORTH. I move to strike out the last word.

I do not wish to detain the House three minutes. I only desire to say what I should have said perhaps when I was on my feet before, that I am willing to strike out any item in this bill which is not properly placed there.

But I want to suggest to the House and to the country that this committee has but two sources of information. One is through the channel fixed and authorized by law to bring that information. That is the report of the board of engineers having charge of these works. If officers falsify, if they bear incorrect testimony, they should be dealt with.

Another source of information is the member in whose district the work is proposed. If he deals unfairly with the House and with the country, upon his head ought to fall the responsibility.

These are all questions which should be discussed, and with care and candor. They are not propositions to be made light of in any respect. The House has acted up to its conception of what was right and proper in the light of the information it gets. Now let the men who have these improvements recommended in their various districts show to the House that the engineer's report is wrong, that the proposed improvement is one that ought not to be made, and this House will now, as it would have done at the last session, be swift to vote it out; because there is no man who knows enough to go in out of the rain but knows that the members of this Congress or any other Congress can not have any interest apart from the general public in these improvements which are carried on under the supervision of the War Department and under the control of the engineers of that Department. All I ask is that the House may be fairly dealt with by members, by engineers, and by the sources from whence we derive our information and upon which we are compelled to act. And I say to my friend from New Jersey that if it is true as he says that these are unworthy projects, I, and I am sure every man on this floor, will be swift to vote them out.

Mr. COX, of New York. I do not find in these estimates or recommendations any recommendation of this Cheesequake's business.

Mr. VAN VOORHIS. Here is what the Secretary of War says.

Mr. COX, of New York. I have what he says. On the 1st of July, 1881, the amount available was $24,000. The amount appropriated by the act of 1882 was $15,000, making $39,000. The amount estimated for completion of the existing project is $35,000. The amount that could be profitably expended in the fiscal year ending June 30, 1884, is $20,000.

What for? For a little local improvement never recommended. If any gentleman of the committee will tell us this was ever recommended I wish to know it.

Mr. HORR. It was.

Mr. COX, of New York. I can not find it. There is no authority for the improvement. There is not one recommendation of it. All that is said is that the commerce is $110,000 per annum; that it is estimated by interested parties at $110,000.

Mr. HORR. You have not the original report on which the work was commenced.

Mr. COX, of New York. I have the original report. It states this:

> The amount of commerce on Cheesequake's Creek is estimated by parties interested at $110,000 per annum.

Mr. HORR. That is not the report on which the work commenced.

Mr. WASHBURN. If the gentleman from New York will turn to page 680 he will find that the Chief of Engineers recommends it.

Mr. COX, of New York. If I can not make the point as to the particular thing, I make the general point, on which I stand always on these appropriations, that whereas Ohio made her canals by her own money; whereas Maryland made her canals by her own money; whereas New York made her canals with her own cash, and made them free by taxing her own people, we are called on now in the afternoon of the nineteenth century by the Federal Government to add taxes on taxes to gratify a few men, parties interested in certain creeks and harbors entirely local. We are against that on principle. We are against that in detail. We fight it from now to the end. If we do not succeed now we will in the next Congress, when Democrats will have a majority and old State rights principles will prevail.

Mr. HARRIS, of New Jersey. I will answer the gentleman's question now about the recommendation.

The CHAIRMAN. Debate is exhausted.

The *pro forma* amendment was withdrawn.

Mr. WASHBURN. I renew it. I desire to ask the gentleman from New Jersey [Mr. JONES] whether these works are in his Congressional district?

Mr. JONES, of New Jersey. No, sir.

Mr. WASHBURN. I supposed when the gentleman arose in his seat with the impressive manner in which he did, and made his statement, that these works were in his district. But it seems that his patriotic sacrifice is very much of the same character as that of Artemus Ward, who was willing to "sacrifice all his wife's relations." He did not propose to go to the war himself, but he was willing to sacrifice his wife's relations. That seems to be the case with the gentleman from New Jersey.

Now, sir, there has been in the past year a systematic effort in many quarters to blackguard the river and harbor bill and the great internal improvements provided for by it out of existence. This attempt was initiated in the city of New York. All this clamor about the river and harbor improvements, all this loose talk about creeks and macadamized streams, has been in the nature of a diversion and cover for the real motives of those who have opposed any river and harbor bill.

The people of the city of New York, as voiced by the press of that city, do not wish to see the great Mississippi River improved; that is the real difficulty. These great improvements that are opening up the channels of commerce of the West, affording competition as against the trunk lines of railroads leading to New York city, are what they fear; but they seek to divert the attention of the country from their real motives by clamoring about Cheesequake's and trout streams, fearing that these improvements will divert the commerce of the country from the city of New York.

Mr. COX, of New York. I deny that statement; it is incorrect.

Mr. WASHBURN. And I am surprised that the gentleman representing that great metropolis of this country——

Mr. COX, of New York. I deny that statement.

Mr. HUMPHREY. Nevertheless it is true.

Mr. WASHBURN. "Actions speak louder than words." But I rose merely to ask the committee not to be diverted from this great question, not to be bulldozed and blackguarded into refusing to make these great improvements for the development of the country, for the opening up of its great channels of trade, and for affording means to relieve the commerce of the country from the arbitrary exactions of the railroads.

[Here the hammer fell.]

Mr. PAGE. I ask if we can not have an agreement now to take a vote on this amendment? We have been discussing it for three-quarters of an hour.

Mr. VAN VOORHIS. I rise to oppose the amendment.

The CHAIRMAN. The gentleman from California asks consent that a vote be taken on the pending amendment.

Mr. VAN VOORHIS. I object.

Mr. BELFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. VAN VOORHIS. I demand fair play. You were not put there to act in that way.

The CHAIRMAN. The gentleman from New York is not in order, and will take his seat. The Chair will recognize the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. A few years ago—and I hope I may obtain the attention of the committee—my distinguished and eloquent and lovable friend from New York [Mr. COX] made a speech in this House denouncing an appropriation that was contained in a river and harbor bill in reference to a creek called Kiskiminitas. He will float down the annals of time with the name of that creek—Kiskiminitas. [Laughter.]

And yet it is a fact that in the first session of the first Congress that assembled under the Constitution, Madison and the fathers of the Republic discussed and debated the propriety of locating the national capital on that creek because it was a navigable stream.

Mr. COX, of New York. What State is it in?

Mr. BELFORD. It is in the State of Pennsylvania, the State of my birth, by whose interests I always stand. [Great laughter.]

Now, in the five minutes allotted to me I desire to call the attention of the committee and of the country to one fact. The Democracy have always controlled the South, and you men of the South have always stood by the Democratic party; yet the members of the Democratic party have denounced the propriety of improving your rivers and harbors, and of making appropriations to put you on your feet.

When in the last session of Congress the Republican party, that has been aspersed and derided and assailed, came forward and said, We have $150,000,000 of surplus revenue in the Treasury of the United States, and we will contribute from that surplus to put the South on its feet, you Democrats railed and bedeviled and attempted to disgrace us throughout this whole Republic. [Great laughter.]

A MEMBER (on the Democratic side). That is not so.

Mr. BELFORD. That is true. I say that I was in favor of that river and harbor bill because this is our whole country, from the North to the South, from the East to the West.

A MEMBER. Repeat that. [Laughter.]

Mr. BELFORD. Our whole country, from the North to the South, from the East to the West. God has blessed the South with a beautiful climate, with a fertile soil, with magnificent rivers on whose bosoms can float the commerce of this continent.

Now, I hope that the Republican party in the expiring hours of this Congress will have the courage to make these appropriations to the end that our whole country may be made grand and magnificent, that we may teach the South that it is a part of our country, and that she will not again err as she did of old.

Mr. BERRY. Amen! [Great laughter.]

Mr. PAGE. Now I hope that we may have a vote on the pending amendment. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. CALKINS having taken the chair as Speaker *pro tempore*, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I now move that when the House again resolves itself into Committee of the Whole for the purpose of further considering the river and harbor appropriation bill all debate on the pending paragraph and all amendments thereto shall be limited to two minutes.

Mr. SINGLETON, of Illinois. Say one minute.

Mr. VAN VOORHIS. I move to make it twenty minutes.

Many MEMBERS. Vote! Vote!

The SPEAKER *pro tempore*. The Chair will recognize no gentleman until the House shall come to order. [After a pause.] The gentleman from California, the chairman of the Committee on Commerce, moves that when the House again resolves itself into Committee of the Whole on the state of the Union for the further consideration of the river and harbor appropriation bill all debate on the pending paragraph and all amendments thereto shall be limited to two minutes.

Mr. VAN VOORHIS. I move to amend so as to make it fifteen minutes.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from New York [Mr. VAN VOORHIS].

The amendment was not agreed to.

The SPEAKER. The question is now upon the motion of the gentleman from California [Mr. PAGE], to limit debate to two minutes.

The question was taken by a *viva voce* vote; and the Speaker announced that the ayes had it.

Mr. PAGE. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. VAN VOORHIS. I call for a division on the last vote.

The SPEAKER *pro tempore*. Does the gentleman state that he rose in time and called for a division?

Mr. VAN VOORHIS. I certainly did. I tried to get a division on my motion.

The SPEAKER *pro tempore*. Then the question will be again taken.

The House divided upon the motion of Mr. PAGE to limit debate to two minutes; and there were—ayes 146, noes 2.

Mr. VAN VOORHIS. No quorum has voted.

The SPEAKER *pro tempore*. There was a quorum voting.

Mr. HAZELTON (to Mr. VAN VOORHIS). You voted yourself, and that made up the quorum. [Laughter.]

The SPEAKER *pro tempore*. The motion to limit debate is agreed to.

Mr. VAN VOORHIS. I could not understand what the Speaker said. I supposed no quorum voted.

The SPEAKER *pro tempore*. A quorum did vote.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the river and harbor bill.

The question being taken on the motion of Mr. PAGE, that the House resolve itself into Committee of the Whole House on the state of the Union, it was agreed to.

The House accordingly resolved resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair, and resumed the consideration of the river and harbor bill.

Mr. PAGE obtained the floor and said: I yield my two minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I want only two minutes to respond to the gentleman from Colorado [Mr. BELFORD.] That gentleman has made a very eloquent speech in favor of improving the navigation of our rivers. I know that all the navigation he cares for in Colorado or elsewhere is by artesian wells. [Laughter.] If he will only offer an amendment to strike out "Cheesequake's" and put in "artesian wells," we will bore for him. [Laughter.] I do not see my friend from Colorado here.

Mr. Chairman, I never in my life saw such a *reductio ad absurdum* as this proposition made here to-night about Cheesequake's. The gentleman from Colorado, a State where there is never any water—for I have been there, and have drank with the gentleman on the top of a stage-coach——

A MEMBER. Drank what? [Laughter.]

Mr. COX, of New York. I do not propose to commit myself on that subject. In the Ohio Valley there is "water, water, everywhere, but not a drop to drink." In Colorado there is no water—only whisky, whisky everywhere.

I want to say to my friend from Colorado that I am proud to see him here making one more speech, although, as it appears, he represents Pennsylvania. I am furnished with a quotation from Macauley which fits his case:

> We knew his purple vestment,
> We knew his crest of flame;
> So even comes *Jimminicas*
> Of Colorado fame.

[Laughter.]

The *pro forma* amendment being withdrawn, the question recurred on the amendment of Mr. JONES, of New Jersey, to strike out lines 217 to 224.

The question being taken, there were—ayes 57, noes 77.

Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. HARRIS, of New Jersey, and Mr. JONES, of New Jersey, were appointed.

The committee again divided; and the tellers reported—ayes 48, noes 102.

So the amendment was not agreed to.

Mr. ANDERSON. I move to strike out lines 217 and 218, containing the appropriation for the improvement of Cheesequake's Creek.

Mr. VAN VOORHIS. I ask to have read a few lines from the report of the Secretary of War in relation to Cheesequake's Creek.

The CHAIRMAN. No debate is in order.

The question being taken on the amendment of Mr. ANDERSON, there were—ayes 11, noes 70.

Mr. ANDERSON. No quorum.

Tellers were ordered; and Mr. PAGE and Mr. ANDERSON were appointed.

Mr. ANDERSON (during the count by tellers) said: If the gentleman from California [Mr. PAGE] will agree to give us a vote in the House on this proposition, I will withdraw the point in regard to a quorum.

Mr. PAGE. I can not do it; the rules do not allow it.

The committee having divided, the tellers reported—ayes 36, noes 106.

So the amendment of Mr. ANDERSON was not agreed to.

Mr. ANDERSON. I rise to a parliamentary inquiry. The Clerk, I understand, read last lines 217 and 218 relating to Cheesequake's Creek; he had not read the line relating to Elizabeth River and Mattawan Creek and Mantua Creek.

Mr. WILSON. Oh, yes, he had.

Mr. ANDERSON. They have not been read.

Mr. DUNN. A motion has been voted down to strike them out.

Mr. ANDERSON. I propose, when we reach Mattawan Creek, to make a motion to strike out that appropriation. My parliamentary inquiry is, whether that will not be debatable?

The CHAIRMAN (Mr. POUND). The Chair will answer the gentleman's inquiry by directing the Clerk to read, commencing with line 219.

The Clerk read as follows:

Improving Elizabeth River, New Jersey: Continuing improvement, $5,000.
Improving Mattawan Creek, New Jersey: Continuing improvement, $4,000.

Mr. ANDERSON. Now I move to strike out the clause in regard to Mattawan Creek; and I claim that the motion is debatable.

Mr. PAGE. Oh, no.

The CHAIRMAN. Debate was limited upon the motion of the gentleman from New Jersey [Mr. JONES] to including these lines.

Mr. ANDERSON. These lines were not before the committee.

Mr. PAGE. Debate was closed upon these four paragraphs.

The CHAIRMAN. The motion to close debate included these lines. The point of order was not made that they had not been read, and it is too late to raise that point now.

Mr. ANDERSON. What is the ruling of the Chair?

The CHAIRMAN. That the motion of the gentleman from New Jersey was to strike out down to and including line 224. The point was not made that these lines had not been read by the Clerk. The motion made by the gentleman from California to limit debate to two minutes included these two lines.

Mr. ANDERSON. My point is that debate could not be closed on lines which had not been read and were not before the committee.

The CHAIRMAN. The Chair very distinctly stated they were included in the motion of the gentleman from New Jersey, and no point of order having been made, these lines were not read, and therefore it is now too late to raise that point.

Mr. BRIGGS. The motion was to limit the debate on the pending paragraph and all amendments thereto.

Mr. ANDERSON. That is a fact.

The CHAIRMAN. The Chair did not so understand it.

Mr. ANDERSON. I appeal to the gentleman from California.

Mr. PAGE. My intention was to limit debate on the motion of the gentleman from New Jersey covering the four paragraphs and all amendments thereto. [Cries of "Vote!"]

Mr. ANDERSON's motion was disagreed to.

The Clerk read as follows:

Improving Passaic River, New Jersey: From Pennsylvania Railroad bridge to mouth of river, $15,000.

Mr. VAN VOORHIS. I move to strike out that paragraph. The gentleman from Ohio [Mr. BUTTERWORTH] stated that the newspapers have been talking about this bill. The gentleman from Minnesota [Mr. WASHBURN] said they had been blackguarded about this bill everywhere. Now, I have sought the floor in order that it might be seen who are the blackguards.

In the first place, I suppose the gentleman from Minnesota would place the President of the United States in that category; and, in the second place, that he would place the Secretary of War in the same category. I ask the Clerk to read an extract from the letter of the Secretary of War.

The Clerk read as follows:

IMPROVING CHEESEQUAKE'S CREEK, NEW JERSEY.

Continuing improvement $15,000

The purpose of this appropriation is to improve about three miles of creek by such dredging operations as will secure a navigable channel four feet deep and one hundred feet wide as far back as Whitehead.

The report of the Chief of Engineers shows that the original condition of the channel from the bar or jetty at the mouth gives a depth of one foot at mean low water for about three-fourths of the length to be improved, and for the remaining portion a depth of from four feet to one and one-half feet at low water. The course of the creek is very crooked and requires to be straightened.

The project is a change of the outlet into a direction at right angles to the beach, to sustain this direction by jetties of stone, and to straighten the course of the creek and increase its depth in the upper portions.

The official reports furnish no definite information as to the amount of commerce to be benefited.

Balance in Treasury July 1, 1882	$24,000
Appropriated act August 2, 1882	15,000
Drawn on requisition, July 1 to December 31, 1882	15,000

IMPROVING MATTAWAN CREEK, NEW JERSEY.

Continuing improvement $6,000

From the report of the local engineer it would appear that the object of this improvement is to increase local developments.

The present commerce is small, but he states that "by the proposed enlargement of the channel-way and increased facility for shipping goods it is computed that there would be a growth in the commerce of from one-third to one-half, and that a large portion of Monmouth County would be benefited. Manufacturers would also be induced to locate there, as inquiries have already been made as to whether the creek is easy of access by water."

Balance in Treasury July 1, 1882	$——
Appropriated act August 2, 1882	6,000
Drawn on requisition, July 1 to December 31, 1882	6,000

The CHAIRMAN. The gentleman's time has expired.

Mr. VAN VOORHIS. I withdraw my amendment.

The Clerk read as follows:

Improving Woodbridge Creek, New Jersey: Continuing improvement, $1,000.

Mr. ANDERSON. I move to strike that out. Now, Mr. Chairman, while I have confidence, as we all have in any bill reported by the Committee on Commerce, and while I still have that confidence in the members of the committee, nevertheless, I am frank to say my hope has been shattered somewhat and my heart is bruised and bleeding; for, sir, it seems they have been relying on the report of the engineers and the statements which have been made by the Secretary of War, and yet from what has been stated by the gentleman from New Jersey [Mr. JONES], who is personally familiar with Cheesequake's Creek and Mattawan Creek, who is perfectly familiar with this quartet of New Jersey creeks, which the committee has refused to strike out, that the committee has been misled by false information. He presented the case so clear I conclude the Committee of the Whole will be willing at least to strike out this particular appropriation.

There is no use talking about it, Mr. Chairman, but under the circumstances gentlemen can not justify their action before the country. They may think they can, but they will be unable to do so, because the country will never believe that Cheesequake's Creek is a great national highway.

I have the largest confidence in the judgment of my friend from California, but in this matter it seems to me they have been misled by these engineers, and if so the whole foundation upon which I have rested my hope and vote in regard to the several appropriations as to creeks and other things scattered through this bill is gone.

Now, I should like to know something about Woodbridge Creek.

Mr. PAGE Time is the essence of this bill and of future legislation, and while I am aware that these motions on the part of the gentlemen come from the best motives, I feel if time is unnecessarily taken up in the discussion it will prevent the passage of this or any other bill.

[Cries of "Vote!"]

Mr. ANDERSON. It would be quite as well if the committee could have found time when it presented this bill to have given us some information on the subject.

Mr. PAGE. Has not the gentleman's time expired?

The CHAIRMAN. Not entirely.

Mr. ANDERSON. Here in the last week of the session we have had put before us these appropriations for Cheesequake's Creek and the other creeks of the New Jersey quartet. Now comes Woodbridge Creek, and I want to know something about it so I can vote intelligently on the subject.

Mr. HARRIS, of New Jersey. Let me answer the gentleman.

Mr. ANDERSON. It may be all right, but I do not think my friend should insist upon denying to us the right to call for information when this bill is forced upon our attention, when this House ought to be dealing with the reduction of the tariff and other great matters affecting the people, instead of having this strainer full of holes on the river and harbor bill. [Laughter and applause.]

[Here the hammer fell.]

Mr. PAGE. I would refer the gentleman to the engineer's report and to the letter of the Secretary of War in reference to this question. That will give him all the information upon the subject that I think he could demand.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

The amendment was not agreed to.

The Clerk read as follows:

Improving Delaware River below Bridesburgh, Pennsylvania: Continuing improvement, $90,000.

Mr. ANDERSON. I move to strike out "ninety" and insert "forty." I want to get some information upon this subject.

Mr. WARD. I think I can explain to the satisfaction of the gentleman the necessity for this. [Cries of "Vote!" "Vote!"]

Mr. PAGE. Let the gentleman examine the engineer's report, which will show.

Mr. ANDERSON. I withdraw the motion.

The Clerk read as follows:

Improving Mispillion Creek, Delaware: Continuing improvement, $1,500.

Mr. ANDERSON. Now I move to strike out that paragraph. I want to draw the line somewhere on these little creeks. I want to have some explanation as to the necessity for the improvement of this stream. Where is it?

Mr. WARD. It is not a creek, it is really a part of the Delaware River.

Mr. ANDERSON. Has it any commerce?

Mr. WARD. Yes; that river has $74,000,000.

Mr. ANDERSON. Of what?

Mr. WARD. Commerce.

Mr. ANDERSON. Where from?

Mr. WARD. All the world.

Mr. ANDERSON. I move to strike that out.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

Mr. WHITE. I desire to be heard on the motion to strike out lines 250 and 251. I find in the engineer's report, the first volume, page 772, that the exports from this creek, Mispillion Creek, Delaware, for which an appropriation of $1,500 is appropriated in this bill, are stated in full. This is another one of these little creeks and is a very convenient place to put a few thousand dollars into for some purpose.

Mr. O'NEILL. It is about four hundred feet wide.

Mr. WHITE. I find the exports from that creek were white oak timber, 500,000 feet; railroad ties, 30,000; wood, 5,000 cords; bark, 600 tons; wheat, 100,000 bushels; wool, 5,000 pounds; sheepskins,

7,000; hides, 30,000; canned fruits, 54,000. The imports are about 1,000 tons of fertilizers; 2,000 tons of coal, with merchandise of various kinds to the value of $100,000. A little creek over there on the coast of Delaware, and yet here is this great Government expending money for its improvement.

But, Mr. Chairman, the original plan—however, in reference to this creek I should say in the first instance that it was discovered in 1881, on the 3d day of March, by a Democratic Congress. It was never heard of before, although Delaware has been in this Union a long time. This little creek was never discovered until the time that party got into power, as I have said, in 1881. During this time a channel forty to fifty feet wide six feet deep at low water and nine hundred and fifty yards long was made through "Mushpot Shoals." For the completion of the original project which was for six feet of water navigation from the mouth of the creek $3,500 was estimated to be required.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on agreeing to the amendment of the gentleman from Kansas.

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. The Chair cannot entertain that motion now.

Mr. ANDERSON. I withdraw the amendment.

Mr. WHITE. I renew it. I desire to say that the original plan it was estimated required $3,500 to complete the work. Now, that being the case, why does not the committee put that sum in the bill and complete the project at once and get rid of this little creek for the future? I will tell you why it is not done. In this report, page 121, it is said an available entrance depth of four feet at mean low water would cost about $55,000, and a depth of three feet at mean low water would cost $49,000. The intention here, then, is to hold this over until next winter, when a Democratic Congress comes in here, and they will appropriate $10,000 or $20,000 to finish it. But, further, by this second plan it has been discovered you can reach an oyster-bed or a tadpole-pond by having three feet at mean low water, or four feet, at a cost of $55,000. But after a while it will be discovered that by having five feet at mean low water, and then six feet at mean low water, we can do so and so and get to some other point, and appropriations will not diminish for this stream.

I desire to call the attention of this committee to the fact that this country is being taxed by a system of internal taxation that is exceedingly onerous to the people. This Congress is about to expire, and nothing has been done to take these internal-revenue taxes from the people. We sit here and propose to peddle out little sums to these impracticable creeks, not to make a sweeping bill, not to satisfy the whole country, but simply enough to carry the bill through and so to mollify the metropolitan press.

I say, sir, we had better vote down this bill, we had better adjourn and do nothing, than pass this bill and leave the taxes on tobacco where they are, on bank checks where they are, and on other matters that are now taxed. All internal taxes, I should say, except on whisky, should be repealed.

If we are going to have this system of peddling out the money and leaving those taxes, the Republican party will have another load to carry at the next election. I would like to see them delivered from it. They are making a mistake. The President has pointed out the way. He says, "Repeal all the taxes on tobacco; let your river and harbor bill alone; you appropriated more money last year than we know what to do with."

[Here the hammer fell.]

The question being taken on the amendment, it was not agreed to.

The Clerk read lines 252 and 253, as follows:

Constructing pier in Delaware Bay, near Lewes, Delaware: Continuing construction, $2,000.

Mr. SPRINGER. I move to amend by striking out the lines just read.

I have looked in the estimates of the engineers and can find no reference to this amendment whatever. I would like gentlemen either to explain why the item is in this bill or else to strike it out. There is nothing in the reports of the engineers to sustain it.

The amendment was not agreed to.

The Clerk read lines 257 and 258, as follows:

Improving Corsica Creek, Maryland: Continuing improvement, $5,000.

Mr. ANDERSON. I move to strike out the lines just read. I would like to get a little information about this item. I would like to know how many thousand tons of importations from the other continents enter at this port.

Mr. PAGE. The gentleman will find the information he desires on page 844 of the report of the Chief of Engineers.

Mr. ANDERSON. The gentleman has it before him; let him read it.

Mr. PAGE. I have not time to read it.

Mr. ANDERSON. I am waiting for information. I am asked to vote $5,000 for the improvement of that creek, and I want to know something about it. Furthermore, I question whether I am properly discharging my duty in permitting this House to vote millions of money without a quorum.

Mr. PAGE. I read this from the engineer's report:

There is a good shipping business done to and from this stream. At Centreville Landing there are good wharves and several large warehouses. It is stated on good authority that the shipments of grain amount to 300,000 bushels per annum and are increasing, with large quantities of shells, lime, and general merchandise freighted to the creek.

I have not time to read it all.

The CHAIRMAN. Does the gentleman from Kansas insist on his motion to strike out the paragraph? The Chair understands the gentleman to withdraw it.

Mr. ANDERSON. I have not withdrawn it. I simply sat down, desiring a vote to be taken.

The question being taken on Mr. ANDERSON'S amendment, it was not agreed to.

The Clerk read lines 269 and 270, as follows:

Improving James River, Virginia: Continuing improvement, $50,000.

Mr. WISE, of Virginia. I offer the amendment which I send to the desk.

Mr. PAGE. Oh, don't!

Mr. WISE, of Virginia. Yes, I must. This, I think, is an amendment to which the chairman of the committee will not object.

The Clerk read the proposed amendment, as follows:

After the word "dollars," in line 270, insert the following:
"On the plan for deepening the channel twenty-two feet at mean low tide."

Mr. WISE, of Virginia. I wish to say——

Mr. PAGE. That does not involve any increase of expenditure. I have no objection to it.

Mr. WISE, of Virginia. That is according to the report of the engineers.

Mr. VAN VOORHIS. I desire to be heard on the amendment. And first of all I call for order.

The CHAIRMAN. The committee will be in order.

Mr. VAN VOORHIS. I want to be able to hear the Chair and I want the Chair to hear me. There is such confusion in the House that nothing can be heard.

This amendment dictates to the engineers what they shall do. The War Department will carry on this improvement just as it has been carried on. It is not necessary to limit it. For aught I know this may change the entire character of the improvement. I think the amendment ought not to be adopted.

Mr. WISE, of Virginia. I do not think it necessary to answer the gentleman.

The question being taken on the amendment, it was agreed to.

The Clerk read lines 279 to 281, as follows:

Improving Great Kanawha River, West Virginia: Continuing improvement, $120,000.

Mr. KENNA. Mr. Chairman, I desire to call the attention of the chairman of the committee to the fact that on page 24 of this bill the levying of tolls for operating the work is prohibited, and that the clause making an appropriation for the continuance of the work omits—accidentally, I have no doubt—the language of the bill of last year.

Mr. PAGE. It was an oversight; that should have been inserted.

Mr. KENNA. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 280, after the word "improvement," insert "and operations of the work."

Mr. KENNA. Otherwise the navigation would be prohibited.

The amendment was agreed to.

Mr. WILSON. I desire to offer a further amendment. I send it to the Clerk's desk that it may be read, and upon that I desire to make a statement.

Mr. PAGE. We have not reached your improvement yet.

Mr. WILSON. Mine is not in this bill at all. [Laughter.] You never will reach it.

The Clerk read the proposed amendment, as follows:

Insert after line 281 the following:
"For continuing the improvement of the Little Kanawha River in West Virginia to complete lock and dam as estimated for by engineers, $31,000: *Provided*, That no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War its agreement not to charge in any manner any tolls for its improved navigation: *And provided further*, That this appropriation shall be in lieu of the $31,000 appropriated for this work by the last session of Congress.

Mr. WILSON. I desire to get the attention of the Committee on Commerce and more particularly that of the chairman of that committee. At the last session of Congress an appropriation was made of $31,000 for the improvement of this river. The Senate inserted the provision which I have just sent to the Clerk's desk. That amendment passed the Senate. The bill afterward went to a committee of conference, and I have the word of the chairman of the Committee on Commerce that he failed to find that amendment as written, and gave it from his recollection, appropriating $31,000; but in doing so he made a mistake and imposed conditions that the navigation company could not accept.

The lower part of this river has locks and dams upon it. The amendment of the committee of conference provided that no toll at all should

be charged upon any part of that river, when in point of fact the object of the Senate provision was that no additional toll should be charged by reason of this improvement.

The Government has already appropriated $50,000 for this work, and $31,000 more will complete it entirely. The $50,000 already appropriated will be lost to the Government unless $31,000 more shall be appropriated.

It was a clear mistake of the committee of conference. I will not repeat what has been stated on the floor of this House so often that there is no part of the United States where there is more valuable timber, in proportion to area of country, than in that Little Kanawha section. I have before me the maps of West Virginia issued by the Census Bureau showing the timber regions of the State. There is a larger area of valuable timber and nearer water transportation in that section than in any other section that I know of.

That timber goes eastward and westward, to New York and to New Orleans. A large amount of the hard wood is shipped all the way by rail to Baltimore, and from there it goes to Europe where it finds a ready sale.

I hope the committee will give this $31,000, heretofore appropriated at the last session of Congress, so that it can be made available. I have expressly provided in my amendment that it shall be in lieu of the $31,000 appropriated at the last session, and that no increased toll shall be charged because of this improvement by the existing improvement company of that river.

Mr. WHITE. I desire to ask a question of the gentleman who offers this amendment. I desire to know whether any money has been already expended to make this improvement, and whether at the last session of Congress any appropriation was made?

Mr. WILSON. Thirty-one thousand dollars was appropriated.

Mr. WHITE. When? At the last session?

Mr. WILSON. Yes.

Mr. WHITE. For this improvement?

Mr. WILSON. For this improvement. I simply desire to apply that same money now; to utilize the $31,000 which was so appropriated, but the navigation company could not comply with the unreasonable requirement and agree to charge no toll on its locks and dams. It is willing to charge no additional toll on account of the improvement the Government may make.

Mr. KENNA. I desire to add only one word to what has been submitted by my colleague [Mr. WILSON.] The work in progress on the Little Kanawha River—and its commercial importance has never been denied on this floor—is of such a character that its discontinuance will necessarily cause an absolute loss to the Government of the money which has already been appropriated. If that work is not completed the money already appropriated will be lost entirely. The sum of $50,000 has been expended upon this river in the construction of locks and dams. The sum of $31,000 more, the amount necessary for the completion of this work, was appropriated at the last session of Congress, but with a condition which prevented its expenditure.

Now, I submit to the House, and especially to the Committee on Commerce, that a modification of that condition, so far as to allow no tolls to be charged on that part of the river made available by virtue of this appropriation, ought under the circumstances to answer every reasonable demand. I hope the amendment will be allowed to go into the bill.

Mr. HEPBURN. Allow me to call attention to the provision in the appropriation bill of last year. It was in this language:

Provided, That no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge, in any manner, any tolls on the Little Kanawha River.

It will be seen that the proviso in the amendment now offered by the gentleman from West Virginia [Mr. WILSON] changes very materially the character of the provision in the bill of last year. It puts before the House and before the country this proposition: that there shall be appropriated $81,000 of the money of the United States to aid a private corporation, the Little Kanawha Improvement Company, to carry on its work.

Mr. WILSON. No, sir.

Mr. HEPBURN. It seems to me that is most unjust; that there can be no proper claim that money should be appropriated out of the Treasury of the United States to aid a private corporation, or that that corporation should be permitted to charge tolls upon this improvement. The sum of $81,000 is a large appropriation, and that is the entire cost of this improvement.

We are asked now, after having voted the public money for this improvement, to permit this private corporation to tax the public commerce on this river; a most unjust and it seems to me iniquitous proposition.

Many MEMBERS. Vote! Vote!

Mr. KENNA. I desire to say in reply to the gentleman from Iowa [Mr. HEPBURN], and it seems to be proper that I should do so, that the question which he raises and submits to the House at this time is one that ought to have been submitted and determined by the House, and it was submitted when this work was undertaken.

Now, the sum of $50,000 has been expended upon this improvement, and that amount will be entirely lost to the Government unless the additional sum of $31,000, necessary to complete the work, shall be given. I hope the House will not put itself in the attitude of expending $50,000 on this work uselessly and to no purpose.

Mr. WILSON. One word. I desire to say to the gentleman that he is laboring under a misapprehension. This question was discussed fully in Congress six years ago, and the appropriation was made with all the facts before it in an elaborate and ample report of the Secretary of War.

It was agreed that the work should go on. When I read the clause which had been inserted in the bill I saw that there had been a mistake, and so stated to the chairman of the committee, who told me that he had mislaid the Senate provision and had inserted the provision of the bill from recollection, supposing it was given accurately. But it turned out that it was a mistake.

Mr. HEPBURN. I wish to inquire whether it is not necessary that the commerce of this river should pass through tolled locks in order to reach the portion now in question; and is there any limitation upon the tolls that this company may charge? Is it not true that, although a part of the navigation of the river is free, tolls may be charged without limitation upon the other portion?

Mr. WILSON. There are limitations, strict limitations.

Mr. HEPBURN. What are they? Is the company limited in its charges?

The CHAIRMAN. Debate is exhausted.

Mr. HEPBURN. I hope the chairman of the committee will explain this matter.

Mr. WILSON. To-day a proposition was made to appropriate money for a harbor in Michigan where there was, as I understand, a private corporation——

Mr. HORR. No, sir; there is no such item in the bill, nor any that approaches it.

The CHAIRMAN. Debate is exhausted.

Mr. WHITE. I move to strike out the last word.

In conformity with the provisions of the river and harbor act of August 2, 1882, no part of the appropriations therein made can be expended until the Little Kanawha Improvement Company shall have filed an agreement not to charge in any manner any toll on the Little Kanawha River. This agreement has not yet been filed. Now, while these parties can charge toll the Government ought not to undertake to appropriate money for the improvement of the river.

Mr. WILSON. I have explained that in regard to the provision of last year there was a mistake; the provision which was intended to be inserted was mislaid, and the provision of the bill as it became a law was inserted by the chairman of the committee under a misapprehension.

The question being taken on the amendment of Mr. WILSON, there were—ayes 11, noes 28.

So the amendment was not agreed to. [Cries of "No quorum!"]

The Clerk resumed the reading of the bill.

Mr. WILSON. The point of "no quorum" was made on the last amendment, before the Clerk commenced to read. I understand the gentleman from New York [Mr. VAN VOORHIS] raised the point.

The CHAIRMAN. The gentleman from New York is capable of speaking for himself.

Mr. ANDERSON. I move to amend by striking out in lines 280 and 281 "$120,000" and inserting "$60,000."

The CHAIRMAN. That clause has been passed.

Mr. ANDERSON. But I rose to make this motion when the gentleman from West Virginia rose, and I addressed the Chair to the best of my ability. I rose in time.

Mr. KENNA. I rise to a point of order. I submit that it is too late for the gentleman to make this motion. A gentleman can not sit in his seat pending a proposition and discussion here for an indefinite time, and then say that he rose in time. If he did rise in time, he should have enforced his rights at the time.

Mr. ANDERSON. But the amendment of the gentleman from West Virginia was to perfect the text.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, and the gentleman from Kansas [Mr. ANDERSON] is too late.

The Clerk read as follows:

Improving Trent River, North Carolina: Continuing improvement, $5,000.

Mr. HUBBS. I move to amend the clause just read by striking out "$5,000" and inserting "$10,000."

The amendment was not agreed to.

Mr. VANCE. I move to amend by inserting after the pending clause the following:

Improving French Broad River, North Carolina: Continuing improvement above Smith's Bridge, $3,000.

I appreciate the importance of not detaining the Committee of the Whole, but for some reason the Committee on Commerce has left out the provision for this river. The work is already begun on the French Broad, and about $35,000 have been spent in improving that river. It has been improved from the town of Brevard to Buck Shoals. Work has been ordered below the shoals, from Smith's Bridge, at Asheville,

near the railroad depot, to the shoals above. Now, if the Committee of the Whole will agree to this appropriation of $3,000, it will enable us to go up to the shoals; and then we will be willing to wait another year before asking for money to enable us to go through the shoals.

I think this work ought not to be abandoned. It is a modest amount. I ask only $3,000; $38,000 have already been appropriated. I hope there will be no objection to the amount I ask. It will enable boats to connect with the railroads at two points above Ashville, where there are enormous forests of walnut and locust. Mr. Chairman, the gentleman from California [Mr. PAGE] interrupts me to say there is an amount of $5,000 already on hand. The gentleman is mistaken. There are only $3,800 of it on hand. I ask the small sum be given to a modest man for a modest country. [Applause.]

Mr. WILSON. I move to strike out the last word. If the other side be disposed for partisan purposes to shape legislation in such a way as to aid and assist the destruction of any Democrat and to break down the Democratic party and to build up the Republican party, I have never seen a more clear instance of that kind than was exhibited a few moments ago. [Cries of "Vote!"]

The CHAIRMAN. The Chair hears no objection, and the *pro forma* amendment is withdrawn.

The question recurred on Mr. VANCE's amendment.

The committee divided; and there were—ayes 26, noes 81.

Mr. VAN VOORHIS. No quorum has voted.

Mr. VANCE. I do not make the point of no quorum myself, and I hope the gentleman from New York will not insist on it.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina as having control of his own amendment, and the Clerk will proceed to read.

The Clerk proceeded with the reading of the bill.

Mr. VAN VOORHIS. I have made the point of no quorum, and I demand a vote.

Mr. VANCE. I withdraw my amendment, to save further trouble.

The Clerk proceeded with the reading of the bill.

Mr. WHITE. The Clerk has continued reading, although I have shouted at the top of my voice claiming the attention of the Chair. The Clerk began on line 292, and there is where we are now.

Mr. VAN VOORHIS. I wish the Clerk would be a little more deliberate in his reading. [Laughter and applause.]

Mr. WHITE. I desire to move to strike out, in lines 292 and 293, the following words:

Improving Great Pedee River, South Carolina: Continuing improvement, $2,000.

Mr. VAN VOORHIS. We do not wish to put this thing through with lightning speed. We wish to know what is going on. [Laughter.]

A MEMBER. You were struck with lightning last fall; enough to satisfy you.

Mr. WHITE. I wish to be heard on my amendment.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. WHITE. I wish to read from the message of the President of the United States. [Laughter and applause].

Mr. ANDERSON. I call for order. I wish to hear the President's message.

Mr. WHITE. The President has told you in his annual message as follows:

But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulation; it is a cause rather for serious apprehension.

[Cries of "Vote!"]

Gentlemen do not seem to pay attention to this recommendation of the President. They did not pay attention to his advice last fall, and the gentleman from New York found it out to his sorrow.

Let me proceed with the reading of the message of the President:

It was made apparent in the course of the animated discussions which this question aroused at the last session of Congress that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses.

I regret that because of conflicting views as to the best methods by which that policy should be made operative none of its benefits have as yet been reaped.

In fulfillment of what I deem my constitutional duty, but with little hope that I can make valuable contribution to this vexed question, I shall proceed to intimate briefly my own views in relation to it.

Upon the showing of our financial condition at the close of the last fiscal year, I felt justified in recommending to Congress the abolition of all internal-revenue taxes except those upon tobacco in its various forms, and upon distilled spirits and fermented liquors; and except also the special tax upon the manufacturers of and dealers in such articles.

I venture now to suggest that, unless it shall be ascertained that the probable expenditures of the Government for the coming year have been underestimated, all internal taxes, save those which relate to distilled spirits, can be prudently abrogated.

Such a course, if accompanied by a simplification of the machinery of collection, which would then be easy of accomplishment, might reasonably be expected to result in diminishing the cost of such collection by at least two millions and a half of dollars, and in the retirement from office of from fifteen hundred to two thousand persons.

The system of excise duties has never commended itself to the favor of the American people, and has never been resorted to except for supplying deficiencies in the Treasury when, by reason of special exigencies, the duties on imports have proved inadequate for the needs of the Government. The sentiment of the country doubtless demands that the present excise tax shall be abolished as soon as such a course can be safely pursued.

It seems to me, however, that, for various reasons, so sweeping a measure as the total abolition of internal taxes would for the present be an unwise step.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAGE. Now let us have a vote.

Mr. WHITE's amendment was rejected.

Mr. WHITE. I move now to strike out "$2,000" and insert "$1,000;" and I propose to read further from this interesting document. [Laughter and applause.]

The CHAIRMAN. The Chair is inclined to give the widest latitude for legitimate debate.

Mr. WHITE. It is impossible for me to hear the Chair unless gentlemen will keep quiet.

The CHAIRMAN. The gentleman from Kentucky will hear the Chair.

Mr. WHITE. I am entitled to be heard on my amendment.

The CHAIRMAN. The Chair is willing, as no doubt the committee is, to give the widest range to legitimate debate, but the gentleman from Kentucky is not discussing the question before the committee.

Mr. WHITE. I desire, with all due respect, to say——

The CHAIRMAN. The gentleman from Kentucky is out of order, and must confine himself to the question before the committee.

Mr. WHITE. I rise to state, with all due respect to the Chair, that if I had been permitted to conclude the passage from the message of the President I would have made this remark about that little appropriation to North Carolina: that it is more important to the people down there that Congress should wipe out the tax on tobacco than to give them $2,000 to be squandered by the Chief Engineer's agent down there. [Cries of "Vote!"]

The committee divided; and there were—ayes 5, noes 90.

Mr. VAN VOORHIS. No quorum has voted, and I demand tellers.

Mr. WHITE. I withdraw the amendment.

Mr. VAN VOORHIS. I object to the withdrawal of the amendment. It was my amendment to strike out that section.

The CHAIRMAN. The gentleman from Kentucky has withdrawn his amendment.

Mr. VAN VOORHIS. I move an amendment to strike out the entire section.

The CHAIRMAN. That has been already voted down.

Mr. VAN VOORHIS. I call for a division.

The CHAIRMAN. That amendment was rejected.

Mr. VAN VOORHIS. Who made it?

The CHAIRMAN. The gentleman from Kentucky.

Mr. VAN VOORHIS. I now move to reduce the amount to $200; and on that I call for a vote.

The question was taken on the amendment of Mr. VAN VOORHIS; and the Chair announced that it was disagreed to.

Mr. VAN VOORHIS. I demand a division.

Mr. HAZELTON. I make the point of order that a gentleman addressing the Chair must address him from his seat.

Mr. VAN VOORHIS. I want the Chair to hear me, and I am going to make him hear me.

The committee divided; and there were—ayes 8, noes 110.

Mr. VAN VOORHIS. No quorum.

The CHAIRMAN. The point of order being that no quorum has voted, the Chair will appoint tellers.

Mr. VAN VOORHIS and Mr. GUENTHER were appointed tellers.

The committee again divided; and the tellers reported—ayes 9, noes 138.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Saint John's River, Florida: Continuing improvement, $100,000.

Mr. BISBEE. In lines 317 and 318 I move to amend by striking out "100,000" and inserting "150,000."

I am aware, Mr. Chairman, that gentlemen are anxious to come to a vote on this bill. But I have been appealed to and besought by letters, telegrams, and memorials from the merchants, bankers, and other business men of the city of Jacksonville to endeavor to get this Congress to make an increase of appropriations. The estimated cost of this work when completed at the mouth of the Saint John's River is $1,300,000. The work commenced in December, 1880, and at the end of the fiscal year 1882 there had been an increased depth of water obtained on the bar of from three to four and one-half feet with an expenditure of but $225,000. There is no public improvement of the kind in this country, anywhere, so greatly beneficial to commerce, or where such results have been obtained by the expenditure of so small an amount, as have been obtained at the mouth of this river where the work is going on. What is it? It is simply putting in jetties at the mouth of the river to confine the water within its interior limits down to deep water. What do we want? We simply ask for money enough to continue the work without interruption. And on this subject, as it speaks better than I can, I desire to have read so much of this memorial, which I send to the desk, from the business men of Jacksonville as I have marked.

The Clerk read as follows:

Second. In December of 1880, when the work was commenced, the depth of water on the bar was eleven feet. In June of 1882, with an aggregate expendi-

ture of $225,000, the sounding showed from fourteen to fifteen feet, with a much shorter and more direct outlet to deep-sea water.

Third. The cessation of work from June to November of 1882, caused by lack of funds, as shown by the recent report of Captain Post of the engineers, resulted in a subsidence of the shore end of the south jetty and the re-establishment of cross-currents which had been brought under control, thus seriously damaging the jetties and making it necessary to use a large portion of the last appropriation to repair the damage. Captain Post in his report of January 11, 1883, says: "Had additional money been available so as to have prevented the long period of suspension of operations nearly, if not all, of this settlement could have been prevented."

Fourth. There is but one opinion among those who from long experience and practical observation are best able to judge as to the results of the jetties at the entrance of the Saint John's when completed, and that is that they will prove a complete success and assure a depth of water on the bar which will fully meet the expectations of the engineers and prove of incalculable benefit to commerce.

Fifth. It is equally evident and capable of plain and palpable demonstration that until the work is completed and thoroughly secure, if the money already expended is to be preserved and the jetties successfully and economically completed, there must be no interval in the vigorous and vigilant conduct of the work.

Sixth. To illustrate the effect of the hiatus last summer and fall, not only must a large portion of the appropriation of 1882 be expended in repairing the damage caused thereby, but the water has shoaled down from fourteen to twelve feet, where it now stands.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Florida.

The amendment was not agreed to.

Mr. VAN VOORHIS. I move to strike out in this paragraph "one hundred thousand" and insert "forty thousand."

The committee divided; and there were—ayes 3, noes 146.

Mr. VAN VOORHIS. Has a quorum voted? I raise the question and ask that the Chair please to state how many are recorded in the negative.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Improving Pascagoula River, Mississippi: Continuing improvement, $3,000.

Mr. VAN VOORHIS. I move to strike out "$3,000" in line 329, in order to be able to ask a question of the Chair, whether the Chair intends to show any fair play to the opponents of the bill?

The CHAIRMAN. The Chair declines to answer any such question. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. TUCKER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TUCKER. Without favoring the motion of the gentleman from New York, I think the gentleman is entitled to make the motion which he unquestionably made upon the floor.

The CHAIRMAN. The Chair desires to say that he wishes to treat every gentleman fairly; but when a gentleman rises in his place ostensibly to make a motion and then undertakes under cover of the motion to impeach the Chair, the Chair will not recognize that motion any further. The Clerk will read the bill.

The Clerk read as follows:

Improving Pearl River, Mississippi, $8,000.

Mr. MANNING. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 333, insert "$2,000 of which sum to be expended between Batesville and the mouth of the Coldwater."

Mr. McLANE. That is all right.

Mr. MANNING. It does not ask an increase of the amount appropriated, but simply provides how a portion of it shall be expended.

The amendment was agreed to.

Mr. MONEY. I offer the amendment I send to the desk.

The Clerk read as follows:

Improving Noxubee River, Mississippi: Continuing improvement, $8,000.

Mr. MONEY. I wish to say a word on this amendment, without detaining the committee. This appropriation is a continuing one for the improvement of that river. Thirty-five thousand dollars have been already expended with excellent results. I suppose that this was left out of the bill by inadvertence in making it up, or possibly by a typographical or clerical error. This is the only thing I have asked in the whole bill. It is a matter of importance to that section of the country, and I hope the committee will agree to the amendment.

Mr. PAGE. The committee has no authority to accept the amendment.

Mr. MONEY. It is a very important stream. I presume, as I have said, that the committee passed it over inadvertently. I know they could not properly have failed to make the appropriation if attention had been called to it. I ask a vote upon the amendment.

The question was taken.

Mr. MONEY. I demand a division.

The committee divided; and there were—ayes 42, noes 79.

So the amendment was not agreed to.

Mr. VAN VOORHIS. I make the point that no quorum has voted.

Mr. PAGE. I hope the gentleman will not insist upon that point.

Several MEMBERS. Withdraw the amendment.

Mr. MONEY. In order to save the time of the committee, as the amendment has been rejected, I withdraw it.

Mr. SINGLETON, of Mississippi. I offer the amendment which I send to the desk.

Mr. VAN VOORHIS. I rise to make a parliamentary inquiry.

The CHAIRMAN (Mr. CANNON). The gentleman from New York will state it.

Mr. VAN VOORHIS. I raise the point that after a motion has been voted on it can not be withdrawn except by unanimous consent.

The CHAIRMAN. When the gentleman from Mississippi [Mr. MONEY] asked leave to withdraw his amendment, there was no objection. An objection would come too late.

The Clerk read the amendment proposed by Mr. SINGLETON, of Mississippi, as follows:

After line 335 insert the following:
"Improving Tchula Lake, Mississippi: Continuing improvement, $1,500."

Mr. SINGLETON, of Mississippi. Tchula Lake is supposed to be the old bay of the Yazoo River. It runs out of the Yazoo almost parallel with it for about one hundred miles and then empties into it again. Twenty thousand bales of cotton are raised on the banks of that river—so says the engineer—10,000 bales of which are carried out through Tchula Lake since the improvement that has been made there. With an appropriation of $4,500 more the whole of those 20,000 bales of cotton would go out through the lake, and not have to be hauled to the Yazoo River through an overflowed swamp in the winter season. And those 20,000 bales of cotton, let it be remembered, are worth $1,000,000, to say nothing of the cotton-seed that is carried out and the freight that is carried back. We have no railroads there, and the water transportation is our only chance to get cotton to market. I only ask for $1,500, conforming myself to the principle established by the Committee on Commerce of giving only one-third of the amount recommended by the engineers in charge. We want you to give us this small sum of money to continue the improvement of this Lake Tchula.

Mr. BROWNE. Does the gentleman's statement include also the value of the cotton-ties?

Mr. SINGLETON, of Mississippi. That is a question to be considered hereafter.

Mr. ROBINSON, of Ohio. The engineers are all honest fellows and everybody knows they never make an estimate above the amount of money they ought to have. That is characteristic of them. It is part of their profession. I suggest we make the amount $4,500 that the estimate of the engineers may be fully complied with.

The CHAIRMAN. Does the gentleman from Ohio offer this as an amendment?

Mr. ROBINSON, of Ohio. Yes, sir.

The CHAIRMAN. Does the gentleman from Mississippi accept that amendment as a modification of his amendment?

Mr. SINGLETON, of Mississippi. I will accept it if it does not endanger the passage of my amendment. If the House chooses to vote that I will not object.

The question being taken on the amendment proposed by Mr. ROBINSON, of Ohio, to the amendment, it was not agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. SINGLETON].

Mr. ANDERSON. It seems to me that is a case which ought to recommend itself favorably to the committee. I should like to say a word in favor of the amendment of the gentleman from Mississippi.

Now here is a case in which there are no railroads near at hand; where there is a large agricultural population, where there is a large cotton crop to be moved, and we all know very well that some of the men growing that crop are men who enlist the sympathies certainly of this side of the House as well as that.

It so happens, Mr. Chairman, that the committee did not attend to this particular case. It so happens that there are some of the weak ones of God Almighty who happen to be down there. Here is an opportunity of benefiting them.

Mr. HORR. To whom do you refer?

Mr. ANDERSON. The gentleman knows very well to whom I refer. I refer to the freedmen there. Here is a chance for the committee to do a little bit of generosity and justice. I ask the committee to let this drop in for the benefit of these men. I do very much hope the amendment of the gentleman from Mississippi will be adopted.

The question being taken on the amendment of Mr. SINGLETON, of Mississippi, there were—ayes 65, noes 83.

So the amendment was not agreed to.

The Clerk read lines 336 to 340, as follows:

Improving Red River, Louisiana: Continuing improvement from the Atchafalaya to Fulton, Arkansas, including its tributaries above Black River, and for closing the outlet of the river known as "Sale and Murpli's Canal," $50,000.

Mr. WHITE. I move to strike out all after the word "for," in line 338, and to insert "conveying the waters of the Red River into the Atchafalaya, $50,000;" so that it will read:

Improving Red River, Louisiana: Continuing the improvement from the Atchafalaya to Fulton, Arkansas, including its tributaries above Black River, and for conveying the waters of the Red River into the Atchafalaya, $50,000.

Now, Mr. Chairman, all that region of country around the Grand Lake and along the waters of the Atchafalaya is practically a swamp, except so much of it as is permanently above high water. The Red

River, however, in emptying itself into the Mississippi River causes destructive floods below the mouth of the Red River. This is the only way of removing that difficulty. If it were not for this engineering to make the Red River empty itself into the Mississippi it would naturally empty itself through the Têche or the Atchafalaya into the Gulf.

Now, sir, if we are going to legislate to change the topography of the country, if we are going to legislate and determine in this bill which way the river ought to flow, what we are going to stop up, and what we are to leave open, I propose to put my views on record now; that if we are ever to stop the overflow in the Mississippi River Valley it will be by leaving the Arkansas River, the Red River, and all the rivers west of the Mississippi and south of the Saint Francis to run in one or two or three, if need be, principal channels into the Gulf of Mexico.

[Here the hammer fell.]

The question being taken on Mr. WHITE's amendment, it was not agreed to.

The Clerk read the following:

Improving Buffalo Bayou, Texas: Continuing improvement, $30,000.

Mr. JONES, of Texas. I move to amend by inserting after the clause just read that which I send to the Clerk's desk.

The Clerk read as follows:

Improving Matagorda Bay at the mouth of Saint Mary's Bayou, near the town of Matagorda, Texas, $10,000.

Mr. JONES, of Texas. I shall occupy the attention of the committee for but a moment. This proposed improvement was thoroughly considered by the Committee on Commerce and was not favorably reported only because it was a new work.

Mr. PAGE. That is all.

Mr. JONES, of Texas. Its importance was conceded, but the committee felt unwilling to incorporate into the present bill any new work, and for that reason only the appropriation was not included in this bill. Now, I desire to say that past neglect is a very poor excuse for continuing it. In support of this proposition as to the importance of the work I read from the engineers' report:

Matagorda is a town of five hundred inhabitants, is situated on the left bank of Saint Mary's Bayou at its mouth, and is the county seat of Matagorda County. According to the statements of its citizens it was once a thriving town, with a depth of channel across the bar of three and a half or four feet, but during the gradual shoaling of the entrance of the bayou has dwindled into insignificance. The soil of Matagorda County is black and red loam, and is very fertile. It is principally a cotton-growing and cattle-raising county and produced last year 12,000 bales of cotton, which, on account of the shoal water on the bar, was carried by rail to market.

The estimate by the engineer for the effectual accomplishment of the work proposed is the small sum of $10,000, and I hope the amendment will be adopted.

The amendment was not agreed to.

The Clerk read the following:

Improving Arkansas River, Arkansas: Continuing improvement at Pine Bluff, $15,000.

Mr. ANDERSON. I move to amend by inserting after the clause just read the following:

Improving Kansas River, $25,000.

That stream is one hundred and twenty miles long. It has been neglected.

Mr. DUNN. The paragraph just read relates to the Arkansas River. Is the Kansas a tributary of the Arkansas?

Mr. ANDERSON. No, sir.

Mr. DUNN. What does it run into?

Mr. ANDERSON. It runs into the Missouri River at Kansas City. It drains the Kansas Valley.

Mr. PAGE. It is not in the estimates.

Mr. ANDERSON. That may be; but it has been surveyed. I am very frank to say that if the money was mine, I would not expend any $25,000 in trying to make this a navigable stream. I do not wish to mislead the committee in any regard as to my opinion about it.

Mr. BAYNE. Will the gentleman permit me——

Mr. ANDERSON. Not now. There is a great deal more water in this stream, it has a finer capacity for improvement, than very many of the streams for which appropriations are made in this bill.

More than that, if it were improved as the Kanawha River has been so as to make it a navigable stream by the use of dams and locks, so as to have still-water navigation, it would afford a competitive check on the Kansas Pacific Railroad and on the Atchinson, Topeka and Santa Fé Railway.

I do not urge it on the ground that in my judgment it would be advisable for the United States Government to attempt the improvement of the Kansas River, unless it should expend about a million of dollars. But when this bill is made up for the purpose of distributing money among the different States, I should think that upon that principle it was entirely proper and fair that this initial appropriation should be given to the great State of Kansas. That is the only ground upon which I place the amendment.

The amendment was not agreed to.

The Clerk read the following:

Improving Fourche Le Fevre River, Arkansas: Continuing improvement, $3,000.

Mr. WILSON. I desire to offer an amendment, and before I send it up I desire to say—and I want to get particularly the attention of the chairman of the Committee on Commerce—it is the same proposition which I before offered, except that I have reduced the amount of the appropriation from $31,000 to $25,000.

It was charged by a gentleman a while ago that no improvement had been made upon any river which had locks and dams upon it. Now, I desire to say that there are two rivers, one entirely in West Virginia, the Little Kanawha, and the other partly in West Virginia and partly in Pennsylvania, the Monongahela River, both of which streams have locks and dams on the lower parts of the streams. They are exactly of the same character of improvement, and in the same condition before Congress and the country except this; there was an arrangement made between the Monongahela Improvement Company and the Government that they should build alternate locks and dams.

I ask the attention of the chairman of the Committee on Commerce [Mr. PAGE] to what I am stating. I say that these two rivers occupy the same relation, both having locks and dams on the lower parts of the rivers. Congress at the last session made an appropriation for the Monongahela River, and reported an appropriation for the Little Kanawha River.

As I stated awhile ago, I was told by the chairman of the Committee on Commerce that they did not insert the Senate provision in the bill because when they came to confer upon the subject that provision had been mislaid or lost; but he gave it from recollection, and believed that he gave the substance of the Senate amendment.

Mr. PAGE. I do not remember that.

Mr. WILSON. That was the assurance given to me by the gentleman from California who now has the honor to preside over the Committee on Commerce.

Here are two improvements. Congress gave to the Monongahela River $25,000; I have the law before me. And now I claim that in lieu of the $31,000, which Congress last year appropriated to the Little Kanawha, we ought now at least to have $25,000. Understand that I do not ask to take another dollar out of the Treasury, except $25,000 of the $31,000 that was appropriated last year.

Now, if the House shall determine not to do that it will be a discrimination in favor of other streams and against the Little Kanawha.

I therefore offer the following amendment:

Continuing the improvement of the Little Kanawha River, in West Virginia: To complete lock and dam, as estimated for by engineers, $25,000: *Provided*, That no part of this amount shall be expended until the Little Kanawha Improvement Company shall have filed with the Secretary of War, to be approved by him, its agreement not to charge, in any manner, any tolls for this improved navigation: *Provided further*, That this appropriation shall be in lieu of the $31,000 appropriated for this work at the last session of Congress.

This amendment is the provision which was intended to be inserted in the bill of last year, but the amount is curtailed from $31,000 to $25,000.

The amendment of Mr. WILSON was not agreed to.

The Clerk read as follows:

Improving Cumberland River, Tennessee: Continuing improvement above Nashville, $18,000; continuing improvement below Nashville, $5,000.

Mr. HOUSE. I move to amend the clause just read by striking out "$5,000" and inserting "$16,000." This additional appropriation of $11,000 for continuing improvement below Nashville will entirely complete this work. If it be not given now the work will hardly be commenced before it must be stopped. I hope the Committee on Commerce will not object to this amendment. When the last river and harbor bill was under consideration in this House the committee promised that on the next bill a sufficient amount would be given to complete this work.

The amendment was agreed to; there being—ayes 53, noes 49.

Mr. McMILLIN. I move to amend by striking out "$18,000" and inserting "$52,000" for continuing the improvement above Nashville. It will require only $52,000 to complete the work according to the plan heretofore adopted.

Mr. STEELE. I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIMONTON. I move to amend by inserting the following paragraph:

Improving the Big Hatchie River, Tennessee: Continuing improvement, $5,000.

The amount estimated for the improvement of this stream is $30,000. About $16,500 have been expended, opening the river for navigation for two hundred and thirteen miles. The estimate for the next year is $10,000. My amendment asks for an appropriation of $5,000. I am inclined to think, from the votes given, that there may be some hesitation on the part of the committee in voting for this amendment——

Mr. PAGE. Let us have a vote.

Mr. SIMONTON. I hope the amendment will be adopted.

The amendment was not agreed to.

The Clerk read as follows:

Improving Ohio River: Continuing improvement, $250,000.

Mr. MOREY. I move to amend by inserting after the clause just read the following:

Provided, however, That not more than $40,000 of this appropriation shall be expended on the Davis Island dam.

Mr. BUTTERWORTH. This amendment I understand the committee agreed to accept.

Mr. MOREY. This is the official estimate.

Mr. BAYNE. I believe that later estimates have been put in. Let the amendment be modified so as to provide that the amount appropriated for this work shall be in accordance with the estimates.

Mr. KENNA. The amount should be definitely stated.

Mr. BUTTERWORTH. I ask my colleague [Mr. MOREY] whether the amendment does not name the amount estimated?

Mr. MOREY. Yes, sir; the estimate is $40,000.

The amendment was agreed to.

Mr. WHITE. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out the following (lines 369 and 370):
"Improving Kentucky River, Kentucky: Continuing improvement, $50,000."

Mr. WHITE. Mr. Chairman, I read from page 257 of the report of the Secretary of War:

Improvement of Kentucky River and of Tradewater River, Kentucky; of Big Sandy River, Kentucky and West Virginia; and of Guyandotte and Little Kanawha Rivers, West Virginia.

Officer in charge, Major James W. Cuyler, Corps of Engineers.

1. *Kentucky River, Kentucky.*—The present project for this improvement is to reconstruct the old State slackwater works in the lower one hundred miles of river, and to continue the slackwater system of navigation to the "Three Forks," one hundred and fifty-eight miles farther up, by the construction of entirely new works. This project has been so far carried into execution as to reopen to navigation, by the operations of the year just closed, the four lower old works, thus improving the lower eighty-two miles of river.

This leaves one hundred and seventy-five miles of the river. Now the engineer says that this work is entire and permanent.

Mr. SINGLETON, of Illinois. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. SINGLETON, of Illinois. It is this: we have passed from that appropriation.

The CHAIRMAN. The point of order comes too late. Beside that, the gentleman from Kentucky reserved the right to offer this amendment stating he rose in time.

Mr. SINGLETON, of Illinois. I make the point of order that the gentleman from Kentucky can not reserve any right to go back in the bill, and we had gone beyond this point.

The CHAIRMAN. The gentleman from Illinois will give his attention to the Chair. The gentleman from Kentucky stated he rose and addressed the Chair in time.

Mr. SINGLETON, of Illinois. But the committee had gone beyond that point.

The CHAIRMAN. The gentleman from Kentucky made that statement, and after his amendment had been offered he proceeded to debate it. The point of order therefore comes too late.

Mr. WHITE. I hope this will not come out of my time.

Major Cuyler, who has charge of this work, lives in Cincinnati. The money in my opinion is being squandered on that river. The attention of the Engineer Corps has been called to that fact, but it does no good. This $50,000 to continue a work where there is one hundred and seventy-six miles yet to be completed, is a mere drop in the bucket. It had better stop entirely than to continue the force there and allow such an error or such a disastrous waste of money as the proof abundantly shows occurred the year before last and last year, and I therefore move, although it is in my own State, to strike it out.

Mr. WHITE'S motion was agreed to.

Mr. BURROWS, of Michigan. I now renew my motion that the committee rise.

Mr. PAGE. I hope not.

Mr. BURROWS, of Michigan. I hope they will.

Mr. PAGE. I hope they will vote it down.

The committee divided; and there were—ayes 48, noes 68.

Mr. VAN VOORHIS. I make the point that no quorum has voted.

The CHAIRMAN. No quorum is required on the motion to rise.

The Clerk read as follows:

Improving Ohio River: Continuing improvement, $250,000.

Mr. WILLIS. I move to add the following:

Of which amount not exceeding $40,000 may be used for continuing the improvement of the Indiana Chute Falls of the Ohio.

I desire to say this amendment does not involve the increase of the bill a single dollar. It only asks in the discretion of the engineer this amount may be used upon one of the most important points on the Ohio River.

I could elaborate and give the facts connected with this improvement, but I do not wish to take up the time of the committee. As it does not involve an increase and as it leaves the whole matter to the discretion of the engineer, I hope the amendment will be accepted.

Mr. BUTTERWORTH. The engineer could now use $100,000 there if he sees fit. He will use it in his discretion, and I agree that that is a point of importance.

Mr. WILLIS. I have just received a letter from Colonel Merrill that under this bill he does not think he has discretion, for the reason that this Ohio Falls improvement is in a separate part of the estimates. As this covers the Ohio River in generic terms, he thinks without some further legislation he will not be allowed to use his discretion.

Mr. BUTTERWORTH. I will say to my friend it is the first time he has ever put that construction on it. We had a controversy over this last year and the year before, and it was then agreed he could in his discretion use what he pleased on the Indiana chute.

Mr. DAWES. He can use the whole amount there now if he chooses to do so, but this designation is injustice to twenty or thirty other places on the Ohio River. [Cries of "Vote!"]

The CHAIRMAN. The Chair suggests the gentleman had better make his amendment in the shape of a further proviso, as this has been already amended on the motion of the gentleman from Ohio [Mr. MOREY].

Mr. WILLIS. I will modify my amendment so as to insert, at the end of line 372, as follows:

And provided further, An amount not exceeding $40,000 may be used for continuing the improvement of the Indiana Chute Falls in the Ohio.

Mr. VAN VOORHIS. I ask for a division.

The CHAIRMAN. The noes have it.

Mr. WILLIS. I do not wish to take up the time of the committee.

The amendment was rejected.

Mr. TURNER, of Kentucky. I move the following amendment:

After the word "dollars," in line 372, add "$50,000 of said $250,000 to be expended at the Grand Chain, or so much thereof as may be necessary to provide five feet of water at low-water mark."

Mr. TURNER, of Kentucky, addressed the committee. [See Appendix.]

Mr. DAWES. Mr. Chairman, I want to protest against the motion of the gentleman from Kentucky. It is a discrimination in favor of any part of the Ohio River. There is more water now over the Grand Chain than there is over three or four hundred miles of the Ohio River above.

Mr. THOMAS. I desire to be heard for a moment in support of this amendment.

The CHAIRMAN. Debate is exhausted.

Mr. THOMAS. Then I move to strike out the last word.

As the gentleman from Kentucky states, the Grand Chain is an obstruction in the shape of a chain of rocks extending entirely across the Ohio River from seventeen miles above its mouth to about twenty-three miles above its mouth. The gentleman from Ohio [Mr. DAWES] states that there is more water over the Grand Chain than there is over points in the river one hundred miles above.

Mr. DAWES. I refer to that part of the river above Cincinnati.

Mr. THOMAS. That may be very true. But below Cincinnati are some of the largest tributaries of the river.

Mr. DAWES. But we have more commerce above than below.

Mr. THOMAS. No, you have not. That is a mistake. We have three times as much below as you have above. All the commerce of the Tennessee River, all of the Cumberland River, all the commerce of the Green River, of the Wabash River, and the Ohio, seeking an outlet into the Mississippi River, has to pass over this dangerous reef of rocks known as the Grand Chain.

There have been $250,000 spent on the work, which is yet incomplete. Fifty thousand dollars more will give six feet of water over that dangerous shoal. The most of the work has been done. It has run down until there is but a very small portion remaining to be removed, but that portion of the obstruction is as complete and perfect an obstruction to the navigation of the river as if the whole chain remained there and not a dollar had been spent upon it. I shall be glad, if it meets the approval of this committee, and I think common justice demands it, that a part of this appropriation should be designated specially to complete this great work. Gentlemen talk about the commerce of the river. There was $768,000,000 of commerce on the Ohio River last year that had to pass over these dangerous rocks, where millions of dollars in steamboat and flat-boat property and produce of all kinds floated on the waters of that river has been wrecked and destroyed. It is absolutely important to the navigation of the river that this work should be done promptly. I hope the amendment will be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

The committee divided; and there were—ayes 56, noes 43.

Mr. DAWES. No quorum has voted.

Mr. BAYNE. I could have raised that question if I had chosen on the amendment of the gentleman from Ohio. I hope it will not now be insisted upon.

Mr. KENNA. I hope the gentleman will withdraw the point of order. He does not want to defeat the bill.

Mr. DAWES. There is $50,000 taken away here from the improvement of the river for this specific point; I object to it.

Mr. KENNA. But you will defeat the whole bill.

Mr. McCOOK. If in order I would move that the committee rise.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will order tellers.

Mr. DAWES. If it can be distinctly understood that we may take a separate vote on this amendment in the House I will withdraw the point.

Mr. BRIGGS. I make the point that no quorum has voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. BRIGGS, and Mr. TURNER of Kentucky, were appointed tellers.

The committee again divided; and the tellers reported—ayes 75, noes 39.

Mr. BRIGGS. No quorum.

Mr. PAGE. I hope the gentleman will not insist upon that point.

Mr. BRIGGS. I do not propose that this bill shall pass this House, after the proceedings that I have witnessed here, unless it passes by a quorum.

Mr. BURROWS, of Michigan. I move that the committee rise.

Mr. PAGE. Pending that I ask the Clerk to call the roll.

Several MEMBERS. Regular order.

The CHAIRMAN. The gentleman from Michigan submits a privileged motion, and is in order.

The committee divided; and there were—ayes 86, noes 57.

Mr. PAGE. Tellers.

Tellers were ordered; and Mr. PAGE, and Mr. BURROWS of Michigan, were appointed.

The committee again divided; and the tellers reported—ayes 60, noes 65.

So the motion that the committee rise was not agreed to.

Mr. PAGE. I now ask the Clerk to call the roll.

Mr. BURROWS, of Michigan. The point of no quorum is still pending.

Mr. PAGE. I would like to ask the gentleman from Michigan if he would consent that we may take a recess until 10 o'clock to-morrow, in order to facilitate business?

Mr. BURROWS, of Michigan. I have no objection.

Mr. PAGE. With the understanding that when the House meets again at that hour we go at once into Committee of the Whole on this bill. If unanimous consent can be given in the committee that this proceeding shall be had in the House, I will make the motion that the committee rise now.

Mr. KENNA. I hope that will be done.

The CHAIRMAN. It is not competent for the committee to make an agreement of that kind. It can only be made in the House.

Mr. KENNA. An agreement may be made in the committee which will be carried out in the House. It is all a matter of understanding.

Mr. VAN VOORHIS. I suggest that there will not be a quorum here in the morning.

The CHAIRMAN. The point being made that no quorum has voted, and the committee having refused to rise, there is only one thing in order under the rule—a call of the roll.

Mr. BURROWS, of Michigan. I hope the proposition of the gentleman from California will be agreed to. [Cries of "Regular order!"]

The CHAIRMAN. The committee will be in order. There is nothing in order under the rule except to call the roll.

Mr. KENNA. I ask unanimous consent to make a statement.

The CHAIRMAN. The Chair hears no objection to the gentleman from West Virginia making a suggestion.

Mr. KENNA. If this roll-call commences, it is in accordance with the experience of every gentleman here that in the end it accomplishes no practical purpose. It results in keeping us here all night. The friends of the bill do not want to abandon it, and they do not desire that it shall stand in the way of the other business of the session. Can it not then be agreed that a recess shall be taken till 10 o'clock; and when we convene any gentleman will then have the same privilege of raising the question of a quorum?

The CHAIRMAN. The Chair would suggest again to the gentleman that it is not competent for the committee to make any agreement touching the matter.

Mr. KENNA. I understand that. But an understanding might be arrived at here which would be carried out in the House.

Mr. HISCOCK. If I may be allowed, I desire to make a single suggestion that I think will solve the difficulty. It is that we take a recess until to-morrow morning at 10 o'clock, with the understanding that there shall be an adjournment at 5 minutes before 11.

Mr. BRAGG. I object.

The CHAIRMAN. It is not competent for the committee to make such an agreement, and if it were the gentleman from Wisconsin objects.

Mr. TALBOTT. What is the regular order?

The CHAIRMAN. The regular order is to call the roll.

The Clerk proceeded to call the roll; when the following-named members failed to answer:

Armfield,	Browne,	Cornell,	Dowd,
Atherton,	Brumm,	Cox, Samuel S.	Dugro,
Atkins,	Buck,	Cox, William R.	Ermentrout,
Barbour,	Buckner,	Crapo,	Farwell, Chas. B.
Belmont,	Burrows, Jos. H.	Crowley,	Fisher,
Beltzhoover,	Cabell,	Culberson,	Ford,
Berry,	Camp,	Cullen,	Fulkerson,
Black,	Carlisle,	Curtin,	Garrison,
Blackburn,	Carpenter,	Cutts,	Geddes,
Bland,	Cassidy,	Deering,	Gunter,
Bliss,	Caswell,	De Motte,	Hall,
Blount,	Cobb,	Dibrell,	Hammond, N. J.
Bowman,	Converse,	Dingley,	Harris, Benj. W.
Haseltine,	Marsh,	Phelps,	Taylor, Joseph D.
Haskell,	Mason,	Phister,	Thompson, Wm. G.
Heilman,	Matson,	Reagan,	Townshend, R. W.
Herndon,	McClure,	Reese,	Tyler,
Hewitt, Abram S.	McKenzie,	Rice, William W.	Updegraff,
Hill,	McKinley,	Robertson,	Valentine,
Hoblitzell,	McLane, Robt. M.	Robinson, Wm. E.	Van Aernam,
Hooker,	Miller,	Ryan,	Van Horn,
Houk,	Mills,	Scales,	Wadsworth,
Hutchins,	Morse,	Scranton,	Wait,
Jacobs,	Mosgrove,	Shelley,	Walker,
Jorgensen,	Moulton,	Sherwin,	Watson,
Joyce,	Murch,	Skinner,	Webber,
Kelley,	Neal,	Smith, A. Herr	West,
Ketcham,	Nolan,	Smith, Dietrich C.	Whitthorne,
Knott,	Norcross,	Sparks,	Williams, Chas. G.
Ladd,	Oates,	Spaulding,	Williams, Thomas
Lewis,	Pacheco,	Speer,	Wood, Benjamin
Lindsey,	Parker,	Stone,	Wood, Walter A.
Mackey,	Pettibone,	Taylor, Ezra B.	Young.

The committee rose; and Mr. CALKINS having taken the chair as Speaker *pro tempore*, Mr. CANNON reported that the Committee of the Whole House on the state of the Union having under consideration the river and harbor appropriation bill found itself without a quorum, whereupon he caused the roll to be called, and he now reported the names of the absentees to the House.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole House on the state of the Union reports that that committee having found itself without a quorum he caused the roll to be called and certain members failed to respond to their names. Under the rule those names will be entered on the Journal.

Mr. WHITE. I ask that Mr. JOYCE, and Mr. HARRIS of Massachusetts, be excused on account of——

The SPEAKER *pro tempore*. That request is not now in order.

Mr. ELLIS. Does the roll-call show a quorum?

The SPEAKER *pro tempore*. The Chair will state that 158 members answered to their names.

Mr. KENNA. I rise to a question of order.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The gentleman from West Virginia [Mr. KENNA] is recognized for the question of order. But pending that, the Chair desires to make an announcement.

The gentleman from Pennsylvania [Mr. O'NEILL] withdraws from further service on the committee of conference upon the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7482), the legislative appropriation bill. The Chair appoints the gentleman from New York [Mr. HISCOCK] in his place.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. The roll-call having disclosed a quorum——

The SPEAKER *pro tempore*. The gentleman from West Virginia [Mr. KENNA] is recognized.

Mr. KENNA. I rise for the purpose of making an inquiry to ascertain the regularity of our proceedings. I understood the Chair to announce that the Committee of the Whole House on the state of the Union found itself without a quorum. I desire to ascertain the manner or method by which that statement can be justified when the roll-call shows the committee found itself with a quorum.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from West Virginia [Mr. KENNA] that under the rule, when the roll has been called in Committee of the Whole, even though it discloses the presence of a quorum, the announcement must be made in the House by the chairman of the Committee of the Whole. And the rule provides that in that case the House shall immediately return into Committee of the Whole.

Mr. BURROWS, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURROWS, of Michigan. Would a motion to adjourn be now in order?

The SPEAKER *pro tempore*. A motion to adjourn would now be in order.

Mr. BURROWS, of Michigan. I make that motion.

Mr. KENNA. I make the point of order that the Chair can not recognize anybody but the chairman of the Committee of the Whole.

Mr. HAZELTON (to Mr. KENNA). You were recognized yourself a moment ago.

The SPEAKER *pro tempore*. No debate is necessary on the point of order, for it has been decided several times. The Speaker of the House has always held that a motion to adjourn, being a motion of the highest privilege, is in order, even though the Committee of the Whole may have risen informally. The Chair entertains the motion.

Mr. PAGE. I ask the gentleman from Michigan [Mr. BURROWS] to withdraw his motion.

The SPEAKER *pro tempore*. For what purpose does the gentleman from California [Mr. PAGE] rise?

Mr. PAGE. It is for the purpose of asking the gentleman from Michigan [Mr. BURROWS] to withdraw his motion that the House now adjourn. There are only seven or eight pages of the bill left to be read through. There is a quorum here, and I ask that we be allowed to go on and read through the bill, and then we will adjourn without calling

the previous question on the bill or taking any vote on the bill until to-morrow.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the House will be in order. The gentleman from Michigan [Mr. BURROWS] moves that the House now adjourn.

Mr. BAYNE. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. BAYNE. I desire to move that the House now take a recess until to-morrow morning at 10 o'clock.

The SPEAKER *pro tempore*. That motion is not now in order. The regular order being called for, the Chair must put the question on a motion to adjourn.

The question was taken; and on a division there were—ayes 56, noes 84.

Before the result of the vote was announced,

Mr. BRAGG called for the yeas and nays.

Mr. WASHBURN. I hope the gentleman will withdraw the call for the yeas and nays; and I would like to make a motion that the House take a recess until to-morrow morning at 10 o'clock.

Mr. HEPBURN. I desire to raise the question whether a quorum voted.

The SPEAKER *pro tempore*. A quorum is not necessary on a motion to adjourn. The question is on ordering the yeas and nays on the motion to adjourn.

The question was taken; and there were 11 in the affirmative—not one-fifth of the last vote.

Mr. BRAGG. I call for tellers on ordering the yeas and nays.

The question was taken on ordering tellers; and there were but 5 in the affirmative—not one-fifth of a quorum.

The SPEAKER *pro tempore*. Tellers are refused, the yeas and nays are refused, and the motion to adjourn is not agreed to. Under the rule the House will now go into Committee of the Whole, and the gentleman from Illinois [Mr. CANNON] will resume the chair.

The Committee of the Whole accordingly resumed its session, Mr. CANNON in the chair.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Kentucky [Mr. TURNER]. On the last vote on that amendment by tellers no quorum voted. The vote will be again taken, and the tellers will resume their places.

Mr. BRIGGS, and Mr. TURNER of Kentucky, resumed their places as tellers.

The committee again divided; and the tellers reported that there were—ayes 43, noes 44.

Mr. BRAGG. No quorum has voted.

Mr. PAGE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CALKINS having taken the chair as Speaker *pro tempore*, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. PAGE. I move that the House now adjourn.

Mr. HARRIS, of New Jersey. Before that motion is put I desire to ask unanimous consent to print in the RECORD some additional remarks on the river and harbor bill.

There was no objection, and leave was granted accordingly. [See Appendix.]

The motion of Mr. PAGE was then agreed to; and accordingly (at 12 o'clock and 15 minutes a. m., Thursday, March 1) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of the Bookbinders Protection Association of the city of New York and vicinity, against a reduction of the tariff on books—to the Committee on Ways and Means.

By Mr. CASSIDY: Memorial of the Legislature of Nevada, asking for an appropriation for the sinking of artesian wells in that State—to the Committee on Appropriations.

By Mr. W. R. COX: The petition of citizens of North Carolina, for establishing a post-office at Wall's Cross-Roads, Franklin County, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY: The resolutions adopted by Youngstown (Ohio) Lodge No. 14, Amalgamated Association of Iron and Steel Workers, in favor of a protective tariff and against the Senate bill—to the Committee on Ways and Means.

By Mr. REED: The petition of citizens of Maine, protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

By Mr. J. B. RICE: The petition of ship-owners and masters of vessels of Sandusky; of keeper and crew of life-boat station No. 9, Point Marblehead; and of citizens of Ottowa County, Ohio, protesting against the transfer of the revenue-marine service to the Navy Department—severally to the same committee.

Also, the petition of the citizens of Huron, Ohio, asking for an appropriation for the improvement of the harbor at that place—to the same committee.

By Mr. STEELE: The petition of P. H. Goodlander and H. E. Wallace, officers of Glen Grange, Wabash, Indiana, against any increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *March* 1, 1883.

The Senate met at 10 o'clock a. m.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury transmitting a copy of a letter addressed to the Secretary of the Navy of the 21st ultimo, respecting the propriety of selling the naval and marine hospitals and grounds at Chelsea, Massachusetts; which was referred to the Committee on Naval Affairs, and ordered to be printed.

COURT OF CLAIMS JUDGMENTS.

The PRESIDENT *pro tempore* laid before the Senate the following letter from the Clerk of the Court of Claims; which was ordered to lie on the table:

UNITED STATES COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 28, 1883.

SIR: I beg leave to substitute the inclosed statement of judgments of the Court of Claims for the year ending December 3, 1882, for the one sent to you at the beginning of the present session, which I am informed was for the previous year.

Very respectfully, your obedient servant,

ARCHIBALD HOPKINS,
Chief Clerk.

To the PRESIDENT OF THE SENATE.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a telegram in the nature of a memorial from the Legislature of California, which will be read:

The memorial was read, as follows:

SACRAMENTO, CAL., *February* 28, 1883.

The President pro tempore of the United States Senate, Washington, D. C.:

Assembly concurrent resolution No. 47.

Whereas the line of mail steamships now covering the route between San Francisco, New Zeland, and Sydney, New South Wales, via Honolulu, has been of great advantage to our country, and especially so to the Pacific coast thereof; and

Whereas this steamship line has been maintained mostly by the assistance of payments made by the above-named colonies for carrying the mails, the contracts for such payments terminating in November next: Therefore,

Be it resolved, That this Legislature urges upon Congress the necessity in the interest of American commerce and as matter of equity to our colonial neighbors, who have thus far borne the expense of this mutually beneficial mail service, of assisting in its maintenance by such liberal payment for the carriage of the New Zeland and Australia mails as their wisdom may suggest, having in view the benefit we receive from the regular commercial intercourse afforded thereby as well as by the increasing tide of travel from the colonies through our country to Europe.

Resolved, That his excellency the governor be requested to forward by telegraph to the President *pro tempore* of the United States Senate and the Speaker of the House of Representatives a copy of the foregoing resolution, with the request that they consider and take action upon the same immediately.

E. L. THOMPSON,
Secretary of State of California.

Mr. MILLER, of California. I move that the memorial be referred to the Committee on Appropriations. I propose to ask for an appropriation in the deficiency bill for the purpose of carrying it out.

The motion was agreed to.

Mr. COCKRELL. I present a joint resolution of the General Assembly of the State of Missouri, in which it is—

Resolved by the General Assembly of the State of Missouri, That the improvement of the Mississippi River, with navigable tributaries, in the interests of commerce and cheap transportation, is of such vast importance to all the people of the Mississippi Valley that every honorable means should be used to obtain such appropriations from the National Government as will be necessary to vigorously continue the work commenced; and to this end our Senators and Representatives in Congress are respectfully requested to use their best endeavors to secure the appropriations for the next fiscal year which are recommended by the Mississippi River Commission and by the United States engineers in charge of the several works which are now being carried forward.

Introduced in the Senate and passed by a unanimous vote, February 26, 1883.

R. A. CAMPBELL,
President Senate.

H. A. NEWMAN,
Assistant Secretary Senate.

Introduced in the House and passed by a unanimous vote, February 26, 1883.

J. S. RICHARDSON, *Speaker.*
JOHN A. HANNAY, *Chief Clerk.*

The resolution was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of the Territory of Arizona favoring the appointment of a commissioner to investigate matters at Papago reservation; which was referred to the Committee on Indian Affairs.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. It is very important that the appropriation bills should be pushed along, and I should be glad to call up the sundry civil bill in order to proceed with it at once.

Mr. INGALLS and others. That is right.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to dispense with the morning business with a view of calling up the sundry civil appropriation bill. Does the Chair hear any objection? The Chair hearing none, the question is, Will the Senate take up the sundry civil appropriation bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with.

The PRESIDENT *pro tempore*. The bill will be read and the amendments of the Committee on Appropriations will be first acted on before general amendments are received. That will be the order if there be no objection.

Mr. EDMUNDS. All questions of order are reserved about all the amendments. I suppose any such thing it is not necessary to state.

The PRESIDENT *pro tempore*. No, it is not necessary; but all questions of order are reserved.

The Principal Legislative Clerk proceeded to read the bill.

Mr. BAYARD. Mr. President, I rise to a question of privilege to make a personal statement. February 27 I was appointed by the Chair a member of the committee of conference upon the bill (H. R. 5538) to reduce internal revenue taxation——

Mr. EDMUNDS. I appeal to the Senator to suspend a moment until the chairman of the Committee on Finance can come in.

Mr. BAYARD. I would greatly prefer it, but seeing an appropriation bill of some length taken up I thought it better that I should make a statement before the Senate. I would not object to waiting a short while. I wish to make the statement as early as I can.

Mr. INGALLS. The chairman of the Committee on Finance has been sent for.

Mr. EDMUNDS. He will be here in a moment.

Mr. HALE. We can proceed with the appropriation bill until he comes in.

Mr. BAYARD. I will delay with great pleasure until he is here.

The reading of the bill was resumed. The first amendment reported by the Committee on Appropriations was, in the appropriations "Under the State Department," in line 18, after the word "employés," to strike out "5,000" and insert "7,500;" so as to make the clause read:

For international exchanges, Smithsonian Institution: For expenses of the international exchanges between the United States and foreign countries, in accordance with the Paris convention of 1877, including salaries and compensation of all necessary employés, $7,500.

The amendment was agreed to.

The next amendment was, in line 20, before the word "hundred," to strike out "four" and insert "five;" and in line 22, after "thousand," to insert "five hundred;" so as to make the clause read:

For salary of the secretary of legation at Vienna, $1,500; and the salary of the consul-general at Vienna for the fiscal year 1884 shall be only $2,500.

The amendment was agreed to.

The reading of the bill was continued to line 30.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDENT *pro tempore*. The Chair informs the Senator from Delaware that the chairman of the Committee on Finance is now present in the Chamber.

Mr. BAYARD. I observe that the chairman of the Committee on Finance and the other members of the committee of conference on which I was appointed are now present.

The PRESIDENT *pro tempore*. The Senator from Delaware rises to a question of privilege.

Mr. BAYARD. I desire to state that on the 27th of February I was appointed a member of a committee of conference upon the tax and tariff measure, and held myself ready at once to proceed with the objects of the conference. For that purpose I and my associate upon the committee, the Senator from Kentucky [Mr. BECK], remained in the Capitol until 10 o'clock at night on Tuesday, when the Senate conferees adjourned because of the absence of the House conferees, the chairman of which could not then be found.

We met by appointment at 10 o'clock yesterday morning. At that time the House had not refilled its complement of conferees, and we adjourned subject to the call of the chairman. We met again yesterday at 4 o'clock and adjourned until half past 7, and meeting then continued in session until half past 10, when the Senator from Kentucky and I, obeying as we believed the instruction of the resolution of the Senate adopted yesterday, retired from the conference. I propose individually, and not representing a majority of the committee, to make a statement why we did so. The Senate will perceive that by the resolution of yesterday it was—

Resolved, That it is the opinion of the Senate that the conference on House bill No. 5538 should be full and free, and that if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees——

Mr. SHERMAN. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Ohio will state his question of order.

Mr. SHERMAN. I respectfully submit to the Chair whether the Senator, unless he appears on behalf of a committee of the body, has a right to make this question or present this matter to the Senate. A minority of a committee have no right to make a report. Unless the Senator can say that he appears——

Mr. BAYARD. The Senator is mistaken. I am not proposing to make a report; I am merely proposing as a personal question and as a matter of privilege to report to the Senate why I am in the Senate and not in session upon the committee of conference, a matter personal to myself, a matter of privilege. I am not arraigning the conference committee; I am only stating my own share in this transaction.

Mr. SHERMAN. I desire to say, then, that if it is merely a personal explanation——

The PRESIDENT *pro tempore*. That is what the Senator from Delaware stated when he rose.

Mr. SHERMAN. Then I have no desire to interfere with him at all.

Mr. BAYARD. That is all. I am not professing to speak for the committee. On the contrary, I expressly excluded that idea. I was reading, when interupted by the Senator from Ohio, the resolution of the Senate to the effect—

That if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees, the Senate conferees shall retire and report to the Senate for its consideration.

The Senator from Kentucky and myself were unable under the information brought before that conference by the House conferees to come to any other conclusion than that it was not a free and full conference upon the part of the House conferees; but that they were bound by the action of the body that sent them there, and that they could not confer fully and freely with us in relation to the amendments adopted by the Senate.

Our reasons for that are properly brought before the Senate in a resolution of the House, passed on the 27th day of February, and which was brought into the conference committee by the House conferees last night about 9 o'clock.

It was not, I may say not improperly here, upon any question connected with the internal-revenue features of the bill, but it was in respect of the tariff features of the bill that the question of the jurisdiction of the Senate was not only raised by the House of Representatives, but decided by the House positively and adversely to the existence of any power in the Senate. Before the conference committee was laid this resolution of the House of Representatives, adopted February 27:

Whereas House bill No. 5538, entitled "An act to reduce internal-revenue taxation, and for other purposes," under the form of an amendment in the Senate to title 33 of the Revised Statutes, which provides for duties on imports, has been so modified and changed by the introduction of new provisions containing, among other things, a general revision of the statutes referred to as both to increase and reduce duties on imports and in many instances to repeal and in others to amend the laws imposing import duties; and

Whereas in the opinion of the House it is believed that such changes and alterations are in conflict with the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives: Therefore,

Resolved, That, if this bill shall be referred to a committee of conference, it shall be the duty of the conferees on the part of the House on said committee to consider fully the constitutional objections to said bill as amended by the Senate and herein referred to, and to bring the same, together with the opinion of the House in regard thereto, before said conference, and if necessary in their opinion, after having conferred with the Senate conferees, said conferees on said committee may make report to the House in regard to the objections to said bill herein referred to.

And on the same day after the adoption of that resolution Mr. KELLEY, now the chairman of the committee of conference on the part of the House, under a rule adopted on the same day by the House, moved to suspend the rules and take from the Speaker's table House bill No. 5538, with the Senate amendment thereto, entitled "A bill to reduce internal-revenue taxation" and "to declare a disagreement with the Senate amendments to the same, and to ask for a committee of conference thereon, to be composed of five members on the part of the House." That also was adopted by the House, and a message containing an announcement of that fact was laid on the 27th of February before the Senate. Therefore the contingency contemplated by the resolution of the House of the 27th of February had come to pass. The bill had been referred to a committee of conference, and the House conferees were directed to bring this opinion of the House before the conference; it was in fact part of the resolution creating the committee of conference and empowering them to meet a committee of the Senate. Therefore, sir, it was clear to my mind and to the mind of the honorable Senator from Kentucky that, to use the language of the Senate resolution of yesterday, the conferees on the part of the Senate had become advised that a limitation had been placed by the House upon the action and the powers of their conferees.

I do not think the question is open or arguable that if it was the deliberate opinion of the House of Representatives, not of the conferees appointed by them, the five intelligent and respectable gentlemen who met us, but that being thus possessed of the deliberate judgment of the House that the action of the Senate was void and of no effect, because it was, in the opinion of the House, in contravention of the constitutional powers of the Senate—if that was so, then the conference was ended almost before it began, and it was impossible that the ques-

tion of the judgment of the House of Representatives should be subject to the discretion of five of its members. It could not be the House conferees carried with them into that conference chamber their measure of power, and the statement of the House's opinion as set forth in their formal resolution was inconsistent with any discretion on the part of the members to accept or to reject at will such features of tariff legislation as they might see fit to approve. For the House, in advance of their appointment, had denied the constitutionality of any and all such amendments, and their conferees had no power to deny the full force and effect of that declaration, and the obvious limitation it contained upon their action.

Mr. President, it is from a profound sense of what is due to this Senate, it is from an equally just sense of what is due to the co-ordinate branch of this Legislature, that I and my associate, the Senator from Kentucky, obeyed that which we believed was the clear intent and the clear and positive instruction of the Senate of the United States in retiring from that conference and making known as best we could to the Senate our reasons for so doing.

Sir, the privileges and the constitutional rights of the Senate to possess and exercise a full, equal, and co-ordinate share in the legislative powers of this Government should never be and never can be subject to the individual judgment of five members of the House, nor of the House itself. I am not here to make an argument that when the House, by a formal, unambiguous declaration of its opinion, declared that the Senate had no constitutional power to ingraft features of tariff legislation upon a bill originating in the House affecting the collection of excise taxes, that resolved opinion precluded all discretion upon the part of the conferees on the part of the House to change at their will the emphatic, clear expression of the House itself. It can not be, sir, that the Senate is to legislate or that the conferees on the part of the Senate are delegated to discuss legislation under such tentative and capricious conditions.

We are dealing with a grave subject, none graver, none more important; for not only does it touch the constitutional powers and prerogatives of this body, but it touches the gravest questions of public interest through the manifold and multifarious system of external and internal taxation to which the bill relates.

And therefore it is that the Senator from Kentucky and I desired to submit to the Senate, and I may say now that it was in our judgment the duty of the conferees on the part of the Senate to have submitted to the Senate, this expression of opinion contained in the resolution of the House which was laid before the committee of conference.

Mr. SHERMAN. I rise to a point of order again.

Mr. BAYARD. If I am not interrupted——

Mr. SHERMAN. I rise to a point of order. I say the Senator from Delaware has no right to arraign the committee of which he is a member under the head of a personal privilege. It is a violation of the etiquette, courtesy, and dignity of this body.

Mr. BAYARD. I have not said one word of what occurred in committee, but I am stating the right and duty of a minority in this case. I have not spoken a word of what the Senator said.

Mr. SHERMAN. I rise to a question of order. The Senator is endeavoring to explain a matter which he can not properly under the rules of the Senate explain without violating the rules of order of the Senate. He has no right to speak of the conduct of the committee of which he is a member until the matter is presented in a formal way. He should wait until the committee, of which he is in a minority, present their report, and then he can submit his views.

My friend from Delaware will understand that I do this with the utmost respect for him personally; but it seems to me that this throwing in a matter of this kind before it can be presented in a formal way is in violation of the ordinary rules of the Senate, and it becomes my duty as a member of the committee to call the attention of the Senate to it.

Mr. BAYARD. Will the Chair decide the question of order?

The PRESIDENT *pro tempore*. The point was well taken, because of course referring to what was done in a committee is not proper. Shall the Senator from Delaware have leave to proceed in order?

Mr. BAYARD. The Chair will understand me that I have not referred to anything that was done in committee except that which was laid before us by the House conferees.

The PRESIDENT *pro tempore*. The Senator said that the majority of the committee ought to have withdrawn.

Mr. SHERMAN. He was criticising the conduct of the committee that has no right to be heard, no chance to be heard; and this interrupts in the last hours of the session the progress of an appropriation bill.

Mr. BAYARD. I was not referring to the action of the majority either in terms of censure or of condemnation. I am simply speaking of the part borne individually by my associate from Kentucky and myself. I say that we felt and believed it had become our obvious duty under the instruction of the Senate to refer this question back to them for their decision, that they might judge whether under the action of the House there was a free, unfettered conference. It was free and unfettered on the part of the Senate, and it was for the Senate to determine whether it was equally free and unfettered on the part of the House; and I say that the House coupled their appointment of a conference committee with the distinct statement that in the opinion of that House, which was commanded to be laid before the conference committee, the action of the Senate was in contravention of the Constitution and therefore void. Of course there could be no legislation under such circumstances.

Then after that what was to be done? I have been as zealous an advocate for tariff reform as any man in this Chamber. I have been as earnest in my endeavors early and late to see some reformation of the tariff law and some reduction of the burdens of taxation, and voted for this bill. But acting as I and my associate from Kentucky did under the instruction of the Senate resolution, it would have been, in my judgment, a breach of duty had we remained to confer with a committee appointed on the part of the House, a question whether the Senate of the United States had or had not the constitutional power to ingraft tariff legislation upon an internal-revenue bill, or, in other words, to abnegate and relinquish the clear, manifest power given by the Constitution in the same association of words, of equal breadth, strength, and force, to amend revenue bills by the Senate as to originate those bills in the House of Representatives:

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

It is this clear grant of power to amend revenue bills which the House resolution denies and which it behooves the Senate to see is fully and at all times maintained.

No more profound question can engage the attention of the Senate, and I say that wherever a doubt is thrown upon it, much less the clear and emphatic denial on the part of the House, we should be, in my judgment, unworthy members of this body if we did not jealously consider and maintain our constitutional prerogative; and I submit to the Senate, whose conferees we were, whether we had not become advised that there were limitations upon the action of the House conferees imposed by the resolution referred to.

Sir, under a government controlled by a written constitution, that every legislator is sworn to support, can you state a limitation more far-reaching and profound than is contained in the resolved opinion of the co-ordinate branch that this Senate had no right whatever to adopt amendments to a revenue bill relating to the tariff system, for such is the doctrine of the House it formally made known to us? You can not lessen the force of that by the individual opinion of the conferees; you can not lessen its force; you must take it in its full and fair and obvious meaning. I believe we do take it so, and I believe the Senate will decide, unless eyes and ears shall be closed to the obvious meaning of the English language, that it must consider that in the action of the House there has been a limitation of powers and preclusion of judgment upon its conferees; that no report that they might make concurring in any Senate amendment can be acted upon favorably in the House until there shall have been a repeal and a reversal of the judgment as expressed in the resolution laid before the conference. When that is done, then I believe we can have a full and a free conference on the part of the House on this bill; but with that resolution of February 27, which I have just read and which was communicated to us last night—with that resolution standing unrepealed before us it is idle to talk of the conferees of that House not being bound by it; and if they are bound by it they are limited in their conference, they are not free, and they are not at liberty authoritatively to meet the committee of the Senate and to pass upon the question not of the constitutionality but of the advisability and expediency of the action of the Senate in regard to this bill and its amendments. They can not stipulate for anything in relation to amendments by the Senate which the House in advance has declared to be without constitutional warrant. They could as well stipulate that a minority vote in the House should pass a bill as to set up the individual opinions of five conferees against the declared opinion of the House itself. They are wholly deprived of the power to concur in our amendments.

I hope, Mr. President, that the Senate will take this view and see that it is no matter affecting simply the success or failure of this measure, important though it may be. It goes far deeper than that. It would result in an utter derangement of the whole balance of the powers of this Government, and it would place the Senate, where I trust in God it will never consent to place itself, upon a position of legislative inferiority to the other branch of Congress.

Mr. MORRILL. Mr. President, I ask unanimous consent to make a personal explanation, as well as the Senator from Delaware.

The PRESIDENT *pro tempore*. The Senator will proceed.

Mr. MORRILL. Mr. President, I must express my profound regret that two Senators as experienced as the Senator from Delaware and the Senator from Kentucky should have felt it to be their duty to make this technical objection to the committee of conference, as, whether designed or not, it is well calculated to defeat all possibility of any reduction of taxation at the present session.

In my judgment we are only bound, so far as the Senate is concerned, to consider what the House has sent us, and that is this resolution:

> *Resolved*, That the House non-concur in the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, to be composed on the part of this House of five members.

What does it matter as to what the opinions of the House may be on constitutional questions or on theological questions? They have presented, according to the reading of the Senator from Delaware, a resolution encumbered with a great many hypothetical "ifs." But sup-

pose their opinion had been at that time as represented by the Senator from Delaware; their latest action is that the Senate amendments to House bill 5538 should be non-concurred in and a committee of conference asked upon the disagreeing votes.

Under these circumstances it seems to me that the Senate can have no knowledge of any limitation, and I may frankly say that so far as the committee of conference is concerned we found no obstruction whatever upon that subject. It was a free and full conference upon every part of the bill. Therefore, Mr. President, I do not see how this matter can be brought before the Senate at all in any form by a Senator rising to a personal explanation; and certainly so far as the record or our experience in committee is concerned, the conference committee is as free as any conference committee I have ever had the honor of being a member of.

Mr. BAYARD. May I just say one word? I have brought this matter before the Senate because I desired to take my full share of the responsibility for my own action, and to inform the Senate as early as I could what that had been, in order that if there should be disapproval of what I had done the Senate could appoint some one else in my place on that committee and carry on the conference. I can not stultify myself, and I will not, here or anywhere, in respect of anything, and when I read the English language as I have in this case, and look at the consequences of permitting this to be called a free conference on the part of the House when they come in there tied hand and foot to declare that the Senate's action upon this bill has been void for want of constitutional authority, it is idle, in my judgment, to speak of it as a free and a full conference. The conference was ended on the part of the House before it was begun, so far as the tariff legislation was concerned.

Mr. BECK. Mr. President——

Mr. SHERMAN. Now, Mr. President, I object to further debate on this matter.

Mr. HOAR. Regular order.

Mr. BECK. I only desire a moment.

Mr. SHERMAN. I do not see how this question can be forced into debate.

The PRESIDENT *pro tempore*. The Senator from Kentucky rises to a personal explanation.

Mr. SHERMAN. Well, Mr. President, I make objection, so that the Senate shall proceed with its regular order of business, and I do it now after both sides have been heard. I wish to say nothing about this matter and I do not wish to do anything against my friend from Kentucky, but I think as the Senator from Delaware and as the Senator from Vermont have been heard the matter ought to rest there.

Mr. BECK. I will ask the Senate to allow me only five minutes; that is all. I will not occupy the Senate longer than that.

Mr. MORRILL. I think no objection will be made to the Senator from Kentucky occupying five minutes.

Mr. HOAR and others. No objection.

The PRESIDENT *pro tempore*. The Senator from Kentucky will proceed.

Mr. BECK. Understanding that there is objection to my saying anything, I only ask for five minutes to explain my position in regard to this matter. As the Senator from Delaware has covered the ground relative to my action as well as his own, I desire to say that I would not have left the conference because of any technical objection to any action taken, as it is suggested by the Senator from Vermont that we did. I think the reasons set forth by the Senator from Delaware, based on the resolution of the House, are substantial and not technical reasons. The House, as has been stated by the Senator from Delaware, had announced in advance of any action on the amendments to the bill that we had sent back to them that in their opinion the action of the Senate was "in conflict with the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives," and they had solemnly resolved on a call of the yeas and nays, by a vote of 139 to 122, that "the conferees on the part of the House" should bring the question, "together with the opinion of the House in regard thereto, before said conference, and if necessary in their opinion, after having conferred with the Senate conferees, said conferees on said committee may make report to the House in regard to the objections to said bill herein referred to."

So that the Senator from Vermont is wrong in saying that the only message the House sent to us was notice of the disagreement to our amendments and the request for a conference. They sent us their solemn protest against our constitutional right to amend the bill as we had done, and demanded that their action should be laid before us. It was so laid by the chairman of the House committee. They had no bill of their own to present or confer about; they did not pretend that they had even read our amendments to their original bill in the House before disagreeing with us; they disagreed to what we had done presumably, as their preamble and resolution indicates. They certainly suggest no other rates of taxation on any paragraph or any schedule upon the ground of the want of constitutional authority on our part to act on the subject-matter at all, and they so advised us, presenting no disagreement of their own to any rate of taxation proposed by us, no amendment to any of our amendments; they presented no proposition that we could agree to. They did not pretend that there was, in fact, any disagreeing votes between the two Houses that a conference could adjust so as to be satisfactory to either or in accord with their action; they could not say that the House would agree to any different rates of tariff taxation even if we yield to the wishes of the House conferees on any article on any paragraph in any schedule. They simply met us with a constitutional objection, and a protest against our right to amend their bill as we did when that position was developed, under the resolution passed by the Senate yesterday requiring us if there were limitations on their part, so that the conference could not be fair, free, and equal to report the facts back to the Senate, we felt that to be our duty, as has been stated by the Senator from Delaware. I agree with him in believing that it was our duty to do so. I speak only for myself; I do not seek to reflect on the action of the other members of the committee because of their refusal to report back the facts and lay the House resolution before the Senate.

The House by its vote to non-concur said it would not agree to our amendments. They have presented no propositions of their own; they offer nothing but a protest against our constitutional power to act at all; so that nothing was left except to abandon the bill of the Senate and to give them such a bill as four or five of their protectionist leaders see fit to demand. To get anything in the shape of a bill we must abandon all that we have done that the House conferees do not like, with nothing offered by the House in the way of perfecting our amendments; but if we abandon what we have done and give them what their conferees demand to suit their individual views they will, I doubt not, advise the House to waive the constitutional question, otherwise not.

I do not regard that condition of things as presenting a case for a conference at all.

I rose, therefore, principally to unite with the Senator from Delaware in saying that under these circumstances I can be no longer a conferee, and hope that some one will be appointed who can act consistently with his sense of duty; I can not, and therefore I ask to be excused.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks to be excused from service on the committee of conference. Was that request preferred?

Mr. BECK. Yes, sir.

Mr. GARLAND. Do I understand the Senator from Delaware to make the same request?

Mr. BAYARD. I stated distinctly that my object in bringing this question before the Senate was that they might understand the true action of the Senator from Kentucky and myself and that we might be excused from further service.

Mr. MORRILL. I hope the Senators will not ask that that be done. They very well understand that they are the proper Senators to be appointed from that side of the Chamber, and we should be very glad if they would reconsider their opinion and continue in service.

Mr. BECK. We understand that we are proper Senators, but we understand that we are not in a free conference.

Mr. GARLAND. This proposition to excuse two members of the committee of conference is one for which I wish to offer a substitute, which I send to the desk.

The PRESIDENT *pro tempore*. It will be read.

The Acting Secretary read as follows:

Resolved, That the conferees on the part of the Senate on House bill No. 5538, be, and they are hereby, instructed to withdraw from the conference heretofore agreed to touching such bill.

Mr. ALLISON. Is that in order? I understand all this proceeds by unanimous consent. I call for the regular order.

The PRESIDENT *pro tempore*. The Chair thinks the request of the Senators from Delaware and Kentucky for leave to be excused is in order.

Mr. GARLAND. The two Senators rose to a question of high privilege and asked to be excused from serving on the committee. I offer as a substitute for the motion made by those Senators that the entire five be discharged from further service. That resolution is in order. It is in reference to the action of a committee appointed by the Senate, and I ask to be heard on that question.

Mr. ALLISON. I should like to see that resolution in print. I have a right to that, and I object to its consideration this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa objects to the consideration of the resolution.

Mr. GARLAND. Does the Senator object to the consideration of the resolution?

Mr. ALLISON. I certainly do. It is absolutely important, I will say to the Senator from Arkansas, that we go on with the sundry civil bill if we are to finish the appropriation bills at this session, and this is a matter that ought to be adjusted among the gentlemen themselves.

The PRESIDENT *pro tempore*. The objection takes the resolution over without any debate.

Mr. GARLAND. I appeal from the decision of the Chair. Now, Mr. President, I must ask the Senator from Iowa to settle the question in regard to the appropriation bill in its own time.

Mr. SHERMAN. I again rise to a question of order.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. SHERMAN. The question of order is this: The Senators from Delaware and Kentucky rose to personal explanations, and when they were through they sat down, pending the consideration of an appropriation bill. Now, can that be displaced at the pleasure of any one Senator in this body?

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. GARLAND] introduced a resolution; the Senator from Iowa [Mr. ALLISON] made the point that it must lie over until to-morrow, and the Chair decided that that point was well taken. There is an appeal from that decision.

Mr. SHERMAN. And is that appeal debatable?

Mr. GARLAND. I have made the appeal and have the floor upon it.

Mr. SHERMAN. Is that in order?

The PRESIDENT *pro tempore*. Of course.

Mr. SHERMAN. If it is in order, then any one Senator can do the same thing any day.

The PRESIDENT *pro tempore*. There is an appeal from the decision of the Chair.

Mr. GARLAND. The Senator from Ohio is going too rapidly. Two Senators have risen to a question of personal privilege on this floor; that is, to be excused from service upon a committee appointed by this body. That is laid down by the text-books as one of the very highest questions of privilege; and when a question of that character comes up everything else must give way. The pending subject is suspended, says the same authority. I offer a resolution, not only that those two Senators be excused but the entire five be relieved from further duty on the committee. The Chair has decided, on the suggestion of the Senator from Iowa, that this is out of order. From that I appeal.

The PRESIDENT *pro tempore*. The Chair did not decide on the suggestion of the Senator from Iowa. The point was taken.

Mr. GARLAND. The Chair decided that it was not in order.

The PRESIDENT *pro tempore*. The Chair decided so, but not upon any suggestion.

Mr. GARLAND. We have appointed a committee of five who, like the King of France, charged up the hill and then marched down again. They are confronted by the objection now made by the Senator from Delaware as well as the Senator from Kentucky. If the House is right, we have been engaged in child's play for forty days past here, doing something we had no authority to do. As I stated yesterday, it is now made apparent that the conferees are handicapped in advance by the House. The very first rule laid down by the authority I hold in my hand is that when one House sends a message to the other asking a conference it must disclose its entire proceeding in reference to that matter.

We find now that this essential part of the whole business was violated in this case; and two Senators here say that the privileges of this House have been invaded in that particular, and they ask leave to be discharged. Of course their request amounts to nothing till the Senate acts on it.

Mr. HOAR. I rise to a question of order, and that is that this appeal is not debatable. I will state my question of order, with the leave of the Chair. The question pending was, Shall this matter go over until to-morrow? That is not debatable under our rules, but is always decided by the Chair without debate. Now, the forty-first rule is this:

> All appeals taken when a proposition not debatable is pending shall also be decided without debate.

That is the point I make. This appeal is not debatable.

Mr. GARLAND. As I understand the point of the Senator from Massachusetts—I may have misunderstood him—it is that the original proposition under the forty-first rule not being debatable, this appeal is not.

Mr. HOAR. That is it.

Mr. GARLAND. The question of excusing a member of a committee of conference is debatable.

Mr. HOAR. But that is not the question. As I understand it, the two Senators who were permitted to make a personal explanation were not recognized as making any questions of privilege. Then the regular order was called. Then the Senator from Arkansas offered a resolution, there being another matter pending, and the Chair held that that resolution must go over until to-morrow on objection, which it must do without debate. From that the Senator takes an appeal and undertakes to make a debate, when the matter out of which the appeal grew is itself undebatable, and the forty-first rule provides for that. That is my proposition.

Mr. GARLAND. The Senator is mistaken in his statement in one respect, and that is a very important part of it. While these two Senators made their personal explanation, they also moved to be excused from further service upon the committee. I appeal to the Senator from Delaware if such is not the fact?

Mr. BAYARD. Unquestionably. I rose to a question of privilege and proceeded to make a personal explanation on that question, and after that I said it was for the purpose of bringing before the Senate a vacancy on that committee.

Mr. GARLAND. So did the Senator from Kentucky. That is a question of high privilege, as laid down by the authorities. I offered my resolution as a substitute, as a question of high privilege. I have said all I desire to say, only this: I wish to call the attention of the Senator from Ohio to one matter. He said that the Senators making this explanation could not refer to what transpired in the committee.

Mr. HOAR. Mr. President, I will withdraw the point of order for the present. As the Senator from Arkansas states that he is about concluding, I will not interrupt him in a brief statement.

Mr. GARLAND. I am nearly through with what I wish to state. I want the record to be complete.

Mr. HOAR. I shall recall the point if general debate is sought.

Mr. GARLAND. I do not fear the point of order, because here is the statement of the two Senators that they rose to a question of personal privilege and asked to be excused from service on a committee. Now, the authorities lay it down—for Mr. Cushing is good authority—that there are exceptions to the rule forbidding a reference to what has transpired in committee, in this section 1731:

> Where, however, a motion is made relative to the committee itself, or its proceedings, the rule admits of an exception.

That is an exception as to stating what occurred in that committee. These Senators now refer to the action of this committee and their connection with it, and this resolution refers to the entire committee so far as the Senate is concerned.

Now, I say the Senate is brought squarely to the question, Are you going to submit to a committee of conference when two of your Senators ask to be excused from that committee because it is not a full and free conference under the rules? The difference exists, as I stated yesterday, between a full and free conference and a simple conference, or, as the English authorities put it, between a free conference and a bare conference. If the Senate is ready to do it, it may do so; but it will not do it with my consent with the revelations made by these two distinguished Senators.

The PRESIDENT *pro tempore*. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GARLAND. I withdraw the appeal so far as I am concerned.

The PRESIDENT *pro tempore*. The question, then, is on excusing the two Senators.

Mr. HOAR. But has not that gone over until to-morrow? The Chair's decision was appealed from, and now the appeal is withdrawn.

The PRESIDENT *pro tempore*. They asked to be excused. They rose to a question of personal privilege and asked to be excused from service. The Senator from Arkansas moved a resolution, and that goes over. The question now is on excusing the Senators from Delaware and Kentucky from further service on the committee of conference.

Mr. SHERMAN. That is not the question. The question is whether this appeal——

The PRESIDENT *pro tempore*. The appeal is withdrawn and the resolution goes over; but both gentlemen have asked to be excused from service on the conference committee, and that is a question of high privilege. Those who are in favor of excusing them will say "aye" and those opposed to it "no." [Putting the question.] The "ayes" seem to have it.

Mr. MORRILL and Mr. SHERMAN called for the yeas and nays; and they were ordered.

Mr. BECK. I rise to a parliamentary inquiry. Have I the right to vote on that question myself?

The PRESIDENT *pro tempore*. Every Senator must decide that for himself. The Chair yesterday did not vote upon the question of an appeal, but he had the right to vote.

Mr. BECK. Very well.

The Principal Legislative Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Wisconsin [Mr. CAMERON], and I am informed by his colleague [Mr. SAWYER] that he expected to be paired on this vote. If he were present, I should vote "yea."

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. GEORGE. Since my name was called I am informed by the Senator from Wisconsin [Mr. SAWYER] that I shall not violate the pair with his colleague by voting. With that assurance I vote "yea."

The result was announced—yeas 49, nays 6; as follows:

YEAS—49.

Aldrich,	Conger,	Jonas,	Rollins,
Allison,	Davis of Ill.,	Jones of Florida,	Sawyer,
Anthony,	Dawes,	Jones of Nevada,	Sewell,
Barrow,	Frye,	Lapham,	Sherman,
Bayard,	Garland,	McDill,	Slater,
Beck,	George,	McMillan,	Vance,
Blair,	Gorman,	McPherson,	Van Wyck,
Brown,	Harris,	Maxey,	Vest,
Butler,	Harrison,	Miller of N. Y.,	Walker,
Call,	Hill,	Morgan,	Williams.
Camden,	Hoar,	Pendleton,	
Cockrell,	Ingalls,	Plumb,	
Coke,	Jackson,	Pugh,	

NAYS—6.

Edmunds,	Miller of Cal.,	Platt,	Windom.
Hawley,	Morrill,		

ABSENT—21.

Cameron of Pa.,	Ferry,	Kellogg,	Saulsbury,
Cameron of Wis.,	Groome,	Lamar,	Saunders,
Chilcott,	Grover,	Logan,	Voorhees.
Davis of W. Va.,	Hale,	Mahone,	
Fair,	Hampton,	Mitchell,	
Farley,	Johnston,	Ransom,	

So the motion was agreed to.

Mr. MORRILL. I ask consent that the Chair fill the vacancies on the conference committee.

Mr. HOAR. He has that authority already.

Mr. EDMUNDS. No, I think not.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. MORRILL] asks consent that the Char fill the vacancies upon the committee of conference. Is there objection? The Chair hears none, and it is so ordered. [A pause.] The Chair appoints on the conference committee on the bill (H. R. 5538) to reduce internal-revenue taxation, in place of the Senator from Delaware [Mr. BAYARD] and the Senator from Kentucky [Mr. BECK], who have been excused, the two next members of the Committee on Finance, the Senator from Indiana [Mr. VOORHEES] and the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. For myself I wish to say that I am not in the habit of declining any service the Senate imposes upon me or requires of me; but this is an exceptional case. It is well known that I am not in accord with most of the Senators who sit on this side of the Chamber with respect to tariff matters and with respect to matters in this tariff bill. My own self-respect, considering that fact, would impel me to decline serving upon the committee of conference. I can not consent to undertake to be a representative on that committee of Senators on this side of the Chamber, holding views differing from mine and differing very greatly from Senators on the other side of the Chamber, and who are entitled to a representation upon the committee. I cannot speak for them; I do not assume to speak for them.

There is another and a greater reason; it is one which has been given by the Senator from Delaware and the Senator from Kentucky this morning, who have acted under instructions given by the Senate yesterday under a resolution passed by the Senate, which I will read:

Resolved, That it is the opinion of the Senate that the conference on House bill 5538 should be full and free, and that if the Senate conferees become advised that any limitation has been placed by the House upon the action of their conferees the Senate conferees shall retire—

Mark the language—

shall retire and report to the Senate for its consideration.

The honorable Senator from Delaware and the honorable Senator from Kentucky, obeying the command of the Senate as expressed in the resolution, believing and knowing that the conference on the part of the House members could not be full and free, declined to serve. Now, Mr. President, I wish to know with what degree of consistency I can accept a position on that conference committee, believing as I do from the statements made by both of those Senators that there can be no full and free conference on the part of the House conferees?

For both these reasons I beg the privilege of declining any service upon the committee of conference, and will again suggest that some other Senator who represents largely the views of Senators who occupy seats on this side of the Chamber should be chosen in my stead to represent this side of the Chamber upon the conference.

The PRESIDENT *pro tempore*. The question is on excusing the Senator from New Jersey [Mr. MCPHERSON].

The question being put, was decided in the affirmative.

The PRESIDENT *pro tempore*. The only other gentleman in the Committee on Finance, from which the Chair selects, is Mr. HARRIS; and the Chair therefore appoints him in place of the Senator from New Jersey [Mr. MCPHERSON].

Mr. HARRIS. Mr. President, from the facts stated and the reasons assigned by the Senator from Delaware and the Senator from Kentucky for asking to be excused from service upon this committee of conference, I am constrained, being in full sympathy with the views of those Senators, based upon the facts stated by them, to ask the Senate to excuse me from service on that committee.

Mr. VOORHEES. I will simply state that I decline to serve on the committee, and beg the Senate to excuse me from doing so.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] declines to serve. The Senator from Indiana [Mr. VOORHEES] also declines. Will the Senate excuse them from service on this committee?

The question being put, was decided in the affirmative.

The PRESIDENT *pro tempore*. The Chair has no means of finding out who will serve on this committee unless he goes around and sees every individual Senator.

Mr. CONGER. Perhaps the better way would be to continue the designations and ascertain in that way.

The PRESIDENT *pro tempore*. The Chair will see in the course of the day if there is anybody who will serve.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GORMAN and Mr. HARRIS submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. BROWN. I offer an amendment to the sundry civil appropriation bill, and move its reference to the Committee on Appropriations.

Mr. BECK. I desire to say to the Senator from Georgia that the sundry civil bill having been reported back the amendment ought to lie on the table.

Mr. HARRIS. I suggest to the Senator from Kentucky that the Senator from Georgia is right. It should be referred to the committee, under the rule.

Mr. BECK. Very well; I beg pardon.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

Mr. ALLISON. At this point of the sundry civil bill I desire to submit a statement in detail of the additions and reductions made by the Committee on Appropriations of the Senate:

SUNDRY CIVIL APPROPRIATION BILL, 1884.

Amount of estimates for 1884	$34,186,376 35
Amount of bill as passed the House	23,119,232 50
Amount added by the Senate committee	1,716,686 86
Total as reported to the Senate	24,835,919 36
Amount of act for 1883	25,589,358 06
The bill as reported less than estimates	9,350,436 99
The bill as reported less than act 1883	753,438 70

The changes in amounts made by the Senate committee in the House bill are as follows:

INCREASE.

For international exchanges under Smithsonian	$2,500 00
For secretary of legation at Vienna	100 00
For reimbursing expenses of removal remains of late consul at Turk's Island	1,00 00
For marine hospital at Memphis, Tennessee	16,000 00
For court-house at New Orleans, Louisiana	15,000 00
For court-house at Hartford, Connecticut	2,000 00
For court-house at Paducah, Kentucky	8,500 00
For support Life-Saving Service	100,000 00
For new life-saving stations	50,000 00
For engraving and printing, including paper, &c., internal-revenue service	119,000 00
For light-house at mouth of Detroit River	20,000 00
For lights on Hudson River, at Livingston's Creek, &c	6,500 00
For gaslight beacon Romer Shoal entrance New York Harbor	25,000 00
For land for electric light at Hell Gate	400 00
For transportation of silver coin	20,000 00
For expenses of national currency	5,000 00
For distinctive paper for United States securities	23,000 00
For furniture for public buildings under Treasury	100,000 00
For water-power canal, Rock Island arsenal	20,000 00
For improving reservation South Carolina avenue	3,000 00
For improving reservation North Carolina avenue	2,000 00
For lighting Executive Mansion and grounds	1,000 00
For completion of Washington Monument	100,000 00
For elevator for Winder Building	5,000 00
For cotton-belt reports, Signal Service	4,000 00
For West India reports, Signal Service	12,000 00
For military telegraph lines, Signal Service	20,000 00
For forage, Signal Service	2,000 00
For transportation of supplies, &c., Signal Service	25,000 00
For continuation of dry-dock, Mare Island, California	150,000 00
For compensation to natives near Saint Lawrence Bay, for services rendered crew of Rogers	3,000 00
For purchase of patent for canister shot	25,000 00
For wharf and drill hull, Coaster's Island	45,000 00
For new Naval Observatory	200,000 00
For compass observatory	7,000 00
For reimbursement Potomac Steamboat Company	19,957 15
For transferring charts to copper-plates	10,000 00
For furniture for Navy Department building	10,000 00
For Patent Office building, new roof, &c	25,000 00
Improving Capitol grounds	15,000 00
For surveying the public lands	50,000 00
For protection of public lands	90,000 00
For school buildings for Indian children	15,000 00
For transcribing records of Indian Bureau	5,000 00
For payment of old settlers, Cherokees	421,653 68
For buildings for Insane Asylum	8,500 00
For improvement of grounds, Columbia Institute for Deaf and Dumb	3,500 00
For water supply, Howard University	3,500 00
For protection of Yellowstone Park	25,000 00
For photolithographing for Patent Office	6,000 00
For the Official Register for 1883	2,500 00
For propagation of food-fishes	10,000 00
For preservation of collections, National Museum	5,000 00
For the public printing	400,000 00
For reflooring and repairs, Government Printing Office	12,500 00
For the Senate	2,726 03
For catalogue of all Government publications	6,000 00
For purchase of Rochambeau papers	20,000 00
For records and briefs of late M. H. Carpenter	8,000 00
Total increase	2,312,836 86

REDUCTION.

For care and repair of telegraph connecting Capitol with Government Printing Office, &c	$500 00
For erection and repairs military posts	324,000 00
For mileage of officers, Signal Corps	5,000 00
For incidental expenses, Signal Corps	250 00
For road from Chattanooga to national cemetery	2,500 00
For publication of orders, &c., General Anthony Wayne	1,000 00
For artillery school building at Fortress Monroe	30,000 00
For expenses of artillery school at Fortress Monroe	2,000 00
For completing sea-wall, Governor's Island	15,000 00
For carrying out Sioux Indian treaty	200,000 00
For improving Capitol grounds	15,000 00
For additional compensation to assistant clerk Committee on Appropriations House of Representatives	900 00
Total reduction	596,150 00
Net increase made by committee to House bill	1,716,686 86

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 35, to insert:

For the purpose of reimbursing the legal representatives of Francis P. Van Wyck, late consul at Turk's Island, deceased, for money expended in transporting the remains of said Van Wyck to his home for burial, $1,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "public buildings under the Treasury Department," after line 54, to insert:

For marine hospital at Memphis, Tennessee: For completion, $16,000.

The amendment was agreed to.

The next amendment was, after line 56, to insert:

For custom-house at New Orleans, Louisiana: For completion of approaches and for repairs, $15,000.

The amendment was agreed to.

The next amendment was, after line 59, to insert:

For custom-house and post-office at Hartford, Connecticut: For completion of approaches, $2,000.

The amendment was agreed to.

The Principal Legislative Clerk resumed the reading of the bill, and having read lines 88 and 89, as follows:

For post-office at Brooklyn, New York: For continuation, $100,000—

Mr. LAPHAM. I move to increase the appropriation to $200,000.

The PRESIDENT *pro tempore*. That is not in order until the amendments of the Committee on Appropriations are through.

Mr. LAPHAM. Then I reserve the right to offer the amendment.

The PRESIDENT *pro tempore*. The Senator has the right; it does not need any reservation.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 103, to insert:

For court-house and post-office at Paducah, Kentucky: For completion, $8,500.

The amendment was agreed to.

The next amendment was, under the head of "life-saving stations" in line 199, to increase the total amount of the appropriation "for pay of crews of surfmen employed at the life-saving and life-boat stations, during the period of actual employment; compensation of volunteers at life-saving and life-boat stations," &c., from $580,000 to $680,000.

The amendment was agreed to.

The next amendment was, after line 199, to insert:

For establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States, $50,000.

The amendment was agreed to.

The next amendment was, in line 240, after the word "destroyed," to strike out "eight hundred and thirty-two" and insert "five hundred and thirty-one;" and in line 241, after the word "dollars," to strike out "provided, that" and insert "and;" so as to make the clause read:

Engraving and printing:

For salaries of all necessary clerks and employés, and for labor (by the day, piece, or contract), including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing, the pay for such labor to be fixed by the Secretary of the Treasury, at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing; for materials required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, $531,000; and from said sum work may be executed by the Bureau of Engraving and Printing for the following purposes, namely.

The amendment was agreed to.

The next amendment was, in line 245, after the word "engraving," to strike out "and;" and in the same line, after the word "printing," to insert "and finishing;" and in line 247, after the word "securities," to strike out "three hundred and twenty-one" and insert "four hundred;" so as to make the clause read:

For engraving, printing, and finishing United States notes, gold and silver certificates, registered bonds for transfers, and other securities, $400,000.

The amendment was agreed to.

The next amendment was, in line 251, before the word "thousand," to strike out "ten" and insert "five;" so as to make the clause read:

For engraving (except face-plates), printing, and finishing circulating notes for national banking associations, $105,000.

The amendment was agreed to.

The next amendment was to strike out lines 252 to 255, inclusive, in the following words:

For engraving, printing, and finishing stamps for tobacco, snuff, distilled and fermented liquors, and all other stamps used in the collection of internal-revenue taxes, $375,000.

The amendment was agreed to.

The next amendment was, in line 256, after "engraving," to strike out "and;" and in the same line, after "printing," to insert "and finishing;" and after "officers," in line 257, to insert "and for the purchase of paper for the same;" so as to make the clause read:

For engraving, printing, and finishing checks for the Treasurer of the United States and disbursing officers, and for the purchase of paper for the same, $10,000.

The amendment was agreed to.

The next amendment was, in line 261, after "pensions," to insert "and for the purchase of paper for the same;" so as to make the clause read:

For engraving, printing, and finishing checks for the payment of pensions, and for the purchase of paper for the same, $15,000.

The amendment was agreed to.

The next amendment was, in line 264, after the word "patent," to insert "and for the purchase of paper for the same;" so as to make the clause read:

For engraving, printing, and finishing certificates of letters patent, and for the purchase of paper for the same, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "light-houses, beacons, and fog-signals," in line 330, before "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read.

Detroit River light-station, Michigan: For continuing the construction of the light-house and fog-signal at the mouth of Detroit River, $40,000.

The amendment was agreed to.

The next amendment was, after line 338, to insert:

For the erection of lights on the Hudson River at Percy's Reach, Lamphere's Dock, and Livingston's Creek, $6,500.

Mr. COCKRELL. Do I understand that all three are to go in there? I thought there was only one, Livingston's Creek.

Mr. ALLISON. There are three items, I will say to the Senator from Missouri. We agreed to these three small items, $6,500. The others were inserted before.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after line 341, to insert:

For gaslight-beacon on Romer Shoal entrance to New York Harbor, $25,000.

The amendment was agreed to.

The next amendment was, after line 343, to insert:

For lease of ground to erect electric light at Hell Gate, $400; and the Light-House Board is hereby authorized, with the approval of the Secretary of the Treasury, to lease such parcel of land as is required for the establishment of said electric light at Hell Gate.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects under the Treasury Department," after line 583, to insert:

For engraving, printing, and finishing stamps for tobacco, snuff, distilled and fermented liquors, and all other stamps used in the collection of internal-revenue taxes, $420,000.

The amendment was agreed to.

The next amendment was, after line 605, to insert:

For transportation of silver coin: For transportation of silver coin as required by law, $20,000.

The amendment was agreed to.

The next amendment was, in line 609, before "thousand," to strike out "fifteen" and insert "twenty;" so as to read:

For expenses of the national currency: For paper, express charges, and other expenses, $20,000.

The amendment was agreed to.

The next amendment was, in line 613, before "thousand," to strike out "thirty-five" and insert "fifty-eight;" so as to read:

For the distinctive paper for United States securities: For paper, including mill expenses, transportation, examination, counting, and delivery, $58,000.

The amendment was agreed to.

The next amendment was, in line 638, before "hundred," to strike out "two" and insert "three;" so as to read:

For furniture and repairs of furniture and carpets for all public buildings under the control of the Treasury Department, and for furniture, including gas-fixtures for nine new buildings, namely: Albany; Charleston, West Virginia; Montgomery, Alabama; Paducah, Kentucky; Philadelphia court-house and post-office; Saint Louis; Topeka, Kansas; Cincinnati, Ohio; Memphis, Tennessee, $300,000.

So the amendment was agreed to.

The next amendment was, in line 641, after the word "court-rooms," to strike out:

And their officers' rooms, so that they may be ready on or before July 1, 1883, and the rooms for the post-office at Philadelphia on or before October 1, 1883.

And to insert:

The rooms for the officers of the courts in the new post-office and court-house building at Philadelphia, so that the said rooms may be ready for occupancy on

or before the 1st day of July, 1883, and for the rooms for the post-office on or before the 1st day of October, 1883.

So as to make the clause read:

And so much of this amount as is necessary is made immediately available for the furniture, including gas-fixtures, for the court-rooms and the rooms for the officers of the courts in the new post-office and court-house building at Philadelphia, so that the said rooms may be ready for occupancy on or before the 1st day of July, 1883, and for the rooms for the post-office on or before the 1st day of October, 1883.

The amendment was agreed to.

The next amendment was, in the appropriations under the head of "War Department, armories and arsenals," after line 738, to insert:

For deepening the water-power canal, $20,000; the same to be expended as required by act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1882, and to be immediately available.

The amendment was agreed to.

The next amendment was, after line 800, to insert:

For improving reservation on South Carolina avenue, between Fourth and Sixth streets east, $3,000.

The amendment was agreed to.

The next amendment was, after line 803, to insert:

For improving reservation on North Carolina avenue, between Second and Third streets east, $2,000.

The amendment was agreed to.

The next amendment was, in line 849, before the word "thousand," to strike out "fifteen" and insert "sixteen;" so as to read:

For lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, plumbers, plumbing, lamps, lamp-posts, matches, and repairs of all kinds; fuel and lights for office, stables, watchmen's lodges, and for the greenhouses at the nursery, $16,000.

The amendment was agreed to.

The next amendment was, after the word "act," in line 854, to strike out:

And in case a contract can not be made at that rate the officer in charge of the public buildings and grounds is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That said officer shall not be authorized to make any contract for gas or other illuminating material, in accordance with the provisions of this paragraph, for any longer period than one year.

So as to make the proviso read:

Provided, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $22 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 869, to strike out:

And all officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from 5 o'clock p. m. to 8 o'clock a. m.: *Provided*, That the water in said public buildings is not necessarily in use for public business.

So as to make the clause read:

For repair of water-pipes and fire-plugs: For repairing and extending water-pipes, purchase of apparatus to clean them, and cleaning the springs and repairing and renewing the pipes to the same that supply the Capitol, the Executive Mansion, and the building for the State, War, and Navy Departments, $2,500.

The amendment was agreed to.

The next amendment was, in line 877, after "thousand," to strike out "five hundred;" so as to make the clause read:

For telegraph to connect the Capitol with the Departments and Government Printing Office: For care and repair of the same, $1,000.

The amendment was agreed to.

The next amendment was, in line 894, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

For completion of the Washington Monument: For marble, granite, iron frame-work, machinery, tools, labor, office expenses, including the rent of necessary office rooms, and for each and every purpose connected with the completion of the monument, $250,000.

The amendment was agreed to.

The next amendment was, after line 895, to insert:

For constructing hydraulic passenger elevator for building corner of Seventeenth and F streets, known as the Winder Building, the same to run from the ground floor, $5,000.

The amendment was agreed to.

The next amendment was, to strike out the following paragraph from line 900 to line 942:

Military posts:

To enable the Secretary of War to have buildings constructed and improvements made at military posts, as follows: At Fort Colville, Washington Territory, $50,000; for the establishment of reserved posts at San Antonio and Fort Bliss, $75,000; at Fort Huachuca, Arizona, $52,000; at Fort Grant, Arizona, $60,000; at Atlanta, Georgia, including purchase of necessary ground, $75,000; at Fort Douglas, Utah, $12,000; in all, $324,000. That all lands reserved for military purposes which, in the opinion of the President, may be no longer desirable for such purposes, or so much thereof as he may designate, shall be placed under control of the Secretary of the Interior to be disposed of: *Provided*, That said lands shall not be placed under control of the Secretary of the Interior until the direction of the President therefor shall have been filed in the Interior Department: *Provided, also*, That said lands shall not be subject to location by warrant or scrip of any description nor to the homestead or pre-emption laws of the United States: *And provided further*, That said lands shall not be sold until they shall have been surveyed and platted under the direction of the Secretary of the Interior and appraised by three competent men to be appointed by him and their appraisal approved by the President of the United States. And said lands shall be sold at public sale to the highest bidder for cash, and shall not be sold at less than their appraised value, which in no case shall be less than $1.25 per acre, and in such subdivisions as may be most advantageous to the Government, no subdivision to exceed one hundred and sixty acres: *And provided further*, That no sale shall take place until notice of the same shall have been published for at least ninety days, once in each week, immediately prior to such sale, in at least two newspapers, such papers having a general circulation in the State or county: *And provided further*, That any settler who was in actual occupation of any portion of any one of these reservations prior to the location of the reservation, and continues such occupation to the present time, shall be entitled to locate under the homestead law the land upon which he lives, not to exceed one hundred and sixty acres.

Mr. MAXEY. I wish to call attention to the clause after the word "dollars" in line 904: "For the establishment of reserved posts at San Antonio and Fort Bliss, $75,000." San Antonio is the headquarters of the Military Department of Texas. The railroads now concentrate at that point and radiate from that point so as to be within convenient reach of the posts along the Rio Grande frontier. It is the policy of General Sherman, commanding the Army, to concentrate the forces at that point because supplies of all kinds are much cheaper there than they could be at smaller posts, and in case of necessity they can be sent out promptly by the railways to any point where an attack may be made or threatened. For that reason the Government is now anxious to concentrate the troops at that point, and for that purpose and a like purpose at Fort Bliss, Texas, this appropriation for reserved posts is made. That is at San Antonio.

Away along out west, some five hundred miles farther, at El Paso, a town lying upon the Rio Grande, separating Texas from Mexico, the railroads also concentrate. The Texas Pacific crosses from Texas into New Mexico, Arizona, and California at that point, and the road from San Antonio around by El Paso crosses at the same point, besides the Atchison, Topeka and Santa Fé road passes that point going down to the city of Mexico, and while it already reaches Chihuahau, El Paso is to-day a railroad center. Fort Bliss is within about a mile and a half of El Paso. The same reason which I assigned for the concentration of troops at San Antonio applies in like manner to the post at Fort Bliss.

For these reasons I regard the policy of the Government as economical and wise, because it saves the expense of sending supplies out to minor posts and places the troops at a better position, where they can be sent out promptly upon any raid made by Indians on anybody else along that great frontier, reaching from San Antonio to El Paso, and thus a smaller number of troops will be required.

I have here before me, but I do not wish to take up time to read it, the report of the War Department, at page 52 of Report H. R. 1960 accompanying this bill. The reasons which I have given, however, are those which in my judgment control the Department, and I venture to say it would be very unwise, I will say to the Committee on Appropriations, to strike out this appropriation.

Mr. ALLISON. This paragraph provides for four or five new fortifications, and the Committee on Appropriations did not believe it was a necessary thing or a wise thing now to enter upon the construction of these new forts without understanding more in detail what they will eventually cost and the general purposes required of them. That is in brief the reason why we struck these posts out. There is no sort of necessity for this being done this year; it can go over to next year, and then the whole matter can be examined with more care. That is in brief the reason which controlled the committee. We think the reason is potential.

Mr. COKE. I hope, Mr. President, that the amendment of the committee, at least with reference to the military posts in Texas, will not be concurred in. That there is a necessity for posts at San Antonio and Fort Bliss for the reasons so clearly stated by my colleague no person can deny. That the War Department, in the exercise of its best judgment, believes that those posts should be improved is admitted. The reason given by the chairman of the Committee on Appropriations does not controvert either of these propositions. If the posts are necessary, it does seem to me that it is not expedient to pass the matter over for twelve months more before the necessary appropriation is made to maintain them properly.

We are about opening up very extensive commercial and other relations with Mexico. Those posts are immediately on the Mexican border; and while we hope and believe that our relations with that republic are to be peaceful, yet it is necessary to the maintenance of the dignity of this Government and to the proper protection of that frontier that a show of force should be always present there, especially in order to control the turbulent elements that are always found upon a frontier and particularly upon that border.

In order that the proper complement of troops may be maintained at as little expense as possible it is much the best that posts should be properly kept up at these two points where the railroads converge and from which troops can be thrown to any other points on the frontier; and that they should be equipped in the most substantial and permanent manner and be of undoubtedly sufficient capacity.

I submit to the honorable Senator from Iowa in charge of the bill that it is very bad policy to be parsimonious in providing conveniences and facilities at those points for the accommodation of the Army. A very

considerable proportion of the Army is in that country, and at Fort Bliss and San Antonio a few men will count for much more than they will anywhere else on that frontier on account of the facility with which they may be distributed.

Mr. ALLISON. But is there not already a post at San Antonio, a large post?

Mr. COKE. There is.

Mr. ALLISON. We have already expended a considerable amount of money at fortifications near San Antonio.

Mr. COKE. On barracks, quarters, &c., not on fortifications.

Mr. ALLISON. Only last year we expended a considerable sum of money to build some buildings or purchase some buildings, I do not remember which, near the city of San Antonio.

Mr. MAXEY. I will explain that in a moment.

Mr. COKE. That is true

Mr. ALLISON. Is not that true?

Mr. COKE. Certainly it is true, but additional facilities are needed, and this appropriation is based upon the opinion of the War Department and of the General of the Army that there should be further facilities provided at both of those points in order to maintain the necessary number of troops there.

I submit further that the Appropriations Committee in striking out this paragraph have not paid to the opinion of the House who sent the bill here—if I am in order in alluding to it—and to the judgment of the War Department and the General of the Army that deference, or at least that consideration, to which they are entitled in a matter of this sort coming properly before the House and about which the War Department ought to be presumed to be well informed.

Mr. BECK. I want to state to the Senator from Texas one difficulty we had, and I should like to have it answered, because I do not know much about the military posts. For the reserved posts at San Antonio and Fort Bliss the proposition is to appropriate $75,000.

Mr. MAXEY. I can explain that in half a minute.

Mr. BECK. Wait a moment. We have always specified heretofore in every bill that I ever saw the amount of money that should be expended at each place. Whether they are going to expend $70,000 at San Antonio and but $5,000 at Fort Bliss or whether they are going to divide it equally is not known; and those are things that have always been regarded. The Department did not deign to give us that information. That was one trouble we had about it.

Mr. COKE. I should like to ask the honorable Senator from Kentucky if the committee applied to the Secretary of War for the information he speaks of?

Mr. BECK. I am not sure.

Mr. COKE. If the committee had informed the Secretary of War that they desired this additional information I presume he would have furnished it. Certain it is that the War Department has determined that this appropriation is necessary for those two points; and as the chairman of the committee did not see proper to interrogate the Secretary of War further as to the proportions of the amount that should be expended respectively at the points named, I do not think it lies in the mouth of any member of the committee to urge that as an objection to the appropriation. They could have gotten the information if they had asked for it.

The fact remains that the War Department believes that this appropriation should be made, and that the General of the Army, who ought to know all about this subject, believes that the appropriation should be made. The fact remains that the House of Representatives approve this judgment, and without any reason that has been given on this floor the Committee on Appropriations have stricken out the provision and ask the Senate to concur with them. I hope that the committee's amendment will not be adopted, unsustained as it is by any reason given here, and opposed as it is by all whose business it is to be well informed on the subject.

Mr. MAXEY. Mr. President, if I can get the attention of the chairman of the Committee on Appropriations a moment I can reply to the first point he made without difficulty. As I said, the headquarters of the Department of Texas are at San Antonio. The Committee on Appropriations did a year or so ago recommend an appropriation which was made of $125,000, as the Senator states, but for what? It was made known to the committee by myself and Hon. Mr. UPSON, of the House, that the Government was paying from $21,000 to $22,000 rent per annum for officers' quarters—not soldiers' quarters, but officers' quarters—at San Antonio. That being the headquarters of the department, and as an appropriation of $125,000 would cost the Government but $5,000 per annum interest at 4 per cent., instead of $21,000 in the way of rent, and thus in the course of less than eight years the entire expenses of quarters for officers on duty at the headquarters would be paid by that appropriation out of the savings between interest and rent, it was made, not for the benefit of the troops, but for the headquarters and as a measure of sound economy.

Second, there is a post, Fort Clark, which cost the Government of the United States nearly $250,000. That is on land not the property of the United States. We tried once to buy it, and the Senate passed a bill I introduced for that purpose, but it failed in the House. The General of the Army desires to so arrange it as that troops who are now stationed at Fort Clark (and there is where the larger number of them are stationed) may be moved up to San Antonio, because in the way of foraging horses and feeding the troops and in all the other expenses it would cost far less at San Antonio than at Fort Clark or any other point in striking distance of the Rio Grande in that neighborhood.

Third, I want to say that on the military needs of the Texas frontier I have probably studied a little more than the chairman of the committee, distinguished as he is in his profession. With a few troops concentrated at the right point, who can be radiated out wherever they are needed, it will cost the Government very far less than to try to keep up a number of little posts scattered about everywhere. For that reason it was thought the best policy to put these troops at the railroad center, which is San Antonio, and let them be radiated out from that point, and in like manner at El Paso, which is the other railroad center near the frontier. This appropriation of $75,000 for reserved posts to be established for men, not as it was for officers' quarters at San Antonio, but for reserved troops to be put there, is asked.

In regard to the point which the Senator makes, not publicly I will say however, as to the post at El Paso, I will state that a few years ago there was a combined movement of a mob of Mexicans in blood on the Texan side and of Mexicans on the Mexican side at San Elisario, in El Paso County, not far from Fort Bliss, by which Judge Howard and other citizens of Texas were murdered by a mob. Upon the news reaching the Congress of the United States an appropriation was made to build Fort Bliss, on a bill I had the honor to introduce, and it was built, and it is now there, a good post, and belongs to the United States Government.

Mr. COCKRELL. How far is Fort Bliss from San Antonio?

Mr. MAXEY. It is five hundred or six hundred miles from San Antonio. When I came here in 1875 we had murder, rape, cattle-stealing, robbery, and arson by Mexicans and Mexican Indians from citizens of Texas all along that line. We now have peace and quiet everywhere. We can use very much fewer troops now than eight years ago by the policy which General Sherman is trying to inaugurate, which I think to be wise. It is the soundest economy on the part of the Government to adopt that policy. That is my judgment. I give it for what it is worth, and on subjects of that kind I certainly have studied somewhat. I believe it to be for the best interest of the country.

If I were considering alone the interest of the State of Texas in selling forage, and all that kind of thing, I would want as many troops as I could get there, but that is not my duty as a Senator of the United States. It is to get along on the least money possible consistent with protection, and the policy which is here proposed will enable us to get along with a small expenditure of money. That is my reason for opposing the amendment of the committee. I ask the Senate to non-concur in the recommendation of the committee. I beg to call the attention of the Senate to the fact that the policy of the Government as to the location of posts on the frontier and the disposition of troops has necessarily greatly changed by the building of railroads in that country. Should Congress sustain the policy as to these posts and others like situated recommended by the War Department and General Sherman, it will greatly reduce appropriations. The bill of the House in this regard is right and ought to be left as it came to the Senate.

Mr. BROWN. I trust this clause will not be stricken out by the Senate. These posts have been arranged, as I understand it, after conference with the General of the Army, who has no doubt at all that this is the right thing to do. I am of course not as well informed with reference to the frontier posts as the Senators from Texas; but from the statement they have just made I have no doubt it is to the interest of the Government that those posts should be maintained in accordance with the bill as it passed the other House of Congress.

I desire to say, in addition, a few words in reference to the proposed post at the city of Atlanta, in the State of Georgia. I have conversed with the General of the Army very freely and fully on that subject, and he is very decided in his conviction that there should be a military post permanently established at that point. He says it is the strategic military point for all that section of the Southern States——

Mr. COCKRELL. I would like the Senator from Georgia to explain what is the necessity of Atlanta as a strategic military point in this country. I thought we had the cry for years and years that we wanted the troops removed from the Southern States; and now we come in with a demand that the United States Army shall be brought back and stationed in Atlanta, Georgia, and that the tax-payers of this country shall be taxed to build forts and fortifications because it is a magnificent strategic military point!

Mr. BROWN. There was a period when I felt about this matter as the Senator from Missouri now feels, and he then felt so too. About eighteen or twenty years ago I was very anxious to have the United States troops removed from all that section. I considered they were great intruders, and that they were on a mission that should not be prosecuted, and I should have been very happy to have seen them removed or driven away. But the circumstances have greatly changed since that time. The Southern States are now, as they were before that period, States of the Union, and I believe I may say without any hazard that they are loyal States of the Union; as loyal as any other section of the Union. We now consider the Army of the United States our army as much as it is the army of any other part of the Union, and

we have as much use for it on any occasion that might arise calling for the employment of troops in the South as the people have in any other part of the country.

Therefore it is proper in stationing troops to have due regard to the strategic points, in a military point of view. The General of the Army says that from barracks at the post at Atlanta he could throw the troops, if needed, promptly in a very short time to any one of the coast cities from Wilmington, North Carolina, to New Orleans, in Louisiana. It is only a few hours by rail from Atlanta to any one of these points. We now have barracks at two or three of the points mentioned, but if the troops are kept there during the summer they are exposed to the extreme heat; they are exposed to yellow fever at certain periods, and it is very unsafe in point of health to have them there. The General of the Army says they should be placed at one point for all that section of the Union. That point is Atlanta, because it is a point from which troops can be thrown rapidly to any place where they may be needed, and it is a very healthy point in winter; and with its elevation of nearly 1,100 feet above the level of the ocean we have a fine summer climate; and it is certainly, from humane considerations, the proper place to put the troops if they are needed in that section at all; either in winter or summer and especially in summer. It is not right to keep them in quarters at New Orleans or Savannah or Charleston during the summer season. There is great danger of disease, especially of yellow fever, in certain years on the coast, and the troops ought not to be kept there.

I have no doubt that the General of the Army is right about this, and that the post ought to be located there on high and healthy land where they can be thrown rapidly to any one of the cities where they might be needed if they ever should be needed.

So far as the objection of the Senator from Missouri is concerned, it is a rather popular point to make, I know; but we must not forget that we are all one people now. This is our Government. We of the South are an integral part of it; and we have the same use for the Army, and feel the same interest that any other portions of the Union have; and as the General of the Army has considered this question very maturely and this is done upon his recommendation, and it seems to be an entirely proper thing to do on common-sense principles, I trust that the amendment of the Committee on Appropriations will not be adopted, but that the clause will remain as it passed the House.

Mr. SLATER. I see in the clause which is proposed to be stricken out by the amendment that Fort Colville, in Washington Territory, is a post provided for. The provision in the House bill provides for putting up buildings at Fort Colville, Washington Territory, and appropriates $50,000 for that purpose. This amendment strikes that out. That I understand contemplates the abandonment of this fort or station.

This is one of the most important of the frontier posts we have, and instead of letting it stand as it is or refusing appropriations under the idea of withdrawing troops from that point, it ought to be improved and taken care of. We are not yet through our Indian wars in that section of the United States in all probability. It is true that at the present time peace prevails, and we hope it will continue; but there are warlike tribes in the immediate vicinity of this fort who have long been kept in their peaceful relations with the United States by fear of the very troops that are stationed there; and instead of giving any indication that this place is to be abandoned, the reverse ought to be the policy of Congress for at least some few years yet to come.

But aside from the Indians in our own territory, just across the British line in British Columbia are also warlike tribes that will undoubtedly have to be looked after in the near future. So that in any point of view the amendment in regard to this fort ought not to prevail.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out from line 900 to line 942, inclusive.

Mr. ALLISON. I do not wish to take up time, but these forts are practically new, all of them. They are new at Atlanta, new at Fort Colville, new at San Antonio, and new at Fort Bliss, except in this sense, that there is a local fort now at Fort Bliss; but it is intended to make what are known as reserved posts, which are to be large posts for the concentration of forces; and here is an appropriation that will scarcely begin these fortifications.

Mr. MAXEY. Let me read what the book shows on that subject.

Mr. ALLISON. Certainly. I know what the book shows. I have it in my hand.

Mr. MAXEY. Will the Senator let me place it on record?

Mr. ALLISON. I have no objection to placing it on record. The book shows a total estimate for new fortifications of $698,000, placing them all on a par of necessity, and it proposes a line of fortifications on the Rio Grande costing $200,000, which includes the post at San Antonio and other posts, and it provides for a post at Fort Bliss, costing $50,000, making $250,000 in all on the Rio Grande.

Mr. MAXEY. The Senator is mistaken about that. The Secretary speaks of the enlargement of the post at Fort Bliss by an appropriation of $50,000.

Mr. ALLISON. The estimate is for $50,000 there and $200,000 for other posts on the Rio Grande. Everybody who knows anything about the manner in which these posts are built knows that they will eventually cost $500,000 or more; and therefore it is that we want to know, or at least the Committee on Appropriations desire to know, the character of these fortifications, the extent of them, the manner in which they are to be built, and so on; and surely there is no such necessity for these fortifications as requires that they shall be appropriated for now rather than appropriated for next winter.

I have great faith in the Commanding General of the Army, and I believe that what he suggests is probably a wise provision for the disposition of the Army; but he does not expect or anticipate that we shall at once provide as he suggests, and therefore it is that the committee believe that this whole subject should go over until a future time when we can make a further examination.

Now, there is a large post at San Antonio, a little way out of the city of San Antonio, where a considerable amount of money has been expended, and last year, for the purpose of erecting officers' quarters to make it more convenient for them to live in the city of San Antonio, we allowed $125,000. Now it is proposed to grant $75,000 more for San Antonio, if in the discretion of the Secretary of War he shall deem it wise to spend that whole sum there, as he can do.

I do not desire to prolong the debate, but merely state these facts as they appeared to the Committee on Appropriations.

Mr. BROWN. I want to correct an error that the chairman of the committee has fallen into as to these being new posts. That is not true in the substantial sense of the word as to Atlanta. A military post was established there immediately after the close of the war; most of the troops that have been kept in any portion of the South have been kept at Atlanta. There was this difficulty, however, that the military authorities made a mistake at the time of leasing the land on which they located the buildings, and went on to erect the buildings under a fifteen years' lease, I think, but I am not positive as to the length of the time. The lessor died and the lease terminated, and there was difficulty about getting title to the land. The post was discontinued for a time on that account and the land turned back to the estate of the lessor, but it was never the intention of the military authorities to discontinue the post at Atlanta.

Mr. ALLISON. I do not mean a new post in that sense, but I mean in the sense of new buildings, new erections, new purchase of sites, and so on. We have no site at San Antonio for a post; this money, if appropriated, must be expended in the purchase of ground in the first instance. I think the Senator from Texas will agree with me in that.

Mr. BROWN. I desire to say only a word on that point. I do not think there is very much in the objection that the General of the Army and the Secretary of War have not laid before us an exact statement as to how they propose to erect a post and just what will be the cost. We appropriate a definite sum of money for that purpose. I have the utmost confidence in the General of the Army and in the Secretary of War in the case of an expenditure of that sort; I have no doubt they will expend the money faithfully, and I can not suppose there will be any abuse of the authority or any improper use of the funds. If in fact this appropriation bill is not large enough and more ought to be appropriated to erect these buildings, such as they ought to have that the Army may be properly provided for, and I presume there will be no hesitation on the part of the American people in making the necessary appropriation. Therefore we can very safely leave that with the Secretary of War and the General of the Army until there is another session of Congress. There will be no danger of misapplication of the fund.

Mr. ALLISON. I do not wish the Senator from Georgia to put me in the attitude of saying that I think there is to be a misapplication of the fund, or that he has any more confidence in the Secretary of War or the Commanding General of the Army than I have. I make no such imputation as to them or any officer connected with the Army.

Mr. BROWN. I had no intention of making a charge against the Senator. I was only giving my reasons why it was safe to make the appropriations.

Mr. MAXEY. I want to correct the chairman of the committee in one regard, because I know he wants to do right. He stated that we should have to purchase ground at San Antonio for this work. He is mistaken about that; the Government owns the land there now, and therefore would not have to buy it.

Mr. ALLISON. How much, may I ask the Senator?

Mr. MAXEY. I once had occasion to investigate this matter in connection with a contract for building the general depot there, and there can be no question that the Government owns enough. It is ample for the purposes of the post; I do not remember the amount, but quite a sufficient amount. I have been there; it is about a mile and a half outside of San Antonio where the general depot of supplies is now located and where the officers' quarters are now located. Then we do not have to buy the ground at El Paso, because we own the ground there and have a deed for it, which deed I examined the other day.

I have talked with the General of the Army on this subject, and I understand, after a very full talk with him, what his policy is, and I fully concur with him as a great economic matter that this is the wisest thing to do in respect to Fort Bliss, where $50,000 of this money will go. This is the estimate and the remark:

This post is at the point where the Atchison, Topeka and Santa Fé Railroad crosses the Rio Grande, which railroad has already reached Chihuahua and will in the course of a year or two at furthest reach the City of Mexico. This simple fact makes El Paso a strategic point of the first importance.

Just as I stated—

The site is not very good, but is the best attainable. The post is well built as far as it goes, but needs enlargement—

What I stated—

to accommodate a garrison of four companies, the least that should continuously occupy that point. The enlargement of Fort Bliss will obviate the necessity for the post estimated for at old Fort Selden to cost $251,451.69.

So that upon the very strictest principles of economy it is sound and wise to make this appropriation of $75,000 for reservation posts at both points. The Senator in charge of the bill states that the Secretary of War has not divided this sum of $75,000 as between San Antonio and Fort Bliss, and in my judgment he ought not to have done so. But he can not expend a dollar of it outside of those two posts, and if we can not intrust to him the discretion of how much should go to one and how much to the other, then I must say we have a Secretary of War who is a very different man from the man I take him to be. I regard him as an honorable, upright man, a sound, economical Secretary of War and a good business man, and he will partition the amount, I have no doubt, between these two posts just as it ought to be done. And the amount of $75,000 is quite a small amount, and certainly it will be economy to grant it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out from line 900 to line 942, inclusive.

Mr. MAXEY. I want a division of the question so as to meet the point I made myself to non-concur in the amendment beginning in line 901 to and including the words "as follows" in lines 902 and 903, and then in lines 904 and 905 to non-concur in striking out:

For the establishment of reserved posts at San Antonio and Fort Bliss, $75,000.

So as to read:

To enable the Secretary of War to have buildings constructed and improvements made at military posts, as follows: For the establishment of reserved posts at San Antonio and Fort Bliss, $75,000.

Let each stand on its own merits.

Mr. BROWN. I should like to understand a little more about that. I think the Senator has made very great haste in having this passed, and I think there is as good reason for the other and I prefer——

Mr. MAXEY. That does not interfere with anybody else. I only ask a separate vote on the Texas items, and let the others come up on their merits.

Mr. ALLISON. The committee propose to strike out from line 900 to line 910 as one amendment.

The PRESIDENT *pro tempore*. Has the Senator from Texas any objection to including lines 901 to 910 in one motion?

Mr. MAXEY. No, sir.

The PRESIDENT *pro tempore*. Then the question will be on agreeing with the Committee on Appropriations in striking out from line 901 to 910, inclusive.

The question being put, there were on a division—ayes 21, noes 16; no quorum voting.

Mr. ALLISON and Mr. BROWN called for the yeas and nays.

Mr. HOAR. I hope the call will not be insisted on.

Mr. ALLISON. I hope not.

Mr. EDMUNDS. There must be a quorum here to do business.

Mr. MAXEY. I had called for a division of the question, but by some means unknown to me that has been overruled.

The PRESIDENT *pro tempore*. The Chair did not overrule it. He submitted to the Senator whether he was willing to have a division from line 901 to line 910. The Chair appealed to the Senator and the Chair understood him to say he did not object to that division. The Chair does not certainly care how many divisions there are. Let the Senator indicate where his division is.

Mr. BROWN. Were not the yeas and nays ordered on the other proposition?

The PRESIDENT *pro tempore*. The Chair misunderstood the Senator from Texas and therefore he has a right——

Mr. EDMUNDS. Is there a quorum present?

The PRESIDENT *pro tempore*. Not yet.

Mr. MAXEY. I ask the Senate to non-concur in the amendment from line 901 to line 903, as far as the word "follows;" and in line 904 to 905 to and including the word "dollars" in line 905.

The PRESIDENT *pro tempore*. The Senator proposes one division from line 901 to 903.

Mr. MAXEY. To make it read:

To enable the Secretary of War to have buildings constructed and improvements made at military posts, as follows:
For the establishment of reserve posts at San Antonio and Fort Bliss, $75,000.

Mr. ALLISON. The Senator from Texas, I understand, proposes only to strike out from line 905 to 910.

Mr. MAXEY. The only item I propose to disagree with the committee upon is the one I personally presented from my knowledge of matters of that kind. I am not questioning the propriety of the others, for I know nothing about them.

Mr. PLUMB. Ought not the Senator from Texas to divide that appropriation? I do not know of anybody who believes that Fort Bliss ought to be a reserved post. It does not occupy any position with reference to supplies or anything of that kind which makes a post specially necessary there.

The PRESIDENT *pro tempore*. The Chair has counted, and there is a quorum present.

Mr. MAXEY. The Senator from Kansas is mistaken. I have just alluded to a road that is coming down, the Atchison, Topeka and Santa Fé, to that point; the Texas Pacific road is there, and the California Southern. That is a strategic point, as the Secretary of War says. If it is not, I should not know where to pick out one.

Mr. BECK. I voted in committee to strike out these military posts, after some consideration, principally because of the confusion that seemed to exist in regard to them. Information seemed to be before us that Fort Colville, in Washington Territory, was not a very important post, that there were two in Arizona, and that perhaps one there was enough. Atlanta, Georgia, is a new post altogether, and Fort Bliss and San Antonio, instead of being estimated for or provided for in this bill separately, were united together and $75,000 appropriated for both.

When I voted to strike them out I did it with the understanding at least that some investigation would be made before the bill came up when some information should be given more than we had why all this clause should be stricken out, and if any good reason were assigned (as seemed to be by the Senator from Texas) there ought to be some appropriation made for these posts. I propose now to vote against striking them out unless there is something more done than has been done up to this time. It was more because of the confusion in regard to the want of information and the desire to have information that I acquiesced in striking them all out. I am satisfied nothing better can be done after the explanation made by the Senator from Texas than to vote at least to retain the items for Fort Bliss and San Antonio, and I will inquire further as to the rest.

The PRESIDENT *pro tempore*. The Senator from Texas asks for a division of the question so as to have a separate vote on this part of the amendment:

To enable the Secretary of War to have buildings constructed and improvements made at the military posts as follows:
For the establishment of the reserved posts at San Antonio and Fort Bliss, $75,000.

The Senator from Texas moves to disagree to that amendment of the committee.

Mr. ALLISON. That does not seem to be according to proper form. The amendment of the committee is to strike out between certain lines. Now, as I understand the Senator from Texas, he moves to amend the amendment by striking out a portion of those lines.

The PRESIDENT *pro tempore*. No, he does not want the Senate to agree to the amendment striking out the words which have been read.

Mr. ALLISON. Has the Senator from Texas a right to so divide it?

The PRESIDENT *pro tempore*. The Chair thinks so.

Mr. ALLISON. Very well. Then I ask for a vote on striking out the remainder first.

Mr. MAXEY. I ask for the vote first on the part I have called for. I have made the motion for it, and it comes first.

Mr. ALLISON. I do not care which comes first.

Mr. SLATER. I shall also ask for a vote separately on the lines I have indicated.

The PRESIDENT *pro tempore*. The Senate should get through with this first.

Mr. SLATER. I do not lose any right?

The PRESIDENT *pro tempore*. Oh, no! The question is on striking out the words which have been last read at the desk. The Senator from Texas moves to disagree to the amendment striking out those words.

Mr. HARRIS. We did not understand it so. The question is, Will the Senate agree to the amendment reported by the committee striking out the words? I voted "no," because I am sustaining the view of the Senator from Texas.

The PRESIDENT *pro tempore*. Very well. Will the Senate agree to the amendment reported by the committee striking out that portion of the bill last read?

The amendment was agreed to—ayes 21, noes not counted.

Mr. SLATER. May I ask for a separate vote on striking out the words "at Fort Colville, Washington Territory, $50,000?"

I wish to say to the Senate that this certainly ought not to be stricken out. This post is one of the most important frontier posts right in the Indian country, where troops must necessarily remain and where every appearance of preparation to meet any possible contingency should be constantly displayed before the eyes of the Indians, so that they will understand that the United States is always prepared, not only in the present but in the future, to meet any outbreak. Certainly this application ought to be granted.

INTERNAL-REVENUE AND TARIFF DUTIES.

The PRESIDENT *pro tempore*. Will Senators suspend until the Chair fills up a conference committee? The Chair appoints the Senator from Alabama [Mr. MORGAN] and the Senator from Maryland [Mr. GORMAN] conferees on House bill 5538 to reduce internal-revenue taxation.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri; and

A bill (S. 1785) for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The PRESIDENT *pro tempore.* The Senator from Oregon [Mr. SLATER] asks for a separate vote on the words—

To enable the Secretary of War to have buildings constructed and improvements made at military posts as follows: At Fort Colville, Washington Territory, $50,000.

The Senator moves to non-concur in that.

Mr. ALLISON. The vote will be as in the other case, on concurrence. Those who vote "ay" will vote to strike it out.

The PRESIDENT *pro tempore.* Yes, sir.

The amendment was agreed to.

The PRESIDENT *pro tempore.* Now the Senator from Georgia [Mr. BROWN] wants a separate vote.

Mr. BROWN. There are two or three other posts mentioned. I am willing to have the vote taken on them together. I do not care to ask for a further division.

The PRESIDENT *pro tempore.* The question will be on the remainder of the amendment of the committee to strike out.

The amendment was agreed to.

The Acting Secretary proceeded to read the bill at line 943.

Mr. CALL. Do I understand that all the remainder of that paragraph is stricken out?

The PRESIDENT *pro tempore.* Yes, sir; the whole of it.

Mr. CALL. I should like to inquire what special objection there was to the provision in that section designating how the land surrendered by the Department of War to the Interior Department should be disposed of?

Mr. ALLISON. This relates to the sale of military reservations. We had no report from the Committee on Military Affairs before us. We had no information. It is legislation. It is a matter that is not pressing, and we had not time to examine into it to see whether it was wise or otherwise; and without the report of some committee having charge of this subject the Committee on Appropriations thought it unwise to take the responsibility for this legislation. It is pure legislation. It would not be entertained a moment if presented in the Senate, and therefore we recommended that it be struck out.

Mr. CALL. There have been in the State of Florida some very valuable public lands belonging to military reservations which have been transferred to the Interior Department, and which I understand there is very grave apprehension will be obtained by artifice and without an opportunity on the part of the people to bid for them; but I have no such information as would authorize me to make any motion upon this subject. I submit to the chairman of the committee, however, whether it would not be proper to allow this clause which has come from the House to stand in the bill, as there was doubtless some good reasons for it.

Mr. ALLISON. I only call attention to the effect of the last clause of the proviso:

And provided further, That any settler who was in actual occupation of any portion of any one of these reservations prior to the location of the reservation, and continues such occupation to the present time, shall be entitled to locate under the homestead law the land upon which he lives, not to exceed one hundred and sixty acres.

There are great questions involved of public policy, questions of law arising out of the occupation of these reservations. Now, the idea that we shall in this perfunctory way, two days before the end of the session, undertake to do justice to every party interested in these matters it seems to me is preposterous. So I trust this matter will go over until we can have an opportunity of investigating it fully and fairly.

Mr. CALL. I shall make no further opposition. I would rather it should be passed over.

The PRESIDENT *pro tempore.* The vote has been taken. There can be a separate vote in the Senate.

Mr. ALLISON. The Senator can renew his motion in the Senate.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I should like to submit a conference report, if the Senator from Iowa will give way a moment.

Mr. ALLISON. Very well.

Mr. DAWES. I submit the report of the committee of conference on the fortification appropriation bill.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of said amendment strike out the words "three hundred," and in lieu of the sum proposed in the amendment insert the sum of "$400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of "$75,000;" and the Senate agree to the same.

H. L. DAWES,
JOHN A. LOGAN,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. H. FORNEY,
J. H. KETCHAM,
THOS. RYAN,
Managers on the part of the House.

The PRESIDENT *pro tempore.* Will the Senate proceed to the consideration of this conference report? The Chair hearing no objection, it is before the Senate. The question is on agreeing to the report.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Signal Service," in the clause making appropriations "for the observation and report of storms," in line 953, after the word "dollars," to insert:

For West India reports, $4,000; for cotton-belt reports, $12,000.

The amendment was agreed to.

The next amendment was, in line 976, to increase the total amount of the appropriation "for the observation and report of storms," from $35,000 to $51,500.

The amendment was agreed to.

The next amendment was, in line 981, to increase the appropriation "for maintenance and repair of military-telegraph lines," from $30,000 to $50,000.

The amendment was agreed to.

The next amendment was, in line 989, after "for," to strike out "continuing" and insert "completing;" in line 993, after "for," to strike out "continuing" and insert "completing;" and after the word "dollars," in line 995, to strike out "and it is provided that the limitations hereinafter contained shall not prohibit such further details of officers and men for the relief of the Lady Franklin Bay expedition as the Secretary of War may deem necessary," and to insert:

And it is provided that the above work near Lady Franklin Bay and Point Barrow shall be closed, and the force there employed shall be returned to the United States within the next fiscal year.

So as to make the clause read:

Observation and exploration in the Arctic Seas: For completing the work of scientific observation and exploration on or near the shores of Lady Franklin Bay, and for transportation of men and supplies to said location and return, and for completing the work of scientific exploration at Point Barrow, $33,000. And it is provided that the above work near Lady Franklin Bay and Point Barrow shall be closed, and the force there employed shall be returned to the United States within the next fiscal year.

The amendment was agreed to.

The next amendment was, in line 1006, after "dollars," to strike out the following clause:

For mileage to officers when traveling on duty under orders, $5,000.

And in line 1012, to reduce the total appropriation for officers of the Signal Service from $235,000 to $230,000.

Mr. ALLISON. That is an error. That clause ought not to be stricken out. I desire that that amendment shall not be agreed to.

The amendment was rejected.

The next amendment was, in line 1014, before "commissioned," to strike out "eight" and insert "ten;" so as to read:

And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed ten commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law.

The amendment was agreed to.

The next amendment was, after "law," in line 1016, to strike out the following proviso:

Provided, That he may, in his discretion, make a further detail of officers for service in the Arctic Sea expedition.

The amendment was agreed to.

The next amendment was, in line 1045, before "mules," to strike

out "twenty-five" and insert "forty-five;" and in the same line, after "mules," to strike out "two" and insert "four;" so as to read:

Commutation of fuel for two hundred and forty-three enlisted men of the Signal Corps, at $8 each per month, $23,328; forage for forty-five mules, $4,500; stationery, $100.

The amendment was agreed to.

The next amendment was, in line 1049, to increase the appropriation for regular supplies: Fuel, authorized allowance for officers and enlisted men at Fort Myer, Virginia, and for various offices at Fort Myer, Virginia, and on the United States military-telegraph lines, &c., from $57,051.75 to $59,051.75.

The amendment was agreed to.

The next amendment was in the clause making appropriations for incidental expenses of the Signal Service, in line 1051, before "mule," to strike out "horse and;" in line 1052, before "dollars," to strike out "five hundred" and insert "two hundred and fifty;" and in line 1056, after "thousand," to strike out "four hundred and seventy-five" and insert "two hundred and twenty-five;" so as to make the clause read:

Incidental expenses: For mule shoes, $250; blacksmith's tools, $350; veterinary supplies, $300; fire apparatus, disinfectants, &c., $125; in all, $1,225.

The amendment was agreed to.

The next amendment was, in line 1058, after "transportation," to insert "and distribution of supplies, instruments, and material, $25,000, for transportation;" and in line 1065, after "all," to strike out "ten" and insert "thirty-five;" so as to make the clause read:

Transportation: For transportation and distribution of supplies, instruments, and material, $25,000; for transportation of officers and men, $8,875; means of transportation, namely: five mules, at $140 each, $700; one spring-wagon, $200; for repairs to means of transportation, $300; in all, $35,275.

The amendment was agreed to.

The next amendment was, after line 1110, to strike out the following paragraph:

To complete the road from the city of Chattanooga to the national cemetery, near that city, $2,500, or so much thereof as may be necessary to finish said road.

Mr. HARRIS. I desire to say to the chairman of the Committee on Appropriations and to the Senate that at the national cemetery at Chattanooga there are over fifteen thousand dead, and the road leading to it from the city is absolutely impassable, as I am informed by a committee of the board of trade of that city. It is a matter to which so much attention has been directed there that at least a half dozen of the most respectable gentlemen of the city have written to me urging this appropriation as absolutely necessary; in view of which fact I appeal to the chairman of the committee and to the Senate not to strike out the appropriation as made by the House, but let it remain, as it is believed that that will complete the road and give free access to the cemetery by visitors who desire to visit the resting-place of their friends.

Mr. ALLISON. I will not occupy any time on this matter. Last year we appropriated $5,000 for the completion of this road, and we directed that none of the money appropriated by that and the preceding paragraph, relating to the road at Fort Scott, Kansas, should in either case be used unless the amount appropriated was made to complete the road. We intended that they should have an additional sum of $5,000 to make the roads to these cemeteries. The whole $5,000, I understand, has been expended at the Chattanooga cemetery, although we provided that no part of it should be expended unless upon a scale which would complete the road. Upon that state of facts we struck out the appropriation.

Mr. HARRIS. I am not prepared to go beyond this in explaining the reasons why the $5,000 have not completed the road as contemplated; but I understand that backwater in a very great freshet in the Tennessee River made it necessary to make certain fills, costing largely more than the estimates which had been made for the construction of the road, and for that reason the $5,000 proved inadequate to its completion. It is not only not now completed, but after the entire expenditure made it remains in an impassable condition, and with this $2,500 more it can be completed and made permanent.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out the clause.

Mr. BROWN. Is that now subject to amendment, or must I wait in order to offer an amendment at this point?

The PRESIDENT *pro tempore*. It is open to amendment. You can move to amend the text before the question is taken on striking it out.

Mr. BROWN. I desire to move an amendment.

Mr. HARRIS. Still, the Senator from Georgia will have an opportunity to propose any amendment after the committee amendments have been disposed of.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BROWN. I do not want to embarrass the pending amendment, in which the Senator from Tennessee is interested.

The PRESIDENT *pro tempore*. Amendments can be proposed afterward to come in at any part of the bill.

Mr. BROWN. I want to give notice, then.

The PRESIDENT *pro tempore*. No notice is required.

Mr. BROWN. I shall move to insert an amount for the Marietta cemetery.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 17, noes 13; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays, as a means of getting a quorum.

The yeas and nays were ordered.

Mr. COCKRELL. This is a very plain, simple question. In the sundry civil act passed last year there was the following provision:

For the road from Fort Scott to the national cemetery, Kansas: For the completion of the roadway from Fort Scott, Kansas, to the national cemetery near that city, $3,000

For the road from Chattanooga to the national cemetery, Tennessee: For the completion of the roadway from Chattanooga national cemetery to the city of Chattanooga, Tennessee, $5,000: *Provided*, That none of the money appropriated by this and the preceding paragraph shall be expended unless in each case the amount appropriated shall complete said roadways.

There was a specific appropriation for a specific object, provided it would complete the roadways. They had no right to spend a dollar under that provision unless that amount would complete the work. Congress fixed the amount in its act providing that none of it should be expended, if the expenditure could not be brought within the sum named. They trample that law under their feet and come in and ask for an additional amount now. It is useless to pass any law regulating the amount that shall be expended; we might as well determine to give them whatever they want to spend.

Mr. INGALLS. The Senator from Missouri speaks with some heat, as if this were an exceptional case. I should suppose that his long experience on the Appropriations Committee would have taught him the absolute futility of any attempt to impose limitations on executive power by legislative restraint. We make appropriations for public buildings, for roads, for every other purpose, and they are habitually disregarded by the officers who have the objects in charge. They spend what they please and then come here for the balance to make up the deficiency. There is no more use, under the existing state of things, of attempting to impose any restraint upon the absolute will of executive officers by an act of Congress than there is in attempting to restrain Niagara or the course of the currents of the atmosphere by legislation.

Mr. COCKRELL. Why, then, is Congress in session?

Mr. INGALLS. I do not know.

Mr. COCKRELL. Why are we then spending time in passing a law?

Mr. INGALLS. I have no idea. There is an absolute defiance of legislative authority habitually in every Executive Department of this Government.

Mr. COCKRELL. Should such executive officers then be continued in power to handle the people's money?

Mr. INGALLS. That is a conundrum I do not choose to answer. I simply call attention to the fact and to the scandal and the disgrace of it. I am somewhat amazed that the Senator from Missouri exerts himself so powerfully upon this subject as if it were an exceptional case. Give them the money; they will spend all they want and come here next year for an additional appropriation. It is utterly useless to attempt to restrain or limit or hinder or impede the executive officers who are intrusted with the expenditure of money by act of Congress.

Mr. COCKRELL. I hope the people will pay attention to what the Senator has said. I heartily indorse his statement, and shall in future commend it to the prayerful consideration of the voters and tax-payers of this country.

Mr. HARRIS. The engineer in charge of this work may have done very wrong in expending the $5,000 without completing the work as directed by the appropriation act of last year. I do not know that this is or is not true; but the practical fact remains that the $5,000 have been expended and you have no road. The practical question for the Senate to determine is, will you abandon the work thus begun and continue to have no road, or will you by appropriating this pittance of $2,500 complete a work on which you have already expended $10,000. That is the practical question; let the Senate decide it.

The PRESIDENT *pro tempore*. The yeas and nays will be called on agreeing to the amendment.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HILL (when his name was called). I am paired with the Senator from Arkansas [Mr. WALKER].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. VEST. I was requested by the Senator from Kentucky [Mr. WILLIAMS] to announce that he is paired with the Senator from Nebraska [Mr. SAUNDERS].

Mr. EDMUNDS. I am paired with the Senator from Arkansas [Mr. GARLAND]. I would vote "yea" and he would vote "nay."

The result was announced—yeas 27, nays 18; as follows:

YEAS—27.

Allison,	Groome,	Logan,	Ransom,
Anthony,	Harrison,	McDill,	Rollins,
Beck,	Hawley,	McMillan,	Sawyer,
Blair,	Hoar,	Miller of N. Y.,	Sewell,
Cockrell,	Ingalls,	Platt,	Van Wyck,
Dawes,	Jones of Nevada,	Plumb,	Windom.
Frye,	Kellogg,	Pugh,	

NAYS—18.

Barrow,	Conger,	Harris,	Slater,
Brown,	Davis of Ill.,	Jackson,	Vance,
Call,	Fair,	Jonas,	Vest.
Camden,	Grover,	Jones of Florida,	
Coke,	Hampton,	Maxey,	

ABSENT—31.

Aldrich,	Ferry,	Lapham,	Saulsbury,
Bayard,	Garland,	McPherson,	Saunders,
Butler,	George,	Mahone,	Sherman,
Cameron of Pa.,	Gorman,	Miller of Cal.,	Tabor,
Cameron of Wis.,	Hale,	Mitchell,	Voorhees,
Davis of W. Va.,	Hill,	Morgan,	Walker,
Edmunds,	Johnston,	Morrill,	Williams.
Farley,	Lamar,	Pendleton,	

So the amendment was agreed to.

The reading of the bill was resumed, and continued to line 1129.

Mr. ALLISON. I see that there is a misprint in line 1128. I ask that it may be corrected. It ought to read "confederate armies." Insert "ed" in "conferate."

The PRESIDENT *pro tempore*. The spelling will be corrected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "miscellaneous objects," in line 1135, after the word "dollars," to insert:

And the sets of said compilation held by the Secretary of War for distribution to addresses to be furnished by Senators, Representatives, and Delegates shall be subject to their order, as now provided by law, until July 1, 1884.

So as to make the clause read:

For continuing the publication of the official records, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and Confederate, of the war of the rebellion so far as the same may be ready for publication during the fiscal year, $30,000. And the sets of said compilation held by the Secretary of War for distribution to addresses to be furnished by Senators, Representatives, and Delegates shall be subject to their order, as now provided by law, until July 1, 1884.

The amendment was agreed to.

The next amendment was, after line 1139, to strike out:

For the collection, preparation, and printing of the orders of General Anthony Wayne, $1,000.

The amendment was agreed to.

The next amendment was, after line 1146, to strike out:

For construction of a fire-proof building for headquarters and library at the United States Artillery School at Fortress Monroe, Virginia, $30,000.

The amendment was agreed to.

The next amendment was, in line 1154, before the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

For the Artillery School at Fortress Monroe, Virginia: To provide for text-books, drawing materials, models, and material necessary in the science of engineering and artillery, stationery, and miscellaneous necessaries for use of the school, $3,000.

The amendment was agreed to.

The next amendment was, after line 1176, to insert:

The Secretary of War to purchase from Addison M. Sawyer his patent-right for canister shot, and to pay him therefor such sum as he shall deem just and reasonable, not exceeding $25,000.

Mr. ALLISON. I move to modify the amendment by inserting the words "to enable" before "the Secretary of War," and adding "in his discretion" after the word "War;" so as to read:

To enable the Secretary of War, in his discretion, to purchase, &c.

Mr. VANCE. I suggest to the chairman of the committee that, in line 1179, it apparently reads that the amount to be paid shall be such sum as is deemed just and reasonable by Mr. Sawyer instead of by the Secretary of War.

Mr. ALLISON. I thank the Senator from North Carolina. I have just been scratching my pencil around those words myself. I will modify the amendment there so as to read:

Such sum as the Secretary of War shall deem just and reasonable.

The PRESIDENT *pro tempore*. The modifications suggested by the Senator from Iowa will be made if there be no objection. The Chair hears none. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment of the Committee on Appropriations was, after line 1180, to strike out:

For completing the sea-wall on the west side and southeastern portion of Governor's Island, New York Harbor, $15,000; the same to be immediately available.

The amendment was agreed to.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORGAN. Mr. President, I desire to present a question which is one of personal privilege, I believe. I have been informed since my return that while I was absent from the Chamber the President of the Senate did me the honor to appoint me as one of the members of the committee of conference on the revenue bill. I beg leave to decline.

There are certain circumstances of personal embarrassment growing out of my remarks in the Senate in respect of that subject which would of themselves be sufficient to control my action. Two of the Senators who were upon that committee have been excused this morning upon the ground that in the prosecution of their endeavor to have a conference they came to the knowledge of the fact that the House of Representatives instead of having authorized its conferees to have a full and free conference had limited their powers and denied the constitutional authority of the Senate to enact the bill which we sent to them, or parts of it. I construed the vote in which I participated as a declaration on the part of the Senate that that would obstruct a full and free conference. I see no reasonable expectation of removing that question out of controversy, either in committee or in the Senate, as matters now stand. I therefore will ask the Chair to excuse me from service upon the committee of conference.

Mr. GORMAN. Mr. President, for the reasons stated so well by the Senator from Alabama [Mr. MORGAN], I ask to be relieved from service upon the conference committee on the revenue bill.

The PRESIDENT *pro tempore*. Will the Senate excuse the two Senators from service upon the committee of conference on the revenue bill? Those in favor will say "ay;" of the contrary opinion "no." [Putting the question.] The ayes have it, and the Senators are excused. The Chair must see, unless some person can now speak authoritatively, whether there is any Senator on the Democratic side who will accept. The Chair will test it by appointing the Senator from West Virginia [Mr. DAVIS] and the Senator from Louisiana [Mr. JONAS].

Mr. JONAS. Mr. President, I fully concur in the reasons given by the Senator from Kentucky [Mr. BECK] and the Senator from Delaware [Mr. BAYARD] in withdrawing from the position of conferees on the part of the Senate, and also in the reasons given by the Senator from Alabama [Mr. MORGAN] and the Senator from Maryland [Mr. GORMAN], and I beg respectfully to be excused from serving.

Mr. DAVIS, of West Virginia. Mr. President, I have been out of the Chamber this morning, as I was yesterday, on committee service, and I do not know fully what has taken place; but from what I have seen and heard since I came in it would appear to be improper for me to accept service on the conference committee, though I have great hopes that the difficulty that the Senate is now in will be overcome in some way, and that we shall yet have a tariff bill passed by this Congress.

The PRESIDENT *pro tempore*. Will the Senate excuse the two Senators last appointed? Those in favor of giving them leave to decline will say "ay;" contrary "no." [Putting the question.] The ayes have it, and they are excused. The Chair would like a response from some older Senator whether the Chair should go on through the list of Senators on that side of the Chamber. A response should come from the Democratic side, if at all. Unless there is some Senator who will respond on the subject, the Chair will appoint the Senator from South Carolina [Mr. BUTLER] and the Senator from Texas [Mr. MAXEY].

Mr. MAXEY. Mr. President, as I understand from what has transpired, the conferees on the part of the House are under peremptory instructions indicating the course which they shall pursue on that conference. It can not, therefore, in any sense be said to be a full and free conference, and in that state of the case it will be impossible for me to serve. I therefore decline to serve.

Mr. BUTLER. Mr. President, I shall certainly decline to serve on the committee of conference. I regard the action of the House as an opinion that what we have done is a nullity so far as the tariff business is concerned, and entertaining that opinion, I decline respectfully to serve on the committee of conference.

The PRESIDENT *pro tempore*. The Senator from Texas and the Senator from South Carolina will be excused if there be no objection. The Chair hears none. If some Senator would advise the Chair that no Democrat will serve on the committee, it will relieve his embarrassment.

Mr. HARRIS. I do not hesitate to say that I think the Chair would be warranted in assuming that such is the fact from the experiments already made.

The PRESIDENT *pro tempore*. Assuming it to be true, from what has been said by the Senator from Tennessee [Mr. HARRIS], as the Chair does not want to tender the appointment to every individual on that side, that no Democrat will accept the appointment on the conference committee, the Chair appoints the Senator from Kansas [Mr. INGALLS] and the Senator from Virginia [Mr. MAHONE]. He appoints the Senator from Virginia as there is no member on the committee from the South. Neither Senator is in the Chamber. The Chair would like to know whether they will accept. The Sergeant-at-Arms will notify them.

Mr. INGALLS subsequently said: Mr. President, I learn that during my absence temporarily the Chair has done me the honor to appoint me as a member of the committee of conference on the House bill to reduce internal-revenue taxation. My engagements are such that it would be impossible for me to serve on that committee, and I therefore beg to be excused.

Mr. MORRILL. I hope the Senator will not ask to be excused. We hope to get through this afternoon and evening.

Mr. INGALLS. It is quite impossible for me, Mr. President, in view of matters that require my attention here and elsewhere.

The PRESIDENT *pro tempore*. Will the Senate excuse the Senator from Kansas from serving on the committee? The Chair hears no objection, and he is excused. The Chair appoints the Senator from California [Mr. MILLER].

Mr. MILLER, of California. Mr. President, I shall have to decline

the appointment on the conference committee with which the Chair has honored me.

The PRESIDENT *pro tempore*. The Senator from California declines the appointment on the committee. Will the Senate excuse him? The Chair hearing no objection, he is excused. The Chair appoints the Senator from Iowa [Mr. McDILL] in place of the Senator from California [Mr. MILLER] as a member of the committee of conference.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with a resolution of December 8, 1882, a list of pensioners on the roll January 1, 1883, &c.

Mr. ALLISON. I ask that that lie on the table until the Senator from Kentucky [Mr. BECK] comes in. I presume he will want to have it printed.

The PRESIDENT *pro tempore*. The list is in the Pension Office; it is not here. It would cost $50,000 to print it, the Secretary says.

Mr. ANTHONY. It would cost $60,000 to print the usual number.

Mr. ALLISON. I hope it will be passed over for a moment.

Mr. ANTHONY. It is not ordered to be printed.

The PRESIDENT *pro tempore*. No, sir. The communication will lie on the table for the present.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, in compliance with a resolution of the 26th ultimo, a list of officers of the United States Army on duty in Washington, &c.; which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter from the Secretary of the Navy, transmitting, in compliance with resolution of the 26th ultimo, a list of officers of the Navy now on duty in Washington; which was referred to the Committee on Naval Affairs.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey, together with a list of persons now employed in that office or employed there since July 1, 1882, &c.; which was referred to the Committee on Appropriations.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. JONES of Nevada, Mr. MCMILLAN, Mr. JONAS, and Mr. WALKER the Select Committee on the Mississippi River Examination authorized to be appointed under a resolution of the 22d ultimo.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore* appointed Mr. CAMERON, of Wisconsin, and Mr. HARRIS members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, New York.

VISITORS TO NAVAL ACADEMY.

The PRESIDENT *pro tempore* appointed Mr. LAPHAM and Mr. CAMDEN members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Naval Academy at Annapolis, Maryland.

AMENDMENTS TO A BILL.

Mr. PLATT and Mr. CALL submitted amendments intended to be proposed by them respectively to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FAIR presented a memorial of the Legislature of Nevada, in favor of the establishment of a mail-route from Genoa to Alda Mill, Nevada; which was referred to the Committee on Post-Offices and Post-Roads.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "National Home for Disabled Volunteers," to strike out lines 1280 to 1333, in the following words:

That section 2 of the act of February 26, 1881, be so amended as to read as follows:

"SEC. 2. All pensions payable or to be paid under this act to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the managers, to be disbursed for the benefit of the pensioners without deduction for fines or penalties, under regulations to be established by the managers of the home, said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof, and is then still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow or children, or in default of either, to his legal representatives. And in such case and in cases where pensions have heretofore been paid to the treasurers of said home for the benefit of inmates of the home who have since been discharged or have died at the home or on furlough, any balance of the pension remaining at the date of such discharge or death shall be paid over to the pensioner, or in case of his death, to the wife, children, or legal representatives."

That from and after the passage of this act the board of managers of the National Home for Disabled Volunteer Soldiers shall apply the excess above $5 monthly of the pensions of all inmates of the National Home for Disabled Volunteer Soldiers to the support and the objects and purposes of said home: *Provided, however*, That the above provision shall not apply to any inmate of said home who, having at the time of his admission to said home, wife, minor child, or parent dependent upon him for support, shall apply the excess of his pension above said $5 each month to said support. The said board of managers shall annually report the amount of pension-money received by them under the above provision: *Provided*, That in addition to the persons now declared by law to be entitled to admission to the National Home for Disabled Volunteer Soldiers, any person who served during the war of the rebellion in the Army or Navy of the United States and was honorably discharged therefrom, who is not otherwise provided for by law, and who is incapacitated by reason of wounds incurred in the line of duty or disease contracted during his said service from earning his own support, may be admitted to said home in the same manner and under the same conditions as volunteer soldiers are now admitted. And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby repealed.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Navy Department," in line 1346, to increase the appropriation for "navy-yard, Mare Island, California: continuation of stone dry-dock," from $200,000 to $350,000.

The amendment was agreed to.

The next amendment was, after line 1362, to insert:

To reimburse the officers and men of the United States steamer Rodgers, burned in Saint Lawrence Bay, Behring Straits, Siberia, on the 30th of November, 1881, for the loss of their personal effects by the destruction of said vessel, there shall be paid to each of the officers an amount equal to two months of their sea-pay, and to each of the men $75. To the mother of Master C. F. Putnam, who was lost on the ice in the heroic endeavor to afford relief to his associates, a sum equal to twelve months of his sea-pay; and for the purpose of settling the accounts of the late Master Putnam, the 1st day of January, 1882, shall be assumed as the date of his death, and a sum sufficient therefor is hereby appropriated.

The amendment was agreed to.

The next amendment was, after line 1376, to insert:

To enable the Secretary of the Navy to suitably reward, in such manner as he may deem most advisable, the natives at and about Saint Lawrence Bay who housed, fed, and extended other kindness to the officers and crew of the United States steamer Rodgers subsequent to the destruction of that vessel, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1383, to insert:

For continuation of the wharf and for a rigging and sail loft and drill-hall on Coaster's Harbor Island, $15,000.

The amendment was agreed to.

The next amendment was, after line 1386, to insert:

For the erection of a new naval observatory upon the site purchased under the act of Congress approved February 4, 1880, $200,000.

The amendment was agreed to.

The next amendment was, after line 1390, to insert:

For the erection of a compass observatory for testing compasses, $7,000.

The amendment was agreed to.

The next amendment was, after line 1392, to insert:

To enable the Secretary of the Navy to pay the Potomac Steamboat Company the amount found to be due them by a board of naval officers appointed to ascertain the damage occasioned by the negligence of the officers in command of the United States naval tug Fortune in running down the said company's steamer Excelsior, in Hampton Roads, Virginia, December 4, 1882, $19,557.15; and the acceptance of this sum shall be in full for all claims of said company against the United States because of said collision.

Mr. BAYARD. I submit an amendment there, on line 1402, after the word "claims," to strike out "of" and insert "which the;" and after the word "company" to insert "now has;" so as to read "for all claims which the said company now has." This is assented to. It is to prevent the exclusion of claims of salvage that may be brought against this company hereafter.

Mr. COCKRELL. Am I to understand from the Senator from Iowa that the question of salvage is to be left out? Was that the agreement in committee?

Mr. ALLISON. That was not the agreement in the committee. The Senator from Delaware called my attention this morning to the fact that there was a suit pending against this company for salvage. It seems to me—I may be mistaken—that if this company shall be compelled to pay salvage on account of this loss in addition to the loss already sustained, we ought not to foreclose them. That is my individual opinion. Ofcourse it was intended, however, in the committee that this appropriation should cover every claim of this company.

Mr. BECK. I do not want any misunderstanding about this. The first proposition was to send the whole matter to the Court of Claims, including salvage and all.

Mr. BAYARD. That was not regular under our rules, being general legislation on an appropriation bill, and for that reason the provision was inserted as it is.

Mr. BECK. That was the first suggestion. Then the next suggestion made by the Senator from Iowa and others was that this amount of money should be allowed in full of all claims, salvage and all. I

know it was so read to the committee, but there is a modification of it that has been added since. Before the Senate vote on this, I want care taken to be sure that it is right. A number of members of the committee, of whom I am one, desire to settle this matter wholly, or not settle it at all; or else send it to the Court of Claims for the whole amount, or let this be accepted in full, and not ask us to pay this amount of money now and have it left open for future claims and suits.

Mr. BAYARD. This amount of $19,957.15 is an itemized account for every item of damage found by a board of naval officers, for which the United States is liable because their officer caused it by his own negligence, and he was dismissed from the service on that account. There has been a claim of salvage made against the company. The parties have filed their libel, claiming $10,000. The Secretary of the Navy distinctly refused to allow that question to be entertained, and he recommended only the payment of these itemized damages for the precise loss to these parties caused by the action of the Government tug.

If it shall come out hereafter that these people are adjudicated by the decree of a court of admiralty to pay this money, the Government will owe them that just as much as it owes them this. They are damnified already; their property has been taken from them. They ought not to be kept out of it. They can not claim from the Government any more than they shall be hereafter compelled to pay. What is allowed them now is allowed them for the claims up to this time that are liquidated. If they shall be compelled to pay additional salvage, law, equity, and conscience would compel the Government to reimburse them; and I trust there will be no objection to let that matter stand open in that way.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 1403, to insert:

For continuing the transfer to copper plates of photolithographic charts, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 1412 to 1686, in the following words:

And said commission shall also report in reference to each navy-yard the sale of which is not recommended by them, whether it is in their opinion specially adapted for any specific purpose, and whether it should be retained in active operation or otherwise used; whether it is fully equipped and provided with all necessary appliances for the prompt and economical execution of such work as may be required; and if not, in what respect it is defective; and what will be required to place it in proper and effective condition for any probable demands in time of war, and the estimated cost of any additional requirement; and also whether, in their opinion, any improvements can be made in the system of performing work at the navy-yards which will promote efficiency and reduce expense. That the Secretary of the Navy shall cause to be laid out in convenient lots for building and commercial purposes, with convenient streets, avenues, and wharves, in substantial accord with the recommendations and report made and submitted by Commodore John H. Upshur, all that land in the Wallabout Bay, in the State of New York, included within the present limits of the Brooklyn navy-yard and the United States naval hospital grounds, which is bounded and described as follows:

Parcel A, containing about thirty-three and one-quarter acres, beginning at the northwest corner of Washington and Flushing avenues; thence westerly along the line of Flushing avenue eight hundred and forty-eight feet; thence northerly along a line parallel to the line of Washington avenue to the north line of the property of the United States, being about one thousand nine hundred feet; thence easterly along the line of the property of the United States to Washington avenue, being about nine hundred and forty feet; thence along the line of Washington avenue to the point of beginning.

Parcel B, containing about twenty-four and a half acres, beginning at the northeast corner of Washington and Flushing avenues; thence northerly along the line of Washington avenue to the northerly line of the property of the United States fronting on Kent avenue basin; thence easterly along the line of the property of the United States parallel with Kent avenue basin to the easterly line of Hewes street extended; thence southwesterly along the easterly line of Hewes street extended about one hundred and fifty feet; thence westerly on a line parallel to the course of Flushing avenue west of Ryerson street to a point five hundred and twenty feet from Washington avenue; thence southerly to Flushing avenue seven hundred feet; thence westerly along the line of Flushing avenue five hundred and twenty feet to the place of beginning.

And the Secretary shall cause the said lots, when so laid out as aforesaid, to be appraised by three appraisers of experience and competent knowledge, to be selected by him, and after said appraisal he shall advertise the same for sale at public auction, in such manner as he may deem for the best interests of the Government, either at one sale or several different sales, at not less than the appraised value of each, subject to such reservations and limitations as to use as he may deem best, and he is hereby authorized and empowered to make and execute, in the name of the United States, deeds of such lots to the purchasers, upon the payment of the purchase-money in full, and at such sale or sales he may give to the purchasers of any single lot the election to take, at the same price per square foot, any number of unsold lots within the same block or square. After deducting the cost of all surveys, plans, appraisal, advertisements, and sale, he shall pay or cause to be paid into the Treasury of the United States the proceeds of said sale: *Provided*, That the city of Brooklyn may purchase, at not less than the appraised value thereof, so much of the northerly end of parcel A, hereinbefore described, as said city may desire for market purposes, the southerly line of said purchase to extend from Washington avenue westerly to the westerly line of said parcel, and in a line parallel to Flushing avenue.

The amendment was agreed to.

The next amendment was, to strike out lines 1487 to 1510, inclusive, in the following words:

And the Secretary of the Navy is hereby authorized and directed to sell at public auction in such manner as he may deem for the best interests of the Government, either at one sale or at several different sales, the property known as the Naval Hospital at Chelsea, Massachusetts, with the grounds thereto belonging.

And the Secretary shall cause the said property to be appraised by three appraisers of experience and competent knowledge, to be selected by him, and after said appraisal he shall advertise the same for sale subject to such reservations and limitations as to use as he may deem best; and he is hereby authorized and empowered to make and execute, in the name of the United States, deeds of lots to the purchasers upon the payment of the purchase-money in full; and at such sale or sales he may give to the purchasers of any single lot the election to take at the same price per square foot any number of unsold lots within the same block or square. After deducting the cost of all surveys, plans, appraisal, advertisements, and sales, he shall pay or cause to be paid, into the Treasury of the United States, the proceeds of said sale. And further, that $50,000 of the sum so realized shall be placed to the credit of the Navy Department, for the selection of a new site and the erection of a suitable building thereon, if thought advisable.

Mr. HOAR. I think if the Senate will give me its attention one moment that the members of the Appropriations Committee who are present will give unanimous consent to having this paragraph stand. It is true that it is new legislation, so far as it gives the Secretary of the Navy power to sell certain Government property, but still it is practically a mere mode of saving a very large sum of money to the Government and of stopping the useless employment of what may be made to yield a very large return.

There is an old naval hospital in the city of Chelsea which is close to Boston, in Suffolk County, Massachusetts, which has I think about fifty acres or exceeding fifty acres of land. It is one-eighth of the entire real estate of the populous part of that city and one-eighth in value of the entire city, I believe, though of this last fact I am not quite sure; at any rate it is nearly one-eighth of the taxable property there. It is right on the water front and it is used for a hospital where they have an average of only twenty sailors. It takes just so much out of the taxable property of the town, and it is estimated as worth from half a million to a million dollars; it is certainly worth more than half a million. The city government have petitioned Congress to have it sold. A large number of the principal tax-payers have joined in a petition for its sale. Hon. Mr. Frost, lately the Representative from that district and mayor of the city of Chelsea, with whom I have talked, says that there is no division of opinion there about the expediency of selling it. The Representative in the other House representing that district, Mr. MORSE, is of the same opinion. The Secretary of the Navy is of the same opinion.

Here is property worth from half a million to a million of dollars tied up, useless in the town where it is for the purposes of a hospital for an average of twenty sailors, for whom $50,000 would furnish an abundantly suitable and convenient asylum in all respects; and in addition to that the hospital in these great grounds is an old building, itself more than fifty years old. It is full of disease and whatever there is in an old building of that kind which has been used for such a purpose for more than a generation. Clearly there ought to be a new building anyway.

This proposition merely authorizes the Secretary of the Navy to do what he himself has recommended, to sell this property, appropriate $50,000 of the proceeds to a new hospital, and put the balance into the Treasury. I have inquired very carefully of Mr. MORSE and Mr. Frost, and I am satisfied, and I think my colleague concurs with me, that there is no possible job or device of anybody who wants a chance to buy property cheap from the Government or anything of that kind; but it is a case where this great value is tied up, an injury to the town, useless to the Government, and $50,000 would be ample for its purpose. It is under these circumstances really a prudent and enonomical administration of the Government property. That is all there is of it.

Mr. DAWES. Whatever my colleague has stated about this matter I know largely from personal knowledge to be true, and I believe it to be for the best interest of the Government to dispose of this property. I am sure the proposition does not spring from the purpose of any person to speculate in it, but from a desire on the part of the town to have that property used as other property is, and not lie there idle and useless and costing the Government more expense than economy would justify it in maintaining an establishment of that kind for that purpose.

Mr. HOAR. Let me add that it would be almost true to say that the interest on this capital for a single year is in itself a sufficient capital to supply everything that is wanted. I suppose that if you should put into one of our country towns the interest on what this property would sell for, that interest for one year would furnish a better hospital for all the sailors who go there than this property furnishes now.

Mr. ALLISON. I do not know but that the Senator from Massachusetts may be right about this; I do not know but that it would be a wise thing to sell this hospital property; but we can not do everything on this sundry civil bill. I have no doubt it would be a wise thing for us to put a great many bills that are now on our Calendar on this bill. I have four or five such bills in which my constituents are interested that I should be glad to put on this bill so that they can be relieved. But this is a matter that has never been investigated, so far as we know, by any committee of this body. It has never been reported upon by any committee of this body. It is not suggested in the report of the Secretary of the Navy made last year. It is true he has written some letter about it, recommending, I believe, that the property be sold.

I do not know how this hospital was originally purchased. I have been told that it was purchased from proceeds of the naval-hospital fund. If so, there is a grave question whether the proceeds of this sale should go into the Treasury, or whether the money should be attached and applied to the naval-hospital fund.

These are all questions that ought to be examined by some committee. It can not be expected that we can examine them in the Committee on Appropriations in a day or two, or in the hurry of a great bill like this. If this naval hospital has stood there for fifty years, it can stand for four or five months longer, and let some regular committee having charge of this subject take it up and consider it.

Immediately preceding this is a proposition looking to the sale of fifty-three acres of the Brooklyn navy-yard. Are we expected without detailed examination to go into a question of such a character, pure legislation that does not relate to a single appropriation for any department of this Government? It has no more right to go upon this bill than the bankrupt law has, and I do not know but that the Senator from Massachusetts will move, if he gets this on, that the general bankruptcy law shall go on the bill. It is just as germane to it as this is.

Mr. HOAR. Some of the views of the Senator from Iowa undoubtedly are true; but here is a plain case where you are going to involve the Government in cost for the next twelve months, because you can not now get a bill through before the 1st of December——

Mr. ALLISON. I do not know but that we may have an extra session.

Mr. HOAR. That is joking. I am very glad indeed that the acutest, brightest, and shrewdest of men, whether here or anywhere else, finds nothing but a good joke to say against this proposition. It is a strong argument in its favor.

Keeping this half-million to a million dollars' worth of property when it could go upon interest and be used for the purpose, is going to cost this Government $30,000 or $50,000 and keep the thing as it is for twelve months more. You have the recommendation of the Secretary of the Navy, you have that of the authorities there; and the Senator says you ought to consider the question whether this should not go into the naval hospital fund. That question can be considered just as well when the sale is made as before. It is always in the power of Congress, if anybody comes here and says this half million or million dollars it sells for ought to be put wholly or partly into that fund, to do it. You can do it next winter.

It does seem to me that it is the merest technicality in the world when this thing is before us and is going to save to the Government in the next twelve months a sum of money equal to all that this expenditure calls for, to say that of course you will have a great many other and donbtful questions moved, and perhaps a motion to put the bankruptcy bill on this appropriation bill. It seems to me that on reflection the very wise, sagacious Senator from Iowa will not adhere to his objection.

Mr. HAWLEY. It seems to me that the proposition is very plain, and the committee's amendment ought to be sustained and the whole thing stricken from the bill. Suppose the proposition before the Senate were to sell the Soldiers' Home grounds here and turn the money into the Treasury? It is not our money. There is not a dollar of this money ours, and yet this amendment proposes to turn all but $50,000 of it into the Treasury. It comes from the monthly hospital tax on the sailors and is their sacred fund. It is proposed graciously to allow them $50,000 out of $500,000 to buy some shanty somewhere, instead of this elegant place which is upon the water's edge where the ships can easily discharge their wounded men on fine grounds. I have no doubt they have increased in value by the lapse of time and the march of improvement there, but that should not make us covetous of our neighbor's vineyard and turn the money into our pockets. There is enough in this consideration to justify the committee in striking it out.

Mr. HOAR. Say then that it shall be reserved to be disposed of hereafter.

Mr. HAWLEY. It says:

> After deducting the cost of all surveys, plans, appraisal, advertisements, and sales, he shall pay, or cause to be paid, into the Treasury of the United States, the proceeds of said sale. And further, that $50,000 of the sum so realized shall be placed to the credit of the Navy Department, for the selection of a new site and the erection of a suitable building thereon, if thought advisable.

Mr. HOAR. We can reserve that.

Mr. HAWLEY. I prefer myself, as the chairman of the committee does, to have a careful investigation of the whole proposition, and some dedication of the proceeds so that there shall be provision in some way for a good and convenient hospital. Nothing is said here about where the new hospital shall be. They may hire some house in the streets of Chelsea. That is not as good a place as ground upon the water. This whole thing should be discussed and matured before it is brought in here. This is the sailors' sacred hospital money, and I will not vote to turn it into the Treasury.

Mr. HOAR. Where does the Senator get his authority for that assertion that this is the sailors' sacred hospital money?

Mr. HAWLEY. Because it is one of the old regular naval hospitals.

Mr. ALLISON. I am told as a matter of fact that this property was purchased with the naval-hospital fund, which, as the Senator from Connecticut says, is the monthly dues of all the sailors.

Mr. HAWLEY. Taken out of their pay to furnish them a hospital.

Mr. BECK. Senators see now a very small part of the work that the Committee on Appropriations had to do when they looked at this bill. They struck out some matters that may be very good legislation. This may be one of them. There were a number of things that we had to keep out that do not appear on the bill, which caused us a great deal more labor than the determination of matters to be striken out. For example, the Senator from Vermont [Mr. MORRILL] and the Senator from Indiana [Mr. VOORHEES] were eloquent not only as to our right but our duty to put on the bill for a new library as part of this bill. So with many other propositions. Unless we struck out pretty much all the legislation—and this is certainly legislation and the developments made by the Senator from Connecticut were made before the committee—we should never get through the bill at all. This is just opening the door to a number of other things, very meritorious it may be, but very damaging to the chances of this bill becoming a law.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the lines which have been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1513, after "building," to strike out "twenty" and insert "thirty;" so as to make the clause read:

> To enable the Secretary of the Navy to provide furniture for the new quarters allotted to the Navy Department in the State, War, and Navy Department building, $30,000, which shall be immediately available.

The amendment was agreed to.

The next amendment was, in the appropriation for the Department of the Interior, public buildings, in line 1520, after "Interior," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

> For constructing fire-proof roof and remodeling the halls of the south and east wings of the building occupied by the Department of the Interior, $75,000.

The amendment was agreed to.

The next amendment was, in line 1532, after "wings," to strike out "pay of landscape architect;" and in line 1533, after "workmen," to strike out "sixty-five and insert "fifty;" so as to make the clause read:

> For improving the Capitol grounds: For continuing the work of the improvement of the Capitol grounds, including permanent approaches to the House and Senate wings, one clerk, and wages of mechanics, gardeners, and workmen, $50,000.

Mr. VEST. I hope the Senate will not concur in that amendment of the committee in line 1532, striking out "pay of landscape architect." I know of no reason why this should be done, and I know of many reasons why it should not be done. This officer, Mr. Olmsted, I will say, having served on the Committee on Public Buildings since I have been in the Senate, is one of the very best and most competent officers in the employ of the Government. He is not only in my judgment but in that of the senior Senator from Vermont [Mr. MORRILL], who has been for years on that committee, the most accomplished landscape architect certainly in this country, if not in the world; and to show what sort of a man he is I want to make this statement to the Senate.

In 1874, upon the recommendation of the Committee on Public Buildings and Grounds, the annual salary of this officer was fixed at $4,000. It was thought to be a reasonably just compensation for the work he was expected to perform. The next year, upon his own motion, which is unprecedented in the annals of this Government so far as I know, he declined to have $4,000 and took $2,000, and has not received more than that any one year since. He conscientiously declined to take more than half the amount appropriated for his salary. More than this, I will state another fact, that this officer has never made an overestimate. All the estimates he has made have been found to be exact and correct.

If this office is abolished—for that is what the amendment amounts to—it virtually stops all improvement around the Capitol. It leaves no one to attend to these grounds. Mr. Clark, the Architect of the Capitol building, has nothing to do with the grounds around the Capitol, and does not propose to have anything to do with them.

It may be that Mr. Olmsted has made some mistakes in matters of taste, and I might quote the old maxim, *de gustibus non est disputandum*. In matters of taste of course there can be no unanimity of opinion and feeling; but I do undertake to say that this officer is invaluable to the Government. Unless we propose now to abandon these grounds, to say that the Capitol of the United States shall be treated as any private building, upon economical grounds solely, without regard to taste or beauty, or without regard to having such grounds as are worthy of this great structure or worthy of this great Government, I protest from what I know of this gentleman and of his services that this amendment should not be adopted.

Mr. ALLISON. If the Senator will allow me I desire to suggest that I agreed with the Senator from Vermont [Mr. MORRILL], who is engaged in conference in reference to the tariff bill, not to pass this paragraph, as he desired to be present during its consideration. I hope there will be no objection to passing it over for the present.

Mr. VEST. Of course I should like the Senator from Vermont to be here, because I know he would agree with me. This same attempt was made last year and he resisted it; but my friend will permit me to suggest to him that the best way would be to withdraw the amendment

and let this officer take this thing which he has earned as faithfully and honestly as any man who ever rendered service to his country.

Mr. ALLISON. That would be a great relief, but I have not that power. I ask that the amendment be passed over until the Senator from Vermont comes in.

The PRESIDENT *pro tempore*. Is there objection to the suggestion? The Chair hears none, and the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "surveying the public lands," in line 1643, to increase the appropriation "for surveying the public lands" from $400,000 to $450,000.

The amendment was agreed to.

The next amendment was, after the word "lines," in line 1652, to strike out:

Or where, for any cause not provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum, not exceeding $12 per linear mile for standard lines, $10 for township lines, and $6 for section lines.

So as to read:

For surveying the public lands, $450,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines.

Mr. SLATER. I hope the recommendation of the committee will not be agreed to in this case.

Mr. ALLISON. I desire to modify the amendment of the committee by striking out from line 1653 to line 1657, so that the clause will read:

Or where, for any cause not provided for by law, he is unable to get the necessary surveys made at the rates aforesaid, &c.

That is to say to strike out simply the words "in Oregon or Washington Territory."

Mr. EDMUNDS. That gives a much wider discretion.

Mr. SLATER. I hope there will be a further modification.

Mr. EDMUNDS. The effect of the amendment now suggested will be to put the whole of this large sum of money entirely at the discretion of practically the Commissioner of the General Land Office, and he may make contracts for $20 a mile, or any other number that he pleases. There is in this clause, to be sure, "not exceeding $12," but it leaves the whole thing up to $12 entirely at his discretion in every Territory of the United States. Everybody who ever examined this subject—as I remember very well I did with the other members of the Committee on Appropriations before I was disrated and taken off that committee some years ago—knows that the sum of $7 per mile which is the ordinary run, I believe, is more than ample for these surveys in general. There may be especial reasons in Oregon and Washington Territory on account of the mountainous nature of the country, but the amendment of my friend from Iowa would open the door to this elastic judgment of the Commissioner of the General Land Office everywhere up to $12 a mile. I do not think it ought to be done.

Mr. ALLISON. I withdraw that.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

Mr. SLATER. I hope the Senate will not concur in the recommendation of the committee, certainly not in striking out this provision in relation to Oregon and Washington Territory. After the regulation of the last appropriation bill cutting down the price of surveys, surveying entirely ceased in Oregon and Washington Territory, and I understand in Nevada, and I am not sure but that the same condition exists in California, though I have more accurate knowledge in regard to Oregon, where the surveyors are unable to continue the surveys at the prices fixed. The figures are lower than they can perform the work at, and the surveyor-general reports that he can not make contracts to do the work; and therefore it is necessary to give additional scope of power in this respect for a larger price than is allowed. So it is in doubt in some of the other States. This is a very low figure, very much lower than most of the surveys have been done for there, and I doubt very much even if we go as far as the text of the bill whether surveys will be prosecuted. The most of the lands are yet to be surveyed, and they are very broken, intermixed with timber, deep borders and precipitous cañons that require a great deal of labor, and often not more than a mile or two miles can be accomplished in a day by a whole party.

Mr. ALLISON. The Senator will observe that in the case named by him there is already provision made for an additional allowance in line 1647:

The Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines.

Mr. MILLER, of California. But it limits the township lines to $11 and section lines to $7; even when the country is heavily timbered and mountainous. Here I will state what I know to be a fact, that in the State of California the surveys can not be made at these prices. That is a well-known and well-established fact. Our State commissioners have found great difficulty in settling immigrants who are now going to that State for the reason that the interior lines, the township and section lines, can not be run at the prices now allowed by law. I do not know that they can be run at even the limit fixed here in that portion of the bill which is sought to be stricken out, $12 a mile; but I certainly think that this latitude ought to be granted to the Commissioner of the General Land Office up to the limit of $12, in the interest of the settlement of the country.

Mr. INGALLS. The previous lines to those that are proposed to be stricken out extend the limit to $13. Therefore, if the Senator from California desires opportunities for an increase in the amount allowed in Oregon and Washington he ought to advocate the striking out of this clause with the committee, because this makes it one dollar less even than that which is left standing.

Mr. MILLER, of California. I think the Senator is mistaken about that.

Mr. INGALLS. Let us read it.

Mr. MILLER, of California. I have read it several times, and I think I understand it. For standard lines it is $13, and for township lines and section lines considerably less. The standard lines have been run, and it is the township and section lines we want.

Mr. ALLISON. For township lines $11 is allowed and for section lines $7. I will say, if the Senator from California will allow me a moment, that the rates provided for prior to line 1652 are the rates now provided for by law, and it seems that the intention was to make this a little more elastic in Oregon and Washington Territory, so as to allow, in cases not provided for by the present law, the Commissioner of the General Land Office to increase the rates to the prices named here; but the committee found that there were no reasons which applied to Oregon and Washington Territories that did not also apply to California and to Nevada and to Idaho, and to all these regions in the northwestern portion of our country. Hence it seemed to the committee that either this discretion should be given to the Secretary of the Interior without limit or that the entire discretion should be taken away. For myself, I think the wisest thing is to make no exception.

Mr. MILLER, of California. If this bill would permit that discretion in all cases, so as to allow $13 for standard lines and $11 for township, that would be sufficient, I think.

Mr. ALLISON. But it does not except in certain cases; that is, "through lands heavily timbered, mountainous, or covered with dense undergrowth;" wherever that occurs the discretion can be exercised.

Mr. MILLER, of California. By giving this a liberal construction all parts of the country where there are mountains—and that is the character of the country of which I am speaking—will be provided for. Eleven dollars a mile for township lines I think is sufficient. I think the suggestion of the Senator from Iowa is a good one, to leave this stand, except the words "in Oregon and Washington Territory."

Mr. SLATER. I started once to ask the Senator from Iowa to modify his amendment further by striking out some of the figures and inserting others. It is very evident that the intention of the House was to give a larger price for the surveys in Oregon and Washington than is allowed generally by the bill. I suppose the committee did not propose to strike out and insert increases of the various sums, as for instance, to strike out $6 for section lines and insert $8, and increase the others a dollar each, but I think that ought to be done. Unless that can be done, of course the general provision proposed to be left would be better for Oregon and Washington Territory than even the striking out of the portion proposed to be stricken out by the committee.

Mr. ALLISON. That motion will be in order after we get through with the committee's amendments.

Mr. SLATER. But if the matter be left as the Senator proposes, the surveys will stop. I understand that these are the provisions of law now, and they were provisions made in the last appropriation bill, and under those provisions the surveys are now at a stand-still and contracts can not be made. There should be at least a dollar a mile on each class of lines, standard, township, and section lines, above the rates named in the bill, and even at that I am doubtful whether the surveys will progress.

The Senator from Iowa says the conditions are the same generally in the other States as in Oregon and in Washington Territory and in California. That is a mistake. The word "mountainous" does not describe the situation. There are large tracts of land, table-land, that can not be described as mountainous land, though they are elevated. Every now and then you come to a steep, precipitous cañon, and parties have to go miles around in order to cross that chasm. That would hardly be called a "mountainous" section, but it is table-land, similar, I suppose, to the New Mexican country. It would not come under the classification of "mountainous."

Another reason is that the class of labor required to go with the surveyor could not be had as cheaply there as in other States. They have to give more per month, generally $40 per month, for a man to go with the chain.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

Mr. GROVER. The returns will show that Oregon and California embrace a broader region of timber land than any other States in the

Union, and there are regions fit for settlement which are not surveyed now. The question is whether these lands susceptible of settlement, which are not broken but are in valleys or on the slopes of mountains embracing the best soil in the State, shall be surveyed and settled or not. We can not have them surveyed at present rates; the surveys are stopped. The people wish them surveyed. If this amendment prevails striking out the provision of the House bill the surveys will certainly not be resumed, as my colleague has stated.

The PRESIDING OFFICER. The question is on the amendment of the committee to strike out.

The question being put, there were on a division—ayes 15, noes 11, no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. BECK. I desire to say that from all the information we had from the Senator from Nevada [Mr. JONES], who is not now in his seat, the Senators from Oregon and the Senators from California, we concluded in committee that the striking out of this clause simply means the stopping of surveys in those States and Territories. I believe it; and for that reason I shall vote against the amendment striking it out, because nobody denies the fact that in that country, particularly in Oregon and Washington Territory—and the Senator from Nevada made it very clear before the committee in Nevada as well; I did not hear anything from California—this work can not be done at the rates now allowed.

Now, we are pressing the surveys everywhere, and we have given $80,000, much more than the general proportion, to Dakota alone, because of the rapid settlement of the Territory. The State of Oregon, I understand, has a large quantity of land that can be surveyed if this provision is allowed to remain in the bill; and if it is not done there can be no survey made and no settlements had. If it is public policy to allow actual *bona fide* settlers to have their lands surveyed, as we all admit that it is, the information that I have had given me by the best-informed men, and I have heard nothing to the contrary, is that surveys will cease unless this amount is allowed for that purpose.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BROWN (when Mr. BARROW's name was called). I understand that my colleague [Mr. BARROW] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR (when his name was called). I am paired with the Senator from Georgia [Mr. BARROW].

Mr. SAUNDERS (when his name was called). I am paired on all questions that are political in their character with the Senator from Kentucky [Mr. WILLIAMS], but not so regarding this I vote "yea."

The roll-call was concluded.

Mr. HARRIS. I desire to say that my colleague [Mr. JACKSON] has sent me word by a page that he is paired with the Senator from Maine [Mr. FRYE]. I do not know how either Senator would vote.

The PRESIDENT *pro tempore*. The Chair is informed that the Senator from Maine [Mr. FRYE] has voted on this roll-call.

Mr. HARRIS. I have no other information than the message received from a page, which I have communicated to the Senate.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME].

The result was announced—yeas 18, nays 26; as follows:

YEAS—18.

Allison,	Frye,	Lapham,	Saunders,
Anthony,	Harrison,	Logan,	Sawyer,
Conger,	Hawley,	McMillan,	Van Wyck.
Dawes,	Hill,	Platt,	
Edmunds,	Ingalls,	Rollins,	

NAYS—26.

Bayard,	Garland,	Jones of Nevada,	Vest,
Beck,	George,	Lamar,	Voorhees,
Brown,	Gorman,	Morgan,	Walker,
Call,	Grover,	Pugh,	Williams,
Cameron of Wis.,	Harris,	Saulsbury,	Windom.
Coke,	Jonas,	Slater,	
Fair,	Jones of Florida,	Vance,	

ABSENT—32.

Aldrich,	Davis of W. Va.,	Johnston,	Mitchell,
Barrow,	Farley,	Kellogg,	Morrill,
Blair,	Ferry,	McDill,	Pendleton,
Butler,	Groome,	McPherson,	Plumb,
Camden,	Hale,	Mahone,	Ransom,
Cameron of Pa.,	Hampton,	Maxey,	Sewell,
Cockrell,	Hoar,	Miller of Cal.,	Sherman,
Davis of Ill.,	Jackson,	Miller of N. Y.,	Tabor.

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1658, to increase the appropriation for "surveys in the Territory of Dakota" from $60,000 to $80,000.

The amendment was agreed to.

The next amendment was, in line 1665, after "districts," to strike out "And" and insert "and," and to change the period before "And" to a comma; so as to make the clause read:

And a further amount, not exceeding $50,000 thereof, may be expended for occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal-fields, and timber districts, and for the making of such other surveys or examination as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The next amendment was, after line 1668, to insert:

And a further amount, not exceeding $15,000, may be used in the discretion of the Secretary of the Interior in retracing and resurveying imperfect surveys in the State of Kansas.

The amendment was agreed to.

The next amendment was, in line 1676, after "confirmed," to insert "and unconfirmed;" so as to make the clause read:

For survey of confirmed and unconfirmed private land claims in New Mexico, at a rate not exceeding $13 per linear mile, and office expenses, $8,000.

The amendment was agreed to.

Mr. ALLISON. I wish to insert in line 1678, after the word "expenses," the words "incident thereto."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 1680, after "confirmed," to insert "and unconfirmed;" so as to read:

For survey of confirmed and unconfirmed private land claims in Arizona, at a rate not exceeding $13 per linear mile, and office expenses, $8,000.

The amendment was agreed to.

Mr. ALLISON. In line 1682, after the word "expenses," I move to insert "incident thereto."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 1685, after "appropriation," to strike out "60" and insert "150;" and in line 1686, after "sum," to strike out "15" and insert "50;" so as to read:

For the protection of public lands from illegal and fraudulent entry or appropriation, $150,000, of which sum $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, to strike out the proviso from line 1687 to line 1741, inclusive.

The Principal Legislative Clerk began to read the words proposed to be stricken out.

Mr. EDMUNDS. Is it necessary to read that? We all understand what it is. It is a legislative provision.

The PRESIDING OFFICER. It is suggested that the Secretary omit reading all that part of the bill proposed to be stricken out.

Mr. BECK. I think the clause had better be read, because there are many members in the House who will make more trouble about that provision being stricken out than about any other matter in the bill.

Mr. EDMUNDS. Very well. I only wanted to save time.

The Principal Legislative Clerk read the clause proposed to be stricken out, as follows:

Provided, That the pre-emption laws, together with all laws authorizing the filing of declaratory statements for entries of the public lands, by agent or attorney, be, and the same are hereby, repealed: *Provided further*, That this repeal shall not affect the disposal of lands under treaty stipulations with Indian tribes, nor be deemed to impair any legal rights heretofore acquired under the laws hereby repealed; but all existing settlements, entries, or filings may be perfected upon proper proof of the lawful and *bona fide* character of said claims and of due compliance with the provisions and requirements of the laws under which such entries, settlements, or filings were made: *And provided further*, That any person who has heretofore made, or may hereafter make, a *bona fide* entry of public lands under the homestead laws shall have the privilege of paying the minimum price for the quantity of land so entered at any time before the expiration of five years from the date of entry and after actual residence, improvement, and cultivation has been maintained for a period of not less than two and one-half years after entry; and it shall be the duty of the Commissioner of the General Land Office to require evidence of actual compliance with the requirements of law in respect to settlement, residence, improvement, and cultivation, in all cases in which title now is or may hereafter be claimed under the homestead or other settlement or improvement laws of the United States: *And provided further*, That any person applying for the benefits of the timber-culture laws shall make his entry in person, at the proper local land office, and shall make affidavit that he is an actual resident of the county and State or Territory in which the land is situated, and that he has not entered into any contract or agreement to relinquish the entry he may make; and that he has no present or prospective purpose of making any such relinquishment; and the offering for sale, as a matter of traffic or speculation, of relinquishments of entries made under the provisions of the timber-culture laws shall be deemed *prima facie* evidence that such entries were made for speculative purposes, and not in good faith, as required by law, and such entries shall thereupon be liable to cancellation by the Commissioner of the General Land Office, and the land covered thereby shall be deemed subject to entry by the first legal applicant; and the first section of the act of May 14, 1880 (authorizing lands covered by relinquished claims to be held as open to settlement and entry without further action by the Commissioner of the General Land Office), and all other acts and parts of acts inconsistent herewith are hereby repealed: *And provided further*, That when a timber-culture entry shall have once been made on a tract of public land subject to such entry and the same shall be canceled or relinquished, the land covered thereby shall thereafter be subject to entry only under the timber-culture laws, and no patent shall be issued for such land until the requirements of said laws shall have been fully complied with.

Mr. BECK. I agreed that this ought to be stricken out, and I made the suggestion to the Senator from Vermont to allow it to be read, because it is beyond all question true that great frauds are perpetrated under all these various characters of entries now, and it would require the Committee on Public Lands to examine the subject with great care before final action can be had; and as we are not allowed to introduce any new legislation here on these bills and as this provision as it now stands is very defective, it ought to be stricken out. We have increased the amount from $60,000 to $150,000 for the protection of the public lands from illegal and fraudulent entry or appropriation, and we have made $50,000 of it available immediately instead of $15,000, in order to enable the Secretary of the Interior to guard the public lands as well as he can until some careful law is drawn.

For example—and that is only one of the cases—by the repeal of the pre-emption laws in this absolute way there are perhaps two or three millions of scrip which have been paid out for surveys not provided for, and some arrangement ought to be made for that. Then again, in relation to timber-culture entries it is provided that after such an entry has been investigated and found to be fraudulent the land shall be subject to entry only under the timber-culture laws. This is the provision:

And provided further, That when a timber-culture entry shall have once been made on a tract of public land subject to such entry and the same shall be canceled or relinquished, the land covered thereby shall thereafter be subject to entry only under the timber-culture laws, and no patent shall be issued for such land until the requirements of said laws shall have been fully complied with.

So that when a fraudulent entry of township is made under the timber-culture act, and it is declared fraudulent, that land must be held for timber culture, and the actual *bona fide* settler can not take a homestead on it. I think that ought not to be, and I think it was not designed to be. I mention that to show that the provision is crude and needs amendment; and the best we can do is to strike it all out, although many of the committee sympathized with the gentlemen of the House who, looking at what is now going on in Dakota and elsewhere, thought something ought to be done. After consulting the Commissioner, I am satisfied this clause will not effect what they desire. So we concluded that it is best to give him a liberal amount to guard the public lands meantime, and then let the Committee on Public Lands prepare some careful law.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out the clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Indian affairs," after line 1754, to insert:

For constructing new school building for use of Indian schools, to be expended under the Secretary of the Interior, $15,000.

Mr. ALLISON. I desire to insert an "s" at the end of the word "building," in line 1755.

The PRESIDING OFFICER. The amendment will be so corrected if there be no objection.

The amendment was agreed to.

The next amendment was, after line 1757, to insert:

For preserving and transcribing mutilated and defaced papers and records in the Indian Bureau, $5,000.

The amendment was agreed to.

The next amendment was, after line 1760, to insert:

For the payment of the "Old Settler" or "Western Cherokee" Indians, being all of those Cherokees who removed west of the Mississippi prior to the Cherokee treaty of December 29, 1835, and their descendants, a sum sufficient to pay the sum of $421,653.68, the same to be immediately available, being the amount found due them under the several treaties between the United States and the Cherokee Indians, and the several acts of Congress relating thereto, by the Secretary of the Interior, in compliance with the act approved August 7, 1882; which amount shall be disbursed by the Secretary of the Interior, as provided by the fourth article of the treaty of 1846 with the Cherokee Indians, after deducting all proper expenses actually incurred by said Indians in the adjustment and settlement of their said claim, to be approved by the Secretary of the Interior, and to be received in full payment and satisfaction of said claim.

Mr. EDMUNDS. I make the point of order that that is a private claim and is not to carry out the provisions of any existing law; and besides being legislation, there is no law that requires this sum of money to be paid.

Mr. LOGAN. I do not claim to be so well posted in parliamentary matters as the Senator from Vermont, but according to my understanding of it this is clearly legislation within the permission of the rule. This is a claim that has been reported time and again by committees of Congress, especially by the Committees on Indian Affairs. At the last session of Congress an act was passed in the following language:

The Secretary of the Interior shall investigate and report to Congress what in his opinion would be an equitable settlement of all matters of dispute between the Eastern Band of Cherokee Indians (including all the Cherokees residing east of the Mississippi River) and the Cherokee tribe or nation west; also, all matters of dispute between other bands, or parts of the Cherokee Nation; also all matters between any of said bands, or parts thereof, and the United States, arising from or growing out of treaty stipulations, or the laws of Congress relating thereto; and what sum or sums of money, if any, should, in his opinion, be paid under such settlement; and the sum of $2,500 is hereby appropriated for such investigation.—*Pamph. Edition Stats.*, 1881–'82, page 328.

Under that law authorizing the Secretary of the Interior to investigate this proposition and report to Congress the sums that ought to be paid, if any, the Secretary of the Interior proceeded, made the investigation, reported to Congress, and recommended the appropriation of this amount of money, and it was put on this bill in pursuance of this law and of this investigation and this report of the Secretary of the Interior sent here by the President of the United States. If that is not legitimate to come on this bill as a report under the law, which is authorized and has been made and the sum ascertained and reported by the Secretary of the Interior, with the request that it be put on an appropriation bill—if that does not bring it within the rule, then I do not understand what kind of a law you could pass in reference to an appropriation that would be proper on this or any other bill. There is certainly much more legislation on this bill that the Senator has not objected to that is much more obnoxious to the objection than this proposition.

Mr. EDMUNDS. I mean, as I have done before, to object to every piece of legislation in this bill that the committee proposes. Of course I can not make a point of order on the text of the House bill. The only way to get rid of that is to move to strike it out. The committee has generally, and as far as I know entirely thus far, done that thing. Now this I think is first a complete piece of legislation. But if that be open to any doubt as stated by my friend from Illinois, it is purely a question of private claim between this tribe of Indians and the United States for a sum of money that they say is due to them. Now the thirtieth rule says:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

There is no existing law which requires the appropriation of this sum of money. All the existing law is that the Secretary of the Interior last year was directed to inquire into this state of things and report to Congress what the facts were.

The PRESIDING OFFICER. Will the Senator from Vermont allow the Chair to call his attention to the recital in the amendment of a treaty obligation? The Chair would desire to know what the fact is as to that. Rule 27 says:

And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation.

Mr. EDMUNDS. But I respectfully submit because this part of it is an old subject to me which has been here a long time that there is no treaty stipulation which requires us to pay this money. The treaty stipulations which are referred to are those where in a treaty with Indians it is agreed that every year we will pay them so much. It is claimed that under a treaty with these Indians by which they were removed and by which a settlement was made and closed and concluded, that settlement did not settle the thing as it ought to have been settled in respect of the transactions between that tribe and the United States. So there is no treaty stipulation which calls upon the United States to pay this sum of money or any other.

The claim is that we are guilty of a breach of treaty stipulation that ought to be atoned for by this provision. Whether we ought to do it or not is a question of large consideration that will take a great deal of time to go through with.

Under the constant practice of the Senate the treaty stipulation part of this rule means where a treaty says that the United States every year shall pay so much money for one object or another to Indians.

Mr. LOGAN. Now, Mr. President, if this does not grow out of a treaty stipulation I do not understand the proposition. The Government of the United States made a treaty with the Cherokee Indians. I will not go into the general provisions of it, but merely mention one fact. The United States were to pay the Cherokee Nation $5,000,000 for their lands east of the Mississippi River; they were to remove these Indians to the lands where they now reside; they were to pay the expense of removing the Indians, and to support them for one year afterward. That was the treaty. After they were removed a portion of them, the Old Settlers, as they are called, removed themselves. In 1851 there was a settlement, and a law was passed by Congress appropriating a certain amount of money for the purpose of paying the expenses provided for in the treaty. In making the settlement with the Indians a part of the money charged to them was charged not to the appropriation but to the amount of money, $5,600,000 provided for in the treaty, $600,000 was part of an appropriation which was charged against them. The expense of removal was charged against the amount provided for them in the treaty, though the treaty provided especially that that sum should be exclusive of all expenses.

Growing out of the settlement under that treaty arises this claim. These Indians have claimed that this mode of charging them was in violation of the treaty, and they have tried in every possible way to have a settlement with the Government. They can not go into court; they can not go into the Court of Claims; they can not go anywhere as Indians to have their matters adjusted except to the Congress of the United States. The Congress of the United States after eight years, committees reporting favorably on this claim in the House and in the Senate time and again, finally passed a law authorizing the Secretary of the Interior to investigate this claim arising out of the treaty of 1835, amended in 1836, and the treaty of 1846. This claim arising under those treaties and by reason of the false accounting, if I may use that term, or I may use another term and say by reason of a mistake in the computation against these Indians in the Treasury Department by which they were deprived of the sum they were entitled to under the treaty, an investigation has been made by the Secretary of the Interior, and he reports this account to Congress and asks them to appropriate for the payment of the amount. That is the whole case.

The PRESIDING OFFICER. The Senator from Illinois will allow the Chair to ask him whether the law requires the Secretary of the Interior to do more than report what in his judgment was owing.

Mr. LOGAN. I will read it again:

The Secretary of the Interior shall investigate and report to Congress what in his opinion would be an equitable settlement of all matters of dispute between

the Eastern Band of Cherokee Indians (including all the Cherokees residing east of the Mississippi River) and the Cherokee tribe or nation west; also, all matters of dispute between other bands or parts of the Cherokee Nation; also all matters between any of said bands, or parts thereof, and the United States, arising from or growing out of treaty stipulations, or the laws of Congress relating thereto; and what sum or sums of money, if any, should, in his opinion, be paid under such settlement; and the sum of $2,500 is hereby appropriated for such investigation.

That is the law under which the Secretary's action was had.

The PRESIDING OFFICER. The Chair is of opinion that this amendment is subject to the point of order, so far as it is claimed to be a carrying out of the provisions of an existing law, for the reason that the law referred to by the Senator from Illinois does not create an obligation or promise to pay, but provides simply for the ascertainment of the amount due, if any; but the Chair is in doubt whether it is not an appropriation to carry out the provisions of an existing treaty, and not being familiar with the terms of the treaty he submits the question to the Senate. Those who are of opinion that the point of order taken by the Senator from Vermont is well taken will say "ay;" those of the contrary opinion, "no." [Putting the question.] The noes have it. The judgment of the Senate is against the point of order made.

With the consent of the Senator from Iowa the Chair would suggest that the matter be passed over until the gentleman who made the point of order is in his seat.

Mr. ALLISON. Very well.

Mr. MILLER, of California. I should like to ask the chairman of the committee for an explanation as to the reasons the committee had for putting this in the bill?

The PRESIDING OFFICER. The amendment will be passed over for the present by the consent of the Senator from Iowa.

Mr. MILLER, of California. I only ask him to make a brief statement.

Mr. ALLISON. The Senator from Illinois [Mr. LOGAN] has already made a statement with reference to this claim. I call the attention of the Senator from California to a clause in the sundry civil bill of last year, wherein we authorized an investigation of these Cherokee claims of one kind and another. This investigation was then directed to be made by the Secretary of the Interior.

The PRESIDING OFFICER. The Chair will state to the Senator from Vermont that the Chair submitted to the Senate the point of order raised by him, not noticing at the time that the Senator from Vermont was not in his seat. If the Senator desires to have it resubmitted the Chair will resubmit the point of order.

Mr. EDMUNDS. No, sir; I take the judgment of the Senate.

The PRESIDING OFFICER. The question is on the amendment.

Mr. ALLISON. One word further. This authority was given to the Secretary of the Interior last year. He employed a young lawyer in this city to make the investigation. The investigation was made, and he found as due to these Old Settlers the sum of $421,000, with interest upon that sum from April 18, 1851. He also found due to the Cherokee Nation the sum of $321,000, with interest thereon at 5 per cent. from 1838. He also found that the Eastern Band of Cherokees were entitled to their proper distributive share of all the property of the Cherokee Nation. These were the three things which he construed to be embraced in this legislation.

Mr. INGALLS. What was the name of the lawyer who made those findings?

Mr. ALLISON. Mr. Clements. His report is here, I will state to the Senator from Kansas, and is to be found in Senate Executive Document No. 60 of this session.

The Committee on Appropriations did not regard and do not regard this claim as one that is entitled to carry with it interest. The interest account on this claim would amount to $610,000. It was an unadjusted claim; it was a disputed claim which had lain here for thirty years, and the committee believed that it was not such a claim as would carry with it interest.

Mr. MILLER, of California. I ask the Senator for information, as I do not know anything about this subject. I should like to know what was the claim based upon? What is it about? What do the Indians claim the money for?

Mr. ALLISON. I will answer that briefly also. We have made a number of treaties with the Cherokee Nation running through a series of years, 1817, 1832, 1835, and so on. About 1818 a portion of the Cherokees left Georgia and North Carolina and went west, settling in the then Territory of Arkansas. It was supposed at the time that about one-third of those Indians were settled in Arkansas. Afterward, in 1835, a treaty was made with the Cherokee Nation which provided for their transportation or transmigration to what is now known as the Indian Territory. The Government bound itself to pay the expense of their transportation to that point. It also bound itself to pay to the Cherokee Nation one-third of this $5,000,000. Five million dollars was paid to what are called the Old Settlers, they being supposed to be about one-third of the number of the Cherokee Nation, and the Government paid for the transportation of the whole tribe, and charged for the transportation in accounting with the nation, I believe $60 *per capita*. These Old Settlers living in Arkansas and only removing across the border to the Indian Territory, and having themselves removed without cost to the Government, claimed that they should not be compelled to pay any portion of this amount.

In 1851 there was a final adjustment and adjudication of the $5,000,000 fund, and in making that settlement the balance as found by the proper officers of the Government was paid over to the Cherokee Nation. Now the Old Settlers, as I understand, come in and claim that that settlement was not a fair settlement to them and that they were entitled to credits not given to them under that settlement, and the Interior Department, under the advice of Mr. Clements, has recommended that this sum of $421,000 be paid to these Old Settlers. That is in brief the whole case, as I understand it.

Mr. INGALLS. Mr. President, having been a member of the Committee on Indian Affairs when this report was made, my recollection is somewhat indistinct as to the action that was taken. I remember that the claim was before the committee, but I never understood that the committee had recommended that any sum should be paid. I find, upon examining the report made by the Senator from Illinois at that time, that I was correct. The report concludes as follows:

> The committee are of the opinion that the claim of these Indians possesses sufficient merit to demand a careful and thorough investigation of the same; that such an investigation involves a judicial interpretation of the several treaties between them and the United States, the construction of the several acts of Congress in relation thereto, and the examination of all settlements made and accounts stated with them under these treaties and acts of Congress; that such an investigation can not be made by a committee of Congress in the limited time allowed such committee by the performance of the ordinary legislative duty imposed upon its members; and that this case should receive a full investigation by the courts.
>
> The committee therefore report the accompanying bill, and recommend its passage.

The bill, as I remember, was to refer the existing claim, declared to have merit and foundation, to the Court of Claims for its adjudication, the desire of the committee being, so far as I remember and at least so far as my own judgment was concerned, that the statutes of limitation, if they had operated, should be waived, so that the whole case might receive a thorough and careful judicial investigation.

I do not myself regard the action that the Senator from Iowa states to have been had to be in any sense whatever a compliance with the judgment of the Committee on Indian Affairs with regard to this great and ancient claim. A gentleman by the name of Clements—who he is or what his capacities or experience are I do not know, or under what appointment he acted—appears, under the authority of the Secretary of the Interior, to have made an examination of these matters and to have reported certain gross sums as due from one portion of these Indians to the other. He may have possessed the qualifications necessary to make this adjudication and investigation—I say nothing to the contrary—but there has been no compliance with the express purpose and declaration of the Committee on Indian Affairs as to the course that was to be pursued.

I make this statement for the purpose of disavowing, so far as I am able to do, for myself, as one member of that committee, any concurrence in this amendment, because I am very clear that there has been no such determination of this claim by the courts as to authorize Congress to pass an appropriation for this very large sum of money. The Senator from California desires to ask me a question.

Mr. MILLER, of California. I desire to ask if the Secretary of the Interior adopted the report and findings of this agent, and whether he has recommended this appropriation?

Mr. INGALLS. I suppose he has from what has been said. I have not had time to investigate it.

Mr. EDMUNDS. He only says, "I respectfully recommend that the accompanying papers be presented for the consideration of Congress." That is all he says.

Mr. LOGAN. If the Senator from Vermont and the Senator from Kansas will allow me for one moment, I suppose that there will be no dispute as to the facts when they are stated. The Secretary of the Interior not only recommends this payment, but the Commissioner of Indian Affairs recommends it in a letter that is printed; and not only that, but the Secretary of the Interior appeared before the Committee on Appropriations and in person recommended it, and said it was an honest claim and ought to be paid.

I desire to ask the Senator from Kansas a question. I know that the report I made in this case in 1881, I believe—I think that is the date of it—was to give authority to the Court of Claims to examine this question and decide it and report.

Mr. INGALLS. That is my recollection of it.

Mr. LOGAN. I reported a bill unanimously agreed on by the Indian Committee. That is my recollection. I now ask the Senator if he believes that under the Constitution of the United States Congress could give authority for Indians to go before a court?

Mr. INGALLS. I do not suppose that that is a question involved in the consideration of the amendment that is now before the Senate. The Committee on Indian Affairs, so far as my recollection is concerned, and that was as far as I personally intended to go, favored a judicial ascertainment of the condition of the controversy between these two families of Cherokee Indians. That I have always been willing to do, and I would not consent to any action of the committee or of Congress

that would prejudice what I believe to be a valid claim to some amount, but I am not satisfied that the ascertainment has been such as we contemplated.

Mr. LOGAN. It is such as was contemplated, and an examination by as good lawyers I think as there are in this country, and they are of opinion that Congress even can not give the power to a court to adjudicate a question between the Indians and the United States. By examining the first case in 5 Peters the Senator will find that that is the unanimous decision of the Supreme Court of the United States. Understanding that to be the law a different course was adopted, because we all want to deal fairly with the Indians. Whether we owe them or not we want to deal fairly with them. Introducing that bill myself, I came to the conclusion that it was not the course to pursue. It went out of my hands, it did not pass Congress; it was not adopted; but when Congress came to examine it they adopted a different measure. Why? Because they came to the conclusion that the mode to adopt, which Congress had the power to do, instead of referring it to a court, which would not have jurisdiction, was either to appoint a commission to examine these questions or to refer the case to some one who had authority and in whom Congress had confidence to make the examination.

That is the course that was pursued by Congress. That course having been pursued by Congress, the Secretary of the Interior appointed a gentleman by the name of Clements. I do not know him; the Secretary of the Interior says he knows him. He is a gentleman from Colorado, I understand, or he formerly lived there. The Secretary of the Interior had confidence in his ability to examine the question. He did so. He examined the records and papers and made a full report; he made the calculations. The Commissioner of Indian Affairs examined it with him. The Secretary of the Interior told the Committee on Appropriations that not only was it examined by Mr. Clements, but he himself, the Secretary of the Interior, examined it in connection with the Solicitor of the Interior Department and believed it to be just and honest as he reported, and he asked the committee to make the appropriations.

I only state these facts to answer the inquiries which are made as to why the Committee on Appropriations reported this amendment. They reported it for the very reason I have given. It is a mere question before the Senate of the United States, or it ought to be at least, whether the Government of the United States owes these Indians or not. The treaty provided that they should be removed without any expense to themselves, and not only that, but that when removed they should be subsisted for one year certainly. I call attention to that in the records of this Government. General Jackson himself used the language in reference to this particular treaty that "the stipulations offered provide for the removal at the expense of the United States of your whole people, and for their subsistence a year after their arrival in the new country." That was the understanding and agreement between the Government and the Indians. These Indians removed themselves without expense to the Government, and then the Government charged them, whatever number there was I do not remember, but about 13,000 I think, so much per capita for removing them, and deducted it out of their third of the $5,000,000 that was paid for their lands, after agreeing in the treaty that they should be removed at the expense of the Government.

In 1851 Congress made an appropriation to pay the expense of the removal of these Indians, and after making the appropriation the accounting officer charged to these "Old Settler" Cherokees $50 or $60 per head, I do not remember which, for the removal by the Government, and took it out of the fund that had been given them, to which they were entitled without any cost or charges against it.

Mr. MILLER, of California. The "Old Settler" Cherokees claim that they removed themselves.

Mr. LOGAN. Certainly.

Mr. MILLER, of California. Without expense to the Government?

Mr. LOGAN. Without expense to the Government. If they removed themselves without expense to the Government, the Government had no right to charge that expense to the $5,600,000 that had been given them for the land, because they provided in the treaty that it should not be done; so it is immaterial whether they removed themselves at their own expense or not, but they did. Yet after that the Government charged it against the amount that was to be given to them for their lands, after agreeing that no charge should be made against it, and that the Government would support them for a year after removing them. Then the Government turned around and charged this amount, and deducted it from their third of the sum they were entitled to receive.

I say it was a fraud, probably not so intended, but it was a wrong against these people that we stipulated with them should not be perpetrated against them. They never have ceased to make this claim. They never have ceased to ask that the Government of the United States shall do justice to them and return to them the amount. They claim interest, too; 5 per cent. interest. Why do they claim interest? Because in the act of Congress of 1851 in the settlement made with the Cherokee Indians Congress provided that they should be paid 5 per cent. interest per annum on the amount due them by the United States. So they claim that, too; but the Committee on Appropriations struck that off and said they would not pay the interest, but they would pay the sum that had been found to be due them in the examination of these accounts and matters between them and the United States Government. That is the whole case.

If I make a contract with an individual that I am to give so much money and to do other things for him, and it shall not be charged against his account; if I then charge it against the amount, I do not think I am acting justly and honestly with that man. That is exactly what the Government has done with these Indians. If it is honest to them, then the Government has acted honestly. If it is not the square thing to do, the Government has not done the square thing. If the Government has charged this amount to them when it was not authorized to do it, and when it ought not to have been done, they are certainly entitled to the money, because the Government has it in its Treasury today from their funds, that were not chargeable with this or anything else.

Mr. CAMERON, of Wisconsin. Mr. President, I am a member of the Committee on Indian Affairs, and have been a member of that committee during the present Congress, but not before the present Congress. During the last session of Congress this matter of the claim of the "Old Settler" Cherokees was presented to the committee and assigned by the committee to me as a sub-committee for investigation. I investigated it as accurately and carefully and extensively as I could, and made a report to the committee, which report was adopted by the committee and submitted to the Senate. The committee was satisfied that there were some equities in the claim, but they were not satisfied in regard to the amount if any there was due to these Indians from the United States. All that I desire to say is that this claim as presented here has not been approved by the Committee on Indian Affairs. I will inquire of the Senator from Illinois, who is very familiar with this subject, when the Cherokees were removed? When did this claim arise?

Mr. LOGAN. This claim arose under the treaty of 1846.

Mr. COCKRELL. They were removed in 1828.

Mr. LOGAN. The claim arose prior to that time, but the treaty that was made in 1846 provided for their maintenance. After the treaty of 1846, in 1851, under the act of Congress passed at that time, this claim arose. When the Senator from Wisconsin says that the Committee on Indian Affairs have not approved of this claim, I suppose he means that the claim as reported by the Interior Department has not been referred to them, and that they did not approve it. He does not mean that the committee have not approved the idea that these people have a claim.

Mr. CAMERON, of Wisconsin. We were of the opinion that they had some claim, but we were not prepared to recommend the payment of any specific sum. We were perfectly willing that these Indians should go into the Court of Claims and there establish their claim, whatever it might prove to be. It seems to me that that would be the wisest mode of disposing of the claim.

Mr. DAWES. I understood the committee to recommend just what was done, and it was from the Committee on Indian Affairs that it was referred to the Interior Department to ascertain. The Secretary of the Interior was authorized by law to ascertain, it is true, as the Senator said.

Mr. CAMERON, of Wisconsin. That was not from the Committee on Indian Affairs. That was a provision in the appropriation act of last year. The Committee on Indian Affairs referred the matter to the Commissioner of Indian Affairs or to the Secretary of the Interior, for the purpose of ascertaining the facts in regard to the claim, and the committee received the report from the Commissioner.

Mr. DAWES. I was aware that the committee had referred it to the Department, but I was under the impression that the committee recommended the mode which was pursued by the Department.

Mr. INGALLS. The latest action of the Committee on Indian Affairs was March 29, 1882, in which the same recommendation was made as that which was contained in the report of February 9, 1881, to wit, that there was merit in the claim which required a careful and thorough investigation. It was the opinion of the committee that the claim should be referred to some judicial tribunal for that purpose.

I wish to call the attention of the Senate to another rather significant feature of this case, which I find in Executive Document No. 60 of the second session of the Forty-seventh Congress, from which it appears that the "Old Settlers" or Western Cherokee Indians in 1880 had a meeting by their council for the purpose of considering this subject. It seems from this report that Mr. J. M. Bryan, of whom I know nothing, was agent for the prosecution of this claim before Congress. He made his report to the meeting and announced that the claim was before the Indian Committee of the Senate, and for various reasons had been delayed to be reported, whereupon the following action was had by the Old Settler council, after some whereases reciting Bryan's appointment in 1875:

Be it further resolved, That J. M. Bryan, our special commissioner and attorney, who is himself a citizen of the Cherokee Nation and an "Old Settler," and by our former council was duly made treasurer for the amount of 35 per cent. of the amount of the claim that may be allowed. The first council creating said commission was in 1875, at which council 35 per cent. of the whole claim was set apart to pay the expense of former Old Settlers' councils, to pay the expenses of our commissioners, to pay the expenses of attorneys employed to help prosecute said claim, or as much thereof as might be necessary.

Therefore, we again reiterate that J. M. Bryan is fully authorized to receive

the said amount of 35 per cent. of the whole amount allowed on said claim, as the "Old Settler" Cherokee treasurer, and to receipt to the proper authorities of the United States for said amount, which shall be the "Old Settler" Cherokees' receipt for the same.

Submitted by—

H. D. REESE,
W. C. WOODALL,
JOHN HENDRICKS,
Committee.

The above resolution being interpreted and put to a vote, was unanimously adopted.

W. A. DUNCAN, *President.*

H. D. REESE, *Secretary.*

It appears, therefore, that this claim, although its justice is so obvious and although its merits are not disputed, was of such a nature that the claimant thought it advisable to set apart 35 per cent. of the whole amount to be expended without question in the necessary means for its prosecution before Congress. The whole sum that is appropriated by this provision is $421,653.68, without interest, and if Congress shall agree to the amendment of the committee something in the neighborhood of $175,000 will be immediately appropriated for Mr. Bryan as his compensation for such services as have been necessary in securing the adjustment of the claim.

It appears to me that in view of this action, which I had never seen or heard of before, brought to my attention to-day, when I read this pamphlet half an hour ago, it is not in a condition that renders it appropriate for us to say that Mr. C. C. Clements, of whom I know nothing, was invested with the requisite judicial authority to determine the amount that was due to the "Old Settlers" in the way of a judicial investigation. Of course I have, as I say, no knowledge whatever of Mr. Clements, and have no doubt that he acted in entire good faith, and that his judgment is entitled to credit, but it appears that the Commissioner of Indian Affairs did not accept it. He says:

It seems, however, that in the examination of the claim of the Eastern Cherokees against the United States Mr. Clements concluded that it was not intended by the eighth article of the treaty of 1835, and the supplementary articles thereto or subsequent Congressional legislation, that the $5,000,000 fund should be used to defray any expenses for removal and subsistence where made under the supervision and control of the United States, or for any reasonable expenses incurred by the Cherokees in removing themselves. These conclusions necessarily affected his former report and changed the balance found due the "Old Settlers" under the settlement provided by the fourth article of the treaty of 1846.

Whereupon the Commissioner of Indian Affairs, having satisfied himself that the report of Mr. Clements was not sufficiently accurate to authorize a judicial finding, himself changed the aggregates and reports that the Cherokees exclusive of "Old Settlers" are entitled to the sum of $334,297.75, and the "Old Settlers" to $421,653.68 I should say then most emphatically in conclusion that I have no doubt, as I said before, there is equity in this claim, and I would say nothing to prejudice either House of Congress against it; yet in view of all the circumstances that surround the case there has not been the judicial ascertainment of the amounts that are due to comply with the resolution of the Committee on Indian Affairs, which had the subject under consideration.

Mr. LOGAN. Mr. President, I do not wish to annoy the Senate, but I was a little surprised at the Senator from Kansas calling the resolutions of the council in question. I do not think that shows any particular dishonesty on the part of this man Bryan.

Mr. INGALLS. I did not charge dishonesty.

Mr. LOGAN. It shows at least a fairness on Bryan's part that he would hand these resolutions to the Secretary of the Interior to be printed here in a book to go before Congress. If any suggestion could be drawn from that that money was used for the purpose of passing the bill through Congress, I think it would be a very unjust imputation or insinuation.

Mr. INGALLS. I did not make any such imputation or implication. I hope the Senator will pardon me for a moment. I simply said that here was $175,000 that was admitted to have been expended in the course of seven years for the prosecution of a perfectly honest, plain, straightforward claim before Congress.

Mr. LOGAN. That is true. It is admitted that they have expended that sum for the reason that they have had this man Bryan, who is one of the oldest Cherokees living in that nation, who has been here eight years appealing repeatedly to Congress, first to one House and then to the other. The bill would pass one House and fail in the other. They had not only Bryan, but commissioners have been here; they have appeared before committees; they have been at expense. What the expense amounts to I do not care; that has nothing to do with the question before the Senate. So far as I am concerned I do not care whether they spent one dollar or a hundred thousand dollars; it is immaterial to me. I do not care anything about that; but I know I met this man Bryan, who is the agent of these Indians. He was before the Committee on Appropriations, and I will say, Indian as he is, he is as much of a gentleman as I have seen appear before any committee on any question anywhere in my time, as all the members of the committee will testify. He came here and made his statement; he made it like an honest man; he told their grievances, and showed the committee what was the complaint.

I do not care, so far as I am individually concerned, what the Senate does with this proposition. It is a matter of the slightest importance to me in any sense whatever except to do my duty as one of the committee, and one who has examined this claim once or twice and satisfied himself in reference to it. As I said, it is of the slightest importance to me what is done with it. It makes no difference whatever, so far as I am concerned; but I do think that it is very hard whenever an Indian comes into the Congress of the United States to have his matters adjudicated that on technical grounds, and on the slightest and most frivolous grounds, his case is always postponed. These people have had their claim postponed for thirty years, when the records of the Department and the treaty show that we absolutely cheated them out of this money; I can not call it by any other name. We charged them, I believe, $60 a head for removing them when we did not remove them, when they removed themselves. We deducted that from their third of the $5,600,000 that we agreed in the treaty we would not do; and they ask us to pay it back. We have got their money in the Treasury and we will not pay it back; that is all there is of it. We defrauded them out of it; and now we say they must go to the poor-house. One Congress say, "We will send it to a court;" another Congress sends it to the Secretary of the Interior; the Secretary of the Interior examines it and reports to Congress that it ought to be paid. Then we say that they must go to the court, or they must go somewhere else. We do not deal with white men that way. We have not dealt that way with white men.

Mr. HOAR. Oh, yes.

Mr. LOGAN. Where?

Mr. HOAR. I beg the Senator's pardon; but I think the way we deal sometimes with the just claims of white men is a shame and a disgrace to our legislation.

Mr. LOGAN. I notice that white men generally get their claims through and that Indians do not. That is the difference. The Indian gets tired, and he goes away. He says: "I can not get justice done; they will not give it to me;" and finally he gets tired and goes home. There may be many claims of Indians that are unjust; I do not know that there are, nor do I know that there are not; but I do insist that Congress ought to dispose of this question in some way or other so as to give these Indians an opportunity at least to have justice done them somewhere. I believe this amount is fair; I believe it is an honest claim; and I believe that Congress ought to provide for its payment. If Congress does not do it, I do not believe that Congress will do its duty.

If there is any person on earth whom I dislike to see cheated, either by the Government or any body else, it is a poor colored man or an Indian man who has never had an opportunity of knowing his rights or having his rights preserved or protected in this country. If there is any person who is cheated in this country it is the poor Indian, because he has nobody to defend him except occasionally some Senator or member of the other House will stand up for the rights of the Indians; but not always so. Very few will do it. It is easy always to object to an Indian having his rights. It is easy to take an Indian's lands and divide them up. It is an easy matter to give them away. It is an easy matter to meet the Indians and get them to sign a treaty and get their lands away from them and then give them to white men. It is an easy matter to do all that. We bought their lands from these Indians for $5,000,000 when it was not 20 per cent. of what they were worth. We got their lands cheaply and sent them west and paid them $5,000,000, and then turned around and charged what we agreed should not be charged to them and took it out of the $5,000,000. That is the way we deal with Indians.

Mr. VOORHEES. Mr. President, it is now nearly fifty years since this debt became due on the part of the Government to the Cherokee Indians. Nearly two generations have come and gone. Agencies have been established here and they have expired. I remember old Colonel Peter Pitchlynn, who lived and died here in the vain pursuit of justice to his people upon this among other subjects. Now, after this long delay, because in their discouragement and almost despair provision is made for the purpose of having it collected it sounds extravagant, and that fact is urged as a reason still for our not paying it. I am never to be deterred from supporting a claim, if I think it just, because it has become old. That is an additional reason to my mind for paying it.

I have heard of the Old Settlers claim ever since I have been in Congress, both in the House and in this body. It does not need any more investigation. It has been the most, if not the best, investigated claim that I have any knowledge of. It has run the gauntlet of a dozen committees; it has been under fire year in and year out. The amount has been ascertained twenty times at least, and finally, as if enough had not been done, Congress last August instructed by law the Secretary of the Interior to investigate it and tell us what we ought to do. He has complied with our direction and his communication comes here, and it is proposed to toss it aside again and let it drift away, and that further delay shall ensue.

Let us see whether this is in a safe form or not. The Secretary of the Interior addresses the following letter to the President, which the President transmits to this body:

DEPARTMENT OF THE INTERIOR, *Washington, February 3, 1883.*

SIR: The Secretary of the Interior is required by an item (copy inclosed) in the sundry civil bill, approved August 7, 1882, to investigate and report to Congress on certain matters relating to the Cherokee Indians.

Mr. C. C. Clements was appointed special agent by this Department to make

the investigation required. He has made several reports on the subject, two of which I have the honor to submit herewith.

Then the Secretary comments upon those reports, and states that they have been carefully examined by the Commissioner of Indian Affairs, who reaches the same conclusion as does Mr. Clements, and he quotes carefully from the Commissioner of Indian Affairs. He cites the fact that the Commissioner of Indian Affairs has carefully investigated this matter and reached the same conclusions which are reached by Mr. Clements. The Commissioner of Indian Affairs I know. I served with him in the other House. I know that a more careful, close, and conscientious public officer than Mr. Price is not in the service of the Government. This matter has passed under his careful review. Next, the Secretary of the Interior says that he himself has carefully examined it and reached the same conclusion. So the subject comes to us as investigated, first by Mr. Clements, who has the sanction of the appointment of the Secretary of the Interior as a competent man; next as investigated by the Commissioner of Indian Affairs, Mr. Price, and, third, as investigated by the Secretary himself; and they all reach the same conclusion. I shall not find any difficulty in voting to sustain their conclusion, when I find in the clause itself the safeguard which I shall read. After providing for the appropriation of this amount of money, in line 1772 I find that it reads as follows:

Which amount shall be disbursed by the Secretary of the Interior, as provided by the fourth article of the treaty of 1846 with the Cherokee Indians, after deducting all proper expenses actually incurred by said Indians in the adjustment and settlement of their said claim, to be approved by the Secretary of the Interior and to be received in full payment and satisfaction of said claim.

There is an absolute safeguard on any improvident use that the Indians themselves may have provided for the disposition of this money. In other words, if there is an outstanding contract in regard to so much per cent. to be paid for the adjustment and collection of this claim, that contract has to be approved by the Secretary of the Interior, or no money will be paid under it. They are within the protection of the Secretary of the Interior. That accounts for this clause. The amount shall be disbursed by the Secretary of the Interior "after deducting all proper expenses actually incurred by said Indians in the adjustment and settlement of their claim, to be approved by the Secretary of the Interior." I do not think there is the slightest danger; and I do sincerely hope that, while all admit that this claim is just and founded in equity, the provision reported by the committee may be allowed to stand.

Mr. EDMUNDS. Mr. President, in the first place I wish to say with all respect to the Senate that I do not see how the point of order could have been overruled, but I can not take time about that, as it has been. Ever since we have been talking about this as a claim that the law had not provided for the payment of, or the treaty either, and of the fraud we had committed upon the Indians in some way in the course of some of our operations violating a treaty.

In the next place, I am unable to understand how it is that the Committee on Appropriations, who are not charged with the consideration of Indian affairs but to make appropriations to carry out the provisions of laws and treaties, should have taken up this question *de novo* without any amendment reported from the Committee on Indian Affairs, without any recommendation from that committee, without any amendment reported or recommendation made by the Committee on Claims. That is rather a puzzle.

I should like to go to the foundation of this matter for a moment and see on what ground Mr. Clements's doctrines stand. If appropriation bills are to be loaded with this sort of thing, whatever time is necessary, even if the bill fails to be considered, ought to be taken. It illustrates, I will add, the pernicious effect of legislating on appropriation bills. We should not have been troubled with this question here now but for a clause having been jumped onto an appropriation act last year of a purely legislative character.

The amendment reported by the committee is as follows:

For the payment of "Old Settler" or "Western Cherokee" Indians, being all of those Cherokees who removed west of the Mississippi prior to the Cherokee treaty of December 29, 1835—

Not pursuant to and under the treaty and according to its stipulations, but those who went on their own hook and their own account; that is what the amendment provides for—

and their descendants, a sum sufficient to pay the sum of $421,653.68, the same to be immediately available, being the amount found due them under the several treaties between the United States and the Cherokee Indians, and the several acts of Congress relating thereto, by the Secretary of the Interior, in compliance with the act approved August 7, 1882.

Now let us see if the Secretary of the Interior has found anything to be done. I discard entirely from the time that I wish to occupy any private and personal or public and personal observations of the Secretary of the Interior by word of mouth to a committee. As a responsible officer of this Government we must take what he says in print and sends to us, and not his oral communications, because they are liable to be misunderstood. It is just to him that we should take his official report made to us on this subject. First a communication comes from the President, who says that he transmits the report of the Secretary of the Interior. What is this report? It is that—

Mr. C. C. Clements was appointed special agent by this Department to make the investigation required. He has made several reports on the subject, two of which I have the honor to submit herewith.

Where are the others? Did they come to the same conclusions, or has the thing been vibrating up and down, and the first report was not found to be quite the thing, and then another was made, and another? We have two. Report No. 2 relates so and so, report No. 3 relates to the Old Settlers or Western Cherokee claim, based upon alleged errors committed by the officers of the United States Government having charge of and stating the accounts between the Old Settlers and the United States in relation to their interest in the proceeds of the sale of the Cherokee lands east of the Mississippi River under the treaty of 1835. Those questions must have arisen under the treaty, otherwise they could not have been under it.

Mr. Clements reports that there is a balance due from the United States to the "Old Settler" Cherokees amounting to $421,653.68, together with interest at 5 per cent. per annum from September 22, 1851.

This report, No. 3, is intended to take the place of a report on the same subject by Mr. Clements, dated December 12, 1882, which was transmitted by me to the President of the Senate *pro tempore*, December 16, 1882, in compliance with a Senate resolution calling therefor. (Printed in Executive Document No. 17, Forty-seventh Congress, second session.)

These reports, Nos. 2 and 3, have been carefully examined by the Commissioner of Indian Affairs, who reaches the same conclusions as does Mr. Clements, as shown by the closing statements of his report thereon dated January 31, 1883, as follows:

With great respect to the Secretary of the Interior, I submit that the Commissioner of Indian Affairs (and any Senator will see it if he looks carefully at the report of that Commissioner) has not come to any such conclusion at all, but he merely reports what Mr. Clements says, and that alone, it must be understood. Now, he quotes from the report of the Commissioner:

It must be understood that all the figures used in this report are as of the date of the several settlements and for the purpose only of determining what amount is due each class of claimants, and after making all deductions, &c.—

There would be due so much and so much; I need not name the sums.

I have given these reports—

Says the Secretary of the Interior—

such careful examination and consideration as time and opportunity would permit, and am of opinion that they present fair and just bases of settlement of the claims. The parties interested appear satisfied with the results reported.

If by that he means the Indian claimants, I should think he would probably be correct. If he means the tax-payers of the United States, I should beg leave very greatly to doubt it.

A report, No. 1, made by Mr. Clements on the claim of the Eastern Band of North Carolina Cherokee Indians against the Cherokee Nation of Indians West, for a pro rata interest in all the common property of said nation of Indians under treaties with the United States, has been submitted to me, but is withheld for further consideration. I respectfully recommend that the accompanying papers be presented for the consideration of the Congress.

This is a report from the Secretary to the President. The President in sending it makes no recommendation at all, as under the Constitution he was authorized to do. Without his giving any approval to these papers he sends them forward to Congress for their consideration, for what they are worth. Now, when we come to the report of the Commissioner of Indian Affairs let us see if the Secretary is right in his understanding. The Commissioner of Indian Affairs, after stating what Mr. Clements reports, &c., and stating the case, coming down toward the foot of page 6, says:

I may add that in the former report on this subject the investigation was confined to alleged errors committed by the accounting officers of the Government in the matter of calculation.

It seems, however, that in the examination of the claim of the Eastern Cherokees against the United States, Mr. Clements concluded that it was not intended by the eighth article of the treaty of 1835, and the supplementary articles thereto, or subsequent Congressional legislation, that the $5,000,000 fund should be used to defray any expenses for removal and subsistence where made under the supervision and control of the United States, or for any reasonable expenses incurred by the Cherokees in removing themselves. These conclusions necessarily affected his former report and changed the balance found due the "Old Settlers" under the settlement provided by the fourth article of the treaty of 1846.

There you will note another thing, that under the treaty of 1846 they had a settlement then, as well as one under the treaty of 1835; so that we have had two settlements of this subject apparently already. But that is not the point I am now on. I am on the point as to whether the Commissioner of Indian Affairs has recommended this appropriation. Nothing that I have read yet has the slightest tendency to warrant any such conclusion.

Then he goes on in the next paragraph to say simply that—

It must be understood that all the figures used in this report are as of the date of the several settlements, and for the purpose only of determining what amount is due each class of claimants.

And on this, referring to the statement of Clements, and according to his statement, it appears that there would be due to these Indians so much and so much; and then he signs his name. If anybody's ingenuity can stretch that into an affirmative recommendation by the Commissioner of Indian Affairs that this sum of money ought to be paid, I confess that I shall be very much astonished.

Let us see for a moment what the treaty of 1835 did provide about the $5,000,000 and the removal. Here it is. It is the first article, the five-million article:

The Cherokee Nation hereby cede, relinquish, and convey to the United States all the lands owned, claimed, or possessed by them east of the Mississippi River, and hereby release all their claims upon the United States for spoliations of every

kind, for and in consideration of the sum of $5,000,000, to be expended, paid, and invested—

Using these words—

in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution, by which they advised "that a sum not exceeding $5,000,000 be paid"—

The question as to whether that amount shall be paid and as to stipulations shall be again submitted to the Senate or to somebody. That is not material to this point. The point is that the $5,000,000 that was agreed to be paid to them was to be paid, expended, and invested, distributed under each of those three heads, in the manner agreed upon in the following articles. Now we come to the following articles. One of those articles agreed upon was that the United States agreed to take the expense of getting these people removed under the direction of the United States, to furnish transportation and all that sort of thing to the new country to which they were to go; so that there is pretty good reason for believing fairly, as it seems to me, that the very terms of the first article, the $5,000,000 article, referred, as they say it did, on the face of it to this expense necessary to accomplish these objects to be made by the United States for them out of this fund. That is what it says in terms. Thereupon the United States agree and stipulate to remove them to their new homes, subsist them one year after their arrival there, and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably; that they shall have a physician, &c.; and then it provides that "such persons and families," which appear on the face of this amendment to be the body of persons and families mentioned in the treaty, because the amendment provides for those who went before this treaty was made, by the very terms of the amendment, "such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full of all claims for the same $20 for each member of their family; and in lieu of their one year's rations they shall be paid the sum of $33.33 if they prefer it."

Such Cherokees also as reside at present out of the nation and so remove with them shall be entitled to come in under the same thing. These other articles go on and on and provide for all the arrangements referred to in the first article of the treaty. How that treaty can be made the basis of raising an obligation on the part of the United States for the classes of people who are mentioned in the amendment is, I confess, entirely incomprehensible to me, because the amendment says, "being all of those Cherokees who removed west of the Mississippi prior to the Cherokee treaty of December 29, 1835."

That treaty provides for those removed under the treaty. These people had gone on their own account because they foresaw apparently (but of course that is immaterial to this question) that the press of emigration was coming in, so that the best thing was to go off to this country that Congress in the state of the relations of the Indians had authorized them to emigrate to and settle upon.

Then we come down to a later treaty, the treaty of 1846, referred to in this amendment, as to the *modus* of payment. This treaty of 1846 purported—I can not take time to read it—to provide for a "final and amicable settlement of the difficulties and claims before mentioned," and that is to say the beforementioned claims and difficulties were "serious difficulties" which had "existed between the different portions of the people constituting and recognized as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them; and whereas certain claims exist on the part of the Cherokee Nation, and portions of the Cherokee people, against the United States: Therefore, with a view to the final and amicable settlement of the difficulties and claims before mentioned, it is mutually agreed by the several parties to this convention, as follows." Then they go on, without making any claim or referring to any claim of this character, to mention ever so many other kinds of claims covering everything they could think of, as they knew them to exist on the part of these Indians, and providing how it shall be terminated; and then provide that the sums to be paid to settle those shall be paid by the United States in one way, per capita, to these individuals, or a certain portion of them.

On a jumping debate like this, on a report of the Committee on Appropriations for the first time presented to our consideration, that we can hold affirmatively that this vast sum of money is due to these people when the description of the amendment itself separates it entirely from the treaty and when the treaty itself provides for the expenditure of the $5,000,000 according to the following articles, one of which is this matter of transportation and so on, and when eleven years afterward another treaty was made which recites that the old claims and difficulties and disputes between these people, all of them and parts of them, and with the United States are all gone through and no claim of a pretension of this kind is mentioned, it is now discovered that there has been a mistake about this matter all the time; here is an omission on the score of removal. All this might be made out if there were time to investigate it and explore it on all sides; but is it wise and right to seek by an amendment to an appropriation bill in the very last days of the session to make a final and conclusive determination of this affair? That is what I think is a very unsafe and unwise thing.

I agree with my friend from Illinois that the Indian is entitled to justice just as much as the white man, and I think more, because he is less capable of taking care of himself, as we all assume, but the matter is deserving of inquiry when we remember that there have been so many instances in which in the name of an Indian tribe enormous claims have been presented and pushed, which are perfectly natural, by people who are going to get great benefits out of them if they can get them through; 35 per cent. it is said in this case. Indians are perfectly willing among themselves when anybody says to them, "I think I have discovered how I can get something out of one of these old treaties, and if you will give me 35 per cent. I may get it; if I do not get it you will have nothing to pay, if I do you will get 65 per cent.," to say, "all right, go ahead." So it is not clear that we are doing any great injustice to these Indians at this moment if we do not put in the bill this amendment reported by the Committee on Appropriations.

Mr. LOGAN. Mr. President we seem to have quite a number of gentlemen in the Senate who are afraid somebody will be defrauded, and therefore they must protect the Government. Inasmuch as I voted for this amendment in committee, I am not afraid to defend it in the Senate; but I was very sorry to see the Senator from Vermont, as able a lawyer as he is and as honest a man as he is, mistaken in the treaties of the United States with these Indians. The Senator says that under the treaties those people were not included, being west of the Mississippi River.

Mr. EDMUNDS. No; they emigrated before.

Mr. LOGAN. I understand; because they emigrated before the treaty of 1835 was made, therefore they are not entitled under the treaty to any consideration.

Mr. EDMUNDS. For removal.

Mr. LOGAN. If the Senator will only turn to the supplemental treaty of 1846, which he has read as a matter of course, he will find his mistake; and before I get through I will show exactly where he is mistaken. I will show the section of the treaty first under which this agreement was made between the Government and the Indians. Article 2 of the treaty of 1836 provides:

Whereas the Cherokee people have supposed that the sum of $5,000,000—

I ask the Senate to listen to this language—

fixed by the Senate in their resolution of —— day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi River was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question; and whereas the President is willing that this subject should be referred to the Senate for their consideration, and if it was not intended by the Senate that the above-mentioned sum of $5,000,000 should include the objects herein specified, that in that case such further provision should be made therefor as might appear to the Senate to be just,

ART. 3. It is therefore agreed that the sum of $600,000 shall be, and the same is hereby, allowed to the Cherokee people, to include the expense of their removal.

You find by this treaty of 1836, which was a supplemental treaty to the treaty of 1835, that the Indians claimed that out of this $5,000,000 that was to be given them for their lands the expense of their removal was not to be deducted, and that Senators who agreed to this treaty in the Senate went to the Secretary of War, who had charge of the removal of the Indians, and stated to him that that was not the intention of the treaty, and then on that statement being made it was referred back and a supplemental treaty made with these people covering and including this proposition the treaty then made. Article 4 of the treaty made in 1846, covering this proposition, shows exactly what the intention of the treaty of 1835 and the supplemental treaty of 1836 was between the Government of the United States and the Indians. The fourth article of the treaty of 1846, is as follows:

And whereas it has been decided by the board of commissioners recently appointed by the President of the United States to examine and adjust the claims and difficulties existing against and between the Cherokee people and the United States, as well as between the Cherokees themselves, that under the provisions of the treaty of 1828, as well as in conformity with the general policy of the United States in relation to the Indian tribes, and the Cherokee Nation in particular, that that portion of the Cherokee people known as the "Old Settlers," or "Western Cherokees," had no exclusive title to the territory ceded in that treaty, but that the same was intended for the use of, and to be the home for, the whole nation, including as well that portion then east as that portion then west of the Mississippi; and whereas the said board of commissioners further decided that, inasmuch as the territory before mentioned became the common property of the whole Cherokee Nation by the operation of the treaty of 1828, the Cherokees then west of the Mississippi, by the equitable operation of the same treaty, acquired a common interest in the lands occupied by the Cherokees east of the Mississippi River, as well as in those occupied by themselves west of that river, which interest should have been provided for in the treaty of 1835, but which was not, except in so far as they, as a constituent portion of the nation, retained, in proportion to their numbers, a common interest in the country west of the Mississippi, and in the general funds of the nation; and therefore they have an equitable claim upon the United States for the value of that interest, whatever it may be: Now, in order to ascertain the value of that interest, it is agreed that the following principle shall be adopted, namely, all the investments and expenditures which are properly chargeable upon the sums granted in the treaty of 1835, amounting in the whole to $5,600,000 (which investments and expenditures are particularly enumerated in the fifteenth article of the treaty of 1835), to be first deducted from said aggregate sum, thus ascertaining the residuum or amount which would under such marshaling of accounts be left for per capita distribution among the Cherokees emigrating under the treaty of 1835, excluding all extravagant and improper expenditures, and then allow to the Old Settlers (or Western Cherokees) a sum equal to one-third part of said resid-

uum, to be distributed per capita to each individual of said party of Old Settlers or Western Cherokees. It is further agreed that so far as the Western Cherokees are concerned, in estimating the expense of removal and subsistence of an Eastern Cherokee, to be charged to the aggregate fund of $5,600,000 above mentioned, the sums for removal and subsistence stipulated in the eighth article of the treaty of 1835, as commutation money in those cases in which the parties entitled to it removed themselves, shall be adopted. And as it affects the settlement with the Western Cherokees, there shall be no deduction—

Mark this language—

there shall be no deduction from the fund before mentioned in consideration of any payments which may hereafter be made out of said fund; and it is hereby further understood and agreed that the principle above defined shall embrace all those Cherokees west of the Mississippi who emigrated prior to the treaty of 1835.

The Senator said that prior to 1835 the Cherokees west of the Mississippi River were not included in this contract, thereby precluding them from charges against the five-million fund, their third part of it; and yet the treaty of 1846 explanatory of the treaty of 1835 and the supplemental treaty of 1836 says expressly it shall not be charged against that fund.

There is the treaty between the Government and these Indians; and what is this claim? The Senator is very adroit in his statement, but he fails to read the whole article of that treaty showing that the expense of transportation was not to be charged against the one-third of the $5,600,000 they were entitled to. It was the design under the treaty that that sum should not be charged against this amount; but we find when it comes to making up the account that it was charged. To show that, I will take the statute that was passed afterward to carry out the treaties approved June 12, 1838, following the treaties of 1835 and 1836. Here is the statute enacted in 1838:

That the sum of $1,047,067 be appropriated, out of any money in the Treasury not otherwise appropriated, in full for all objects specified in the third article of the treaty of 1835 between the United States and the Cherokees, and for the further object of aiding in the subsistence of the Indians for one year after their removal West.

There is an appropriation made under that treaty, not only an appropriation for their subsistence after they were removed West, their subsistence for one year, two million and odd dollars voted for that purpose, following out the principle of the treaty. Then there was an appropriation by Congress in 1851, but when the settlement was made with these Indians, the Western Cherokees or Old Settlers found themselves charged against their one-third of the $5,600,000 for their removal and subsistence, and they were made to pay it out of that sum which had come from their land. It is for that that they claim they have been wronged, and ask this amount.

Now, what is the trouble about this estimate? The Senator says the Secretary of the Interior has not done it, that it requires a judicial investigation. How a judicial investigation? Here is the amount that was charged, and I will give it.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. LOGAN. Yes, sir.

Mr. JONES, of Florida. I understand that the Senator's position is that the amount of the cost of transporting these people to the territory whence they were removed was taken out of the sum agreed to be paid by this Government for their lands, and that this claim now is for that money.

Mr. LOGAN. Yes, sir; $53 and something per head was charged for the removal of these Indians, numbering 13,000. They removed themselves, and yet they were charged by the Government for their removal so much per head, and it was charged against the amount that the Government had agreed in the treaty should be paid to them without any deduction for their removal and subsistence. That is the whole case.

These Indians were entitled to one-third of $5,600,000, and that one-third of that money was granted by the treaty and by an act of Congress secured against any charge for their removal or subsistence for one year after they were removed. That was the contract, that was the agreement; but afterward, in 1851, when a settlement was made with the Treasury of the United States, they were charged per capita for their removal, and it was deducted from this sum, though it had been agreed by the treaty that no deduction should be made from it.

Senators say that some court ought to adjudicate this. Can a court figure up 13,000 and some odd Indians at $53 a head any better than a clerk or anybody else? Can a judge any better than anybody else figure up how much money was charged against them for subsistence for one year when they were not entitled to be charged with it? It is a mere matter of computation. If there were 13,000 Indians, or 20,000 Indians—it makes no difference whatever number there was, the record shows the number that were removed—they were charged so much per head. What you have to do is to figure up how much that makes; then examine the treaty, and you will find that the Government was not entitled to charge them for it. Then that sum ought to be given them.

Then, inasmuch as the Government provided for their subsistence for one year and appropriated $1,040,000 for that purpose and then turned around and charged their third up against that fund, it is very easy for any man to make the calculation of how much that will be. That is all there is in this case. It is a mere matter of calculation. The Secretary of the Interior appointed a man to make these calculations and these examinations, and he decides these treaties are so and so, and the calculations are made. I should like to know how much better a court or anybody else could do it. The whole thing, in my judgment, is to get rid of this claim or any other that an Indian may have. I have never known Indians to get through a claim here that was an honest one. They may have got some dishonest ones through.

Mr. JONES, of Florida. How long has this been pending?

Mr. LOGAN. It has been pending before Congress for eight years. It has been pending before the Treasury and War Department and other Departments trying to get the record corrected for thirty years. It was presented to Congress eight years ago, and it has been before the House of Representatives and before the Senate for eight years. Bill after bill has been reported. At the last session a bill was reported and passed authorizing the Secretary of the Interior to make this examination and report to Congress, which has been done. The report has been made; and now the Indian is told it ought to be further examined. Why? Because he is honest enough to put a resolution in here that his council said he should have a certain amount because there had been a certain amount expended. It is said that if it is an honest claim there is no necessity for expending money here. I do not think there is except for a man's hotel bill. If a man is a poor man, and comes to get a claim through Congress, unless there is some reason for passing it through more than ordinarily follows claims, he generally exhausts what he has before he gets through, and then abandons his claim and goes home. Every Senator knows that. Hardly any claim ever gets through Congress by itself; and why? Because no one takes any interest in it. I do not mean by that that money is used, for it is not. I do not believe in these insinuations, for I think Senators and members of Congress are just as honest as anybody else. Men get up against a claim and say there has been a large amount of money allowed to this agent. What has that to do with the honesty of the claim? If the poor Indian is ignorant enough to agree with another Indian to give him half his claim, what has that to do with the justice of the claim? I suppose this Indian council came to the conclusion that they would never get anything, that they would be always trying to get action by Congress, as they have been trying before, to be shuffled off and never paid, and they agreed to give this other Indian a large amount. I do not care anything about that and I do not know anything about it. I do not care if they give it all away; it is none of my business. The question for the United States is whether we owe this money. If we do we ought to pay it; if we do not owe it we ought not to pay any of it. I do not believe any man who has ever examined the claim contends that the Government does not owe these Indians.

Mr. President, I will not take the time of the Senate to read documentary matter, but I will put in the RECORD with my remarks, if I am permitted to do so, quotations from the Secretary of War at the time this thing first occurred and the estimates and calculations that are made, that they may be printed as a justification at least for myself for the part I have taken in supporting this claim.

The documents refered to are as follows:

The joint resolution of August 7, 1848, required the accounting officers of the Treasury to make to Congress a just and fair statement of the claims of the Cherokee Nation of Indians, according to the principles established by the treaty of August, 1846, between the United States and those Indians. This statement was submitted December 3, 1849 (Senate Executive Document 176, Thirty-first Congress, first session), and was recognized and adopted by Congress in making a final settlement with said nation under the act of February 27, 1851 (9 Statutes, 572–573), which appropriated the sum of $724,608.37, with interest, for that purpose. The statement was also adopted by Congress, so far as applicable under the provisions of the fourth article of the treaty of 1846, in effecting a final settlement with the "Old Settlers" under the act of September 30, 1850 (9 Statutes, 536), appropriating the sum of $532,896.90, with interest, in payment of their account against the United States. (Report 176, Senate committee, Thirty-first Congress, first session.)

In adopting the above statement made by the accounting officers of the Treasury, the "Old Settlers" are charged by the Senate committee "for removal and subsistence of 18,026 Indians, at $53.33⅓ per head, $961,386.66." I am satisfied that this is an overcharge. The eighth article of the treaty of 1835 provides that "the United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there." (Rev. Ind. Treaties, page 70.) This language imports pecuniary responsibility on the part of the Government, and in the talk which was sent by President Jackson to the Cherokees to explain the advantages of that treaty he mentions that the stipulations offered "provide for the removal, at the expense of the United States, of your whole people and for their subsistence a year after arrival in their new country." It would seem that the Indians so understood this matter, and that the Senate recognized the fact that all expenses incurred by them for and on account of removal and subsistence should be borne by the United States. In support of this proposition articles 2 and 3 of the supplementary articles to the treaty of 1835 provide that "whereas the Cherokee people have supposed that the sum of $5,000,000, fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi River, was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question; and whereas the President is willing that this subject should be referred to the Senate for their consideration, and if it was not intended by the Senate that the above-mentioned sum of $5,000,000 should include the objects herein specified, that in that case such further provision should be made therefor as might appear to the Senate to be just: It is therefore agreed that the sum of $600,000 shall be, and the same is hereby, allowed to the Cherokee people to include the expense of their removal and all claims of every nature and descrip-

tion against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions (provided for in articles 12 and 13 of the treaty), and of the sum of $300,000 for spoliations described in the first article of the above-mentioned treaty. This sum of $600,000 shall be applied and distributed agreeably to the provisions of the said treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund."—*Ib.*, page 78.

Hon. Casey A. Harris, Commissioner of Indian Affairs, in his letter of July 25, 1836, to the board of commissioners authorized by the seventeenth article of the treaty to examine and adjudicate Cherokee claims, refers to the above supplementary article as follows: "The sum of $300,000 is appropriated to pay claims for spoliations; if they should fall short of this sum, the balance will be applicable to the expenses of removing the Cherokees."

Again, in his letter of January 25, 1838, to Lieutenant Van Horne, disbursing agent for the removal and subsistence of those Indians, the Commissioner says: "The claims for which requisitions have been made by the commissioners amount to $210,000, and the remittances which have been made for your use are $300,000. There will then be a balance of $90,000, applicable to other objects than the payment for abandoned improvements, &c., and which you will apply to the satisfaction of claims for commutation of subsistence and others of a similar character." (See Records Indian Office.)

There is further evidence in support of the proposition that the treaty of 1835-'36 contemplated that the expense of removal and subsistence should be paid by the United States, and that the "Old Settlers," or Western Cherokees, were "properly chargeable" only with the number actually removed and subsisted out of the $600,000 allowed by the third supplementary article to the treaty of 1835 for that and other purposes, and to this evidence I will now call your attention.

The treaty of 1835-'36 was finally ratified on the 23d of May, 1836, and by its provisions the Cherokees were required to remove within two years. (Rev. Ind. Treaties, pp. 75, 79.) The time elapsed May 23, 1838. It had been concluded, in defiance of the protest of a large majority, with a small minority of the nation who saw no other escape from threatened ruin. Within that period those who had favored the treaty had mostly emigrated to the West under its provisions. The large majority of the nation, adopting the counsels of John Ross—a man represented as of unlimited influence among them—had obstinately withstood all the efforts of the Government, to induce them to adopt the treaty and emigrate under its provisions. Ross and his party had constantly repudiated its obligations and denounced it as a fraud upon their nation. In the mean time the United States had appointed its agents under the treaty and collected a large military force to enforce the execution of the treaty. The State of Georgia had adopted a system of hostile legislation, intended to drive them from the country. She had surveyed the country and disposed of the homes of the Cherokees by lottery, dispossessed them of their lands, subjected them to her laws, while she disqualified them to hold any political or civil rights. In this posture of affairs the Cherokees, who had never abandoned the vain hope of remaining in the country or obtaining better terms from the United States, through John Ross and others, made new proposals to the United States for the sale of their country and emigration to the West. Still pursuing the idea that they were aliens to the treaty of 1835 and unfettered by its provisions, they proposed to release all claim to their country and emigrate for a named sum of money, in connection with other conditions, among which was the stipulation that they should be allowed to take charge of their own emigration, and that the United States should pay the expense of their removal. To avoid the necessity of enforcing the treaty at the point of the bayonet, and to relieve itself of its counter obligations to Georgia by the compact of 1802, and to the Cherokees by the treaties of 1817 and 1819, the proposal was readily acceded to. On the 18th of May, 1838, Mr. Poinsett, then Secretary of War, addressed a reply to the proposals of the Cherokee delegation, in which he says:

"If it be desired by the Cherokee Nation that their own agents should have the charge of their emigration, their wishes will be complied with and instructions be given to the commanding general in the Cherokee country to enter into arrangements with them to that effect. With regard to the expense of this operation, which you ask may be defrayed by the United States, in the opinion of the undersigned the request ought to be granted; and an application for such further sum as may be required for this purpose shall be made to Congress." The application was made and a resolution of the House of Representatives adopted inquiring how much would be required for that purpose. The Secretary of War replied to this resolution on the 25th of May, 1838, from which the following is an extract:

"The payment of the expenses of removing the remaining Cherokees, estimated at 15,840, at $30 a head	$475,200
"Amount applicable to that purpose	39,300
"Balance to be provided for	335,900

"If it should be deemed proper to make any further provision for the payment of the subsistence of the emigrants for one year after their arrival in the West it requires, estimating the whole number at 18,335, thereby including those who have already emigrated, and allowing the amount stipulated to be paid by treaty, namely, $33.33 a head, $611,105.55."

These estimates, with a message containing the provisional arrangement with John Ross, were communicated to Congress and received its sanction by the act of June 12, 1838, in the following language:

"That the sum of $1,047,067 be appropriated out of any money in the Treasury not otherwise appropriated, in full for all objects specified in the third article of the treaty of 1835 between the United States and the Cherokees, and for the further object of aiding in the subsistence of the Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the $5,000,000 stipulated to be paid to said tribe of Indians by said treaty: *And provided further*, That the said Indians shall receive no benefits from said appropriation unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the Government."

Then says the honorable Secretary:

Here was a clear legislative affirmation of the terms offered by the Indians and acceded to by the Secretary of War. It was agreed by the Secretary of War to consider the expenses of removal and subsistence, as intended by the treaty of 1835, to be borne by the United States, and Congress affirmed his act by providing that no part of the $1,047,067 should be taken from the treaty fund. It was made auxiliary to the $600,000 provided for in the third supplemental article, a fund provided for removal and other expenditures independent of the treaty fund and in full for these objects.

Again the Secretary says that—

Now, if the Government was bound by the terms of that treaty to remove and subsist those Indians at the expense of the United States, no part of the $5,000,000 fund was properly chargeable with those expenditures; but the $600,000 allowed by the third supplementary article to that treaty, appropriated July 2, 1836, the appropriation of $1,047,067 on July 12, 1838, and the appropriation of $189,422.76 on September 30, 1850, are alone available for these purposes.

The honorable Secretary then concludes that—

I am therefore inclined to the opinion that a fair and equitable statement of the "Old Settlers," or Western Cherokee Indians, against the United States would be as follows:

		Cr.
By the fund provided by the treaty of 1835-'36		$5,600,000 00
From which are to be deducted, under the fourth article of the treaty of 1846, the sums "properly chargeable" under the fifteenth article of the treaty of 1835, which, according to the report of the accounting officers (except for removal and subsistence), will stand thus:		
For improvements	$1,540,572 27	
For ferries	159,572 12	
For spoliations	264,894 09	
For removal and subsistence of 4,495 Indians, at $33.33 a head	133,058 35	
Debts and claims upon the Cherokee Nation, namely:		
National debts (tenth article)	$18,062 06	
Claims of United States citizens (tenth article)	61,073 49	
Cherokee committee (twelfth article)	22,212 76	
	101,348 31	
Amount allowed United States for additional quantity of land ceded	500,000 00	
Amount invested as general fund of the nation	500,880 00	
Unexpended balance of the $600,000 appropriation	39,300 00	
Making in the aggregate the sum of		3,239,625 14
Which, being deducted from the treaty fund of $5,600,000, leaves the residuum contemplated by the fourth article of the treaty of 1846 of		2,360,374 86
Of which amount one third is to be allowed to the "Old Settlers," being		786,791 62
Together with interest thereon at 5 per cent. per annum from June 12, 1838, to September 22, 1851, when a payment of $532,896.90, with interest, was made. (Congressional Globe, page 1760, Thirty-first Congress, first session, and act September 30, 1850, 9 Statutes, 556)		522,342 21
Total		1,309,133 83
Deduct above payment with interest as credited		887,480 15
Balance due the "Old Settlers"		421,653 68

Together with interest thereon at 5 per cent. per annum from September 22, 1851, as provided by Senate resolution of September 5, 1850. (Congressional Globe, volume 21, part 2, page 1760, 1849-'50.)

That is all I desire to say. I am perfectly willing that Congress shall take just such action as it sees proper in reference to this matter; but I hope at least that it will take such action as will not keep these Indians dancing attendance here for the next twenty-five years. The man who is here is getting old now. I suppose a great many of these people are old. I suppose he is over 70 years old. He has been here eight years, and he says he hopes Congress will do something decided some way that they may know what you are going to do. I hope you will do so too.

Mr. DAVIS, of West Virginia. This claim, I have no doubt, has merit, but it has been my opinion not only here but elsewhere where it has been considered that this bill is not the place in which it ought to be considered. Though it comes from the Committee on Appropriations, it was not a unanimous report from that committee. I believe the claim ought to be considered properly by the Committee on Indian Affairs, and I hope they will consider it at as early a date as they can. I am told by some of that committee that they have considered it and that they have not been able to come to a conclusion. I have looked at it with the Senator from Illinois as attentively as I could, and I have come to the conclusion that there must be some merit in it, but at the same time I do not think it is proper that it should go on this bill.

Mr. McPHERSON. I have somewhere read that the Committee on Indian Affairs had considered the claim and reported adversely. May I ask the Senator from West Virginia if that is so?

Mr. DAVIS, of West Virginia. Not exactly that. I believe they have considered it and reported it to the Senate, not adversely, nor yet favorably, as I understand.

Mr. McPHERSON. Without recommendation?

Mr. DAVIS, of West Virginia. Perhaps I had better let the Senator from Wisconsin say as to that.

Mr. CAMERON, of Wisconsin. The Committee on Indian Affairs reported that in their opinion there was some merit, but that the committee were not able to determine the exact amount, if any, that was due from the United States to the Indians, and they recommended that the Indians be authorized to institute a suit in the Court of Claims, I think.

Mr. LOGAN. If the Senator will allow me, I can state about that. I reported a bill from the Indian Committee myself in 1881 authorizing this matter to be referred to the Court of Claims, but as I stated this morning, I came to the conclusion that probably the Court of Claims would not have jurisdiction over the case, although I may be mistaken about that, and the bill fell on that account. At the next session of Congress the Senator from Wisconsin reported to the Senate——

Mr. CAMERON, of Wisconsin. Have you the report?

Mr. LOGAN. Yes, sir; I have that report. But that Congress, instead of adopting that bill and passing a bill referring it to the Court of Claims, referred it to the Secretary of the Interior for his examination and report, which has been had. He has reported.

Mr. CAMERON, of Wisconsin. The act to which the Senator refers was contained in an appropriation bill.

Mr. LOGAN. Yes.

Mr. CAMERON, of Wisconsin. It did not come from the Committee on Indian Affairs.

Mr. LOGAN. I do not know who introduced it; I know I did not.

Mr. McPHERSON. May I inquire if the action of the Committee on Appropriations has been based on the report of the Secretary of the Interior?

Mr. LOGAN. Yes, sir; that is it exactly.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

Mr. ALLISON. This matter was considered in the Committee on Appropriations with the best light we had before us. In the nature of things upon a bill of this character we could not give the subject that exhaustive attention and consideration which a matter of so great importance required. It was the judgment of a majority of the committee, with the report of the Secretary of the Interior before us and such other lights as we could have, to report this amendment. The Secretary of the Interior appeared before the committee about several other matters, and while there, among other things, he was inquired of in reference to this, and he stated before the committee that he believed on such examination as he was able to give it that it was a just and honest claim. I believe myself that these people have some claim against this Government; but this debate has satisfied me that whatever this claim is and whatever the extent of it, it should not be upon this bill; and if I am to vote upon this question I shall vote against putting it in the bill.

Here are old treaties; here is the treaty of 1846, which laid down a rule whereby a certain sum of money should be distributed. It was distributed, as I understand now from the facts which have been brought out in debate, by means of the accounting officers of the Treasury, and although the Indians have claimed all the time that there was an error in that account and an error in that settlement, yet, as a matter of fact, but one man has authoritatively made this claim, and I think it ought to have a fuller and a more complete investigation as to the amount due, and therefore my own judgment is, though I come to it reluctantly, having agreed to report the bill with this provision in, that it ought to be postponed until we can have a fuller examination.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee inserting the words from lines 1761 to 1779.

Mr. BROWN called for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Georgia [Mr. BARROW].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. WILLIAMS (when his name was called). I am paired with the Senator from Nebraska [Mr. SAUNDERS].

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME].

Mr. CAMDEN (after having voted in the affirmative). I am paired with the Senator from Colorado [Mr. TABOR]. I forgot it at the moment, and now withdraw my vote.

The result was announced—yeas 12, nays 36; as follows:

YEAS—12.

Brown,	Grover,	Morgan,	Slater,
Dawes,	Kellogg,	Plumb,	Voorhees,
Frye,	Logan,	Sawyer,	Walker.

NAYS—36.

Allison,	Edmunds,	Hawley,	Mahone,
Anthony,	Fair,	Hill,	Maxey,
Call,	Garland,	Ingalls,	Pendleton,
Cameron of Wis.,	George,	Jackson,	Pugh,
Cockrell,	Gorman,	Jonas,	Rollins,
Coke,	Groome,	Jones of Florida,	Sewell,
Conger,	Hampton,	Lamar,	Vance,
Davis of Ill.,	Harris,	McDill,	Vest,
Davis of W. Va.,	Harrison,	McMillan,	Windom.

ABSENT—28.

Aldrich,	Cameron of Pa.,	Lapham,	Ransom,
Barrow,	Farley,	McPherson,	Saulsbury,
Bayard,	Ferry,	Miller of Cal.,	Saunders,
Beck,	Hale,	Miller of N. Y.,	Sherman,
Blair,	Hoar,	Mitchell,	Tabor,
Butler,	Johnston,	Morrill,	Van Wyck,
Camden,	Jones of Nevada,	Platt,	Williams.

So the amendment was rejected.

Mr. LOGAN. What is the next amendment?

The PRESIDENT *pro tempore*. The next amendment will be read.

The Acting Secretary proceeded to read the amendment, beginning in line 1780.

Mr. LOGAN. Before you proceed I wish to say, if I may be permitted, that this provision having been stricken out of the bill by a vote of the Senate and by the vote of all the members who put it on except myself I believe, who can see right enough in a thing to vote for it in committee, but get very much alarmed when it gets into the Senate, we ought to do something more. I would suggest to some gentleman of the Appropriations Committee who is so desirous that these Indians shall not be defrauded, who have some amendments to this bill, that this claim may be examined by some committee of the Senate or by some court or by somebody that you have confidence in hereafter when a report is made, so that these people at least may have an opportunity of having a trial somewhere.

The PRESIDENT *pro tempore*. The next amendment will be read.

The ACTING SECRETARY. The next amendment of the Committee on Appropriations is, after line 1779, to insert:

That the sum of $300,000 is hereby appropriated, to be paid into the treasury of the Cherokee Nation, out of the funds due under appraisement for Cherokee lands west of the Arkansas River, which sum shall be expended as the acts of the Cherokee legislature direct, this amount to be immediately available: *Provided*, That the Cherokee Nation, through its proper authorities, shall execute conveyances, satisfactory to the Secretary of the Interior, for the tracts occupied by the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, before the payment of said sum of money. And the Secretary of the Interior shall, as soon as practicable thereafter, prepare and cause to be issued patents to the said Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, in their tribal capacity, inserting in said patents the same terms and conditions that are inserted in the patents to the Choctaw Nation dated March 23, 1842.

The PRESIDENT *pro tempore*. If there be no objection from any quarter the amendment is agreed to.

Mr. EDMUNDS. It ought to be explained I am sure. I do not understand it. We ought to have an explanation about it. It is a subject entirely new to me.

Mr. DAWES. If the Senator desires an explanation of this I will give it. In the treaty of 1866 with the Cherokee Indians they agreed with the United States to sell to us for the use of friendly Indians all their land in the Indian Territory west of the ninety-sixth meridian at such sum as the President of the United States should determine. The President of the United States determined upon 47½ cents an acre for the whole of it. They have never received for that any sum beyond $300,000. It would amount to between two and three million dollars. Upon the land have been settled by the United States the tribes of Indians that are enumerated in this amendment, but they have no title to the land. The title still remains in the Cherokee Nation. The Cherokee Nation complain of the United States that they are picking out the best part of the land, and think they ought to take the whole of it and pay for the whole of it. The United States are not willing to pay for it any faster than they occupy it by these friendly tribes. Now these friendly tribes occupy a considerable portion of that land; the Cherokee Indians are claiming their pay; they have offered to the United States that if it will pay them $300,000 on account of the whole, they will make a deed of so much of this land as is occupied by these other Indians.

The late Secretary of the Interior, Mr. Kirkwood, was in great trouble then in that Territory to ascertain that we had not a title to a foot of that land, and when they made this offer to him he considered it so desirable to get a deed of this portion of the land that he recommended strongly that we should pay $300,000, which is on account, but it is not so much as the number of acres we occupy at 47½ cents an acre would come to. He recommended this, and we put it into the appropriation bill last year, but it was lost in conference. It is put in this year again.

Mr. MAXEY. Let me ask the Senator from Massachusetts a question. I understood the Senator to say that the title to this land was in the Cherokee Nation.

Mr. DAWES. The title to all the land.

Mr. MAXEY. Is that title held by the Indians?

Mr. DAWES. That title is held by the Indians.

Mr. MAXEY. Then how can the Secretary of the Interior be ordered to issue a patent in the form and conditions of the patent to the Choctaw Nation in 1842, when the Government has already issued a patent to the Cherokee Nation for this same land?

Mr. DAWES. The Secretary of the Interior is not to issue patents.

Mr. MAXEY. That is what the amendment says, as I catch its meaning from a hasty reading.

Mr. DAWES. They are to deed it and the Secretary of the Interior is to prescribe the form of the deed. I have not read the amendment now, but the amendment last year was to have the deed to these Indians in conformity with the stipulations of the treaty by which the Cherokees hold their land under patent.

Mr. MAXEY. Now, if the Senator will permit me, I will read what this amendment says:

And the Secretary of the Interior shall, as soon as practicable thereafter, prepare and cause to be issued patents to the said Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, in their tribal capacity, inserting in said patents the same terms and conditions that are inserted in the patents to the Choctaw Nation dated March 23, 1842.

I respectfully submit the question as a proposition of law, that if the United States has divested itself of the title by patent and vested it in the Cherokee Nation, I can not see how the Secretary of the Interior can be authorized to issue another patent.

Mr. DAWES. If the Senator will read further he will see that the proposition is for the Cherokees to convey to the United States in conformity with the agreement, and then the United States is to convey

to these other Indians and to insert in the patent the provisions by which the land is bound under the treaty.

Mr. CAMERON, of Wisconsin. The Senator should commence reading at line 1786.

Mr. DAWES. The conveyance is to be a conveyance in the first instance according to the agreement in the treaty, and then the Secretary of the Interior is authorized here to make a title to these Indians.

Mr. CAMERON, of Wisconsin. The Cherokees are first to convey to the United States, and then the United States is to convey to the others.

Mr. MAXEY. I see that now. It escaped me before. That cures the difficulty.

Mr. EDMUNDS. I should like to have the article of the treaty read under which this provision is made.

Mr. PLUMB. At the request of the Senator from Vermont I will read the article.

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Mr. EDMUNDS. Where is the evidence that this article has been so far executed as to have had any of the lands disposed of and to have had a price agreed upon between the Cherokees and the United States and approved by the President? We ought to have something about that.

Mr. DAWES. I have seen in the Interior Department the papers, and they are embodied in a communication to Congress, in a document which was in the committee-room on Appropriations. I have it not here myself.

Mr. EDMUNDS. How much was the price?

Mr. DAWES. Forty-seven and a half cents per acre for a portion of the land and 46 cents, I think, for the rest of it.

Mr. EDMUNDS. How much is the aggregate amount?

Mr. DAWES. The aggregate amount is stated in that communication, and the aggregate price at 47½ cents an acre is there stated—a little over $2,000,000. The number of acres is stated in that document which is in the committee-room.

Mr. MAXEY. Will the Senator state the terms and conditions of the Choctaw patent of March 23, 1842?

Mr. DAWES. When the Indian Territory was set apart for the Five Nations, the United States gave a patent to the Cherokees and Choctaws and Chickasaws. That patent does not appear to grant an absolute fee-simple, but it is a patent to them more like a life estate to an individual, so long as they occupy it.

Mr. EDMUNDS. Is that the treaty of 1842?

Mr. DAWES. It was the old treaty by which the Indians were moved onto this Territory.

Mr. MAXEY. "As long as the tribal relation exists or they occupy the same," I think is the language. I only wanted to know whether that was in the patent. I know it is the law.

Mr. EDMUNDS. The committee ought to be able to refer us to that Choctaw limitation. I can not find in the statutes from 1836 to 1845 any treaty with the Choctaws at all.

Mr. DAWES. It was before that.

Mr. EDMUNDS. But this amendment says the treaty of March 23, 1842.

Mr. MAXEY. That was the date of the patent to the Choctaws.

Mr. EDMUNDS. But I am speaking of the amendment the committee have reported, and it reads:

The same terms and conditions that are inserted in the patents to the Choctaw Nation dated March 23, 1842.

That is the date of the patents. Then we have no means of knowing what the conditions are; how do we know what the conditions in those patents are?

Mr. MAXEY. That was just the question I asked.

Mr. EDMUNDS. I was not asking the Senator from Texas, but I was asking the gentlemen who report this provision.

Mr. MAXEY. I know that the law required that they should hold the land so long as they retained their tribal relations or occupied the soil.

Mr. EDMUNDS. That is probably so, but that is the law; and now where is the treaty, so that we shall be sure that we are not making a mistake about this?

Mr. PLUMB. I will say that this part of the amendment was drawn at the Interior Department, and consequently these details may have escaped the attention of the committee.

Mr. EDMUNDS. Yes, but we ought to know what that is before we pass on it.

Mr. PLUMB. I would suggest that the terms contained in the patent are not inconsistent with the treaty of 1866.

Mr. EDMUNDS. I suggest that this be passed over for the time being until the committee can look up what that treaty and what those patents are, because it is a matter of importance involving a great deal of money.

Mr. DAWES. I have the documents here now.

Mr. EDMUNDS. Let us look at them.

Mr. DAWES. Let the amendment be passed over for the present.

Mr. LOGAN. Let us fix it now; but if this is to be passed over for the present, I have an amendment I desire to offer.

I offer, to come after the last line stricken out just preceding this amendment, the following amendment to this bill, and I will state that it is a bill that was reported unanimously by the Indian Committee at the last Congress and rereported again at this session of Congress. It has had two unanimous reports from the Indian Committee. It is to refer the Cherokee claim to the Court of Claims, and I hope inasmuch as so many persons have expressed themselves on that line, that they will not object to this. I ask that it be read.

The PRESIDENT *pro tempore*. The Senate is now going through the bill to consider the amendments of the Committee on Appropriations, and after they are over this will be in order and any other amendments that Senators may wish to offer. According to the universal agreement, the Senate is going through the amendments of the Committee on Appropriations.

Mr. LOGAN. It is in order if there is no objection to it.

The PRESIDENT *pro tempore*. Certainly.

Mr. LOGAN. I ask unanimous consent of the Senate to offer it.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to offer an amendment at this time. The Chair hears no objection.

The Acting Secretary read as follows:

SEC. —. That that portion of the Cherokee Nation of Indians residing west of the Mississippi River, and known and designated as "Western Cherokees" or "Old Settlers," by and under the name and style of the "Old Settler Cherokee Indians," be, and they are hereby, authorized to commence an action in the United States Court of Claims to recover whatever balance is justly and equitably due them from the United States under the Cherokee treaties of 1828, 1833, 1835, 1836, and 1846, according to the tenor and effect of said treaties at the dates of their respective ratifications, anything to the contrary notwithstanding; and, to the end that justice may be done, such court shall examine all settlements heretofore made under said treaties and acts of Congress relating thereto, and correct all errors that may have been made by any accounting officers or other authority of the Government of the United States in marshaling and settling the accounts for the said "Old Settlers," in improper charges, erroneous calculations, misconstruction of laws and treaties, or misapplication of funds. And the said court, in the adjudication of said "Old Settlers" claim, shall consider the same with reference to, and be governed by, the said treaties as relate to or affect said "Old Settlers," and shall make award on the equities of said claim under the said treaties; and on any sum found due said "Old Settler Cherokees" interest shall be paid from the time and at the rate fixed by the Senate of the United States on the 5th day of September, 1850. In case judgment shall be rendered in said cause against the United States, the Attorney-General shall immediately prosecute an appeal therefrom to the Supreme Court; and said cause shall take precedence in both the Court of Claims and the Supreme Court.

SEC. —. That said action shall be commenced in the name of the commissioners appointed by the "Old Settler Cherokee" council to prosecute said claim, and be prosecuted to final judgment by said commissioners, for the use and benefit of said "Old Settler Cherokees;" said suit shall be by petition, stating all the facts, laws, and treaties upon which said claim is founded, and no other statement need be made; and, for the purpose of prosecuting said claim, said commissioners, or their successors, shall have power, and they are hereby authorized, to employ and pay attorneys and counsel for services actually rendered within the scope of their authority from said "Old Settler Cherokees" as their commissioners.

SEC. —. That if final judgment shall be rendered in favor of said "Old Settler Cherokees," the Secretary of the Treasury shall pay the same in the manner prescribed in the treaty of 1846, and adopted in the partial payment heretofore made, out of any money in the Treasury not otherwise appropriated; and the same shall be distributed per capita to each and every "Old Settler Cherokee" citizen according to the treaty aforesaid, subject only to such deductions as are authorized and provided for by the resolutions of a convention of said "Old Settlers" of the 22d day of November, 1875, and of the "Old Settler" council the 28th day of April, 1877, and reaffirmed November 20, 1880, and November the 17th, 1881, and therein directed to be paid to the treasurer of said commissioners as designated by said councils, which deductions shall be stipulated by said court in any judgment or decree rendered in favor of said Indians in accordance with said resolutions; and the amount so stipulated in said judgment or decree to be paid to said treasurer of said commissioners; and the Secretary of the Treasury is hereby directed to pay to the treasurer of said commissioners in accordance therewith, and to take his receipt for the same, which receipt shall be binding on said "Old Settler" or "Western Cherokee" Indians for the sum therein mentioned.

Mr. ALLISON. Is that amendment before the Senate?

The PRESIDENT *pro tempore*. The Senator from Illinois got unanimous consent to offer it. The Chair asked if there was objection.

Mr. ALLISON. I object to it in that form.

The PRESIDENT *pro tempore*. The Chair stated that it could be offered after the committee amendments were through.

Mr. ALLISON. I want to expressly stipulate that no interest shall be paid. Then all that arrangement about the commission of the Old Settlers and the amounts to be paid according to the resolutions of the council are matters of detail which it seems to me ought not to be in this bill.

Mr. LOGAN. I have no objection to striking all that out. I want to get the case to the Court of Claims. You will not let it be decided here and everybody says it ought to be decided somewhere. If there is any objection to the amendment, amend it until you are satisfied. All I care about is to get the case to the Court of Claims.

Mr. ALLISON. It is impossible to amend it here at this moment in this form, I submit to the Senator from Illinois.

Mr. LOGAN. It is not at all impossible.

Mr. ALLISON. Does the Chair decide that the amendment is before the Senate?

The PRESIDENT *pro tempore*. The Chair told the Senator from Illinois that the Senate was proceeding to consider the amendments of the Committee on Appropriations, and after that this would be in order. He then asked unanimous consent to present it now as an amendment, and the Chair called for objections and heard none.

Mr. LOGAN. I will amend it in any shape or form to satisfy the Senate or to satisfy the chairman of the committee. The Senator from Vermont, who so bitterly opposed the proposition before presented, was in favor of referring the claim to some court; so was the Senator from Kansas, and everybody else; and now I make the proposition that it be referred to the Court of Claims, and I will amend it in any form or shape so as to get these Indians a hearing somewhere.

Mr. ALLISON. That is clearly legislation.

Mr. LOGAN. Of course it is legislation; nobody doubts that; but how long are these Indians to stand here? Without legislation they can not go into the Court of Claims. You are just moving an amendment for $300,000 to some Indians about buying lands. That is legislation; but it is all right, I suppose.

The PRESIDENT *pro tempore*. When an amendment is offered, of course the Chair does not interfere on any ground if there is no point of order raised.

Mr. ALLISON. I make the point of order for the moment. I can not examine the amendment at this moment; and I make the point of order.

The PRESIDENT *pro tempore*. If the point of order is raised of course the Chair must deside that this is legislation.

Mr. LOGAN. I know that; but I did not suppose anybody would object to it when almost the whole Senate said they voted it down before because they wanted the matter referred to a court.

The PRESIDENT *pro tempore*. The Chair will call the attention of the chairman of the Committee on Appropriations to the amendment from line 1780 to 1798. Was that passed over?

Mr. JONES, of Florida. It was, I understood, for a moment.

Mr. ALLISON. It was temporarily passed over.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out lines 1808 to 1855, inclusive, in the following words:

That the modification of the treaty and the agreement made with the Sioux Indians under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, is hereby approved, and the sum of $200,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to enter upon the execution of said treaty: *Provided*, That the rights of way, depot grounds, including such grounds for bridges, shops, and buildings as the railway companies have already selected and paid for under agreements with said Indians, by and with the consent of the Secretary of the Interior, not exceeding in extent the rights granted to railway companies by the general laws touching the same, are reserved to said companies, and the lands actually necessary for the site of the bridges and approaches thereto on the Missouri River, which have been selected, surveyed, and paid for under such contracts, are reserved according to these contracts, and the money, amounting to $17,110, so paid to the Secretary of the Interior for the benefit of said Indians, for the said rights of way and grounds as above expressed, shall remain the money of said Indians.

But nothing in the foregoing provision shall impair the provision in the act of the last session of this Congress above referred to authorizing the treaty and agreement with the said Indians for the cession of the land to the United States, under which said land has been ceded to the United States, touching the disposition of the said lands by the United States to actual settlers only under the provisions of the homestead laws, except only as to said right of way, and the land named as incident thereto above enumerated.

That all selections of land in severalty heretofore made by the Santee Sioux on their reservation in the State of Nebraska be, and the same are hereby, confirmed, and the Secretary of the Interior shall allot in severalty to said Santee Indians not yet having made selections a quantity of land from said reservation, in accordance with the provisions of the treaty of April 29, 1868, to be selected by such Indians as are by the provisions of said treaty entitled thereto. And the provisions of sections 6 and 7 of an act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, approved August 7, 1882, are hereby extended to said Santee Sioux Indians.

Mr. ALLISON. I desire to say that the committee recommended that these provisions be stricken out chiefly because in the opinion of the committee this agreement has not been made as required by the treaty of 1868. The twelfth article of that treaty states:

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

This agreement has been only agreed to by the chiefs and head-men of the tribe.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out the lines which have been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations "under the United States Geological Survey," to strike out the following clause, between lines 1901 and 1914:

The Secretary of the Interior and the Commissioner of Patents are authorized to grant any officer of the Government, except officers and employés of the Patent Office, a patent for any invention of the classes mentioned in section 4886 of the Revised Statutes, when such invention is used or to be used in the public service, without the payment of any fee: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be used by the Government or any of its officers or employés in the prosecution of work for the Government, or by any other person in the United States, without the payment to him of any royalty thereon, which stipulation shall be included in the patent.

The amendment was agreed to.

The next amendment was, under the head of "Government Hospital for the Insane," after line 1935, to insert:

For detached buildings for kitchen, including cooking apparatus, $8,500.

That of the appropriation of $25,000 for a supply of pure water, and for fire-walls between sections, in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, not exceeding the sum of $5,000 may be used for fire-proof stairways and changes to provide greater protection against fires.

The amendment was agreed to.

The next amendment was, under the head of "Columbia Institution for the Deaf and Dumb," in line 1951, after "dollars," to strike out:

Provided, That no more than $25,000 of said sum shall be expended for salaries and wages: *Provided further*, Hereafter,

And insert "and hereafter;" so as to make the clause read:

For current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses and for books and illustrative apparatus, for general repairs, and improvements, $55,000; and hereafter the report of said institution shall contain an itemized statement of all the employés, the salaries or wages respectively, each of them, and also of all other expenses of said institution.

The amendment was agreed to.

The next amendment was, after "grounds," in line 1958, to insert "and repairs of buildings;" and after "buildings" to strike out "one thousand five hundred" and insert "five thousand;" so as to make the clause read:

For the improvement and inclosure of the grounds, and repairs of buildings, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Howard University," after line 1966, to insert:

For water supply, $3,500.

The amendment was agreed to.

The next amendment was, after "employés," in line 1998, to strike out "fifteen" and insert "forty;" so as to read:

For the protection and improvement of the Yellowstone National Park: For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000.

The amendment was agreed to.

The next amendment was, after "dollars," in line 1999, to strike out the following clause:

And the Secretary of the Interior is hereby prohibited from leasing any portion of the Yellowstone National Park to any person, company, or corporation for any purpose whatever; and all leases, agreements, exclusive privileges or monopolies granted or entered into are hereby declared to be of no force or effect; and the Secretary of War is hereby authorized and directed to make necessary details of troops to prevent trespassers or intruders entering the park with the object of destroying the game therein, or for any other purpose prohibited by law.

Mr. VEST. I want to offer an amendment. I move to insert after the word "dollars," in line 1999, the following:

Two thousand dollars of said amount to be paid annually to a superintendent of said park, and $900 annually to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior, and reside continuously in the park, and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and refuges within said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose.

I offer this amendment because one of the defects now in the government of the park is owing to the fact that the superintendent of the park is within its limits only a few months within the course of the year. This park contains 3,300 square miles of mountain scenery, with geysers, Yellowstone Lake, and many objects of curiosity and interest. It is simply impossible that one man, even if he should remain there all the time, can sufficiently protect it; and there ought to be some one at the geysers and a man at the lake and so on at other points of interest. The amendment I propose is to give this superintendent $2,000 annually and to give him ten assistants at $900 each, and I require that they shall reside in the park. The superintendent was ordered back to the park a few months ago by the Secretary of the Interior, after having been away some time. In the mean time an immense amount of game has been killed; the geysers are being destroyed; persons have gone there and deliberately broken down the inclosures around the geysers. Others have gone there, as we are told by the reports of General Sheridan and General Sackett, Inspector-General of the Army—parties of men have gone in there and taken trunks of trees and put them into the geysers to see what effect that would have on the eruption or throwing out of the water. The Senator from Delaware was there last fall, and no doubt will corroborate what I have said in regard to the vandalism that is going on inside the park. In the winter time, when the elk and deer are confined by the snow to the mountains, they are butchered; over 2,500 elk were killed there during the

last year. One gentleman testified in a letter which I have here that he found the carcasses of five elk killed and left there.

I say the superintendent of this park should remain there, and if the gentleman who holds the place now is not willing at a salary of $2,000 to attend to the duties, let some one else be appointed who will do it. I should think a proper man could be secured and ten policemen or assistants inured to that climate, mountaineers and trappers who are used to that northwest country, would be very useful. They could take care of the game and prevent its being destroyed and exterminated for mercenary purposes. I say to the Senate that unless some provision of this kind is put into this bill we might as well deliver that park up; let the whole dedication go for nothing, and just say to the people who have gone in there, "You can take it and destroy just as much as you please."

Mr. ALLISON. I ask that the amendment be read and the place where it is to come in.

The PRESIDING OFFICER (Mr. McMILLAN in the chair). The amendment will be read.

The Acting Secretary read the amendment proposed by Mr. VEST.

Mr. ALLISON. I have no objection that I know of especially to a portion of the amendment suggested by the Senator from Missouri, but it is perfectly apparent I think to every one that a superintendent and nine assistants can not prevent what he says is now going on there, if it is going on as he states.

Mr. VEST. Let me state to the chairman that there is another part of the amendment reported by the committee which provides that the Secretary of the Interior shall call on the Secretary of War for military protection. The point I make is that somebody ought to be at the geysers to stay there all the time.

Mr. ALLISON. So far as the suggestion is concerned that these men ought to remain there, I think that is wise, and I suppose the Secretary of the Interior would properly so require; but it seems to me that the suggestion of the Senator from Missouri that nine assistants should be employed in the park, and the machinery that he suggests, will take up the entire $40,000.

Mr. DAVIS, of West Virginia. I will say to my colleague on the committee that it is $2,000 for a superintendent, and then $900 each for ten men, $9,000, making $11,000 in all.

Mr. ALLISON. An engineer officer is to be sent into the park with the remaining portion of the fund to build roads and bridges.

Mr. VEST. Of course, being an engineer officer, he is detailed from the Engineer Corps. The whole balance of the appropriation of $40,000, beyond the $11,000, goes to the construction of bridges and roads.

Mr. ALLISON. I do not care to spend time on it; if other members of the committee agree to it, very well; this is the first opportunity I have had to see the proposition.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment of the Committee on Appropriations, striking out the House provision from line 1999 to 2008.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 2008:

The Secretary of the Interior may lease small portions of ground in the park, not exceeding eighty acres in extent for each tract, on which may be erected hotels and the necessary outbuildings, and for a period not exceeding ten years; but such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior; and all contracts, agreements, or exclusive privileges heretofore made or given in regard to said park, or any part thereof, are hereby declared to be invalid; nor shall the Secretary of the Interior, in any lease which he may make and execute, grant any exclusive privileges within said park, except upon the ground leased.

Mr. VEST. I move to strike out the word "eighty," in line 2010, and insert "twenty;" so as to read:

The Secretary of the Interior may lease small portions of ground in the park, not exceeding twenty acres in extent for each tract, &c.

Mr. DAVIS, of West Virginia. I think that is too small.

Mr. ALLISON. I trust that amendment will not be adopted. The amendment as reported by the committee in detail was very carefully examined, and I suppose it is satisfactory in its details to the Senator from Missouri; I do not mean the Senator on the committee [Mr. COCKRELL], but I mean the Senator from Missouri [Mr. VEST] who now offers this amendment.

Mr. BECK. There was a division in committee as between forty and eighty. I think if the Senator from Missouri will say forty there will be no trouble.

Mr. ALLISON. I think the Senator from Missouri suggested forty acres; in my belief eighty acres is not too large a quantity of land for the purpose intended here, and I submit that with all the safeguards we have thrown around it it is hardly worth while to create less area for the purpose designated. But of course I leave that to the judgment of the Senate. I hope the amendment of the Senator from Missouri will not be adopted.

Mr. VEST. I made no agreement in regard to this matter.

Mr. ALLISON. I did not state that the Senator from Missouri made any agreement. This amendment as printed was prepared by the Committee on Appropriations, and I only desired to say that that committee wished as far as it could to get the amendment in proper shape so as to cover everything that the Senator from Missouri had in view, as far as possible, and the Senator from Missouri will bear me witness that the Committee on Appropriations endeavored to gather light from him, he having examined this subject.

Mr. VEST. There is no doubt about that. Now, Mr. President, I want to call the attention of the Senate to this matter. The second section of the act of March, 1872, by which this park was set apart forever as a pleasure and recreation ground for the people of the United States, provided:

The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

I call attention to the language of that act: the Secretary of the Interior was to have power to grant leases for small parcels of ground for building purposes. Manifestly the intention of Congress in this act offered by the Senator from Massachusetts [Mr. DAWES] was that no more of this property should be leased by the Secretary of the Interior than was necessary to the erection of buildings thereon for the accommodation of visitors to the park. The Secretary of the Interior, the present incumbent of that office, gave this construction to the act, for on October 28, 1882, an application was made to the Interior Department for leases to erect hotels in this park by E. M. Russell and E. S. Topping, S. J. Hoyt, Ed. Parker, William T. Kirkwood, James Gourley, and R. H. Rowland, George W. Marshall, R. R. Odell, and George W. Monroe; and here is the action of the Secretary of the Interior on that application directed to "P. H. Conger, esq., superintendent of the Yellowstone National Park." After reciting that said application had been made:

You will please inquire into the responsibility of the applicants named, and if assured of their ability to carry out the projects they suggest, make such recommendations as in your judgment may seem advisable, transmitting at the same time the evidence upon which your judgment is based, and a statement from the applicant setting forth the character and estimated cost of the improvements to be made and the purposes for which they are to be used.

Applicants should be informed that under the law no lease can be granted for a longer term than ten years.

You will also inform them that leases will not be transferable without the assent of the Secretary of the Interior, and that if improvements are not made on the lands within eighteen months of the approval of the lease, the lease will be canceled.

No lease will be given covering lands containing any of the natural curiosities or mineral springs within the park, or that will in any way prevent free access to such curiosities or springs.

This instruction in relation to the springs is deemed proper to procure to all the full enjoyment of the medicinal waters, and to prevent monopoly in their use, and is not intended to prevent the granting of leases for lands in close proximity thereto.

As the law authorizes the Secretary of the Interior to grant leases for building purposes "of small parcels of ground," no application will be entertained for the leasing of more than twenty acres in any one tract, and where the land desired is in the immediate vicinity of the principal attractions of the park, the selection should be confined to such parcels of land as will reasonably accommodate the buildings and the necessary surroundings proposed by the lease.

The following are the terms fixed by the Department for the leasing of ground within the park, subject to such modifications as may from time to time be desirable:

For tracts not exceeding five acres, $10 a year.

For tracts exceeding five acres and not more than twenty acres, $1 additional for each acre over five.

Yearly payments in advance will be required, and failure to pay within ninety days of the approval of the lease, or a like time after the yearly payments shall have become due, will be regarded as good grounds for the cancellation of the lease, and the forfeiture of all rights thereunder.

The proper selections for building sites must be left largely to your judgment, and in your report such a description should be given as to enable the Department to describe in the lease the limits with reasonable accuracy.

Upon the receipt of your recommendation, provided the same is approved by the Department, a form of lease will be prepared and forwarded to you with directions as to its proper execution and exemption.

Very respectfully,

H. M. TELLER, *Secretary*.

P. H. CONGER, Esq.,
Superintendent of the Yellowstone National Park, Waterloo, Iowa.

There the Secretary of the Interior instructed the superintendent that not more than twenty acres, under the terms of the act of 1872, would be leased to any person for the purpose of putting up a hotel thereon. Afterward, August 10, 1882, in the absence of Mr. Teller, Mr. Joslyn, the Assistant Secretary of the Interior, addressed to Mr. Conger, the superintendent, a further letter. It seems that the first application for the relief of Russell & Co. fell through. Then Messrs. Douglas, Hobart & Hatch appeared and made a second application, and Mr. Joslyn, in the absence of Mr. Teller, addressed to Mr. Conger, the superintendent, this letter:

DEPARTMENT OF THE INTERIOR,
Washington, August 10, 1882.

SIR: I inclose herewith a copy of an application of Messrs. C. T. Hobart and H. F. Douglas for hotel and other privileges in the Yellowstone National Park;

also a copy of a letter from Hon. WILLIAM WINDOM, favorable to the application, and will thank you to report, as early as practicable, your views as to the propriety of granting to said parties the privileges asked.

Very respectfully,

M. L. JOSLYN, *Acting Secretary.*

SUPERINTENDENT OF YELLOWSTONE NATIONAL PARK,
Mammoth Hot Springs, Wyoming Territory.

This contract or this application gave to these parties seven tracts of land covering the entire geysers, six of them with 640 acres to the tract, and the seventh tract of 600 acres, making together 4,400 acres.

HEADQUARTERS YELLOWSTONE NATIONAL PARK,
Mammoth Hot Springs, Wyo., September 20, 1882.

SIR: In reply to your letter of August 10, directing me to report as early as practicable my views as to the propriety of granting the application of Messrs. C. T. Hobart and H. F. Douglas for hotel and other privileges in the Yellowstone National Park, I beg to say that their application to you lies before me. I have considered the same as well as I am able, and notwithstanding the high indorsement the gentlemen have received from Senator WINDOM, and their undoubted respectability and financial ability, yet it is my judgment that they ask to cover entirely too much ground. The National Park is a great territory, and the day is not distant, in my opinion, when the franchise they ask will be worth a very large sum of money. Besides, I believe the public would be restive were all of these privileges granted to a single party or corporation.

All of which is respectfully submitted. I return herewith the papers in the case.

I have the honor to be, very respectfully, your obedient servant,

P. H. CONGER,
Superintendent Yellowstone National Park.

Hon. SECRETARY OF THE INTERIOR.

This advice, however, and opinion of Mr. Conger was entirely disregarded, as subsequent events show, because the contract providing for a subsequent lease was not executed by reason of the action of the Senate upon the resolution I had the honor to offer; but the contract provided that a lease might be executed covering the entire amount of the 4,400 acres in accordance with the application. I read this to show that the Secretary of the Interior and the superintendent of the park objected to the amount of land that was included in this contract.

What would be the result if as the amendment of the committee stands eighty acres should be given for the erection of a hotel? These hotels are not to be erected in the prairie country; they are to be erected in cañons of the Rocky Mountains, narrow and contracted cañons, not the great Yellowstone Cañon, the magnificent painting of which is in the second story of the Capitol here, but in smaller cañons. With the selection of eighty acres of land these lessees could put their hotels where every other hotel would be necessarily excluded. It would be worse than Niagara is to-day. They would command every eligible locality with which the geysers could be viewed at the time of their eruption, or the Yellowstone Lake or the Yellowstone Falls, and the result would be a monopoly just as odious and as bad as the one attempted to be created by the contract of six hundred and forty acres around each geyser, to which I have alluded.

These geysers, the most wonderful, the most singular of all the productions of nature upon this continent, have their eruptions at regular intervals of half an hour, an hour, or an hour and a half. Old Faithful is the most celebrated of them, and any gentleman who will take the trouble to read the data in regard to it will see that every fifty-five minutes it throws up one hundred and fifty feet high its hot water and fragments of stone. Visitors attend at these eruptions. Now, all these lessees would have to do would be to put the hotel in this narrow cañon, for they would command exclusively almost all of the geysers, of any one of them, or more of them, and the result would be that they would monopolize what is intended to be free in view and in the enjoyment of the people of the whole United States.

I hold that the principle upon which the park should be managed is that there should be competition; that no one company, no one association should have anything like a monopoly of the view, of the ground, of the timber, of the water, of anything that is in that park. Eighty acres is a small farm. With a hotel put in an eligible locality so as to command the entire view, as I have said eighty acres would constitute an absolute monopoly not only in terms but in fact. On the other hand, if twenty acres are given it would be ample for all purposes. There is very little arable land in the cañons. They would have enough for a garden, they would have enough for ice-houses, they would have enough for the principal out-buildings. To argue that any more is necessary is simply ridiculous; it is a travesty upon the conception of a hotel building and hotel grounds.

Mr. HARRISON. I think the amendment of the Senator from Missouri certainly makes a very liberal allowance for the use of a hotel. I suggest to him that he make it half that amount. Ten acres is abundant for the location of any hotel and the necessary out-buildings. The proposition of the committee that eighty acres should be granted in connection with the erection of a hotel is to my judgment grossly excessive. The Senator from Missouri is exactly right in saying that it would enable the parties to monopolize the choice situations at the Falls of the Yellowstone and in the geyser basins. A year ago last summer I visited the park and was in the Upper and Lower Geyser Basin and at the Falls of the Yellowstone. There is no manner of excuse for the proposition to give to any party desiring to erect a hotel as much as eighty acres of land. Twenty acres is too much; ten acres is abundant in any of those places.

As the Senator from Missouri has said, it is not arable land, and if it is desired to grant any land that may be irrigated, for none of it is capable of being used for garden or farm purposes without irrigation, it ought to be separate from the hotel sites, and at some place that would not command choice points of observation for seeing the more interesting features of the park itself.

I hope, therefore, the Senator from Missouri will modify his amendment and make it ten acres. That is amply sufficient for the erection of any hotel.

Mr. VEST. I accept the suggestion with pleasure. I think the Senator from Indiana is right.

The PRESIDENT *pro tempore*. The question is on striking out "eighty" before "acres," and inserting "ten," as the Senator from Missouri now modifies his amendment.

The question being put, there were on a division—ayes 21, noes 16; no quorum voting.

The PRESIDENT *pro tempore*. The Chair will request all Senators to vote on one side or the other, and will try the question again.

Mr. HARRISON. We had better have the yeas and nays. I want to say before the vote is taken, however, that the proposition to give eighty acres of land as provided for in the committee amendment is simply a proposition to surrender to some one person the entire control of the special points of observation in the park. Eighty acres of land would embrace the entire upper geyser basin. That is that part of it that embraces all the notable geysers extending on the one hand from what is called Old Faithful down to and embracing the Grand Geyser and others on the other side of the river. I think it would embrace them all. If the intention is to make a lease that shall absolutely grant to one person a monopoly of all the objects of interest in the park, then the amendment of the committee ought to be sustained; otherwise not. If it is cut down to ten acres it would give an opportunity for the establishment in the upper geyser basin of two or three hotels in suitable localities. The committee amendment ought to be so guarded (I think it is not, though I have not examined it carefully) as that it should not embrace any of those geysers. It ought not to embrace over ten acres.

Mr. ALLISON. The Committee on Appropriations have not had the advantage that the Senator from Indiana has had of visiting these curiosities and knowing exactly their location and situation. The preposterous proposition of eighty acres, as the Senator from Indiana suggests it is, may therefore be excused on the part of the committee to some extent.

But I call the attention of the Senator from Indiana, who states himself that he has not read the committee amendment, to the safeguards we endeavored to throw around it by excluding the idea that the geysers, or the approaches to the geysers, or exclusive privileges in any manner, shape, or form shall be granted under this lease. We provide that free and uninterrupted access to every object of curiosity shall be left to those who desire to visit the geysers. I do not know but that eighty acres may be more than is necessary. The committee considered that as they did the other questions in the bill with the best lights that they had, and believe that eighty acres is not too much. If Senators think it is they can vote for ten acres, or half an acre, or any smaller quantity they choose.

Mr. CONGER. If the bill properly guards against encroaching upon the places that are worthy of visit and observation, whether this was eighty acres or three hundred acres would make no great difference, but it should be so guarded (and I should be unwilling to vote for any such proposition unless it was) that one side near to these curious places should be assigned for the erection of public buildings, of hotels, and that except at one side and overlooking I do not care how good a view it may be to those who may not go out, the invalid class, all these reserved places, to preserve which the park was created, should be perfectly free to the approach and visitation of everybody who may go there. What may lay in back, where there is no view, where there is no particular object of reserving it for the public to go there, it makes no difference whether it is twenty acres or eighty acres or a thousand acres. I do not know about that region, but it is possible that there may be in back away from these curiosities a little pasture ground here and there. It may be that there are garden spots here and there for the short summer, but I do not see any objection to give any reasonable amount of land with these leases if provision is made that the site of the buildings or the ground leased shall not occupy any of the approaches or prevent the passage to the curiosities. That is all I care to guard.

Mr. HARRISON. I think the first question that would suggest itself to any one who was making such a lease would be what amount of land is reasonably necessary for a hotel. I do not suppose that the most magnificent scheme that has been suggested by anybody involves the idea that a hotel with all its out-buildings would cover ten acres of land. Why then give them more?

A suggestion was made by the Senator who last spoke that it may be necessary for pasture. No one who had seen that country would think eighty acres very valuable for pasture. There is over some of it buffalo-grass or bunch-grass; but it is so sparse and scattered that it takes a very wide extent, a good many acres, to pasture a single animal; so that there is no pretense that it can be needed for such a use. If it is claimed that it is needed for agriculture then it is much too scant. If the intention

is to enable these hotels to establish farms there and raise their own products for the use of their guests within the park, then even eighty acres is much too scant; for the truth is there is very little of this land, there is none of it in fact, that can be used for agriculture without irrigation. Take the cliffs or bluffs of the cañon about the Falls of the Yellowstone, and it would be impossible to use any of it for any such purpose.

It seems to me, therefore, that in dealing with this domain we should not give more than is necessary for the convenient establishment of the hotels that are to be built there. Ten acres is certainly abundant for the Falls of the Yellowstone itself, and I think eighty acres could be so selected there and inclosed that it would perhaps embrace the entire tract from which a view of the lower falls of the Yellowstone could be had. I do not speak accurately because I did not look at it with any such view. Of course access is allowed there; but if there is to be competition why not allow a division of that eligible site for the location of a hotel between different hotel proprietors instead of allowing one to monopolize the eighty acres and exclude others from less favored points of observation in erecting their building?

Mr. DAWES. The difficulty in drawing this amendment is in undertaking to confine the Secretary of the Interior to statute directions which we make here. The amendment provides that he shall have in the lease an approach to any of these curiosities which shall be convenient and shall be free; but all the rest of the curiosities can be occupied clear up to them by the leased land, and, if it be eighty acres, that, I believe, would be a quarter of a mile. It provides that the lessee may have the exclusive occupation of all that is leased. Therefore the public can approach the curiosities only in a straight line, and in single file, it may be, if the Secretary of the Interior should undertake to follow the letter, and the letter only, of this provision; they can not approach it except in one place, and if that be a convenient approach and be free, and except at that point the public must stand aloof or go upon the exclusively leased premises upon such terms as the lessee shall prescribe.

The committee have undertaken, and I have undertaken with them, to make such terms as that the man who gets a lease should not exclude the public from a free enjoyment of those public curiosities, but it seems to me utterly impossible to do it if the lessor enters into the spirit of the monopoly which is charged to him, because he can make a single approach, if it is easy, convenient to go as an approach, and charge no toll there; he can keep the public just a quarter of a mile off from the most sublime or most attractive of the curiosities. It is like permitting them to lead a horse to drink. It is an exception and restriction upon the exclusiveness of this monopoly equivalent to saying that you may have a bridle-path.

Mr. ALLISON. Do I understand the Senator from Massachusetts to suggest that we have not put in apt words here for the purpose?

Mr. DAWES. I say we put in the most apt words we could command, but when we say also that they may have eighty acres around, it follows as a necessity that everybody must stand off just a quarter of a mile or go by this single approach, and turn around and go back. That is it.

Mr. ALLISON. I do not so understand it.

Mr. DAWES. Read it and see. You can not lease the land around any one of these curiosities clear up to it except that one point; that point must be convenient and there must be a toll-gate there. That is all there is to it. Will the Senator have it read?

Mr. HALE. Will the Chair have the entire amendment read?

The PRESIDENT *pro tempore*. The amendment is simply to strike out "eighty" and insert "ten" before "acres."

Mr. HALE. Let the Secretary read the language.

The ACTING SECRETARY. The amendment of the Committee on Appropriations is to insert:

> The Secretary of the Interior may lease small portions of ground in the park, not exceeding eighty acres in extent for each tract, on which may be erected hotels and the necessary out-buildings, and for a period not exceeding ten years; but such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior, and all contracts, agreements, or exclusive privileges heretofore made or given in regard to said park, or any part thereof, are hereby declared to be invalid; nor shall the Secretary of the Interior, in any lease which he may make and execute, grant any exclusive privileges within said park, except upon the ground leased.

It is proposed to amend the amendment by striking out "eighty" and inserting "ten," in line 2010, before "acres."

Mr. HALE. Mr. President, I was desirous of having that read because the debate seems to have proceeded upon an entire lack of knowledge of the clauses in the amendment. Senators seem to forget that this amendment takes a very great step in the direction of saving every right of the public. Senators seem to forget or not to know that it is already claimed that a lease has been prepared ready to be executed which gives exclusive privileges throughout this domain of the public that would shut out hereafter all excepting a single person or association or body of persons. Senators seem to forget or not to know that already it is claimed that an agreement has been made that is binding and has given vested rights to one man or association of men in all this park or in the most valuable part of it where there are no reservations whatever of the great curiosities that are there.

This amendment cuts to the butt. The basis of it is that all the valuable things there of right belong to the Government and to all the people, and in as careful language as can be framed the committee has declared that no lease to any extent, eighty, forty, twenty, or ten acres, shall include the geysers or other objects of curiosity or of interest in the park, or exclude the public from a free and convenient approach thereto. It is a direction to the Secretary of the Interior, or whoever has this matter in charge, that nothing to anybody shall either give the control of these objects or of any approach to them.

The Secretary of the Interior in acting upon this must deal with the situation as he finds it. If you preserve all the great objects of curiosity there, and if you are going to adopt the feature of letting men in there to build hotels, you have got to do something to encourage men to come there.

Mr. HARRISON. Will the Senator from Maine allow me to ask him one question?

Mr. HALE. Yes.

Mr. HARRISON. Suppose the same trouble should arise as to this park as once arose in regard to the approaches to the Hot Springs in Arkansas, how would that be met?

Mr. HALE. I have not traveled as broadly as the Senator has; I have not been to this place, but I can see enough about it to know that you can make no comparison of the vast domain there with the Hot Springs, which is a little Government reservation bounded, limited by acres. Here is a tract seventy-five miles one way and forty miles the other. The general principle is laid down in this amendment, which is for the purpose of restricting and controlling the privileges, that everything valuable to the general public shall not be leased. No Secretary of the Interior, under this provision, will ever venture to lease a geyser or any object of natural curiosity, or to let a hotel be put anywhere where it will in any way interfere with the enjoyment of the public. When you adopt that, and when the Secretary of the Interior follows the direction that we lay down for him, then if an association or an individual wants twenty or forty acres (I think forty acres would be enough), I see no objection to his having it. The fact is that nothing that is of value to the general public is going to be leased by the Secretary of the Interior, and the whole question whether the allowance is forty acres or twenty acres is immaterial.

Mr. PLUMB. I move, in line 2015, after the word "or," to insert "to cover the approaches to, or," in such way that no lease shall cover the approaches to any of these objects of curiosity. I submit to the honorable Senator from Indiana that when we come to legislate, if we are to fix terms here, if we can not trust the Department to execute these leases, the ten acres might be so taken out as to be just as injurious as eighty acres. Eighty acres is not exactly in a square form or even an oblong form, twice as long as it is broad, and a great deal will depend upon the discretion which the Secretary of the Interior exercises in carrying out this law. So if he chooses to take ten acres in the route, so to speak, of one of these cañons the hotel might be so planted on those ten acres and the ten acres might be so located as to be just as bad as eighty acres, and so on down, unless you want to cut it up into 25-feet-front lots.

The PRESIDENT *pro tempore*. Will the Senator allow the vote to be taken on the other question first, for this has no connection with the other?

Mr. PLUMB. There is only one thing I was going to say. I do not believe in the first place in hotels out there at all. I think you had just as well let people rough it; but if we are to have them we must consider this. It must be because we believe in the need of hotels out there, or that hotels will be desirable to the traveling and sight-seeing public. If they are to have them at that distance away from civilization there must be something more than the usual amount of room. There must be not only room for outbuildings, but for corrals and so much space as might be taken for camping on the ground, so that those who do not care about the convenience of anybody, being there temporarily themselves, can not commit nuisances and get themselves in an offensive proximity to the hotels and the guests of the hotels.

The Senator from Indiana will perhaps remember that when he was out in that country he had a sense of freedom that was not bounded by the area in which he lives in Indianapolis. It may be that when he got out there he was like a man on the Santa Fé road who slept one night in a corral. He awoke along in the middle of the night feeling that the air was a little close, and he got up and found the gate of the corral closed; he opened it and was all right again. The Senator must remember that while that is a trifle exaggerated, at the same time it is a pretty fair statement of the comparison between the confined localities occupied here in the comparatively thickly settled portions of the country and what a man expects and naturally wants out there. As I said, I am not in favor of having hotels there, but if we are to have them at all we ought to give room enough to answer to that general feeling in favor of plenty of room not only to lie down in but to get up in and to stamp around in.

Mr. HAWLEY. It seems to me the only thing to be done is to give room enough to the geysers and natural curiosities by laying out some ground around them sufficiently large to preserve all the natural features, outside of which there may be room enough for hotels. It does

not matter whether it is eighty acres or ten acres if some good surveyor, some good landscape artist will outline the place in which nobody else will build, and they may build up just beyond that; but if you leave it open as in this bill without any provision for any survey, I am afraid of almost anybody in making this lease.

Mr. HALE. Under the spirit of this amendment will not any Secretary of the Interior before he executes a lease do precisely what the Senator from Connecticut suggests? Will he not have surveys made there and see to it that nobody comes nigh enough to these curiosities to in any way interfere with the public enjoyment? That is the object of the amendment. We can not define in this amendment distance. We can not measure spaces. We can not say how near to a geyser there shall be a hotel, because we do not know. That is a matter of administration.

Mr. HAWLEY. But why not in this bill put in three, four, or five lines that should direct the Secretary of the Interior as to the very first step to be taken? The very first step to be taken is to lay out room for the things that ought to be preserved, and there will be no trouble then to have people come into the surrounding spaces.

Mr. ALLISON. I had intended to move an amendment——

Mr. HALE. Put in the words "after examination and survey."

Mr. ALLISON. I would propose to the Senator from Connecticut "nor within one-half mile thereof" to be added after the word "park;" but I know it is impossible for us to suggest whether it should be half a mile or a less or a greater distance. It seems to me that something might be left with safety to the officers who are to administer this provision.

Mr. HAWLEY. I do not say anything about half a mile or a quarter of a mile or anything of that sort. There might be places where it might be proper enough that they should go nearer than that. But I would instruct the Secretary of the Interior to first lay out suitable grounds to be forever dedicated to the public use, which no private party should be allowed to lease.

Mr. HALE. Why not, after the word "may," in the first line, insert the words "after full examination and survey?"

Mr. HAWLEY. Set apart solely for public use, appropriate and sufficient ground, and then he may lease. That is all I wish.

Mr. LOGAN. Take eighty acres and set apart seventy-five miles. That is about what it will be.

Mr. HAWLEY. Set apart eighty acres about the geysers somewhere.

Mr. ALLISON. I think under this restriction, this provision, in reference to the closeness of these curiosities, no Secretary of the Interior would execute a lease without having full examination and care of the geysers and all objects of curiosity in the park. If Senators can frame apt words that will increase the securities for this purpose, I know the committee will be glad to do it. Our object was in framing this provision to make it certain that the geysers and all the objects of curiosity should be absolutely free and open to the public.

Mr. VEST. This debate since it began simply demonstrates the necessity for the creation of the committee proposed in the resolution which I brought up, in order to examine this very class of questions, and to formulate a bill which will meet all the different difficulties and phases in the case that have come up in the course of this discussion. The Senator from Iowa, the chairman of the Committee on Appropriations, says that of course the Secretary of the Interior would see that this thing was done. All I have to say is that there is an association now in that park to cut out timber who are proceeding to erect a hotel, making preparations for it; yet no steps have been taken to stop them, nothing has been done. It simply remains with Congress, and now with the Senate, to do all that can be done in the few brief hours of this session that remain to us.

Under these clauses reported from the committee what is there now to prevent a lease being given of ten or twenty acres of ground that run right up to one of the geysers, or, as a Senator suggests to me, not in debate, four leases might be granted, one of the geysers around "Old Faithful," for instance, the principal one and the great attraction in the park, and make a corner there so that every visitor would have to go down a lane, with a fence probably on each side, in order to get a glimpse of that great natural curiosity.

I hope, in the first place, the Senate will determine the extent of the lease. I have not been in the park, but I heard from General Sheridan, General Sackett, and other gentlemen who have been there repeatedly, from the Senator from Delaware [Mr. BAYARD], who was there last fall, from the Senator from Indiana [Mr. HARRISON], who has been there, exactly the state of facts which the Senator from Indiana has narrated here this evening. Ten acres is ample for all the purposes that can be necessary for any hotel, and if we give more it simply complicates and increases the difficulties which have been suggested.

Mr. MAXEY. I suggest to the Senator why not say, "in a square, as near as may be, ten acres?"

Mr. VEST. That would depend, as a matter of course, upon the locality. I take it for granted, not having seen the ground, that it varies around each of the geysers. To say a square as to one geyser might be very inconvenient and precipitate the very difficulty we want to avoid. All that should be in the discretion of the engineer officer, as the Senator from Connecticut suggested; but the first thing to be determined is the quantity, and I say that ten acres among those cañons is equivalent to eighty or one hundred acres of prairie or open country.

Mr. ALLISON. I submit to the Senator from Missouri that ten acres does not touch the question any more than eighty acres. He says that this discussion leads to the idea that a committee ought to be appointed. The Secretary of the Interior has now absolute authority to lease small parcels of ground in the park. If I were to interpret the law which I have before me, I think it clearly indicates that he shall do it in close proximity to these geysers. The language is that—

> The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors.

Suppose he shall conclude in the exercise of this discretion that visitors will be best accommodated by leasing in close proximity to the great geyser, can he not do so?

Mr. HARRISON. If the Senator from Iowa will allow me, no doubt the amendment is in the direction of improvement in view of the present law, but we think the amendment of the Senator from Missouri makes it still better. I am not proposing to let the law stand as it is.

Mr. ALLISON. I am now responding to the suggestion made by the Senator from Missouri that we ought to allow the whole thing to go over until next year, until the committee he proposes to inaugurate shall have an opportunity to visit the geysers, which the Senator from Indiana has already seen.

Mr. VEST. I beg the Senator's pardon; I did not make any such suggestion. I simply said that the Senate should take up my resolution and dispose of it, instead of this being forced here now at the heels of the session; but as objections have been interposed every time I called up the resolution, I am now forced to take this or nothing. I am so well satisfied that if nothing is done that park will be utterly ruined before December, that I am prepared to take even this small grain of comfort.

Mr. LOGAN. I voted for this amendment in the committee. I can not agree with Senators that the smaller the quantity of land that is leased the better it is. Ten acres is sufficient for a hotel in Washington city; so it is in Baltimore; so it is in Richmond, or in any of the cities; so it is out in the country here; but when you are hundreds of miles away from civilization and settlement and you come to talk about the number of acres of land required for the convenience of a hotel, I do not think we ought to consider it in the same light that we would if we were establishing a hotel in a part of the country that has been already settled up. A hotel in the park spoken of here would require more ground for many purposes. I suppose if a hotel was established there, four or five hundred miles away from where the proprietors could get conveniences, they would want a pasture; they would want some place to keep cattle; they would probably want to eat some beef and pork and mutton occasionally.

Mr. HARRISON. The Senator will allow me to say that eighty acres would pasture very little stock there.

Mr. LOGAN. A person might, however, want to fence in a little piece of ground for cattle or sheep or mules or horses or whatever he wanted to keep there. As a matter of fact, they could turn them out and let them be devoured by wolves; but the thing, as I understand it, is to give some ground for certain conveniences that go along with a hotel away off in a country where there is no settlement or civilization, for the very reason that I have stated. If I was running a hotel there I would certainly want some ground that I could fence up to keep cattle in and mules. As a matter of course, a hotel there would naturally have carriages, hacks, or something of the kind for the convenience of visitors, and it must have some place to keep them. They would naturally want some place to turn out their stock occasionally. A little 10-acre plot of ground I do not think would be sufficient for that purpose.

All this talk about interfering with the geysers and the curiosities is only saying that you have a Secretary of the Interior that you are afraid will not act honestly with the Government of the United States in reference to the leasing of this property. If the lease is granted at all, you have got to have confidence in somebody. Restrict it as much as you please, somebody has got to make that lease, some one has got to make the survey, some person has to be relied upon for the purpose of performing the functions under this provision. You have got to have some one to do it.

The Senator from Missouri speaks of an engineer. That means to put it in the hands of the Army and to take it away from the Secretary of the Interior. I do not wish to say anything in reference to that, but I am opposed to taking buildings there and putting them in the control of the Army. I am in favor of keeping them under the civil authorities, where they belong. I believe the Secretary of the Interior will carry out this law exactly as you make it. I would like to go to that park myself on a visit; so would everybody else. I have not been there, but I do not propose, because I have not been there and do not know anything about it, to object to a provision of law that seems to be fair and proper and as much restricted as there is any necessity for in my judgment.

I would vote for giving eighty acres, but I would not vote for eighty acres of ground being leased there for the purpose of giving an advan-

tage to one person over another, but I would vote it for the purpose of giving all the convenience that would be necessary to make a first-class hotel, where they could keep their stock and everything else to make it satisfactory to the visitors who may go there. That is my reason for supporting the amendment of the committee. I do not believe the Secretary of the Interior would allow them to infringe upon any rights of citizens going there, in such a way as to prevent private people from viewing the geysers.

As far as any one going there wanting to stop at a hotel right under one of these large geysers is concerned, I do not think any one would want to do it. I would not want to have a hotel there. Nobody can tell exactly when one of the geysers is going to spout a good deal higher than it does now. You can not tell anything about it. You may have an eruption there. I would not want to sleep under a geyser, and I do not think anybody else would, or very close to one either.

I have no fear in reference to this matter. The Secretary of the Interior was before the committee. He was perfectly satisfied with any restriction that should be thought necessary to make all the surveys that we may require him to make for the purpose of ascertaining that which is necessary in order to carry out the law, and all that may be convenient to the people who may visit the curiosities there. No one would wish to destroy them or interfere with them. No one wants to restrict citizens who go there from their examination, whatever they may be; but for any person to tell me that where we have a park seventy-five miles one way and forty miles the other we must restrict the leases down to ten acres, for fear that they will take too much land in connection with some hotel, or something for the accommodation of the people, does not seem exactly the thing to do. It looks like too small a business to go into; as though we were afraid that somebody would put a fence a little too far out and interfere with the rest of the seventy-five miles there, and that there would not be room for the elk and deer, and things of that kind, to run in. I want people to go there, and I want guards there to protect the elk; and instead of making it a hunting-ground, as it has been in the last few years, for the pleasure of a few Englishmen who come over here, and for the pleasure of a few other people who go there and slaughter the game without any restriction or restraint, I am in favor of giving the Secretary of the Interior the right not only to lease for hotels, so that people may go there and be comfortable, instead of going there in a wagon and sleeping out in tents and taking cold, when some of them will go there for sanitary purposes. I am in favor of giving such conveniences as will induce people to go there, and not only see the sights, but receive the benefits that are produced there from the waters; for I am told there are more curative properties in some of the hot waters there than have been discovered elsewhere in the world.

I should like to have conveniences there so that the people may go there and view the curiosities and receive the benefits that may be produced in cases of disease.

Mr. HARRISON. The Senator from Illinois talks about the great extent of this park as if every acre of it was equally suitable for these places.

Mr. LOGAN. I know that every place is not suitable for a hotel.

Mr. HARRISON. A very few hundred acres would absorb all the desirable places there.

Mr. BECK. Mr. President, I think, as I thought on the committee, that forty acres is about as small an amount as a man up in that country would care to have for the purpose of establishing a hotel. When the Senator from Missouri suggested twenty acres, I thought he was stingy; but when he came down to ten acres in a tract like that, forty miles one way and seventy-five miles another, with geysers and all sorts of curiosities all over it, it seemed to me that that was getting down uncommonly small. I doubt whether ten acres would have held the escort which I saw coming back from there last summer with General Sheridan and the men who were with him. They had three hundred pack-mules or ponies, and I do not know how many tents and other things. I doubt whether five acres would have held the escort that went with the Senator from Indiana.

Mr. HARRISON. I think a very much smaller quantity of land would have held our escort. I think we had sixteen pack animals.

Mr. BECK. How many wagons?

Mr. HARRISON. None at all. We could not have taken any wagons where we went. I want to say to the Senate that the men who handle those pack-trains do not want any inclosures; they do not want any extensive tracts of land. They simply drive their animals back where there is grass and take them up in the morning and go on.

Mr. BECK. Not many men can go with sixteen pack animals to view the curiosities there. What I want is to give people a chance to have a place to stay, a room to sleep in, and not have each man fitted out like the Senator from Indiana was with sixteen pack animals, which could hardly be packed around in a 10-acre lot. I was amazed to hear that nobody can go there unless with a Government escort or ten or fifteen pack animals. As I said, I met three hundred coming back, and those animals could hardly stay in a 10-acre lot.

Mr. VEST. Did General Sheridan go there to kill game?

Mr. BECK. No; but General Sheridan, with his escort, could not have staid over night on a 10-acre inclosure.

Mr. VEST. I do not suppose he proposed to stay. He was there as the commander of the district. I do not know that I have any reason for defending General Sheridan.

Mr. BECK. I do not attack him.

Mr. VEST. I am authorized by him to state that the assertion which was made as to his killing game is not true.

Mr. BECK. You saw it published?

Mr. VEST. It was published by Messrs Hatch & Co., and General Sheridan's attention was called to it, and he said in Washington city some days ago that it was absolutely false.

Mr. BECK. I do not know what the company shot that went with General Sheridan, but I saw them myself in the Big Horn Mountains. I saw gentlemen there, most of them, it was said, English gentlemen, who it is charged were shooting elk.

Mr. VEST. That is exactly what I want to stop.

Mr. BECK. So do I.

Mr. VEST. It is what I am trying to stop.

Mr. BECK. We have given $40,000 to do it, and we have given all the Senator wants, and he can not go any further than I will go to stop all that sort of thing; but I believe that there should be a reasonable chance given for people who can not take their pack animals and go as the Senator from Indiana went or as General Sheridan can go; and the plain people of the country who go on railroads and take their teams should have a chance to stay there. I do not know who is going to put up a hotel for a season of only three or four months, and only for ten years, as the Senator from West Virginia [Mr. DAVIS] suggests. It seems to me that we are haggling over a very small matter. Ten acres of land is a big amount of land in New York city, so it is in Washington, so it is in Baltimore, and so it is where I live, but not out in that country where I was last summer. A piece of ten acres looked as if a man could go over it in a hop, skip, and a jump; it seemed wonderfully small.

I think if you are going to give anybody a chance to put up a hotel, you ought to allow at least twenty acres. I do not care what you do so that you dispose of the subject, but I do tell the Senator from Missouri that twenty acres is a small enough quantity. I am willing to vote for a pretty small quantity, but ten acres is absolutely stingy. That is a parliamentary word. It is absolutely stingy to come down to that.

Mr. VEST. If the Senator will permit me, he talks as if we were niggardly about the ground. That is not it at all.

Mr. BECK. That is the way it looks to me.

Mr. VEST. If I had control to-day of 5,000 acres of that park, the rest of it could be disposed of as the Senator from Kentucky or any other gentleman might choose to dispose of it, at his own sweet will and pleasure. Nobody goes to that park to see any of it except the geysers and the falls and the Yellowstone Lake. Take those out and the rest of it is simply useless. The rest of it is mere "leather and prunella." The Senator from Illinois speaks about the number of acres in the park.

Mr. BROWN. If I understand the Senator from Missouri correctly, the whole park never was surveyed, only a few places where these natural curiosities exist.

Mr. VEST. That is all.

Mr. BROWN. Why not put your amendment in such a shape as to provide that within half a mile of one of those curiosities the Secretary of the Interior shall not lease any tract more than ten acres, and outside of that eighty acres?

Mr. VEST. That is exactly what I have done. I have such an amendment prepared.

Mr. BROWN. Then in the event that any one wants to have stock or anything of that sort he would have a piece of land large enough outside.

Mr. VEST. That is the very idea exactly.

Mr. BROWN. It would prevent a monopoly in reference to the objects of interest.

Mr. VEST. If the Senator will permit me, here is the amendment which I propose to insert in another place:

Or include any ground within one-quarter of a mile of any of the geysers or Yellowstone Falls, nor shall there be leased more than ten acres to any one person or corporation.

I do not care if they take 10,000 acres, provided they do not absorb or monopolize the localities that give special observation. I ask for a vote upon the proposition to make it ten acres.

The PRESIDENT *pro tempore*. The question is on striking out "eighty" and inserting "ten" before the word "acres," in line 2010.

The question being put, there were on a division—ayes 21, noes 12—no quorum voting.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. JONAS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. I will ask his colleague if he knows how the Senator would vote if present?

Mr. DAWES. I do not know how he would vote on this question. I should think he would vote as I did.

Mr. JONAS. I reserve my vote. I would vote "yea."

Mr. MCMILLAN (when his name was called). I am paired on this question with the Senator from Delaware [Mr. BAYARD], unless it be necessary that I should vote to constitute a quorum. If he were here, I should vote "nay."

Mr. SAWYER (when his name was called. I am paired with the Senator from South Carolina [Mr. HAMPTON]. I would vote "nay," and he would vote "yea."

Mr. SLATER (when his name was called). I am paired with the Senator from Louisiana [Mr. KELLOGG]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I inadvertently voted. I paired this afternoon with the Senator from South Carolina [Mr. BUTLER] on this matter, not knowing there was to be any amendment. I therefore withdraw my vote.

The result was announced—yeas 25, nays 20; as follows:

YEAS—25.

Barrow,	Groome,	Jones of Florida,	Vance,
Brown,	Harris,	Lamar,	Van Wyck,
Call,	Harrison,	Lapham,	Vest,
Coke,	Hawley,	Miller of N. Y.,	Walker.
Dawes,	Hill,	Morgan,	
Garland,	Ingalls,	Pendleton,	
George,	Jackson,	Pugh,	

NAYS—20.

Aldrich,	Conger,	McDill,	Rollins,
Anthony,	Davis of Ill.,	McPherson,	Sewell,
Beck,	Davis of W. Va.,	Mahone,	Sherman,
Blair,	Frye,	Morrill,	Voorhees,
Cameron of Wis.,	Logan,	Ransom,	Windom.

ABSENT—31.

Allison,	Farley,	Jonas,	Plumb,
Bayard,	Ferry,	Jones of Nevada,	Saulsbury,
Butler,	Gorman,	Kellogg,	Saunders,
Camden,	Grover,	McMillan,	Sawyer,
Cameron of Pa.,	Hale,	Maxey,	Slater,
Cockrell,	Hampton,	Miller of Cal.,	Tabor,
Edmunds,	Hoar,	Mitchell,	Williams.
Fair,	Johnston,	Platt,	

So the amendment to the amendment was agreed to.

Mr. VEST. After the word "thereto," in line 2016, I move to insert:

Or include any ground within one-quarter of a mile of any of the geysers or of the Yellowstone Falls, nor shall there be leased more than ten acres to any one person or corporation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST] to the amendment of the Committee on Appropriations.

Mr. INGALLS. The best thing that the Government could do with the Yellowstone National Park is to survey it and sell it as other public lands are sold. I have no doubt there are great curiosities, spouting geysers, crimson cliffs, and inaccessible mountain summits within that domain; but these features are not peculiar to that portion of the country. I know of no greater reason why the Government should exercise exclusive dominion over that hundred miles square than why it should assume to exercise control over Pike's Park or the Garden of the Gods or the Falls of Niagara or the Mississippi River, or any other of the great natural features of this continent.

It is getting to be a good deal of an incubus, and it is very rapidly assuming troublesome and elephantine proportions. We are already engaged in a very good-sized wrangle and quarrel with certain persons assuming the proprietorship by way of unauthorized leases, as alleged by the Secretary of the Interior. Ten thousand dollars has already been spent in laying out roads that nobody uses. Last year we appointed a superintendent at an expense of $2,000, and this year the appropriations are $40,000. There is to be a corps of assistants to stay there summer and winter to look after the spouting geysers, to see that patent medicines are not advertised on the cliffs; that timber is not cut down, and that the noble game is not excluded from those preserves. If this thing continues and the engineers of the Government are to lay out a system of roads and bridges, it will not be five years before it will take a million dollars a year to run that park.

I do not understand myself what the necessity is for the Government entering into the show business in the Yellowstone National Park. I should be very glad myself to see an amendment to this bill to authorize that portion of the public domain to be surveyed and sold, leaving it to private enterprise, which is the surest guarantee for proper protection for such objects of care as the great natural curiosities in that region. I believe they would be safer that way, and that the interest of the public would be better preserved that way and we should have easier and better and surer access and less encroaching demands upon the Treasury of the United States.

Mr. VEST. I do not think that this is exactly the time to discuss the question that the Senator from Kansas has brought to the attention of the Senate. I was not a member of the Senate when the dedicatory act was passed. I believe, if I am not mistaken, that the Senator from Kansas was. That was the time that he ought to have made the speech that he has delivered here to-night.

I am very frank to say, however, that I thoroughly indorse the purpose for which the act of 1872 was enacted. I believe that this park is necessary to the American people. The Senator speaks of cutting it up, or surveying it, or selling it. This mountain wilderness is absolutely without value unless it be for mineral purposes, and the minerals have not yet been discovered. If the Senator from Kansas thinks that the noble game that inhabit that region, which are fast being exterminated, should utterly disappear from this continent, then he should destroy this park. The last hope of the preservation of the bison, the buffalo, the moose, and the elk upon the continent of North America exists in the preservation of that park, and to such an extent that it will be a great preserve.

The Senator speaks as if this was some proposition *sui generis*, unknown before. France has such a park, Germany has such a park, England has her royal parks, and why should not America have her republican park, free to the people of the States, with these great curiosities that exist nowhere else?

Mr. President, the great curse of this age and of the American people is its materialistic tendencies. Money, money, *l'argent, l'argent*, is the cry everywhere, until our people are held up already to the world as noted for nothing except the acquisition of money at the expense of all esthetic taste and of all love of nature and its great mysteries and wonders.

I am not ashamed to say that I shall vote to perpetuate this park to the American people. I am not ashamed to say that I think its existence answers a great purpose in our national life. There should be to a nation that will have a hundred million or a hundred and fifty million people a park like this as a great breathing-place for the national lungs, as a place to which every American citizen can resort instead of spending his money amid the Alps of Europe or wandering on the Eastern continent in search of the wonders of nature. This is the great wonder-land of the world; and if Senators will take the pains to devote but an hour to reading as I have done lately the account in plain, unvarnished phrase from men who have no artistic taste but who love nature, the description of the great wonders that exist here, I shall not be afraid that speeches like those of the Senator from Kansas will find suffrages in the Senate.

But the question now before us is whether we shall keep this park free from vandalism? If the Senator hereafter proposes to survey it and cut it up and sell it, I shall be perfectly willing to meet him and discuss that question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The Chair is not aware whether the Senator from Kansas [Mr. PLUMB] offered an amendment. He is not in the Chamber.

Mr. INGALLS. No, I did not.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2024, to insert:

The Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and remove such persons from the park if found therein.

Mr. VEST. I offer a formal amendment. In line 2030, after the word "and," I move to insert the word "to;" so as to read "any other purpose prohibited by law, and to remove such persons from the park if found therein."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DAWES. With the consent of the Senate and of the Senator from Iowa, I ask the Senate to go back to page 73, which was passed over temporarily. I understand that the Senator from Vermont is not satisfied as to the form of the proceeding, and I ask to have printed in the RECORD a letter from the Secretary of the Interior upon the subject.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1883.

SIR: Referring to my letter to you of the 31st ultimo, on the subject of amendment intended to be proposed by you to the sundry civil bill (H. R. —) providing an appropriation of $300,000 to be paid into the treasury of the Cherokee Nation, on the lands west of the Arkansas River, ceded by it to the United States, I have the honor to recommend the following change in said amendment, namely: strike out all after the word "Osages," in line 11, and insert instead thereof the following: "before the payment of said sum of money. And the Secretary of the Interior, shall, as soon as practicable thereafter, prepare and cause to be issued, patents to the said Pawnees, Poncas, Nez Percés, Otoes, and Missourias, and Osages, in their tribal capacity, inserting in said patents the same terms and conditions that are inserted in the patents to the Choctaw Nation, dated March 23, 1862."

Very respectfully,

H. M. TELLER, *Secretary*.

Hon. HENRY L. DAWES,
Chairman Committee on Indian Affairs, United States Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations, inserting the paragraph from line 1780 to line 1798.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2037, after "for," to strike out "continuation" and insert "completion;" so as to make the clause read:

For completion of the work of construction of the new Pension building in Judiciary Square, $150,000; for heating apparatus for the building, $40,000.

The amendment was agreed to.

The next amendment was, after line 2040, to insert:

To enable the Commissioner of Patents to cause the patent drawings for the year 1870 to be photolithographed, $6,000, or so much thereof as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after line 2044, to insert:

For the preparation of the Official Register of 1883, $2,500.

The amendment was agreed to.

The next amendment was, in line 2101, to increase the appropriation "for the propagation of food-fishes," &c., from $115,000 to $125,000.

The amendment was agreed to.

The next amendment was, under the head of "National Museum," in line 2170, to increase from $85,000 to $90,000 the appropriation "for the preservation of collections of the National Museum."

The amendment was agreed to.

The next amendment was, after line 2190, to insert:

For repairs and alterations of the old portion of the court-house building in Washington, District of Columbia, $35,000.

Mr. ROLLINS. I would inquire of the committee having charge of this bill the reason why this appropriation is reduced to $35,000. The estimate, I think, was some $60,000. It seems to me it would be economy to have the work done during the next fiscal year, rather than to make two jobs of it.

Mr. ALLISON. There seems to be a plan about the completion of this old court-house that the committee thought was a little too liberal, and we desired to limit the expenditure to a smaller sum. I think the committee placed the sum rather too low. I should be willing to allow the Architect of the Capitol $40,000 for this purpose.

Mr. ROLLINS. Is the committee disposed in this way to change the plan of the Architect?

Mr. ALLISON. No, sir; we do not propose to change the plan of the Architect; but we propose somewhat to direct him what to do, and we know that if we appropriate $35,000 or $40,000, instead of $60,000, he will not do all that he proposes. He says:

As requested by you, I have prepared a plan for the proposed alteration of the old portion of the court-house in this city.

By it it is proposed to render fire-proof all record-rooms in the principal and basement stories, by taking out wooden construction, substituting in its place construction of iron and bricks; to put a new roof, supported by iron rafters, and to remodel the interior of the building, so as to provide large rooms at the south end of each wing, one for the land records of the District of Columbia, the other for the orphans' court; to take down the exterior steps to the wings of the south front, and to construct a terrace, so that these wings may be approached from the central portico.

The estimated cost of these alterations and improvements is $60,000.

We think the Architect of the Capitol can put the building in very good repair for $35,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "public printing and binding," in line 2205, to increase the total appropriation "for the public printing, for the public binding, and for paper for the public printing," &c., from $2,377,650 to $2,777,650.

The amendment was agreed to.

The next amendment was, in line 2211, to increase the item "for printing and binding for Congress, including the proceedings and debates," from $1,279,650 to $1,679,650.

The amendment was agreed to.

The next amendment was, after "Land Office," in line 2222, to insert:

And the Commissioner of Patents shall reimburse to the Public Printer, out of the receipts of his office, the cost of all printing and binding, and material for the same, done and furnished for the Patent Office, and the Public Printer shall cover such payments into the Treasury.

Mr. ANTHONY. I move to amend by inserting after the word "Treasury," in line 2227, "to the credit of the appropriation for public printing and binding."

Mr. ALLISON. I was about to offer that amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HOAR. I should like to know what the amendment just adopted means. The Commissioner of Patents is ordered to reimburse the Public Printer from the receipts of his office the cost of all printing and binding done for that office, and the Public Printer is to cover such payments into the Treasury; and the amendment just made is to the credit of the appropriation for printing and binding. Does that increase that appropriation?

Mr. ANTHONY. It increases it by the amount expended for the Patent Office.

Mr. HOAR. That is, he has what he pays for the Patent Office printing and he has all this appropriation besides.

Mr. ANTHONY. Yes, sir.

Mr. ALLISON. Do I understand the Senator from Rhode Island to say that his amendment increases the aggregate of this appropriation?

Mr. ANTHONY. Certainly it will increase the appropriation by the amount expended for the Patent Office. The Patent Office has work done at the Printing Office and pays the Public Printer for it. The Public Printer puts that into the Treasury to the credit of the appropriation for printing, which has been increased by this work. It makes his appropriation good.

Mr. HOAR. In other words, if every other Department of the Government did that, you would have twice as much appropriated for the public printing as there is now.

Mr. ALLISON. For instance, we have appropriated for the Interior Department $380,000. That is intended to include the printing for the Patent Office.

Mr. ANTHONY. Then why is the Public Printer paid for it, and why has he to cover it into the Treasury? The printing of the Patent Office is uncertain. The Patent Office is supported by the patentees, and much of the printing is reimbursed to the Patent Office in the sale of Official Gazettes and of other printing that is sold.

Mr. ALLISON. Let it go on till I can examine it. I will look at it before the bill is through.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after "expended," in line 2242, to insert:

And the Public Printer is directed, in the expenditure of the money herein appropriated, to employ the highest character of skilled workmen at the prices now fixed by law, and in case that he can not obtain a sufficient supply on these terms he is authorized to expend such portion of the appropriation as shall be necessary for the temporary execution of such work outside of the Government Office: *Provided*, That there may be bound for each Senator, Representative, or Delegate in Congress, one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate; but this provision shall not be construed as allowing any binding as aforesaid to be done of any books or documents issued by authority of any former Congress of which said Senator, Representative, or Delegate was not a member.

Mr. VOORHEES. I raise the point of order on the amendment from the word "law," in line 2245, to the word "office," in line 2248. The point of order is that that changes an existing law and is general legislation. The present law, as contained in section 3786 of the Revised Statutes, provides as follows:

SEC. 3786. All printing, binding, and blank-books for the Senate or House of Representatives and the Executive and Judicial Departments shall be done at the Government Printing Office, except in cases otherwise provided by law.

The law I have read provides that all Government printing shall be done at the Government Printing Office. It also provides that it may be otherwise provided for by law. That would require new legislation, and that is what this proposes. I call the attention of the Chair again to the phraseology of this provision:

And the Public Printer is directed, in the expenditure of the money herein appropriated, to employ the highest character of skilled workmen at the prices now fixed by law—

That is correct, and that is in accordance with the section of the Revised Statutes which I have just cited. Then follows this provision:

and in case that he can not obtain a sufficient supply on these terms, he is authorized to expend such portion of the appropriation as shall be necessary for the temporary execution of such work outside of the Government Office.

That is to say, he is authorized by the proposed law to let the work out at contract.

The PRESIDENT *pro tempore*. Does it change the present law?

Mr. VOORHEES. Undoubtedly it does.

Mr. EDMUNDS. Let us see about that.

Mr. VOORHEES. Pardon me a moment. The present law is that all Government printing shall be done at the Government Printing Office:

All printing, binding, and blank-books for the Senate or House of Representatives and the Executive and Judicial Departments shall be done at the Government Printing Office—

Suppose it stopped there; but it does not; it goes on—

except in cases otherwise provided by law.

That is what it is now proposed to do—otherwise provide by law.

Mr. ALLISON. This is a mere direction as to the appropriation in this bill. That is all there is about it.

Mr. VOORHEES. On the contrary it confers a power on the Public Printer which he does not possess at this time to let this work out at contract outside of the Government Office, directly in the teeth of the language of the statute.

Mr. EDMUNDS. I should like to say a word about this point of order. I entirely agree that there should be no legislation on an appropriation bill of any kind; but I have never carried that idea so far as to hold that Congress in an appropriation bill could not direct how the money that it appropriated should be expended either without law before or against any law before. If it merely confines the direction to the expenditure of the money that it appropriates, it has a right to do

it consistently with our rules, because you can not have an appropriation bill without appropriating money, and you can not have an appropriation bill appropriating money without stating the objects for which the money shall be expended.

Therefore it has always seemed clear to me, and that has been the decision of the Senate for many years before when we have had these questions stoutly contested, that where the direction (which is legislation, of course, just as the appropriation is) is confined to the appropriation, to the expenditure of the money appropriated, which can not be paid out of the Treasury without the consent of Congress, Congress may say that it shall be paid for moonbeams, if it pleases, although the Constitution of the United States itself might say that no money should be paid for buying moonbeams. Congress by an appropriation may say that no part of this money shall be paid beyond the extent of $5,000 for the salary of the Chief-Justice of the Supreme Court of the United States. That would be a violation of existing law, but it is the condition upon which the appropriation goes, and therefore it merely regulates the expenditure of the money. That has always been the rule; and this appears to do that thing. Run through this bill and all the others we have had, and in a thousand instances where money is appropriated there is a specific direction as to how it shall be expended. That is what this attempts to do. Whether it is right or wrong in itself on its merits is another question.

Mr. ANTHONY. The rule forbids general legislation upon appropriation bills; but this is not general legislation; it is legislation that is confined to the expenditure of the money herein appropriated. It does not affect any other appropriation; it does not repeal any general law. After the money herein appropriated has been expended, then the old law remains in force; it is not repealed.

Mr. GARLAND. I refer to this now more for the purpose of another point that is coming up after a while in this bill than for this particular point. The question of order raised by the Senator from Indiana, it seems to me, is sustained by the letter of the rule in the book and by various rulings of the present incumbent of the chair. The best way to test this is in this way: Suppose now this provision does not exist, suppose this provision is out, what is the law? The law is in section 3786, read by the Senator from Indiana. That is a general law. Does the Chair now comprehend the proposition I am stating? Have I stated it sufficiently plainly?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. GARLAND. Here is the general law that the work shall be done in the Government Printing Office. That is the general law affecting the printing done for all the Departments of this Government. That is displaced, then, by these lines that the Senator from Indiana objects to.

The PRESIDENT *pro tempore*. The Chair understands the Senator. In the opinion of the Chair the point is well taken that the Senate can not change the law in an appropriation of money.

Mr. ALLISON. The Chair then rules that we can appropriate money, but can not direct how it shall be spent.

The PRESIDENT *pro tempore*. You can not direct that it shall be spent contrary to the law of the land, which is in this case that the work must be done in the Government Printing Office. The question is on that part of the amendment not stricken out by the ruling.

Mr. ALLISON. What words does the Chair strike out, may I ask?

The PRESIDENT *pro tempore*. They will be read.

The ACTING SECRETARY. In line 2245, after the word "law," down to and including the word "office," in line 2248, as follows:

> And in case that he can not obtain a sufficient supply on these terms, he is authorized to expend such portion of the appropriation as shall be necessary for the temporary execution of such work outside of the Government Office.

The PRESIDENT *pro tempore*. The question is on the adoption of the residue of the amendment.

Mr. ALLISON. Then I move to strike out the remainder of that amendment down to line 2245, down to the part the Chair has struck out, as follows:

> And the Public Printer is directed, in the expenditure of the money herein appropriated, to employ the highest character of skilled workmen, at the prices now fixed by law.

The PRESIDENT *pro tempore*. Is there objection to doing that? The Chair hears none; and that part is stricken out.

Mr. ANTHONY. Is anything left of the amendment?

The PRESIDENT *pro tempore*. The amendment stands beginning with the word "provided," in line 2249.

Mr. ANTHONY. All before that is left out?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ANTHONY. It might as well be; it was emasculated by the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on the remainder of the amendment, from line 2249 to 2257.

The amendment was agreed to.

Mr. ANTHONY. Is not that legislation?

Mr. PLUMB. I ask unanimous consent, in line 2255, to strike out the words "by authority of" and insert the word "during." That will make the rule this: that any Senator, Representative, or Delegate can have bound under this provision any document which shall be issued during his term. Under the restriction of the amendment as it now exists he can only have bound documents issued by the Congress of which he is a member, and a good many of these documents he will not get the benefit of, because he will go out before they are issued; and yet the documents that are put on his table during his term he can not have bound.

Mr. ANTHONY. I inquire if that is not as much legislation as the former part of the amendment?

The PRESIDENT *pro tempore*. No point was made about it.

Mr. ANTHONY. Well, I make the point.

The PRESIDENT *pro tempore*. It is clearly general legislation.

Mr. PLUMB. Is not the objection too late?

The PRESIDENT *pro tempore*. No, sir; it is never too late, as was held here the other day.

Mr. PLUMB. I hope the rule will be applied.

Mr. EDMUNDS. That is much more subject to the point of order than the other part of the amendment.

The PRESIDENT *pro tempore*. The Chair thinks it is subject to the point of order. All branches of this amendment are subject to the point of order. One was that there shall be printing outside the Printing Office, when the law says there shall not be any. The whole clause is out of order. The reading of the bill will proceed.

The next amendment of the Committee on Appropriations was, after line 2257, to insert:

> Government Printing Office: For water-closets, $7,500.

Mr. PLUMB. Is not that subject to the same point of order? If it is I make it.

Mr. HAWLEY. I hope not; that is a matter of humanity and decency. I hope there will be no point of order.

Mr. PLUMB. It is not authorized by existing law.

Mr. COCKRELL. I raise the same point of order.

Mr. ALLISON. I trust the members of the committee will not make a point of order on a matter that is so manifestly necessary as this.

Mr. CONGER. Does anybody dispute that the subject-matter of this amendment is authorized by law, by every law of decency and propriety?

Mr. ALLISON. I suppose it is; I do not know.

Mr. CONGER. Who makes the point of order on it?

Mr. ALLISON. There are so many things not authorized by law that this may come within that class.

The PRESIDENT *pro tempore*. The Chair can not sustain the point of order.

Mr. HAWLEY. I take it for granted that the Printing Office exists under law, and that the necessary repairs and conduct of it are lawful.

Mr. EDMUNDS. There is nothing at all in the point of order.

The PRESIDENT *pro tempore*. This is for repairs of the Printing Office, and the Chair will presume that it is authorized by law unless the contrary is shown. The point of order is overruled. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2259, to insert:

> For reflooring, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "United States courts," after "Revised Statutes," in line 2357, to insert:

> And hereafter the salary of the chief clerk of the Court of Claims shall be $3,500 annually.

Mr. COCKRELL. I make the point of order on that. That is legislation.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. GARLAND. If that point of order is sustained I want to move to strike out all after the word "provided," in line 2335, down to line 2380.

Mr. EDMUNDS. That is all legislation, and vicious legislation in the way it stands.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves to strike out the part indicated by him.

Mr. GARLAND. It seems to me it is legislation the same as the matter just decided.

Mr. DAVIS, of West Virginia. The point of order does not lie to that because it is in the text of the bill as it came from the House.

Mr. GARLAND. I move to strike it out.

Mr. DAVIS, of West Virginia. That is in order, of course; but the clause is not liable to a point of order.

Mr. HOAR. Is the motion in order now until the bill is gone through?

Mr. ALLISON. The amendment of the Senator from Arkansas will be in order very soon. The committee amendments will soon be disposed of.

Mr. GARLAND. Very well.

Mr. ALLISON. What has become of the words in italics?

The PRESIDENT *pro tempore*. The Chair sustained the point of order that the amendment was not in order.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in line 2367, before "thousand," to strike out "five" and insert "six;" so as to read:

Provided, That the clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year.

The amendment was agreed to.

Mr. HALE. What became of the amendment found in lines 2357, 2358, and 2359?

The PRESIDENT *pro tempore*. It was ruled out on a point of order.

Mr. HALE. Was the point of order raised on that?

The PRESIDENT *pro tempore*. Yes, sir; by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. Yes, sir; I raised the point of order on that.

Mr. HALE. What was the point of order?

Mr. COCKRELL. That it is legislation. The present law gives $3,000; and this gives $3,500.

Mr. HALE. The point of order is undoubtedly good if any Senator makes it. I did not understand that anybody made it.

The PRESIDENT *pro tempore*. Certainly it was made.

Mr. HALE. There certainly is not any reason why this clerk should not receive the same salary that other court clerks do, if we fix it at $3,500.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed, and continued to line 2385.

Mr. HALE. I ask the Senator from Missouri, if he will give me his attention, to withdraw his point of order. I see that he is in close conversation with the Chief-Justice of that court, and I hope on that conversation that he will withdraw that point of order.

Mr. COCKRELL. I cannot withdraw it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2404, to insert:

SENATE.

To enable the Secretary of the Senate to pay to the legal representatives of the Honorable Benjamin H. Hill, late a Senator from the State of Georgia, $2,726.03, the amount of compensation of a Senator from August the 17th, 1882, to March the 4th, 1883.

Mr. ALLISON. I move to strike out "legal representatives" in line 2407, and insert "Mrs. Caroline Hill, widow," that being the form in which I understand the friends of the deceased Senator desire the appropriation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, after line 2412, to insert:

That Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented in the Senate, but who have had no opportunity to be qualified, may receive their compensation monthly, from the beginning of their term, until there shall be a session of the Senate.

The amendment was agreed to.

The next amendment was, after line 2418, to insert:

To enable the Joint Committee on Public Printing to complete the preparation and indexing, for publication at the Government Printing Office, the classified, analytical, and descriptive catalogue of Government publications, and of publications of public interest purchased by the United States for use or distribution, $6,000, or so much thereof as may be necessary for the completion of the work, which sum may be expended as additional pay or compensation to any officer or employé of the United States.

The amendment was agreed to.

The next amendment was, after line 2429, to insert:

To enable the Joint Committee on the Library to purchase from the Marquis de Rochambeau the military papers, maps, and letter-books of the Count de Rochambeau, general in the French army in America, $20,000.

The amendment was agreed to.

The next amendment was, after line 2433, to insert:

To enable the Librarian of Congress, under the direction of the Joint Committee on the Library, to purchase a set of records and briefs in cases in the Supreme Court of the United States belonging to the estate of the late Matthew H. Carpenter, $8,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2459.

Mr. HOAR. I should like to make an inquiry of the Senator from Iowa. I notice that in the case of our deceased associate the Senate has already very properly provided for the payment of salary to the end of the Congress, which, I think, always ought to be done under such circumstances, though it makes a little lapping over; but I see in the case of deceased members of the House of Representatives a different rule seems to have prevailed, in line 2454, in the sum paid to the widow of the late Mr. Smith, and I suppose the same thing is intended in the previous case of Mr. Lowe. You ought to have some amendment on this bill which will enable you to insist on the same provision for the House as for the Senate in conference.

Mr. ALLISON. The Senator will observe that in the case of the widow of the late James Q. Smith the House provision is precisely the same as the Senate provision.

Mr. HOAR. The Senate provision carries pay to March 4, 1883.

Mr. ALLISON. So it does; but the House provision is to the end of the Forty-seventh Congress, those two things being as nearly the same as possible.

Mr. HOAR. But will the Senator look at the case of Mr. Orth?

Mr. ALLISON. That is the amount of salary due him as a member of the Forty-seventh Congress.

Mr. HOAR. That is a different thing. There is no salary due after death. I suggest that the Senator should make some little amendment here which will give the conference power over the subject.

Mr. ALLISON. I will accept the suggestion, and say:

To pay Mary A. Orth, the widow of the late Hon. Godlove S. Orth, the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-seventh Congress.

Mr. HOAR. Say "until the 4th of March, 1883."

Mr. ALLISON. I would follow the House phraseology, and say "as a member of the House of Representatives." If the clerks will look at the next paragraph they will see in what form to put it. I would say "of salary," leaving out the words "allowance for stationery." Say:

The amount of salary for the unexpired term of his service for the Forty-seventh Congress.

There may be some recent change of phraseology which we do not know of. This will give us an opportunity to understand it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. LAPHAM. I suggest further that we say "the amount of salary and allowance for stationery," for he was not here to draw that allowance. In order to make it like the next paragraph these words should be inserted.

Mr. ALLISON. Very well. I do not object.

Mr. FRYE. The following one leaves out stationery again.

Mr. LAPHAM. Mr. Orth was not here to draw his stationery during the session. Let the language of the next paragraph as to Mr. Shackelford be followed in this clause.

The PRESIDENT *pro tempore*. If there be no objection the clause will be so modified. The Chair hears no objection.

Mr. CONGER. The footings should be changed to correspond.

Mr. ALLISON. We can change them afterward. We do not know what the footings ought to be.

The PRESIDENT *pro tempore*. The footing is taken out, the Chair understands.

Mr. ALLISON. Yes; the amount of salary will cover whatever it is.

The reading of the bill was resumed. The next amendment of the Committtee on Appropriations was, under the head of "House of Representatives," to strike out the following clause from line 2469 to 2474:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and sessions rolls on the 3d day of March, 1883, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. CONGER. I move to amend that amendment by striking out the words "annual and" in line 2471.

The PRESIDENT *pro tempore*. That is all proposed to be stricken out.

Mr. CONGER. I have a right to amend first.

The PRESIDENT *pro tempore*. Certainly the Senator has that right. If there be no objection the amendment of the Senator from Michigan is adopted.

Mr. CONGER. Now I want to vote on striking out.

The PRESIDENT *pro tempore*. The question is on the amendment striking out the whole clause.

Mr. CONGER. Now, leaving it in it pays those clerks who are only employed during the session one month's extra pay, which has been uniformly given since I can remember.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee striking out this clause as amended.

Mr. COCKRELL. Let us hear what it is.

Mr. HARRIS. Has the vote been taken on the amendment of the Senator from Michigan?

The PRESIDENT *pro tempore*. Yes, sir; but the Chair will put the question again if it is desired. The Senator from Michigan moves to strike out "annual and," in line 2471.

Mr. DAVIS, of West Virginia. Has not that been carried?

The PRESIDENT *pro tempore*. Yes; but Senators seem not to have understood that it was put, and therefore the Chair will put it again. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. The first time the Chair asked if there was objection and there was none, and I understood the amendment was adopted. Then the question was on agreeing with the committee striking this out.

The PRESIDENT *pro tempore*. But some Senators say they did not hear what the Chair stated, and therefore he is taking the vote over again. Now if Senators will vote it can be readily decided. The question is on the amendment of the Senator from Michigan to strike out "annual and."

Mr. INGALLS. I am unwilling to interfere with any course that

the House of Representatives may see fit to adopt with regard to the payment of their own employés. I believe the Senate ought to have the same right; and while I think that the rule that should govern us in regard to the appropriation of the public funds is to treat them as we would treat them if they were our own, and while I do not think that any man would treat his own servants or agents or employés as we propose to treat these people, I am unwilling to seem in any way whatever to interfere with the absolute independence of the House of Representatives upon this subject. I shall therefore vote, if I can have the opportunity, to leave this section precisely as it stands in the bill as it came from the House.

Mr. ALLISON. Mr. President, it has been the rule of the Senate for a long time—indeed we have rather insisted on that rule—to allow each House to fix the compensation of its own officers and its own employés; but the compensation of these officers and employés is fixed by law and appropriated for in another bill. Now, the House of Representatives insert here a proposition to pay their own employés and officers, whether borne on the annual or session rolls, an additional month's pay. They have no more claim to have an additional month's pay in addition to that which the law now gives them than the officers and employés of the Senate have, and they have no more right to claim that of the Senate than we have a right to claim it of the House. The truth is that by law the officers and employés of both Houses are paid for four months' service for this session. The short session of Congress is construed and is provided for by law to include an extra month.

Mr. EDMUNDS. Already, without this bill?

Mr. CONGER. I do not understand that to be so.

Mr. ALLISON. By law the short session of Congress for the purposes of the payment of salaries of employés is computed at four months.

Mr. EDMUNDS. That is, it goes to the 1st of April.

Mr. ALLISON. Yes, sir; and the long session is computed at seven months, unless Congress should be longer in session. It seems to me that this question is a question for fair adjustment between the two Houses. Last year, I believe, we inserted on a bill of this character a provision for additional compensation for a portion of our employés, and when we came into conference the House said, "No, there is a disparity between the two Houses with reference to salaries; some of your people receive more salaries than ours do, and therefore we will not allow you to pay this additional month's compensation to your employés." We said, "Very well; we will strike it all out;" but they said, "No; you can not strike out the House provision, because you have agreed to it."

The Committee on Appropriations believe that this question of extra compensation for the employés of the two Houses is a fair matter of adjustment between the two Houses, and that if the employés of one House have it those of the other House ought to have it. There are men sitting at that desk, our employés, who work as faithfully and as many hours, as we all know, as any of us here work, and then work many hours after we leave this Chamber. These employés of ours receive to-day $500 less per annum than similar employés on the part of the House of Representatives doing the same work at the desk of the House of Representatives. Under this bill that class of officers borne upon the annual rolls of the House would receive in addition to the $3,000 per annum that they now receive, against the $2,592 that our officers receive, an additional month's compensation, or some three thousand two hundred-odd dollars for the year. The Committee on Appropriations do not believe that that is a fair adjustment of the extra compensation that is to be paid to the employés of the two Houses if an extra compensation is to be paid at all. Therefore we struck out all here relating to the extra compensation of employés of the House of Representatives, in order that we may have what is understood here to be a full and free conference, a thing we have heard something about to-day heretofore.

Mr. CONGER. If that is the understanding, I will withdraw my amendment.

Mr. ALLISON. As he uses the word "understanding," I want the Senator not to misapprehend what the Committee on Appropriations believes with reference to this matter. I do not mean that we are committed in any sense to an increase of the compensation of our own employés.

Mr. CONGER. It means, I suppose, to give the opportunity of doing whatever the committee shall think right about both Houses.

Mr. ALLISON. So it does, and that both Houses shall be on a par.

Mr. CONGER. If that is the object, I withdraw the amendment I moved.

Mr. INGALLS. How can an amendment affecting the pay of the Senate employés be ingrafted on this? I do not understand that under parliamentary law it will be competent for a conference committee to ingraft an amendment not considered in either House. I should doubt that very much.

Mr. ALLISON. If that can not be done they will both go out.

Mr. INGALLS. That may be.

Mr. CONGER. If this clause should be stricken out by the Senate, of course it will be open to a conference committee, and they can adopt it with an amendment or modification.

Several SENATORS. Certainly.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on the amendment striking out the whole paragraph, the amendment of the Senator from Michican being withdrawn.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2489, to strike out the following clause:

To pay to James C. Courts, assistant clerk of the Committee on Appropriations, for additional compensation, $900.

Mr. INGALLS. Why is that stricken out?

Mr. ALLISON. That is extra compensation.

Mr. INGALLS. It is for a clerk of a House committee.

Mr. INGALLS. I do not understand why the Senate should interfere. I presume the House are the best judges of what their clerks have earned, and I think they ought to be trusted with the power to say what they ought to be paid.

Mr. DAVIS, of West Virginia. This is an addition to the regular salary fixed by law.

Mr. HARRIS. I should like to know from the Senator from Iowa if this item is not stricken out for exactly the same reason that the extra compensation of the other employés was stricken out?

Mr. ALLISON. The Senator from Tennessee will see that this assistant clerk to the Committee on Appropriations of the House would come within the provision in lines 2469 to 2474. He would secure an additional month's compensation there, and then if this clause remained he would secure also $900 additional compensation beyond the amount received by him under the general provision.

Mr. HARRIS. While I am not able to give the facts with precision and in detail, I chance to know that this clerk is a gentleman of large experience and of a very high order of capacity, and has been serving perhaps for the last year or two, certainly for the last year, at an exceedingly small salary; precisely what, I am not able to tell, for I had no idea of any such question as this arising. He is a young gentleman of very high capacity, and has been serving with the House Committee on Appropriations for the last three or four years, and I know he has been serving for an unusually small salary in such capacity. Unless the reason that moves the committee to strike out this clause is exactly the same as in the other case of extra compensation I should greatly prefer its not being stricken out, for I am satisfied the clause in the bill as it came from the House is merited and deserving and ought to be allowed the young man.

Mr. ALLISON. I desire to bear testimony also to the efficiency of this clerk. He is one of the most competent clerks in this Capitol, and works perhaps as many hours as any clerk or employé in this Capitol, and is worthy in every regard; and his salary has been, I think, compared with other salaries, somewhat low. At the same time we struck this out in order that we might reach the whole question, and I think the Senator from Tennessee can trust us to do justice in every way to this employé of the House.

The PRESIDING OFFICER. The question is on the amendment striking out the clause.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill has been concluded. The Chair is informed by the Secretary that on page 63 of the bill the lines from 1529 to 1534 have not yet been acted on, having been passed over. The amendment will be read.

The ACTING SECRETARY. The reserved amendment is, in line 1532, after "wings," to strike out "pay of landscape architect;" and in line 1533, before "thousand," to strike out "sixty-five" and insert "fifty;" so as to make the clause read:

For improving the Capitol grounds: For continuing the work of the improvement of the Capitol grounds, including permanent approaches to the House and Senate wings, one clerk, and wages of mechanics, gardeners, and workmen, $50,000.

Mr. FRYE. That was left out on account of the absence of the Senator from Vermont [Mr. MORRILL].

Mr. HAWLEY. I hope the Senate will non-concur with the committee here. I agree with the Senator from Missouri [Mr. VEST] in saying what I am sure the Senator from Vermont [Mr. MORRILL], who is absent, would say if he were here: that this gentleman is one of the most valuable officers we have connected with our service, a gentleman of the very highest character; one who certainly would not take, if it were offered him, more than he considers his services to be worth; for the Senator from Missouri reminded us a while ago that when his salary was fixed at $4,000 and he found the duties were less than he expected, it being then a discretionary appropriation, he told the committee to make it $2,000. I think the work done about the Capitol in the last six or eight years shows what his skill is. He stands as high as any man in the world in that business.

Mr. FRYE. I understand that is what the Senator from Vermont would desire to say, if here.

Mr. HAWLEY. I suppose so. It is in entire concurrence with the remarks made by the Senator from Missouri.

Mr. ALLISON. I am very glad to know what the salary of this landscape architect is. The committee were unable to ascertain it in any way. They understand he made casual visits here, and we thought perhaps he might forego his pay for a short time. The Senate will do as it pleases.

Mr. MORRILL. What is the question, Mr. President?

The PRESIDENT *pro tempore*. The question is on the amendment, striking out "pay of landscape architect."

Mr. MORRILL. Mr. President, I trust this will not be stricken out. The landscape architect has performed the most valuable service in relation to beautifying the grounds about the Capitol of any man we have ever employed. He is a most unselfish man and has been in the employ of the Government for some years at a salary fixed at $4,000, one-half of which he immediately relinquished when he found he was not employed all the time, and he has been paid but half the salary allowed. He would perhaps prefer to continue until the grounds are completed without any salary, but I trust for services so valuable as those he has rendered and will yet render we may not strike a blow at a very deserving man and one who confessedly stands at the head of his profession, whether in this country or in any other.

Mr. EDMUNDS. Who fixed this salary?

Mr. MORRILL. It was fixed by law some years ago.

Mr. EDMUNDS. Was it fixed by law?

Mr. MORRILL. By law ten years ago. It was $4,000, but he has not taken more than half of it for many years.

Mr. EDMUNDS. Is it still $4,000 by law?

Mr. HAWLEY. I was told by the Architect of the Capitol to-day that originally there was a lump appropriation out of which they paid him $4,000, but it has since been fixed. He declined that and requested that it be reduced; and it has since been fixed at $2,000 a year, as I understood Mr. Clark to say.

Mr. ALLISON. I should like the Senator from Connecticut and the Senator from Vermont to tell us who fixes this salary.

Mr. HAWLEY. I said I supposed it was now fixed by law. Some years ago, before the present rule was adopted, it was included in a lump appropriation; but there was some statute passed providing that there should be no salary that was not specifically provided for.

Mr. DAVIS, of West Virginia. Will one of the Senators tell me how much time each year this gentleman, Mr. Olmsted, spends here, or about how much?

Mr. MORRILL. I can hardly tell that, for I have not asked him. He comes here very frequently and spends as much time as is necessary, and employs his time at home in making drawings for work to be done here.

Mr. INGALLS. What service is to be performed in connection with the public grounds?

Mr. MORRILL. How they are to be made, and plans for the improvement.

Mr. INGALLS. Does that include anything except the public grounds about the Capitol?

Mr. MORRILL. None.

Mr. INGALLS. I had supposed the practical work of laying out these grounds, and the ornamental planting was completed, and it seems to me superfluous to continue a landscape gardener at a large salary to come on here occasionally to inspect the result of his labors. I admit that great effects have been accomplished, although I think they have been achieved at an inordinate expense, and perhaps not in pursuance of any definite and well-ascertained plan, for I observe work that has been done one year has been undone the next.

Mr. MORRILL. Not by this man.

Mr. INGALLS. And we are expending a great deal of money that nobody seems to know anything about; and inasmuch as the $4,000 originally allowed him was confessedly so excessive that he only took half of it, I should suppose that if the work was done he might be willing to relinquish the remainder.

In this connection I should like some information in regard to the amount of work going on at the north entrance of the Capitol. I observe that there is an approach and an ornamental marble terrace that is being constructed out of some appropriation. I have inquired a great many times to know under what authority, or under whose plan or by what sanction that work is being done; how much is to be expended; what is contemplated, and when it is to be completed; and I have never yet been able to learn any satisfactory solution of that problem.

Mr. ALLISON. It is paid for out of an appropriation in similar phraseology to that in this clause.

Mr. INGALLS. The Senator from Iowa, chairman of the committee, informs me that that work is paid for out of some appropriation similar to the one we are now considering.

Mr. EDMUNDS. The appropriation for the Capitol grounds year after year.

Mr. INGALLS. If the outlines of the work have been accomplished and the planting has been done, I can see no reason for continuing the service of the landscape gardener.

Mr. HAWLEY. Not gardener, architect.

Mr. MORRILL. I wish to say in the first place that there has been no work done here and then taken away since this architect has been employed. Whatever he has done has been completed perfectly according to the plan and remains at the present time. Nor has there been an underestimate; there has never been any appropriation made for any deficiency. This plan was adopted many years ago and accepted by Congress, and it does contemplate further service on the part of this landscape architect. It included the approaches to the west front of the Capitol, and I am almost ashamed of Congress that we allow those miserable stair-ways to remain there without making some appropriation by which we can replace them with something more appropriate to this grand building.

Then it was contemplated, in addition, that there should be a terrace entirely around the west, north, and south sides, by which the appearance of this Capitol would be vastly improved, giving it the appearance of another story, and also furnishing accommodations for many needed committee-rooms and many rooms that are required for the storage of documents, papers, &c., for which we now have no place.

I may say that the Committee on Public Buildings and Grounds this year offered an amendment and sent it to the Committee on Appropriations for the terrace on the north side, at an expense of only $80,000 for two hundred and fifty feet, in which there would be eighteen committee-rooms, as good and as perfect as any of those in the basement story of this building; and yet notwithstanding the Committee on Public Buildings and Grounds have not asked for a dollar this year, except in one single instance, some improvement of a building somewhere (I do not remember where), in contrast with the usual appropriations we had asked for of six or seven millions, I understand that the Committee on Appropriations have rejected even that continuation.

I have nothing further to say on the subject.

Mr. BECK. This matter was postponed until the Senator from Vermont could come in, and I desired not to say anything until he was here. He is here now, and therefore I propose to say something.

The difficulties we have had with regard to these Capitol grounds have been that your works have been laid out without any appropriation made by law. The Senator from Vermont sees fit to absent himself after I have waited on him all day, but I propose now to say what I rose to say whether he stays or not. The Senator from Vermont, the chairman of the committee——

Mr. ALLISON. The Senator from New Hampshire [Mr. ROLLINS] is chairman of the Committee on Public Buildings and Grounds.

Mr. BECK. Plans have been laid out for grand approaches to this Capitol, which it is confessed will cost $800,000, and which many of us believe will cost twice that sum. Perhaps it is a proper thing to do, but the law requires that before a great work of that sort shall be entered upon there shall be estimates made for it, that the plan shall be approved, that it shall be submitted, that it shall be considered. The Committee on Appropriations have never had an opportunity of ascertaining what was the estimate of the cost now referred to by the Senator from Vermont of these grand approaches to the Capitol about which he speaks. If they have, I have never heard of it. I care nothing about the wages of this architect; but I do insist that before we enter upon a great work which is to cost $800,000, or a million and a half of dollars perhaps, some estimate shall be made, some idea of the cost of it shall be given so that we shall not be appropriating at loose ends, a little here and a little there, and the work going on in defiance of appropriations.

At the last session of Congress the Committee on Appropriations, not because they did not desire to see these approaches made, not because they did not desire to see this Capitol fairly improved, but because they could obtain no information in regard to it or the cost of it, cut down this appropriation to $25,000. The Senator from Connecticut [Mr. HAWLEY], the Senator from Vermont [Mr. MORRILL], and others met us and complained as they are doing now. I have before me the short debate which occurred in the Senate last year on this subject. The Senator from Connecticut [Mr. HAWLEY] then said:

> When appropriations were made some time ago and this work was begun he was called in as the man whose advice it was best to have. They put down for him a salary of $4,000. The appropriations were not large enough for the particular work in the style he desired, and he went to the Architect of the Capitol and said: "Put my salary down. It should not be more than $2,000 if you are not going to expend more money than this." And he has not taken it, and does not desire it. He would rather go on and see this work through for nothing than lose the chance of seeing it done and giving it his own special and friendly interest.
>
> The appropriation of $75,000 proposed by the House is small enough. It does not contemplate entering on the larger improvements, the terraces around the whole west front of the Capitol, but has in view only the northeastern corner of the Senate wing and southeast corner of the House wing. Senators will remember there is but a rough plank near the corner of the building. Something has to be done to make that better. And then some of the work is to be on the east front of the Capitol.
>
> The work, so far as has been done within six or eight years around the Capitol, is admirable, and is going to make ultimately of this building and these grounds the most beautiful spot in the world architecturally. Nor is it Mr. Olmsted's own doing. It has been done in consultation with the Architect of the Capitol, with engineers, with landscape gardeners, and with the best talent and taste of the country.
>
> I wish the $75,000 might stay in the bill, just that these two corners may be put in better order within the year, and I am very glad to see the disposition to keep Mr. Olmsted anyhow.
>
> The PRESIDENT *pro tempore*. The Senator from Missouri suggests that the words "landscape architect," in line 1650, by unanimous consent, be retained in the bill.
>
> Mr. MORRILL. Take the amendments as they come.
>
> The PRESIDENT *pro tempore*. That is the first. The words "landscape architect" may be retained instead of stricken out. If there be no objection, the question is on the rest of the amendment of the committee.
>
> Mr. MORRILL. I want to take the vote on the amendment in lines 1648 and 1649 first, including the word "wings," in line 1650. I trust the Senate will retain them all.

The PRESIDENT *pro tempore*. The Senator wants a separate vote?
Mr. MORRILL. Yes.
The PRESIDENT *pro tempore*. Then the question is on striking out the words "including permanent approaches to the House and Senate wings."
Mr. BECK. The Senator from Iowa suggested a change of the amount.
Mr. ALLISON. I suggested $60,000, the amount appropriated last year.
Mr. BECK. The approaches alluded to are simply those coming up on the east side and south side, and not the great central work, I understand.
Mr. ALLISON. That is the understanding.
Mr. BECK. Then I will not object.
Mr. MORRILL. Then leave the clause as it came from the House. Sixty thousand dollars will not be enough. Fifty thousand dollars is really required for other things, and it will take more than $10,000 to make one approach.
Mr. ALLISON. I should like to ask the Senator from Vermont what other things require $50,000?
Mr. MORRILL. Curbing that yet has to be done.
Mr. ALLISON. Where?
Mr. MORRILL. At various points.
Mr. ALLISON. I do not think we ought to spend $50,000 in curbing.
Mr. MORRILL. It is not all for that.
The PRESIDENT *pro tempore*. Is there objection to retaining all the words in this paragraph that the Committee on Appropriations propose to strike out, and then to come to the question of what shall be the amount of the appropriation? ["No!" "No!"] There is no objection to retaining all the paragraph except the amount of the appropriation. The question then is on striking out "$75,000" and inserting "$25,000."
Mr. MORRILL. I ask the Senator from Iowa to put that at $65,000.
Mr. ALLISON. I will compromise on that.
The PRESIDENT *pro tempore*. It is moved to insert $65,000. Is there objection to that? The Chair hears no objection, and the amendment is so modified. The question is on the amendment as modified.
The amendment as modified was agreed to.

We have given in this bill $65,000, with the distinct understanding that we were not to enter on this great work that is to cost, as the Senator from Vermont told us yesterday, $800,000, and we believe a million and a half, without an estimate for it, without some idea being given of how it will be done, by whom it is to be done, when it is to be done, and what is the probable cost. We appropriated $60,000 last year, and now we have begun "approaches," as they call it at the Senate end, which every Senator knows is only the beginning of a scheme. This work has been left in an imperfect condition all winter. The excuse made by the Senator from Connecticut last session was that we had to walk over planks to enter the Senate wing and that we ought not to do it, and therefore this work should be commenced. The Senator from Vermont said $10,000 would do the work and the balance would go for curbing; and here we are now just beginning, so as to compel us to go on little by little, and we are forced to do it whether we will or not.

Mr. HALE. Will the Senator from Kentucky let me send up an amendment, which I propose after line 1534, which, perhaps, may meet his objection and the objection that has arisen in my mind as well as his?

The PRESIDING OFFICER. The proposed amendment will be read for information.

The ACTING SECRETARY. At the end of line 1534 it is proposed to add:

And hereafter all changes and improvements in the Capitol grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimated cost of the same.

Mr. BECK. That is exactly what I want.

Mr. HALE. I think that ought to be done.

Mr. BECK. That is all I want. I desire the Senator from Vermont and other gentlemen when they make their estimates to do so in such a way as to enable the Senate committees to examine them and give them their approval or disapproval according to law, and then perhaps I may vote as much as any one for these purposes. What I object to is proceeding as we have done at this corner of the Capitol to make a partial approach, leaving it in an imperfect condition and in such a shape that Congress is obliged to go on and complete it whether it desires to do so or not. I do not want Congress to be defied in that way.

In this very bill we provide for the Albany post-office and custom-house, for which we have appropriated heretofore $800,000, with a statement that that would complete the building, and now they advise us that they can not buy the ground for less than $500,000, and a million and a half will be required to finish the building, and they do not propose to complete it for less, though they got the bill passed on the assurance that $800,000 would cover the entire cost. Some years ago we passed a bill for the New York city post-office and limited the total cost to $3,000,000. Three times by law we endeavored to curb them in the expenditure, and yet that building has cost us nine and a half millions. A similar thing occurred at Boston. We appropriated one and a half millions for a building there and it cost us four and a half millions. My object in using these illustrations is to show the defiance by executive officers of the Government and others of acts of Congress.

I want the amendment of the Senator from Maine adopted; and then when the Senator from Vermont comes to us, as he did last year, and tells us we are to spend $10,000 for a little approach to the Senate wing in order to prevent our walking on plank and $50,000 for curbing, we can examine the plans and estimates and ascertain how much the cost is to be and limit it, instead of beginning work, as is now done, which every Senator can see is but the beginning of a great era of improvement. The Senator from Vermont says this will give us a number of rooms for committees and for the storage of books and papers. That is all well enough, but why not first get authority from Congress to do it? Why under pretense of doing one thing do another? Why defy us and say that these approaches at the west front of the Capitol are a disgrace and that Mr. Olmsted or anybody else is going to make them, as he thinks, creditable, without giving Congress a chance to say what shall be done, how it shall be done, and what shall be the expense of doing it?

These are the things of which I complain. I think the amendment of the Senator from Maine will cure the evil as far as we can do it by law.

The only objection I have ever found to any of the work about the Capitol is that I have never yet seen any one who could tell how much any particular work that is built around here is to cost or how much we finally pay for it. We go on from year to year forcing a condition of things which requires further expenditures that Congress can not avoid making. Get rid of that condition of things and you may spend what you like.

All the information I have about Mr. Olmsted is that he is an able and an honest man, a man who can be trusted; not an extortionate man; and I should be willing to pay him something. I do not quite approve of striking out his salary, but I think we ought to have some understanding about the work to be done, the expense of it, and how it is to be carried on.

Mr. ROLLINS. Mr. President, in justice to Mr. Olmsted I think a letter which he addressed to the Joint Committee on Public Buildings and Grounds on the 30th of December last should be read, or at any rate published in the RECORD, and I will submit it.

In this letter it will be seen that he at least thinks this work has been authorized by the previous action of Congress. He has made a careful estimate as to its cost. He says the whole work when completed will cost $800,000, and that when completed ninety as good and convenient rooms as the average of the committee-rooms which we now have will be added to this building. The committee-rooms are very much needed.

I desire simply to have this letter read, as it explains the situation very much better than anything I could say on the subject.

The PRESIDING OFFICER. The letter will be read.

The Acting Secretary read as follows:

DECEMBER 30, 1882.

SIR: The work, designed in the act of Congress, "the permanent approach to the north wing of the Capitol," has been advanced as far as it was possible to obtain the materials for it from the quarry, in the short interval between the last and the present sessions.

It was necessary to the stability of the structure that, at the angle of the two lines of marble retaining wall, the masonry should be somewhat extended to the westward. To have carried it no farther than was strictly essential to this purpose would have left a raw, ragged, and unseemly piece of work, in conspicuously close connection with the walls of the Capitol. Enough of the marble-work upon the line of the north retaining wall of the terrace has been laid to avoid this result, the main wall being carried out at the bottom to the first vertical line of the design.

Hearing from you that it has been questioned if this part of the work was authorized, I beg to say that I have presumed the action of Congress in both Houses to represent the intention of your joint committee, and this intention to have proceeded from the considerations which I had the honor to lay before it early in the last session. The committee will remember that I then exhibited a series of plans, elevations, and other illustrations of the entire terrace, and advised that the work should be begun at the points since designated "permanent approaches to the north and south wings." The reason for this advice was that a moderate appropriation would enable so much of the plan to be carried to completion, in the intervals of the sessions of Congress, as would supersede the existing make-shift plank walks, of which complaint had been made by Senators, and leave the ground free from incumbrances and disorder. Later, I aided the chairman of the House Committee on Public Buildings and Grounds in presenting the proposition to the House Committee on Appropriations, using the drawings, arguments, and estimates which had been prepared for your joint committee. At the close of the session, and a few hours before the vote was taken in the Senate fixing the appropriation, I also explained the proposition, using the same drawings and the same arguments to several members of the Appropriations Committee of the Senate.

In neither of the drawings used nor in any argument or representation made by me on these occasions were the permanent approaches shown or considered as constructions detached from other parts of the terrace. The only drawing made especially to illustrate the proposition, the adoption of which I advised, distinctly presented that portion of the work called in question. This drawing now hangs on the walls of the House Committee on Public Buildings and Grounds. I had no reason to suppose, nor did it ever occur to me, that any member of Congress, among all to whom the drawings were exhibited, could suppose that the construction ordered would be advisable except as a part of the entire plan of the terrace. This, as a whole, had years before been adopted by Congress, and the entire work under my direction had from the outset been accommodated to it.

All of the essential facts thus recalled being of record with your committee or within the personal knowledge of its members, I do not think that the slight amount of work that has been done incidentally to the construction of what is, strictly speaking, the "approach" to the Capitol from the north, the object being as stated, will be regarded as unwarrantable.

I take this occasion to observe that the stone, brick, concrete and marble work that has been done under this first appropriation for the terrace exhibits the quality and character of nearly all of the work intended. The cost has been within the estimated amount, and a new estimate has been made for the entire work upon the basis of prices thus experimentally determined, the result of which tallies closely with that presented to your committee before the adoption of the design by Congress in 1874. At these prices, the cost of advancing the terrace along the entire north face of the Capitol, a distance of two hundred and fifty feet, and of providing within it an addition of eighteen large rooms to the basement accommodations of the Capitol, will be $80,000; the cost of the entire terrace and stair-ways, with an addition to the accommodations of the Capitol of ninety rooms of the average dimensions of the present committee-rooms, will be $800,000.

Very respectfully yours,

FRED'K LAW OLMSTED,
Landscape Architect.

Hon. E. H. ROLLINS,
Chairman of the Joint Committee of Congress on Public Buildings and Grounds.

Mr. HALE. Mr. President, the amendment which I have offered is not intended to censure Mr. Olmsted, nor in any way to disparage his work about the Capitol and the Capitol grounds. I suppose that his reputation has already been established, and that it rests upon works fully as enduring as any to be found about the Capitol or in Washington; but all the same it is better that we should know and that Congress should know beforehand just what is contemplated in the future touching these grounds and this structure.

The letter which has just been read shows that it is contemplated to make some very radical changes in the form and face and appearance of this building. It may be, and quite likely is, the fact that all of the work touched upon in the letter should be done, giving to this Capitol the effect of another story, so that it should appear to be elevated, so that the proportion will to the human eye seem more harmonious. But that is a matter surrounded by so much doubt and by so many questions that it is very proper that before the work is entered upon it should be estimated for in detail; and we should know just what is projected, and whether it is better to throw out a terrace giving the effect of a basement story with large rooms, committee-rooms, storage-rooms, or whatever you will, thereby changing the appearance of this Capitol that has stood here for so many years. That is a thing which ought to be settled fully beforehand, and it ought not be entered upon under any general appropriation that is not fully understood and that does not in terms teach to every Senator and Member of Congress just what is to be undertaken.

I hope nobody will object to the amendment I have offered, which is in the line not of censure or disparagement but of security in the future.

Mr. ROLLINS. Let the amendment be read.

The PRESIDING OFFICER. The proposed amendment will be read.

The ACTING SECRETARY. After line 1534 it is proposed to add:

And hereafter changes and improvements in the Capitol grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimated cost of the same.

Mr. ROLLINS. I do not think there is any objection to that.

Mr. HAWLEY. It is right.

Mr. HALE. I did not think there would be any objection.

The PRESIDING OFFICER. The first question is on the amendment of the committee striking out "pay of landscape architect" in line 1532.

Mr. HAWLEY. We do not wish to strike that out.

The PRESIDING OFFICER. The Chair does not understand that that amendment is pressed.

Mr. ROLLINS. I understood the committee to concede that the amendment may not be agreed to.

Mr. HALE. The chairman is not here; but he has no objection I believe to that course.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn unless there be objection. The Chair hears none. The question now is on the amendment proposed by the Senator from Maine [Mr. HALE].

Mr. JONES, of Florida. I see no objection whatever to the amendment of the Senator from Maine.

The PRESIDING OFFICER. The Chair understands that there is an amendment in the summing up which will fall with the other.

Mr. JONES, of Florida. We have been going on in a very loose way for years with respect to the improvement of the Capitol grounds, and a great deal has been left to the discretion of the architect. It is not his fault that we have not prescribed the exact line of improvements that ought to be carried out. When it comes to an alteration of the building as now proposed, I think that ought to be done under the authority of Congress. But I wish particularly to say a word in reply to the Senator from Kentucky, who has adverted to an evil hitherto complained of very generally in our legislation; I mean with respect to the cost of our public buildings.

I think a great deal of the responsibility for the increased cost of our public buildings lies with the Committee on Appropriations, of which the Senator from Kentucky is a distinguished member. We have a Joint Committee of the House and Senate on Public Buildings and Grounds that has usually been intrusted with the consideration of these matters, and we have been in the habit of making appropriations fixing precisely the sum of money to be expended in the construction of buildings. Every bill, I know, that was passed through the committee of the Senate while I was chairman for a year or so limited the amount that the building should cost, and prohibited any further expenditure of money; but it has happened in many instances that after the amount appropriated under the recommendation of the Committee on Public Buildings and Grounds was expended parties would go before the Committee on Appropriations, outside of the other committee, and get additions to the sum. There are large sums of money in the present bill now under consideration which are intended to be appropriated to finish public buildings that have never been considered by the Committee on Public Buildings and Grounds, and many of them without any recommendation from that committee.

Mr. ALLISON. Does the Senator speak of items put on in the Senate?

Mr. JONES, of Florida. No; I do not say by the Senate, but they are in the bill that came from the House. The Committee on Public Buildings and Grounds is a joint committee, and in a majority of cases I think the items were put on by the House Appropriations Committee without the action of the Committee on Public Buildings at all.

Mr. HALE. Mr. President, let us have a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. HALE].

Mr. ROLLINS. I think there is no objection to that.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposing a change of the sum has not been acted on. The Chair was under the impression that it was a mere footing, but he finds that it was not.

Mr. HAWLEY. I hope that it will be non-concurred in.

Mr. ROLLINS. I think there is no disposition to reduce the amount.

The PRESIDING OFFICER. The amendment is to strike out "$65,000" and insert "$50,000," in line 1533.

The amendment was rejected.

Mr. GARLAND. I made a motion a little while ago which was laid over——

Mr. ALLISON. Will the Senator allow me a minute?

Mr. GARLAND. I think this had better be disposed of.

Mr. ALLISON. I merely want to correct an error on page 57, line 1374. I call the attention of the Senator from Kentucky to it. The words "first day of January, 1882" should be stricken out and the words "first day of July, 1882" inserted.

The PRESIDING OFFICER. In line 1374, it is proposed to strike out "January" and insert "July."

Mr. BECK. That is right.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the correction will be made.

Mr. ALLISON. I thank the Senator from Arkansas.

Mr. GARLAND. I move, on page 95, to strike out from the word "provided," in line 2335, to and including the word "folio," in line 2380.

Mr. HALE. I ask the Senator from Arkansas to allow me to offer an amendment perfecting this clause, as I shall be called away in a few minutes, and then it will not in any way interfere with his motion. It is to perfect the part he seeks to strike out.

The PRESIDING OFFICER. That motion will of course take precedence of a motion to strike out.

Mr. GARLAND. It can be done just as well afterward, because if the clause is stricken out it can not be amended, and if it stays in it can be amended afterward.

Mr. HALE. I am called away to attend a conference committee, and I should like to put in the amendment now.

Mr. GARLAND. Very well.

Mr. HALE. I move, in line 2357, after the words "Revised Statutes," to insert:

And after January 1, 1884, the salary of the chief clerk of the Court of Claims shall be $3,500 per annum, as fixed in this act for circuit and district court clerks.

Mr. COCKRELL. I raise the point of order on that.

Mr. HALE. Will the Senator withhold it for a moment so that I may explain? It is not precisely the amendment that has been ruled out. Will the Senator withhold his point for a moment?

Mr. COCKRELL. I do not withdraw the objection, but I do not want to have it ruled out before the Senator can be heard.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri to temporarily withdraw the point of order so that the Senator from Maine may be heard.

Mr. HALE. The amendment ruled out provided:

And hereafter the salary of the chief clerk of the Court of Claims shall be $3,500 annually.

The amendment which I now offer provides that after January 1, 1884, the salary shall be $3,500. I only wish to say briefly here, not to detain the Senate or interrupt the Senator from Arkansas, that I have offered this for the reason that the clause incorporated in the bill by the House fixes the salaries of all the circuit and district court clerks at a maximum of $3,500. I know how important the duties are of the Court of Claims. I know that it is a court that is growing in importance. I know that its clerk has many duties and that he performs them faithfully and well. I am sure that it is a subject purely within the jurisdiction of Congress to settle the salaries of these officers. I am informed that the remarkable spectacle has been presented here of the chief-justice of this court appearing upon the floor of the Senate and lobbying against the increase of the salary of this clerk, and I wish to say here that I look upon that as an undue interference with the clear rights of each branch of Congress. I do not recognize that any judge has anything to do whatever with the salary of the clerk of his court, nor has any clerk in any court anything to do with the salaries of the judges. Interference by either should be an offense to Congress. I hope that the Senate will take this matter into its own hands.

Mr. COCKRELL. Mr. President, the Senator has gone entirely outside of his legitimate duties in undertaking to criticise the chief-justice of the Court of Claims. I say that when the Senator undertook to in-

sert this amendment, at the instance of this clerk, he was interfering with the rights and privileges of the judiciary. This clerk belongs to that court; he is appointed by that court; he holds his office at their will and pleasure; and what right has he to come in here and solicit the Senator to insert an amendment increasing his salary $500 without the knowledge or consent of a solitary judge of that court? That court is responsible for the clerk, responsible for the administration of his office; and why does the Senator make himself a party to the clerk of that court undertaking to increase his salary without the consent or knowledge of a solitary judge of that court?

Mr. HALE. Let me ask the Senator did not the Committee on Appropriations put this in as an amendment to the clause which the House had inserted treating upon clerks of United States courts?

Mr. COCKRELL. At the instance of the clerk, and the Senator knows it.

Mr. HALE. If the Senator here avows the doctrine that the Senate of the United States has no right to pass upon the salary of a clerk of a United States court without conference with the judges of that court he announces a doctrine that in the future the Senate will never agree to, and which he upon reflection himself will never advance here.

Mr. COCKRELL. Mr. President, if I had been instrumental at the instance of a subordinate, of a mere clerk of a court, in inserting a provision in an appropriation bill increasing his salary I would not criticise the chief-justice of that court if he were to come to a Senator and tell him that that act had been done by the clerk without the knowledge and consent of a solitary one of the judges.

Mr. HALE. Why does the Senator call the clerk of a United States court a subordinate of the judges? I do not recognize that.

Mr. COCKRELL. Because the clerk of the Court of Claims holds at the will of the court. They appoint him.

Mr. HALE. But the question of the salary which we appropriate for every year is a clear subject for our judgment.

Mr. COCKRELL. There is no question but that we have a right to regulate the salary of the clerk; but why does the Senator travel outside of his record and his duty to undertake to criticise the chief-justice of the Court of Claims because I made objection to this as legislation, when he stands representing the clerk of the Court of Claims here trying to get his salary increased without the knowledge or consent of the court, and thereby tacitly throwing upon the Court of Claims the responsibility of an effort to increase the salary of their clerk?

Mr. HALE. I will tell the Senator precisely why I did what he calls traveling outside of what I have a right to bring up here. It was because it was to me an offensive thing, as it was to other Senators, for the chief-justice of that court to appear upon the floor under the privilege that he has as an ex-Senator and importune and solicit Senator after Senator, as I believe he did the Senator from Missouri, to make this point.

Mr. COCKRELL. Not so. He did not.

Mr. HALE. That was offensive to me. I want to see no more of it. I never want to see that spectacle again.

Mr. COCKRELL. Nor do I want to see a Senator here standing and pleading for a subordinate of a court against the wishes of the entire court, taking up as a special pleader the cause of a subordinate of a court and trying to ride over that court to increase his salary. The Senator came here as the representative of that clerk for the purpose of getting his salary increased long before the judge of that court came here to tell a Senator who represents the State from which he was appointed that that amendment had been put in without the knowledge or solicitation of any member of the court and at the instance of the clerk of the court, whose special counsel the distinguished Senator seems to be on this floor.

Mr. HALE. Now, the Senator should get his facts right as well as his arguments, and the one will be as difficult as the other. I have nothing whatever personally to do with the clerk of this court. He was not appointed from my State. I have never seen him on the floor of the Senate. I do not think he has solicited or lobbied or implored in any way. I have no sort of connection with him as being a constituent of mine or in any way connected with me. I simply voted in the Committee on Appropriations, and the committee agreed, to put him on with the other clerks, and it is a thing that ought to have been left to the Senate to settle; there ought not to have been any outside interference.

The Senator need not become excited; he need not become aroused. He is a man who as quickly as I would be restive if he saw any interference with the perogatives of the Senate. We can settle this matter without there being any undue alarm or excitement. Let the Senate settle this question as it does all other things without its being besieged and besought by outside influences.

I can assure the Senator that that is all I care to say about it. I do not think the Senator will make a point of order on this.

Mr. COCKRELL. I never was in as good humor in my life as I am now I think [laughter], and that influences me to insist upon the point of order in order that we may get through with the bill, and that I may have the pleasure of going with the Senator from Maine to a conference committee and disposing of the business that is pressing.

Mr. HALE. I think we should dispose of it a great deal better by having a vote on the proposition and letting the Senate pass on it.

The PRESIDENT *pro tempore*. The point of order is sustained. The question recurs on the motion of the Senator from Arkansas [Mr. GARLAND] to strike out.

Mr. GARLAND. I have moved to strike out all after the word "provided," in line 2335, to the word "folio" in line 2380, and the question of order which has just been raised and which has been sustained by the Chair illustrates exactly the force of the motion I have made. This is general legislation incorporated in an appropriation bill regulating the fees of all the clerks of the courts of the United States, commencing with the Supreme Court and going down to circuit courts and district courts in all the States. There may be a necessity for legislation on this matter; the attention of Congress has been called to it for several sessions past; but this is not the proper place to insert this legislation.

There are several features in these lines that are crude and undigested, that do very great injustice to the district court clerks, to the circuit court clerks, and to the Supreme Court clerk as well. This matter is before the Judiciary Committee, and they expect at the next session to bring in a measure covering the whole subject; but I insist that within the spirit of the rules of this body, one of which has just now been applied by the President of the Senate, this is such legislation as should be stricken from the bill. Therefore I make the motion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas to strike out from the word "dollars," in line 2335, down to and including the word "folio," in line 2380.

The words proposed to be stricken out were read, as follows:

Provided, That where the same person holds the office of a clerk in both the circuit and district courts of any district he shall be allowed by the Attorney-General to retain for his personal compensation of the fees received by him, after the payment of office expenses, the prescribed maximum for one office only, to wit, the sum of $3,500 per annum; and this proviso shall apply in its full extent to the clerks of courts mentioned in section 840 of the Revised Statutes: *And provided further*, That the clerk of the supreme court of the District of Columbia shall make to the Attorney-General his semi-annual report of fees and emoluments in the same manner and under the same regulations as clerks of the other courts of the United States, under and in accordance with section 833 of the Revised Statutes, the maximum of whose compensation, after the payment of office expenses and other allowances granted by the Attorney-General, shall not exceed the maximum of $3,500, and the balance of said fees and emoluments of his office shall be paid into the Treasury according to the provisions of section 844 of the Revised Statutes: *Provided*, That the Clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court or by one of its justices appointed by it for that purpose and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States: *And provided further*, That so much of section 3 of the act of February 28, 1799, as relates to the compensation of said clerk for his attendance in court is hereby repealed: *And provided further*, That the Supreme Court is hereby authorized and empowered to prepare the table of fees to be charged by the clerk thereof, and until the same is thus prepared the fees therein charged for recording or copying any paper or record shall not exceed 14 cents per folio.

Mr. BECK. Before that vote is taken I desire to say a word or two. There are great evils, I think, existing in the fees paid to court clerks, and especially to the clerk of the Supreme Court of the United States and the clerk of the supreme court of the District of Columbia.

Something having been said about clerks appearing before us, I will mention that I happened to be one of the sub-committee of three before whom the young man whose increase of salary has been ruled out on a point of order came. I never saw him before, but he seemed to be a very respectable young man, and stated his case and the reasons why he should have $3,500 as well as the others; and the clerk of the supreme court of the District, a very respectable old man, whose name I have now forgotten——

Mr. HARRIS. Meigs.

Mr. BECK. Came here and showed he was getting $6,000 while he had one deputy getting $4,000, I think, and a lot of other deputies getting God knows how much—I do not know that anybody knew quite how much; and we found that the clerk of the Supreme Court was getting fifteen, twenty, or twenty-five thousand dollars in one form or another. Whether this is proper legislation or not, the House has inserted it here, and we have no right to make a point of order upon it, and neither House has a right to criticise what the other House has done in regard to questions of order. The House has presented to us a provision on a matter which certainly requires regulation, and for years and years this thing has been going on and no effort has been made that I know of to regulate it. If this provision is retained and some injustice is done by it, the judges of the Supreme Court and the judges of the other courts and the Judiciary Committee will see next session what the evil is, and it will be promptly remedied; but judging from the past, unless this provision is retained or something like it, these clerks will run on year by year as they are doing now.

Here is one provision in line 2372:

That so much of section 3 of the act of February 28, 1799, as relates to the compensation of said clerk—

The clerk of the Supreme Court—

for his attendance in court is hereby repealed.

I turn to that statute, and it reads:

SEC. 3. *And be it further enacted*, That the compensation to the clerk of the Supreme Court of the United States shall be as follows, to wit: for his attendance

in court, $10 per day, and for his other services, double the fees of the clerk of the supreme court of the State in which the Supreme Court of the United States shall be holden.

In addition to all his fees, I suppose—I do not know, but I assume from the repeal of this—that he gets $10 a day for walking into court, besides all his other fees, walking from his office across the hall. The statement was made before us that his fees are enormously large. I do not see why the clerk of that court should receive more than six, seven, or eight thousand dollars a year, some liberal compensation for the services of a first-class man. This evil has been known and attention has been called to it time and again, and the House of Representatives has in this form sought to remedy it. Unless it is done I do not know when a remedy will be applied. You will observe, too, that we allow him $6,000 a year in our amendment, and the judges of the Supreme Court have a right to regulate the clerk-hire he shall be allowed to have. The clause reads:

That the clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year.

He will have ample justice, because one of the judges of his own court or the whole court can certify whatever he needs, and they will be sure to certify enough. It will bring him down to something like the salary of a Senator or a Cabinet officer. He will not be very seriously interfered with.

Mr. JONES, of Florida. Does this compensation extend only to the services of the chief clerk?

Mr. BECK. To the chief clerk, with allowances such as the court may authorize him to pay for all the assistants he needs.

Mr. JONES, of Florida. The Senator well knows that the business of the Supreme Court can not be conducted by one clerk.

Mr. BECK. I suppose it may not be conducted by less than half a dozen. The judges can certify whatever is necessary to pay him and provide for the pay of his assistants. Why should he take $10 for walking across the hall? Why should he get $25,000 or $30,000 a year for his services? Why should he not have a fixed salary like everybody else? Why should the clerk of the Supreme Court of the United States or of a district court draw fees just as he pleases? Why should there not be some general regulation? If the Judiciary Committee have not found time to devise some means, the House of Representatives have in this provision done justice to all these men by limiting the fees to $3,500 a year, and when the shoe begins to pinch some of them, as I suppose it will, the clerk of the Supreme Court, who is brought down from $20,000 or $25,000 to five or six thousand dollars, or about a Senator's pay, means will be found to correct any evils that exist.

While this may be crude, the judiciary can modify it. If I had any reason to suppose that we were going to get it corrected at this session of Congress I would not object to having the clause stricken out; but that can not be done. Let us put them on the footing now proposed by the House, and let the Judiciary Committee next December regulate it in a form that may be more satisfactory.

Mr. HALE. I do not think that the Committee on Appropriations believed that this revision of the fees and salaries of the clerks of the United States courts was precisely the right thing or a permanent measure; but the House of Representatives, under its undoubted right, finding a great abuse, finding a greivance that had been allowed to go along for years without interruption, saw fit to seek to arrest it and make a provision that is certainly liberal to everybody.

The fees of the clerks of some of these courts are now enormous. They are such as nobody on examination would desire to see perpetuated. All that has been done by the House of Representatives, in which the Committee on Appropriations has joined, is to regulate the matter of salary. It is not revolutionary legislation; it is not overturning existing law; it is not legislation that interferes with the body of law touching anything else excepting the salaries which are treated in this bill and in other appropriation bills.

Although it might be technically subject to the point of order if offered as an amendment in the Senate, coming in as a House provision it is not open to that sort of objection. It simply seeks to deal with salaries. It leaves the clerk of the United States Supreme Court with a salary of $6,000, $1,000 more than a member of Congress gets, and provides $3,500 for the clerks of the other courts.

Some of the things adverted to by the Senator from Kentucky were very noticeable and striking as they appeared before the committee. It was shown that for years this had been allowed to go on until certain clerkships are filled with officials receiving large pay, with no jurisdiction over the matter, and going on from time to time growing and gaining until they amount to sums that nobody on a revision would seek to have maintained.

All that is sought here is that this, as the Senator from Kentucky says, may be regulated and controlled in a reasonable degree; and if the Committee on the Judiciary will take this up next session, as they never have done yet, and provide a proper fee-table and basis for all these clerks, undoubtedly Congress will then gladly accept it.

Mr. EDMUNDS. The Committee on the Judiciary at the next session, if it is constituted as it is now, I think I can safely say for a majority of its members, if not for all, will not take up anything if the Committee on Appropriations are to dispose of the question now. The Committee on Appropriations may take it up, as they do all other things that apply to the administration of the Government.

Mr. HALE. That will only leave it as it has been heretofore.

Mr. EDMUNDS. No, the Senator is mistaken about that. No member of the Committee on Appropriations, no other Senator, has introduced any resolution or bill upon this subject and sent it to us. If that had been done it would have been attended to. For one, I confess that I never heard until this winter, and that quite recently, that there was any excess of fees or wrong going on, if there be any now, and there probably is, in respect of an excess in these two courts. Therefore, the Committee on the Judiciary can not be accused of having neglected their duties any more than any other Senator may be accused of neglecting his duty in not introducing a proposition upon this subject, upon a matter that had not been called to his attention. That is where it stands.

If the Committee on Appropriations are to be thought now the appropriate organ of the Senate to investigate these questions and endeavor to rectify them (as a part of the appropriations of the Government), you can do the same thing as to every other branch of the public service. On all the appropriation bills that we have had heretofore except the Post-Office appropriation bill, where we did leave legislation on, the Committee on Appropriations themselves have steadily and persistently, and I am very glad to say wisely, rejected everything, and asked us to sustain them in rejecting everything that savored of legislation, as being unwise and improper on an appropriation bill. Now that it comes to the question of regulating the courts of the United States, the Committee on Appropriations have changed their ground, it appears, and propose to regulate that; and they say that if the regulation turns out to be unwise and improper, as it clearly will in a great many respects, the Committee on the Judiciary afterward may correct it. Why so? Why not have the Committee on Appropriations correct it? Certainly the Committee on the Judiciary, if the Senate say that is the proper jurisdiction, will not undertake to do it as it is now constituted. Of course it may not be constituted so again.

Take two or three of these things and see where you are going to land. First, here is a provision that where the same person holds the office of clerk of both a circuit and district court of the United States he shall have the salary of only one of those offices. The salary of these offices is $200 a year, and no more; the rest is fees, and in the circuit and district courts those fees are limited by law, that they shall not exceed altogether $6,000, which I think is the limitation. Take the State of Maine, to begin with. The clerk of the circuit and district court there with the amount of business done would be unable to carry on the business of those courts and get a pay that would support a wife and one child, or a wife alone, if he unfortunately has not any child. Take the State of New Hampshire; it would be still worse. Take the State of Vermont; it would be worse still, because there is very little litigation and the fees are very small. Then you can go around to the State of Florida; I happen to see the Senator from Florida in my eye. I think you may take the State of Georgia even; you may take the State of Mississippi; you can take Arkansas; you can take Nebraska. I am not so sure about Nebraska, because there is a good deal of litigation going on there. Take Nevada, take Oregon, take all the rural States where for the good of mankind and in a settled order of society litigation is small; you are going to provide that the clerks of these courts shall not get even a pittance, because this is sweeping. Take the southern district of the State of New York and you can make the provision very safely, but you must discriminate carefully, district by district and State by State, in order to do justice.

The Committee on Appropriations, I have no doubt, know a great deal more about this business than the Committee on the Judiciary does, but that is the simple fact about that one instance. To be sure, the argument of my friend from Kentucky is, "Never mind, let us do wrong just now, and the Committee on the Judiciary next year, or some other time, can correct it;" but that is not wise and just legislation.

Now that this subject has been brought to the attention of Congress, I am sure that Senators will feel that whoever constitute the Judiciary Committee of the Senate at the next session of Congress should take the matter in hand, and systematize the matter, and correct whatever evils exist. As it is now, this amendment will commit immediately gross injustice upon people who are necessarily employed in the administration of justice in a great many of the States of this Union.

There is no more reason for putting such a provision on this appropriation bill than there is all the other legislation that we have been doing. Undoubtedly the fees of the clerk of the Supreme Court of the United States, and very likely of the supreme court of this District, and I dare say of the southern district of New York, even with the limitations now upon them, ought to be corrected; and the moment attention is drawn to it and anything is sent to the Committee on the Judi-

ciary, Senators may be sure that the committee will do what it can do to correct them by proper legislation.

I hope, therefore, that the amendment of the Senator from Arkansas will be adopted. If we are to be consistent of course it must be.

Mr. JONES, of Florida. From what was said the other day by the Senator from Maine [Mr. HALE] I supposed the Committee on Appropriations was on the line of reform so far as incorporating general legislation in appropriation bills was concerned, because he was particular to say to the Senate that the committee struck out everything in the naval appropriation bill that had the appearance of general legislation. He felt it his duty to state to the Senate that that was the judgment of the Committee on Appropriations respecting the legislation on that bill. It is strange that an exception should be made in this case against the committee presided over by the distinguished Senator who has just taken his seat, who is so anxious to discharge fully the duties of the Judiciary Committee. Surely he has pointed out enough difficulties already in this amendment that will come about if it goes through in this crude form.

The Senator from Kentucky [Mr. BECK], a while ago, spoke in a very general way with respect to the amount of fees that these clerks receive, but we have got no data before us, no report, no authentic statement from any quarter to show exactly what the fees are, how they are paid, out of what fund they are received, or anything of that kind; but the general declaration is made that they are excessive.

It seems to me that this thing ought to be gone into carefully to prevent the injustice spoken of by the Senator from Vermont. I have heard it said that the clerk of the Supreme Court of the United States receives from $25,000 to $30,000 a year, but I do not know where the proof of that lies.

Mr. BECK. We allow him $6,000 in this bill, and he can not be hurt when he gets that.

Mr. JONES, of Florida. What does the law give him now?

Mr. BECK. Ask the Senator from Vermont.

Mr. JONES, of Florida. I ask the Senator from Kentucky.

Mr. BECK. My information is that it is a very large sum, much more than any employé of the Government ought to have.

Mr. JONES, of Florida. Is there any law to-day that gives the clerk of the Supreme Court of the United States $20,000? If so, I want to know where it is. If there is such a law let us repeal it at once. Bring in a bill and let us consider it by general consent.

Mr. HAWLEY. I think I can give the Senator a little information on the point he is inquiring about.

Mr. JONES, of Florida. I should like to hear it.

Mr. HAWLEY. It has been very carefully ascertained.

Mr. BECK. Mr. President——

Mr. HAWLEY. I will occupy the floor but a moment.

Mr. BECK. I was about to say that I am now advised that from the investigation which was made in the other House it was shown that the clerk of the Supreme Court received last year $29,400. That is stated on authority.

Mr. JONES, of Florida. Did that come out of the Treasury of the United States?

Mr. BECK. It comes out of the people in great part.

Mr. HAWLEY. The Senator from Florida made an inquiry and I was going to give the information as near as I can get it at this moment.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. JONES, of Florida. Certainly.

Mr. HAWLEY. The inquiry was made elsewhere. The clerk of the Supreme Court, according to his own statement, received in 1880 $36,120.17, and paid out $16,170.79, leaving him net the sum $19,949.38. For the year 1881 his total receipts were $44,845.80, the total expenditures $15,368.69, the net balance $29,477.71. He is the only clerk, I understand, whose fees are not fixed by law directly. That is certain which can be rendered certain, the law says. By the act of May 8, 1792, re-enacted February 28, 1799, the compensation of this clerk was fixed "for his attendance in court $10 per day, and for his other services double the fees of the clerk of the supreme court of the State in which the Supreme Court of the United States shall be holden." Thereby he was referred to the courts of Maryland for his fees and allowed to double them. This is the only law I understand now warranting any fees whatever. Some of the fees of the clerk of the court of appeals of Maryland, and they are doubled in this court, are given in tables as follows: Recording, &c., per folio, 8 pounds of tobacco, or 16 cents, now 28 cents; entering judgment, 47 pounds of tobacco, or 94 cents, now equal to $1.64½; and so on. There is quite a long table. A committee of the other House, whose duty it was, made an elaborate inquiry into the matter.

I am a much younger legislator than the Senator from Vermont, but I am surprised to hear him say that he only heard of this matter recently. I have heard every single year of the limited number of years that I have been in Congress complaints about the ill-regulated and extravagant fees of the clerk of the Supreme Court and the various offices of it, the great fees charged for copies, and the extraordinary salary. I believe there is but one salary in the United States that exceeds that of the clerk of the Supreme Court, and that is the salary of the President of the United States.

Mr. JONES, of Florida. When was the statute passed to which the Senator refers?

Mr. HAWLEY. In 1799.

Mr. JONES, of Florida. It just shows this: that the business of the court of course has increased, and the hand of legislation has not been brought in to make a change corresponding with the increase of business. I suppose that that was a very reasonable provision when it was made in 1799, when there were but a few cases in the court, or even at a later day, and the increase of the salary has been in consequence of the great increase in the business of the Supreme Court. I think that when Judge Marshall was on the bench there were not more than thirty-two cases on the Calendar. The law of which the Senator from Connecticut complains, at the time of its enactment was a reasonable provision, but the business of the court has gone on and now there are four or five hundred cases where there were formerly thirty.

This is surely a matter that ought to be regulated by the Judiciary Committee, and I think it is very far out of the province of the Committee on Appropriations to undertake to do this thing. There is no doubt an evil here and it ought to be rectified, and the fees if excessive ought to be cut down; but I think it is equally as great an evil to undertake in this crude way to do it on an appropriation bill. This money that is spoken of is not money taken from the public Treasury; it is not money that the Committee on Appropriations is called upon to appropriate. The Committee on Appropriations has nothing to do with the money that the clerk of the Supreme Court receives in fees. It does not come out of the Treasury; it is taxed against the unsuccessful suitors who happen to go into court.

Mr. DAVIS, of West Virginia. Does not the Senator think that it ought to go into the Treasury?

Mr. JONES, of Florida. Possibly it ought, but the business of the Committee on Appropriations is not to legislate money into the Treasury; it is to legislate it out, which they do very promptly. It seems to me that the Committee on the Judiciary ought to be intrusted with the reform required in this case. I think there ought to be some change of the law.

Mr. SLATER. I desire to know if the question is divisible. If it is I should like to have a separate vote upon that part of the motion to strike out embraced from line 2335 to the word "statutes," in line 2344, which has relation to the clerks of the circuit and district courts. I am not very well informed on this question, but I am very certain that in the Pacific States this provision would work a very severe hardship and produce very great confusion. For that reason I should like to have a separate vote on that question if it can be divided in that way.

The PRESIDENT *pro tempore*. In the opinion of the Chair the motion to strike out can be divided, and a separate vote can be taken on the part indicated by the Senator from Oregon.

Mr. ALLISON. I only desire to say a few words on this amendment. I will say to the Senator from Vermont that the Committee on Appropriations has no desire whatever to interfere with the proper functions of any other committee of this body. The Committee on Appropriations would never have undertaken to regulate or dispose of this question on an appropriation bill, but we found it here coming from the House of Representatives, and we felt that it was a matter, as our attention had been called to it, that in many respects needed reformation. It is of no more value to the Senate that the Committee on Appropriations should move to strike this out than that the Senator from Arkansas should move to strike it out. When it is stricken out, as proposed here, it is still in the bill and will be the subject of conference. The real trouble in this matter is the difficulty we have with another body that has rules which allow this sort of legislation.

Mr. EDMUNDS. But you have put it off all the other bills.

Mr. ALLISON. We have put off, as the Senator from Vermont very properly says, most of the legislation we found on other appropriation bills; but this is a matter regulating the courts and reducing the compensation, and it seemed to be excessive in some instances, and we did not feel in the Committee on Appropriations that it was our particular duty to recommend that this provision should be stricken out. I merely wanted that understood.

The PRESIDENT *pro tempore*. The question is divisible, and the Secretary will read the part the Senator from Oregon [Mr. SLATER] moves to strike out.

The PRINCIPAL LEGISLATIVE CLERK. After the word "dollars," in line 2335, it is proposed to strike out the proviso down to and including the word "statutes," in line 2344; as follows:

Provided, That where the same person holds the office of clerk in both the circuit and district courts of any district, he shall be allowed by the Attorney-General to retain for his personal compensation of the fees received by him, after the payment of office expenses, the prescribed maximum for one office only, to wit, the sum of $3,500 per annum; and this proviso shall apply in its full extent to the clerks of courts mentioned in section 1840 of the Revised Statutes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. SLATER].

The question being put, there were on a division—ayes 13, noes 10; no quorum voting.

Mr. EDMUNDS. We may as well take the yeas and nays, and settle the question.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 19; as follows:

YEAS—29.

Anthony,	Edmunds,	Jackson,	Sherman,
Barrow,	Garland,	Jones of Florida,	Slater,
Blair,	Harris,	Jones of Nevada,	Voorhees,
Brown,	Harrison,	Kellogg,	Walker,
Call,	Hawley,	Lapham,	Windom.
Cameron of Wis.,	Hill,	Miller of N. Y.,	
Coke,	Hoar,	Morrill,	
Davis of Ill.,	Ingalls,	Rollins,	

NAYS—19.

Aldrich,	Frye,	Maxey,	Sawyer,
Allison,	Gorman,	Morgan,	Vance,
Beck,	Groome,	Pendleton,	Van Wyck,
Conger,	Logan,	Pugh,	Vest.
Davis of W. Va.,	McDill,	Ransom,	

ABSENT—28.

Bayard,	Farley,	Jonas,	Platt,
Butler,	Ferry,	Lamar,	Plumb,
Camden,	George,	McMillan,	Saulsbury,
Cameron of Pa.,	Grover,	McPherson,	Saunders,
Cockrell,	Hale,	Mahone,	Sewell,
Dawes,	Hampton,	Miller of Cal.,	Tabor,
Fair,	Johnston,	Mitchell,	Williams.

So the motion to strike out was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the residue of the clause moved by the Senator from Arkansas [Mr. GARLAND] to be stricken out.

Mr. BECK. I ask for the yeas and nays on that.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The remaining proviso which it is moved to strike out will be read.

The Principal Legislative Clerk read as follows:

And provided further, That the clerk of the supreme court of the District of Columbia shall make to the Attorney-General his semi-annual report of fees and emoluments in the same manner and under the same regulations as clerks of the other courts of the United States, under and in accordance with section 833 of the Revised Statutes, the maximum of whose compensation, after the payment of office expenses and other allowances granted by the Attorney-General, shall not exceed the maximum of $3,500, and the balance of said fees and emoluments of his office shall be paid into the Treasury according to the provisions of section 844 of the Revised Statutes: *Provided*, That the clerk of the Supreme Court of the United States shall not hereafter retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk-hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officer of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States: *And provided further*, That so much of section 3 of the act of February 28, 1799, as relates to the compensation of said clerk for his attendance in court is hereby repealed: *And provided further*, That the Supreme Court is hereby authorized and empowered to prepare the table of fees to be charged by the clerk thereof, and until the same is thus prepared the fees therein charged for recording or copying any paper or record shall not exceed 14 cents per folio.

Mr. BECK. I have the information now very accurately that the Senator from Florida [Mr. JONES] asked me to give him, presented by a committee thoroughly competent to obtain it. These are the facts: The clerk of the Supreme Court of the United States, according to his own statement, received in 1880 $36,120.17, and paid out $16,170.79, leaving him the sum of $19,949.38. For the year 1881 his total receipts were $44,845.80; his total expenditures were $15,368.69, and the net balance of fees was $29,477.11.

Mr. DAVIS, of West Virginia. Has the Senator got the receipts for 1882?

Mr. BECK. No, but for 1881.

Mr. DAVIS, of West Virginia. The fees were probably larger for 1882.

Mr. BECK. The details were given as follows:

The charges and fees for the October term of 1880 were substantially as follows:

For fees in the cases	$32,466 86
For admissions to the bar	2,270 00
For salary, $10 per day, 105 days	1,050 00
For recording opinions of the court, October term, 1879	1,610 00
	37,396 86

There were other items and perquisites in small amounts, and some of the above amount has not been paid, but his gross receipts were for that term as stated by the clerk the sum of $36,120.17.

The incidental expenses of his office for the October term, 1881, as stated before, were $15,368.69, made up as follows:

Charles B. Beall, deputy clerk	$3,000 00
H. C. McKenney, assistant clerk	1,800 00
James D. Maher, assistant clerk	1,500 00
Assistant clerk (vacancy)	1,020 00
Assistant clerk (vacancy)	1,020 00
One messenger	420 00
Printing opinions of the court	2,200 00
For copyists, postage, buckets, brooms, ice, &c	4,408 69
	15,368 69

Of the last item the clerk has not furnished a bill of particulars. He says it is largely made up in copying, for which he paid at the rate of 10 cents per folio.

The same fees are taxed against the United States as against other litigants for like services, and are paid by the Treasurer of the United States from the appropriations annually made to pay clerks of courts on an account rendered by the clerk and certified by the Chief-Justice.

The amount paid them by the United States for several years past will appear by the following letter:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 3, 1883.

SIR: In answer to your inquiry this morning I have to state that the fees earned from the United States by the clerks of the Supreme Court of the United States during the terms specified below have been allowed on the adjustment of their accounts at the Treasury, and the sums named have been paid:

October term, 1877–'78	$5,833 22
October term, 1878–'79	7,488 12
October term, 1879–'80	5,839 59
October term, 1880–'81	4,875 45
October term, 1881–'82	5,516 46

Very respectfully,

WM. LAWRENCE, *Comptroller.*

Hon. EDWIN WILLITS,
House of Representatives.

I desire only to say that when the House of Representatives have gone to the bottom of this thing and have cut down this salary to $6,000 and given him all the other assistance he needs, if he runs up to $15,000, it is time this great wrong was stopped. No mere clerk should receive $29,000 a year as this clerk has been getting. The Senate may strike it out if they like to. Here is the record of the fact.

Mr. GARLAND. I will detain the Senate but a very few minutes. The years 1881 and 1882, as read by the Senator from Kentucky and a few moments ago by the Senator from Connecticut, are notoriously, so far as litigation in the Supreme Court is concerned, exceptional years. Any one who is familiar with the reports of the decisions of that court or who will examine the three volumes covering those two years will see that it was a time when the large bond cases and railroad cases were litigated there, and the amounts of money paid into the court were much larger than in previous years.

A good deal has been said here that is not proper to be said, but I have made some examination in the clerk's office of that court, and I am assured by the very best of evidence that can be secured that when the revenues of that office for 1882 are accounted for they will go but very little more than half above those of 1881, which seems to be the largest year. Injustice is done this office because you have taken now as your guide those two exceptional years. I wish the Senate would bear that in mind.

I am perfectly willing that the clerk of the Supreme Court shall have a fair and honorable compensation, a good compensation, for I never did believe in a cheap compensation for anything or for anybody. A cheap doctor is the way to the grave; a cheap lawyer is the way to the gallows; a cheap anything is not worth having.

The Senate is called upon to strike out the fee of this clerk of $10 for attending the court, an allowance that he has had for years and years, not for dancing attendance across the hall, as the Senator from Kentucky says, but he must absolutely be there at the right hand of the judges through their entire sitting to attend to them. The Senate will bear in mind that it is not proposed to give him the fee of a marshal or of a janitor of a building, but to strike out this $10 a day and leave him nothing.

Mr. DAVIS, of West Virginia. But by the amendment of the committee we allow him $6,000 a year.

Mr. GARLAND. I am speaking of the attendance. Six thousand dollars a year is a mere pittance.

Mr. BECK. That is a thousand dollars more than a Senator gets.

Mr. GARLAND. It is $1,000 more than a Senator gets, and the Senator from Kentucky instead of performing the duties of that office would rather split rails at 75 cents a hundred. Talk about $5,000 being adequate compensation for a member of Congress! I do not consider that it is one-half the compensation that should be paid.

Mr. BECK. The judges of the district courts all over the country generally get only $3,500.

Mr. GARLAND. That is true. I would rather do the labor of a judge of a district court than to do the labor of this clerk, so far as the labor is concerned. I know what I am talking about when I am speaking of this matter. But that is not all. You absolutely turn the Supreme Court by a provision here into an auditing office to go over the accounts of the clerk and certify them. That is a matter that is unheard of. It is an innovation that is illegitimate and improper. It does not belong to this legislation. I ask the Senate to stop and reflect. I think the clerk of the Supreme Court should have a good compensation. I do not think $6,000 is enough. We are putting an innovation in here at this late hour of the day that is unheard of so far as this court has been conducted, now for a hundred years almost. I ask the Senate to pause before they do this thing. Let the fees not only of this clerk but of all other clerks belonging to the judicial establishment of the country be regulated by proper legislation, and for one I will take a hand very cheerfully in doing that, but I ask the Senate not to leave this provision upon this appropriation bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas [Mr. GARLAND] to strike out the proviso, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. PUGH (when Mr. JONAS's name was called). I wish to state that the Senator from Louisiana [Mr. JONAS] is paired with the Senator from New Jersey [Mr. SEWELL].

The roll-call having been concluded, the result was announced—yeas 16, nays 26; as follows:

YEAS—16.

Anthony,	Cameron of Wis.,	Harris,	Slater,
Barrow,	Davis of Ill.,	Hoar,	Vest,
Brown,	Edmunds,	Jones of Florida,	Voorhees,
Call,	Garland,	Kellogg,	Walker.

NAYS—26.

Allison,	Gorman,	Maxey,	Rollins,
Beck,	Groome,	Miller of N. Y.,	Sawyer,
Blair,	Hawley,	Morgan,	Vance,
Coke,	Jackson,	Pendleton,	Van Wyck,
Conger,	Jones of Nevada,	Plumb,	Windom.
Davis of W. Va.,	Lamar,	Pugh,	
Frye,	Lapham,	Ransom,	

ABSENT—34.

Aldrich,	Ferry,	Jonas,	Platt,
Bayard,	George,	Logan,	Saulsbury,
Butler,	Grover,	McDill,	Saunders,
Camden,	Hale,	McMillan,	Sewell,
Cameron of Pa.,	Hampton,	McPherson,	Sherman,
Cockrell,	Harrison,	Mahone,	Tabor,
Dawes,	Hill,	Miller of Cal.,	Williams.
Fair,	Ingalls,	Mitchell,	
Farley,	Johnston,	Morrill,	

So the motion to strike out was rejected.

The PRESIDENT *pro tempore*. The provisos just voted upon remaining in the bill and the former proviso having been stricken out, it will be necessary to change the words "and provided further," in line 2344, so as to read "provided."

Mr. ALLISON. There will be no objection to that.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that change will be made.

Mr. BROWN. I desire to offer a single amendment at the end of the bill which I submitted to-day to the chairman of the Committee on Appropriations, and I think it will not be objectionable. I offer it at the request of a member of the House of Representatives, because there was an omission. As I understand, the assistants or messengers of the committees in the House of Representatives, except the Ways and Means Committee, and the Committee on Appropriations, are detailed from the staff of the Doorkeeper, and they draw regularly $1,400 per annum. The Ways and Means Committee and the Committee on Appropriations each select their own messenger and he gets only $1,000. There was $200 additional compensation put in the appropriation bill by the House for the messenger to the Committee on Appropriations, but by some oversight or mistake they failed to put in a like amount for the assistant to the Committee of Ways and Means. The Committee of Ways and Means met about the middle of November, as I understand, to consider the tariff bill, and they were in session a good length of time before Congress met. Then the assistant was here all that time employed by them all day and occasionally at night, and he had to incur considerable additional expense.

Mr. ALLISON. I will say to the Senator from Georgia that I will consent as far as I have any power that the provision he wishes to move may go in with the understanding that it shall meet the approval of the House Committee on Appropriations.

Mr. BROWN. I do not desire it unless it does.

Mr. ALLISON. I understand that it is an omission which they intended to correct.

Mr. BROWN. That is what I am informed. If it does not meet their approval, of course I shall expect the conference committee to strike it out, but if they strike it out they ought to strike out the other clause relating to the pay of the assistant clerk of the Committee on Appropriations.

Mr. ALLISON. I suggest that it be put in as an amendment to that paragraph.

Mr. BROWN. Very well. I move to amend the last paragraph of the bill by adding:

And to pay John R. Christy, being the difference between his salary at $1,000 and that of a messenger at $1,200 per annum, from July 1, 1882, to June 30, 1883, $200, the same to be immediately available. But this appropriation shall not be construed as an increase of said salary.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BROWN].

The amendment was agreed to.

Mr. LAPHAM. I now desire to offer the amendment of which I gave notice when the clause of the bill was reached in the reading. In line 89 I move to strike out "one" and insert "two" before "hundred;" so as to make the clause read:

The post-office at Brooklyn, New York: For continuation, $200,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. Let me state the facts, Mr. President. A large number of bills for the erection of public buildings were passed at the first session of this Congress. Among them was one for a post-office or a public building at Brooklyn, at a cost of $800,000. Only $300,000 of that was included in this bill last year. At the same time, at the city of Rochester, a building to cost $300,000 was provided for, and $200,000 of that amount was appropriated. This bill contains $70,000 more for that building. At the same time a building at the city of Syracuse was authorized at $200,000; $100,000 was appropriated for that, and now $70,000 more is added. Therefore this proportion of $200,000 to the whole sum does not make it at all equal to what has been already appropriated for the other public buildings which were authorized by the same Congress. Rochester has had two-thirds of its appropriation; Syracuse has had more than two-thirds of its appropriation; and this appropriation will amount to only $100,000 more than one-half of what was provided for in the bill originally.

The sum of $500,000, $300,000 appropriated last year and $200,000 which I propose to have appropriated now, are necessary to enable the authorities of the city of Brooklyn to purchase the site and lay the foundation for the building which they are to erect. With the sum of $100,000 only added, it will be impossible for them to do it. I am told that the Committee on Appropriations declined, upon the application of the authorities from Brooklyn, to insert $200,000 for the reason that they were paying a larger sum for the site of the building than ought to be paid. Upon that subject I beg to refer Senators for one moment to two or three or more cases which bear a strong analogy to the case of Brooklyn and show a very strong contrast to what it is claimed Brooklyn should do with reference to the purchase of the site.

In the city of Cincinnati, in Ohio, the site for the public building cost $708,036.60, and there has been expended on the building already $4,717,454, and in this very bill $250,000 more is provided for the building at Cincinnati. Brooklyn has a population double that of Cincinnati. Brooklyn is the third city in the United States in population, and therefore I submit is entitled to better consideration than has been given to it by the committee in this respect.

Let me take another case. The site of the public building in Boston, Massachusetts, cost $1,329,095.84. There has already been expended upon it $5,729,295, and in this very bill $100,000 more is appropriated. Yet Brooklyn has a population of 200,000 more than the city of Boston.

Let me take another case. The site of the public building in the city of Baltimore cost $550,000. There have been expended upon that already, up to the 1st of September last, $1,054,000, and in this very bill $125,000 additional appropriation is given to Baltimore. The population of Baltimore is a little more than one-half that of Brooklyn.

Take the case of Philadelphia. The site of the public building in that city cost $1,490,200. There have been expended upon that building $5,650,000, and in this very bill the Committee on Appropriations give them $400,000 more. Philadelphia is the only city in the list to which I have referred that has a population exceeding that of the city of Brooklyn.

I repeat, the city of Brooklyn is the third city in the United States. It has been asking for the past thirteen years for provision to be made for a public building in that city by the Government of the United States. At the last session of this Congress it secured the passage of a bill, but only $300,000 were appropriated in the sundry civil act toward the construction of the building, and they want $200,000 more to enable them to purchase the site and lay the foundation. I trust that the Senate will consent to appropriate the sum asked.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York.

Mr. ALLISON. I raise a point of order on the amendment.

Mr. BECK. I want to say a word before the point of order is raised.

Mr. ALLISON. It is certainly not in order.

Mr. BECK. This is a provision above all others that I desire to call attention to as renewing the old bad system of going on without estimates and defying the law. On the twelfth day of July, 1882, Congress passed the following bill:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, and other Government offices, at the city of Brooklyn, State of New York. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $800,000.

There is a peremptory order of Congress putting that limitation upon it. They desire now to get $200,000 more in addition to the $300,000 given them last year to spend for a site, and they avowed to us that it will cost a million and a half, and they will not pledge themselves to build it for that. There has been no plan, no estimate, no suggestion made that they intend to build it for $800,000. In the face of the fact that the total cost was limited by law to $800,000, it is proposed to spend $500,000 for the site, with an admission that $1,000,000 will not more than build it. The Architect of the Treasury tells us that he does not pretend to say it will be built for less than $1,500,000. I say we ought to stop this thing here and now. I would rather strike out the $100,000 given by the House than add any more to it. If the authorities of the city of Brooklyn and gentlemen representing that great city will come and say they want a building costing $2,000,000 and submit plans and estimates, showing the necessity for it in that great city, I would vote $2,000,000 more cheerfully than I would vote $100,000 in defiance of

the law we have passed, until they do conform to the law and give us some assurance that we are not going back to the old system under which the New York post-office and the Boston post-office and a dozen other buildings were erected. We have in the last six years carefully and steadily sought to put down and have passed a law to prevent the repetition of these things. The chairman of the Committee on Public Buildings and Grounds, who I see before me, has been very careful whenever the thing was brought to him to see to it that everything was done before the appropriation was made. I do not propose that the city of Brooklyn shall come in now and defy our authority.

Mr. GROOME. Mr. President——

The PRESIDENT *pro tempore*. The point of order is raised. Is this amendment recommended by a standing committee?

Mr. LAPHAM. I can not say that it is.

The PRESIDENT *pro tempore*. It is not.

Mr. GROOME. Before the point of order is passed on, I should like to say one word. An allusion has been made to the public building in Baltimore of such a character as to indicate that that building has cost more than was originally intended. The original appropriation of $550,000 about which the Senator from New York spoke was made expressly for the purpose of purchasing the site and it was contemplated that the building would cost largely more. Nothing has transpired as yet to indicate that that building will cost more than was originally expected.

Mr. LAPHAM. I do not see how the point of order can lie against this amendment. We passed at the last session of this Congress a bill authorizing the erection of a public building in Brooklyn to cost the sum of $800,000. That was the estimate. It does not need the estimate of any committee. I am not asking any appropriation beyond what is provided in the act itself. It will be time for the honorable Senator from Kentucky to visit his anathemas upon Brooklyn and upon us when we ask for more money than is named in the law authorizing the erection of this building. We are only asking now for five of the eight hundred thousand dollars. When we come to the doors of Congress and ask for more than is named in the act I shall expect to hear the Senator from Kentucky, who seems to delight as much in denunciation as in anything else. He says upon this floor to us what he pleases with respect to the application, but while we are within the sum named in the act which authorized the building, I submit that neither he nor any other Senator has just cause of complaint, and I submit with great respect that this point of order can not be raised against a proposition to include in the sundry civil bill an appropriation within the sum named in the public act for the erection of this building in the city of Brooklyn. It is not a case that requires any estimate of a committee. We have the estimate of Congress and the solemn act of Congress upon the subject.

Mr. CALL. Mr. President, is this subject disposed of?

The PRESIDENT *pro tempore*. No, sir; a point of order is raised. There is an existing law providing that a public building shall be built at Brooklyn costing $800,000. The Chair thinks the amendment is in order, because it is to carry out the provisions of that existing law, to say how much shall be appropriated this year, and it is for the Senate to say whether the appropriation shall be made or not. The question is on striking out "one" and inserting "two" in line 89.

Mr. ALLISON. I hope that will not be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM called for the yeas and nays, and they were ordered.

Mr. ALLISON. Here is a public building authorized with a limited expenditure of $800,000, and this amendment of the Senator from New York is intended to enable the Secretary of the Treasury to buy a site that shall cost $500,000.

Mr. LAPHAM. That is a mistake.

Mr. ALLISON. I happen to know what the object of these people is about this building. They came before the committee and wanted us to increase the appropriation for the very purpose of paying $400,000 or $500,000 for a site.

Mr. LAPHAM. "Four hundred thousand dollars or five hundred thousand dollars" is not five hundred thousand dollars. They want this sum in order to purchase a site and erect the foundations of this structure during the coming season. That is what they are wanting it for, and they are acting in good faith. Why this prejudice should exist against carrying out an act of this Congress passed at the last session, I am unable to comprehend.

Mr. EDMUNDS. And from the Committee on Appropriations too.

Mr. LAPHAM. From any committee, the Committee on Appropriations or any other committee. I can not fathom it; I do not see why any such feeling as this should exist in respect to the measure.

The Principal Legislative Clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. MITCHELL. I paired, reserving the right to make a quorum. I vote "yea."

The result was announced—yeas 24, nays 21; as follows:

YEAS—24.

Aldrich,	Davis of Ill.,	Hoar,	Mitchell,
Anthony,	Edmunds,	Jones of Nevada,	Morrill,
Blair,	Frye,	Kellogg,	Rollins,
Call,	Garland,	Lapham,	Sawyer,
Cameron of Wis.,	Hawley,	Mahone,	Vest,
Conger,	Hill,	Miller of N. Y.,	Windom.

NAYS—21.

Allison,	Davis of W. Va.,	Maxey,	Vance,
Barrow,	Groome,	Morgan,	Voorhees,
Bayard,	Harris,	Pendleton,	Walker.
Beck,	Harrison,	Plumb,	
Brown,	Ingalls,	Ransom,	
Coke,	McDill,	Slater,	

ABSENT—31.

Butler,	George,	Jones of Florida,	Saulsbury,
Camden,	Gorman,	Lamar,	Saunders,
Cameron of Pa.,	Grover,	Logan,	Sewell,
Cockrell,	Hale,	McMillan,	Sherman,
Dawes,	Hampton,	McPherson,	Tabor,
Fair,	Jackson,	Miller of Cal.,	Van Wyck,
Farley,	Johnston,	Platt,	Williams.
Ferry,	Jonas,	Pugh,	

So the amendment was agreed to.

Mr. VANCE. I am authorized and instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to offer the following amendment, to come in at the end of line 2474, on page 101:

To enable the Acting Secretary of the Senate to pay the officers and employés of the Senate borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay at the rate of compensation then paid them by law, which sum shall be immediately available.

Mr. DAVIS, of West Virginia. I understand there are a few employés here who are not on any roll, and that this provides for all the employés, whether on the roll or not. I understand there are a few employés about the Senate who are on neither of the rolls, that are paid a per diem, and it is intended to cover all, as I understand.

Mr. VANCE. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina [Mr. VANCE].

Mr. HOAR. Will the Chair be good enough to state the question again?

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. At the end of line 2474 it is moved to insert:

To enable the Acting Secretary of the Senate to pay the officers and employés of the Senate borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay at the rate of compensation then paid them by law, which sum shall be immediately available.

Mr. ALLISON. I desire to say one word. The employés of the Senate are paid for the session as for four months under existing law, and I desire to test the sense of the Senate upon this amendment, because if it is the sense of the Senate that we shall pay this additional month's salary, I desire for one to know what it means.

Mr. DAVIS, of West Virginia. It is intended to pay all, not only the session employés but the annual employés also, I understand. It is thirteen months' pay in some cases for one year's service.

Mr. GARLAND. Do I understand the Senator from Iowa to say that if this amendment prevails there will be two months' pay added to our employés?

Mr. ALLISON. Under the appropriation for employés of the Senate and the House a long session is reckoned at seven months and a short session at four months. A month's extra pay of course gives all the employés of both Houses five months' pay for this session.

Mr. DAVIS, of West Virginia. And thirteen months for the year.

Mr. CONGER. I do not think that is in any permanent law. That was for one year. Why should it be claimed now to defeat this that it was a permanent law? I think it can not be a permanent law.

Mr. VOORHEES. I should like to understand this question and I ask the attention of the Senator from Iowa. He has made a statement which I do not understand. Is it held by the existing law that all the Senate employés receive a month's extra pay for this session and a similar time extra for a long session without any additional legislation upon the subject? If that is the case, it is the first time I have ever heard of it.

Mr. RANSOM. It is impossible that such a law can apply to the annual officers.

Mr. ALLISON. It does not appiy of course to the annual officers.

Mr. EDMUNDS. Why should it not?

Mr. ALLISON. They are paid per annum. They can not be paid for thirteen months in one year. I am speaking only of the session employés.

Mr. VOORHEES. I sympathize with the Senator from Iowa in his desire to see this matter fixed so as to do the best that can be done. I take it we shall do pretty much what we have done heretofore. The House generally has its way and bullies us out of ours. I know it has been so for the last three years, that they have made us yield to their arrangement and provision for their employés and made us yield our wish in regard to our own.

Mr. DAVIS, of West Virginia. Does not my friend think that if the House pays for five months the Senate ought also to do it?

Mr. VOORHEES. Yes; and I should be glad to see the conference committee take that ground, and I do not know but that my friend from West Virginia will be a member of it——

Mr. DAVIS, of West Virginia. Oh, no; but if I were I should insist on the Senate employés having the same pay as the House employés.

Mr. VOORHEES. I should be glad to think that would be insisted on and adhered to when you get into conference better than my experience in the past shows that it has been. I should be glad that the Senate conferees, whoever they may be, would feel instructed to stand by the sense and wishes of the Senate with one-half the pertinacity the Representatives of the House do, and then we should have justice done to our employés.

Mr. BECK. I desire to state to the Senator from Indiana the mistake that was made last year, if we are going into this little private matter now. Out of excessive courtesy to the House the Senate failed to strike out the House provision for their employés last year; and when we placed our own on the same footing with theirs, they refused to agree to our provision, and therefore retained their own.

Mr. VOORHEES. I remember it perfectly.

Mr. BECK. We have not been so polite this year, but have stricken out their provision, so that if we agree to this they will have a chance to agree with us; and whether this passes or not our employés will be treated as well as theirs, or neither will get anything extra.

Mr. VOORHEES. That is right.

Mr. INGALLS. Mr. President, I think there is perhaps a shadow of justice in allowing additional compensation to those employés who are borne upon the session-rolls and are paid simply for the time that the Senate is sitting here. They have of course to make their preparations to depart, and there is some necessary consumption of time before they can resume their other avocations. But with respect to those who are borne upon the rolls at an annual salary, I do not think that there is the slightest excuse for this additional compensation. At the expiration of this session of the Senate which expires on the 3d of March they will draw their annual compensation for nine months, until Congress meets in December, without rendering any other public service whatever. They will have the emoluments of their office and will be masters of their own time, to employ it as they see fit. I can see no reason that would not apply to every other officer of the Government. If the employés who are borne upon the rolls at an annual salary should have a month's additional compensation, I do not see why we should not, nor do I see why the President should not and every other officer of the Government. There is no reason in it; there is no justice in it; and I should regret very much to have the Senate agree to what I conceive to be a very vicious and unjust precedent.

Mr. ALLISON. I have the law to which I alluded a while ago.

And wherever the words "during the session" occur in the foregoing they shall be constred to mean four months.

That covers the employés of both House and Senate; I mean session employés.

Mr. HARRIS. Is that an appropriation bill or a general law?

Mr. ALLISON. It is the appropriation bill passed last year, which covers the present fiscal year and applies to this short session.

Mr. EDMUNDS. It is the general legislation on appropriation bills that is forever permanent. That is all.

Mr. INGALLS. So that employés of the Senate who are paid for the session will receive their compensation to the 4th day of April; and if we pass this amendment that is now here they will be paid to the 4th day of May, which will be two months' compensation without rendering any service.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina [Mr. VANCE] in behalf of the Committee on Contingent Expenses.

Mr. CONGER. I do not want any misunderstanding. This law says:

And wherever the words "during the session" occur in the foregoing, they shall be construed to mean four months.

That is in this bill, one appropriation bill.

Mr. INGALLS. That appropriation expires on the 30th of June, 1883.

Mr. CONGER. Yes; I thought it was in the appropriation of that year, and I said so.

Mr. EDMUNDS. That covers the present case.

Mr. INGALLS. It covers the current year until the 30th of June.

Mr. CONGER. I do not know what appropriation this is.

Mr. ALLISON. It is the act of last session.

Mr. CONGER. It only applies to the appropriation of that year.

Mr. EDMUNDS. I should like to ask the Senator from Michigan a question for information. Does he intend to give these employés two months' extra pay or one?

Mr. CONGER. One.

Mr. EDMUNDS. Then it is very easy to frame the amendment so that there shall be no mistake about it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina [Mr. VANCE].

The question being taken, there were on a divison—ayes 12, noes 15.

Mr. EDMUNDS. No quorum.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. CONGER. I desire to say, in regard to the pay of employés and clerks of the two Houses, there is no word about "session" in regard to their payment in this appropriation bill. They are to be paid so much per month. The word "session" is used in the law of last year for some purpose, but there is nothing in it in reference to the length of time or the payment by the session of clerks.

Mr. DAVIS, of West Virginia. I suggest to the Senator if there is any doubt about it it could be easily made definite, as the Senator from Vermont has said. I do not want to amend the amendment, but it can be made definite. Everybody admits that the employés ought to have one month's extra pay, I understand, except those on the annual roll. I suppose there is no Senator here who does not wish that done.

Mr. ALLISON. I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair was endeavoring to see if there was a quorum.

Mr. EDMUNDS. The shortest way is to have the yeas and nays.

Mr. CONGER. If the conference committee understand that there shall be a month's extra service and it is included in either provision that is all I care for.

Mr. EDMUNDS. The yeas and nays have been called for on the amendment. That is the shortest way to get a quorum.

The yeas and nays were ordered.

Mr. CALL. It seems to me very clear that this amendment ought to be adopted. There can be no question but that it provides for one month's pay. Suppose the appropriation bill of last year had said this session should be construed to last four months and the employés should receive four month's pay, would not this amendment to this bill happening at this time avoid it and prescribe the law and insure them one month's compensation? There can be no question about that.

Mr. DAVIS, of West Virginia. Will the Secretary read the amendment again?

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment of Mr. VANCE.

Mr. DAVIS, of West Virginia. It includes the session and annual employés.

Mr. BROWN. I move to amend it by saying instead of one month's pay, "one month only of extra pay."

Mr. ALLISON. I suggest to the Senator from Georgia that he simply provide that the session employés shall be paid until the 4th day of April, 1883.

Mr. BROWN. I have no objection to that. I understand we only want to give one month.

Mr. ALLISON. Confine it to special and session employés.

The PRESIDENT *pro tempore*. Will the Senator from Georgia be good enough to specify his amendment?

Mr. BROWN. The amendment I offer is, after "one month," to insert the words "only of;" so as to read:

One month only of extra pay.

Mr. VANCE. I accept that amendment. The object is to secure one month's extra pay.

The PRESIDENT *pro tempore*. The Senator from North Carolina accepts the amendment of the Senator from Georgia, so as to read "one month only of extra pay." Shall the yeas and nays be called?

Mr. EDMUNDS. We must have them to get a quorum.

The PRESIDENT *pro tempore*. But the Chair has counted and discovered that there is a quorum present.

Mr. ALLISON. It would be better to say that these employés shall be paid until the 5th day of April, 1883; I mean those not borne on the annual roll?

The PRESIDENT *pro tempore*. The Senator can put that on by way of proviso.

Mr. EDMUNDS. Read the amendment at the desk as it now stands.

The Acting Secretary read as follows:

To enable the Acting Secretary of the Senate to pay the officers and employés of the Senate borne on the annual and session rolls on the 3d day of March, 1883, one month only of extra pay, at the rate of compesation then paid them by law, which sum shall be immediately available.

Mr. INGALLS. That includes the annual clerks.

Mr. EDMUNDS. That apparently includes the annual clerks, and if this existing law now provides for it, for aught I see it will make a double pay for that month, and whether the Senate wants to do that or not I do not know. The Committee on Appropriations ought to know.

Mr. ALLISON. I do not know what the Senate wants.

Mr. VEST. Does this legislation apply to all the officers of the Senate, those who draw annual salaries as well as the session employés?

The PRESIDENT *pro tempore*. The amendment will be read.

The Acting Secretary read the amendment.

Mr. INGALLS. If you insert the word "not" before "borne," and strike out the word "session," you would include those whom you wish to pay.

Mr. VEST. Does that apply then to the Secretary of the Senate, to the Sergeant-at-Arms, and all the other officers who are paid annually?

The PRESIDENT *pro tempore*. The Chair would not like to answer the question. The chairman of the Committee on Appropriations probably can answer it.

Mr. ALLISON. Of course the Sergeant-at-Arms and our Acting Secretary and all our other friends here have annual salaries, and they are officers and employés of the Senate, and of course would be covered by this provision.

Mr. VEST. And so they would receive a month's extra salary?

Mr. ALLISON. According to the amendment of the Senator from North Carolina.

Mr. VEST. It does not apply to Senators. [Laughter.]

Mr. ALLISON. I believe we are not officers of the Senate. [Laughter.]

Mr. VEST. I have all my life detested the character of a small economist. In all the legislative bodies I have ever served in I have voted, I believe, for the largest amount of compensation I could consistently with my conscience vote for; but if we employ officers and they understand what they are doing, where is the necessity, where is the principle, where is the justice of our voting one month's extra pay to them? The whole thing is wrong, and we are juggling with each other when we undertake to do it.

I have the kindest feelings for the employés of the Senate. I should like, personally, to make them a donation out of my personal and private fortune, if I had any, but not having it I am not able to do so. But why should we continue this sort of thing? Here are gentlemen who are very anxious to receive these positions knowing what they are to receive by the year, knowing what they are to receive by the month, and for a single position there are generally about a thousand applicants or a hundred at least; and still, after all the scramble to get these places, at the end of every session we are asked to vote for one month's extra pay. We should either vote larger salaries or we should stop this sort of thing.

Mr. EDMUNDS. I move to amend the amendment as I have written it in pencil on the desk.

The PRESIDENT *pro tempore*. It will be reported.

The ACTING SECRETARY. It is proposed to amend the amendment so as to make it read:

To enable the Acting Secretary of the Senate to pay the officers and employés of the Senate not borne on the annual rolls on the 3d day of March, 1883, one month only of extra pay at the rate of compensation then paid them by law, which sum shall be immediately available.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from North Carolina.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. CALL. After line 348, on page 15, I move to insert:

For a light-house at Volusia Bar, $5,000.

I hope the chairman of the committee will make no objection to this.

Mr. ALLISON. I make the point of order on the amendment. It is not estimated for.

Mr. CALL. Will the chairman state the point of order?

Mr. ALLISON. The point of order is that it is not estimated for.

Mr. CALL. I hold in my hand, which has been submitted to the Committee on Appropriations, the recommendation of the Treasury Department for that specific appropriation and the estimate for it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

POST-ROUTE BILL.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7679) to establish certain post-routes, reported it with amendments.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask that the deficiency bill be laid before the Senate.

The bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. EDMUNDS. Is it in order to read that bill the second time without unanimous consent to-day?

The PRESIDENT *pro tempore*. No, sir.

Mr. EDMUNDS. I do not make any objection. I merely wanted to know what the law was. There may be some other bill that it will be worth while to know about.

The PRESIDENT *pro tempore*. The bill has been read the second time and referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. GARLAND and Mr. SLATER submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] is entitled to the floor on his amendment.

Mr. CALL. I hold in my hand the estimate of the Treasury Department and the recommendation for this work which was sent to the Committee on Appropriations. I send it to the Secretary to be read, and also the recommendation of the Light-House Board.

The Acting Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 20, 1882.

SIR: Referring to your letter of April 19, inclosing a letter from the Committee on Commerce of the House of Representatives, dated April 18, forwarding a number of bills for the opinion of the board, and among them H. R. bill No. 4796, to authorize the establishment of certain lights on Saint John's River, Florida, I have to say that the board finds itself unable to recommend its passage.

The board is of the opinion that if its jurisdiction was extended over the Saint John's River, as it now is over several of the largest Western rivers, that it could furnish all the lights needed in this river at a less sum than would be required to establish the permanent structures contemplated in this bill.

The board begs leave to suggest that the desired result could be better attained by passing a bill providing for the extension of its jurisdiction over the river for the establishment of such lights, day-beacons, and buoys as may be necessary for the use of vessels navigating that stream; that the board be authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which, in consequence, can not be made permanent, and that $10,000 be appropriated for this work.

Very respectfully,

GEO. DEWEY,
Commander, U. S. N., Naval Secretary.

Hon. SECRETARY OF THE TREASURY.

Mr. ALLISON. What is the date of that letter?

The ACTING SECRETARY. April 20, 1882.

Mr. CALL. Read the other letter.

The Acting Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1883.

SIR: Respectfully referring to a letter of the 2d instant from Mr. W. B. Watson, of Jacksonville, Florida, forwarded by you to this Department, with request for information in regard to the necessity for the establishment of a light on Volusia Bar, Saint John's River, Florida, I have the honor to transmit herewith a copy of a letter of the Light-House Board, dated the 17th instant, stating that the district officers have made reports strongly in favor of the desirability of a light on said bar, the estimated cost of the same being $5,000.

Very respectfully,

H. F. FRENCH, *Acting Secretary.*

Hon. WILKINSON CALL, *United States Senate.*

Mr. ALLISON. I renew the point of order. There is no estimate for this.

The PRESIDENT *pro tempore*. This is not an estimate within the sense of the rule.

Mr. CALL. If the Chair so decides, I suppose I must submit; but here is a letter of the Treasury Department referring to the Light-House Board particularly this light on Volusia Bar with the report of the board for $5,000 and the recommendation of the Secretary. He says that he recommends—he expressly uses the word "recommends"—and he says the cost will be $5,000. Why that is not an estimate I can not conceive. It has been referred to the Light-House Board, the true authority, and it is only one of half a dozen. Every year since I have been here I have made this same application and sent in the same amendment to the bill, referring it to the Committee on Appropriations, and obtained the same recommendation from the Secretary of the Treasury; and yet I am told that this is not an estimate and the committee have refused to consider it. I appeal from the decision of the Chair.

Mr. ALLISON. Of the seven light-houses provided for in this bill two are on the coast of Florida. I do not think the Senator from Florida has very much cause for complaint.

Mr. CALL. Have I a right to say anything?

The PRESIDENT *pro tempove*. The Senator from Florida has the floor.

Mr. CALL. Then, sir, I wish to say that as for the two light-houses the chairman of the Committee on Appropriations refers to, they are of no consequence whatever to the people of Florida. They belong to the

foreign and coastwise commerce of this country, and do not in any respect concern the interests of the people of Florida; but the Saint John's River has upon it more trade and travel and commerce than any river in this country except the Ohio and the Mississippi.

I have a letter here from General Sandford, a prominent citizen of New England, now living in Florida, who calls attention to the fact that more than 100,000 people, largely from the North—from the Senator's own State—travel on that river night and day. More than thirty steamers constantly travel upon the Saint John's River; and when the little sum of $5,000 is asked for, and recommended by the Light-House Board, sent to me by the Secretary of the Treasury with the recommendation, and stating the estimate to be approved of $5,000, I am told it is not an estimate in the sense of the rule. The rule says:

Proposed in pursuance of an estimate of the head of one of the Departments.

I think that is as full a compliance with the rule as can be obtained.

The Senator from Iowa [Mr. ALLISON], chairman of the Committee on Appropriations, is not justified by the interests of the public service or the fulfillment of the public trust committed to him as chairman of a committee of this body in raising this point of order. There is neither propriety nor reason in the point of order. It is stated to be that there is no estimate for this little appropriation of $5,000 by the head of a Department. The facts will decide. The Acting Secretary of the Treasury sends, in reply to a request from me as Senator for an estimate and a recommendation to go before the committee, an official letter to me as a Senator, stating that the Light-House Board recommends this appropriation, and estimates the cost at $5,000. This is said to be a personal or private correspondence, although it concerns an estimate for a public purpose and a recommendation for a committee, and is from a public official, a head of a Department, and addressed to me officially as a Senator. Further, he incloses a letter addressed to the chairman of a committee of this Congress, making both an estimate and a recommendation. Still the Senator from Iowa insists it is not an estimate, although the inclosure is addressed to Congress, and in express words is both a recommendation and estimate. He must claim that it is not an estimate because it is not in the Book of Estimates made in the beginning of the session. Nothing can be an estimate which is not in a book prepared and sent to Congress at a particular time; that is, although it is in fact and in words an estimate, and made for the purposes of an estimate, and has all the qualities of an estimate, and satisfies all the ends and objects of the rule, it fails to be an estimate unless made on a particular day and sent to these Treasury lords, not by such an inferior person as an ordinary Senator, but a special messenger. If the committee applied this new reasoning to every one imperatively they would have very many of the items of this bill stricken out.

The point of order is based on the proposition that although the subject of the amendment has received the consideration of the head of the Department and the cost been reckoned and a statement made for the purpose of being placed before Congress by the Department, yet it loses all these qualities and fails to perform these ends if it is transmitted to or through a Senator or sent as an inclosure in a letter to him. I shall not do more than state these propositions which are gravely and frequently stated by the committee to sustain points of order. They need no reply.

An estimate by a head of a Department is a consideration of a subject and of its probable cost and a statement of the same. If these facts exist it is an estimate by a head of a Department, and meets both the letter and objects of the rule, whether borne on a silver salver to the aristocratic gentlemen on the Appropriations Committee or sent in a letter to a plain and ordinary Senator.

The amendment I propose was recommended to both the last Congresses by the Light-House Board and the Treasury Department, and the official letters to this effect have been before the committee and are now here before the Senate. But, Mr. President, for four years I have sought in vain to reach the deaf ears of the committee with some considerations touching the public service in connection with this great river. I have received neither consideration nor attention. I can only protest against it, and condemn this indifference to the public interest and this danger to the lives and property of the people of all parts of the United States who every year travel on this noble river.

More than 100,000 people are borne on this great river every year. Thirty steamboats are constantly borne on it, from ships of magnificent dimensions and of great value to small launches. More than $10,000,000 of property annually passes over it, yet the committee can not see the public interest for giving $5,000 for lights upon it. Yet if we look into the bill which they have reported we shall find a great many items which might well be diminished enough to make more than fifty times the amount necessary for thoroughly lighting this river. Among these items are $10,000 for an exhibit of the United States Fish Commission in London in May, 1883; to take part in electrical experiments at Paris, $12,500; for protection of sea-otter hunting-grounds, for the benefit of a monopoly, and seal-fisheries in Alaska, $25,000, and other items for this purpose, making $41,000 which the committee appropriate for the protection of the sea-otter as against $5,000 refused for the protection of a hundred thousand human beings and ten millions of dollars of property.

For scientific observation in the Arctic seas, $33,000.

For surveys and gaugings Mississippi River and tributaries, $150,000.

To pay Potomac Steamboat Company damages caused by neglect of United States naval officers in running down the Excelsior in Hampton Roads, $19,000.

Furniture for new quarters of Navy Department, $30,000.

For improving Capitol grounds, $50,000.

For payment of Cherokee Indian claims, about $700,000.

For propagating cod, mackerel, and striped bass, lobsters, and other useful marine animals, in Massachusetts, $25,000.

For carp-ponds at Washington, $30,000.

For Fish Commission, in all, about $131,000.

To buy Rochambeau papers, $20,000.

To buy records and briefs of late Matthew H. Carpenter, $8,000.

I have not sought to arraign the committee for these lavish appropriations, but I think in view of their vast and profuse expenditures they might have strained a fastidious conscience so as not to raise a technical point of order on $5,000 for the protection of lives and property on the Saint John's River, Florida, when they are so largely Northern lives and northern property.

The PRESIDENT *pro tempore*. In the opinion of the Chair this is merely a correspondence on this subject, and not an estimate with a view of recommending an appropriation. It is a correspondence on that subject. Did the Senator from Florida appeal from the decision of the Chair?

Mr. CALL. I will not appeal, though I think it is like the general conduct of the Committee on Appropriations, very unfair, very unjust, and very partial. I merely wish to say to my people that this is the fourth time I have made application for this simple act of justice and none but those who are on the committee and their friends can obtain such appropriations.

Mr. HILL. I offer the following amendment at the end of line 1383, after the word "necessary," to add:

That the sums appropriated by the two foregoing paragraphs shall be immediately available.

Mr. ALLISON. There is no objection to that. I intended to offer it.

The amendment was agreed to.

Mr. CONGER. On page 68, line 1658, after the word "dollars," I move to insert:

The same to be immediately available.

So that the clause shall read:

And of the sum hereby appropriated, $80,000 (the same to be immediately available) shall be expended for surveys in the Territory of Dakota.

I may say that the surveyor-general says that he can make more economical contracts by having the same available for the whole summer season than he can by having it divided the 1st of July, throwing part of the work into the fall and part over until the next spring, which makes it necessary for parties to go out with their outfit twice. I suppose there is no objection to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

Mr. SLATER. I move to amend, in line 1653, page 68, after the word "in," by inserting "California, Nevada;" so as to read:

Or where for any cause not provided for by law in California, Nevada, Oregon, and Washington Territory he is unable to get the necessary surveys.

That I think ought to be done, inasmuch as the paragraph was not struck out.

Mr. DAVIS, of West Virginia. That I understand increases the amount to be paid for surveys.

Mr. SLATER. Oh, no.

Mr. DAVIS, of West Virginia. It is to be paid for the surveys per mile. There are now in the bill Oregon and Washington Territory.

The PRESIDENT *pro tempore*. It is to get so much per linear mile. The question is on the amendment of the Senator from Oregon [Mr. SLATER].

The amendment was agreed to.

Mr. ANTHONY. I offer the following amendment, to come in on page 58, after line 1403:

To enable the Secretary of the Navy to pay H. H. Nichols for the engraving of the Bowditch Navigator, published by order of the Navy Department, $2,581.79: *Provided*, That the account be found correct and justly due.

Mr. ALLISON. From what committee does that come?

Mr. ANTHONY. The Committee on Printing.

Mr. ALLISON. That account does not seem to have been audited. If the account was audited, I should see no objection.

Mr. EDMUNDS. It should go on the deficiency bill then.

Mr. ANTHONY. It is not to be paid unless the Secretary of the Navy finds the amount correct and justly due.

Mr. ALLISON. We could pay a great many claims in that way. The rule is not to allow anything except audited claims. This provides that the proper officer may audit this. I make the point of order on it.

Mr. ANTHONY. Then I will thank the Secretary to read the amendment immediately preceding this, to see if it is not liable to the same point of order.

The Acting Secretary read as follows:

To enable the Secretary of the Navy to pay the Potomac Steamboat Company the amount found to be due them by a board of naval officers appointed to ascertain the damage occasioned by the negligence of the officers in command of the United States naval tug Fortune in running down the said company's steamer Excelsior, in Hampton Roads, Virginia, December 4, 1882, $19,957.15; and the acceptance of this sum shall be in full for all claims which the said company now has against the United States because of said collision.

Mr. ANTHONY. That is the clause immediately preceding where this amendment comes in. It is of the same character.

Mr. ALLISON. The item immediately preceding has been found due by a board of naval officers appointed by the Secretary of the Navy under a law.

Mr. ANTHONY. This has been found due by a committee of Congress. Let me state this case. The Navy Department published the Bowditch Navigator. There were some cuts in it. They sent the cuts to the Printing Office and they came by the estimate within $250, which is the lowest sum that can be engraved without advertising. They gave him the cuts to engrave, and afterwards, according to the account of the Printing Office—it was in Mr. Defrees's time—the Navy Department sent to him a larger amount of engraving, more than he was authorized to contract for without advertisement, and then the chief clerk went and countermanded the order, but the order had already been partly executed, and the Navy Department sent still other engraving, according to the account from the Printing Office. There is some difference in the stories that the two tell, but there is no doubt whatever about the fact that this man was told (this being in the recess of Congress) that when Congress met the Committee on Printing would authorize, which the committee has the right to do by statute, the engraving of this work without advertisement. When Congress met in December we were called upon and asked to authorize what already had been done without our authority. That we did not think proper to do. The result is that this poor fellow has done this work, done it well, and has received no pay. He is a very worthy, honest man. He did it on the assurance that he was acting within the law, but he cannot get his money.

The PRESIDENT *pro tempore*. The point of order is withdrawn, the Chair understands. The question is on the amendment of the Senator from Rhode Island [Mr. ANTHONY].

The amendment was agreed to.

Mr. KELLOGG. I offer the following amendment. On line 338, page 15, after the word "dollars," insert:

For the erection of a light at Southwest Pass, Vermillion Bay, Louisiana, $15,000.

Mr. ALLISON. I make the point of order on that.

Mr. KELLOGG. I offer this amendment from the Committee on Commerce, but I am not exactly in the same situation with the Senator from Florida in respect to his amendment. We have not any lighthouse provided for in this bill in Louisiana or on the Gulf coast, and this is a very important matter. I hope that the Senator from Iowa will not insist upon this point of order.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. ALLISON. That it is not estimated for, is not in the list of light-houses, and the Light-House Board have not recommended it in their regular estimates.

Mr. KELLOGG. Neither have they recommended any except two or three. I hold in my hand, as the Senator from Florida said he did in his, a letter from the Light-House Board, and also a letter from the Secretary of the Treasury, recommending this appropriation. I report it from the Committee on Commerce. It seems to me, as I am authorized by the Committee on Commerce to make this report to the Senate, and they recommend the allowance of this appropriation, I am within the rule.

Mr. EDMUNDS. It has not been referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Have the Committee on Appropriations had it before them?

Mr. KELLOGG. I have been evidently a victim of misplaced confidence—not that I find any fault—a kind of pious fraud has been perpetrated on me. I asked the chairman of the committee the other day if it was necessary to refer this to the Committee on Appropriations, and I understood him to say it was not absolutely necessary that I should do so.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. KELLOGG. I hope the chairman, who has misled me, not intentionally, of course, will not insist on the point of order.

The PRESIDENT *pro tempore*. There are mitigating circumstances. [Laughter.]

Mr. KELLOGG. I plead mitigating circumstances and throw myself on the indulgence of the chairman of the Committee on Appropriations.

The PRESIDENT *pro tempore*. Make your appeal to him, sir. The Chair has no right to indulge anything. The point of order is sustained.

Mr. KELLOGG. I do not know that I want to claim the indulgence of the Senate to have the correspondence read. It will not do any good, I reckon. ["No!" "No!"] If I were here another session I would never trust the chairman of the Committee on Appropriations in a matter of advice. [Laughter.]

Mr. HAWLEY. I offer the following amendment, in line 1041, after the word "dollars," to insert:

For extra-duty pay to two hundred and twenty enlisted men of the Signal Service, at 35 cents per day, $28,105.

Mr. ALLISON. I make the point of order on that.

Mr. HAWLEY. It is not liable, I think, to the point of order. I submit it to the Chair of course. The existing law under which these men are enlisted in the Signal Corps gives skilled men placed on certain classes of work extra-duty pay, and these men have had this before and it is estimated for under existing law in the estimates submitted this year. To fail to give it to them would be to fail to give them what they have had all the while and would be a practical reduction of the pay of these skilled operatives to the extent of about $125 a year. Their pay I understand now is something over $900, about $940. At any rate I submit to the chairman who has made this point of order, that this is only allowing what is customary, and it is estimated for, and if not paid it is a reduction of the pay of an excellent and intelligent class of skilled workmen.

Mr. ALLISON. That question the committee considered very carefully. I should be glad if the Senator from Connecticut would point me to the portion of the Book of Estimates where this extra-duty pay is estimated for.

Mr. HAWLEY. I have not examined the details, but I was told and believe that the estimates are made upon the same basis as the preceding year, during which they have had what money was necessary to give these men the extra-duty pay. I see it is on the one hundred and ninety-seventh page of the Book of Estimates:

Incidental expenses Signal Service:
Extra-duty pay for two hundred and twenty enlisted men, at 35 cents per day, $28,105.

The PRESIDENT *pro tempore*. It seems to have been estimated for.

Mr. HAWLEY. Yes, sir; under existing law.

Mr. ALLISON. I hope it will not be agreed to.

Mr. HAWLEY. I hope it will. They have had it every year. To omit it is a reduction of pay without any reason.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

Mr. DAVIS, of West Virginia. Is it extra pay?

Mr. HAWLEY. It is technically extra-duty pay of the Army, which they have always had for skilled work.

The question being put, there were on a division—ayes 10, noes 14; no quorum voting.

Mr. HAWLEY. I ought to call for the yeas and nays on this, because it is a reduction of $125 a year from a class of men who are not overpaid—skilled men in the Signal Corps. I do not think it is the right place for an economy to that extent, a reduction of about 15 per cent. on their pay. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I understand the amendment provides for extra compensation.

Mr. HAWLEY. It is technically extra-duty pay, which under the Army regulations is paid enlisted men taken and sent upon certain skilled work, artisans or men of extra merit. Telegraphers and others have a certain extra allowance, 35 cents a day. These men have also had it. This is not in the popular sense of the term extra pay at all. It has always been part of their regular pay.

Mr. DAVIS, of West Virginia. If it is regular pay why do you say "extra-duty pay?"

Mr. HAWLEY. It is regular pay for extra work.

Mr. ALLISON. These are not enlisted men in the service here.

Mr. HAWLEY. They are enlisted and mustered into the service.

Mr. ALLISON. They may be enlisted, but are, in fact, employed in the Signal Service Office as clerks.

Mr. BECK. Will the Senator from Connecticut tell us what their monthly pay is now?

Mr. HAWLEY. I can not give it, but one of them told me the total pay was $940 a year. There are some few who have more than that.

Mr. BECK. I understand now they receive from $64 to $82 per month, varying somewhat.

Mr. HAWLEY. That would be about $960 a year for the highest.

Mr. BECK. A soldier gets from $13 to $17 per month.

Mr. HAWLEY. But besides the soldier's $13 or $17 per month he gets his rations and clothing, and these things are commuted to the other man. He gets an enlisted man's monthly pay, and the clothing and rations are duly commuted, and the enlisted man of the regular Army when put upon skilled work as a mechanic or telegrapher gets this 35 cents a day.

Mr. CONGER. These are the Signal Corps observers. They are the men upon whom you rely for observations all over the country; and if that service is good for anything at all it needs the highest kind of skill. This pay the law gives these men now and it has given it to them heretofore, and leaving it out now reduces the pay of the class of men who have done this service to the country.

Mr. HAWLEY. It is a reduction of 15 or 18 per cent. without any good reason.

Mr. BECK. I do not want to debate this. We have heard the Chief of the Signal Service, and we went over this bill with a great deal of—I was about to say leniency to many things that did not strike me favorably and others still less so; but when the Chief of the Signal Service made his presentation of the case in regard to this extra pay it met with no favor in committee. Looking at the Signal Service as favorably perhaps as any other member of the committee, if this is going to be pressed now to this extent my opinion is that it will not promote the Signal Service or its present organization; nor will it tend to secure permanency to it under its present management. We did as much as we could. I do not want to make any remarks that may look invidious; but when we came to go over this part of it, this was a little thing that even those who were best disposed thought they could afford to let go.

Mr. HAWLEY. I will not trespass on the Senate, but whatever criticism may be made upon the general management of the head of the bureau or anybody connected with it nothing of that kind has anything to do with my proposition, which is simply to continue to the enlisted men, the worthy and intelligent and faithful men there, the pay they had last year. That is the whole of my proposition.

Mr. DAVIS, of West Virginia. I understand that these men get three or four times as much as other men in the service.

Mr. HAWLEY. Not so at all.

Mr. DAVIS, of West Virginia. How much is the pay of these men?

Mr. HAWLEY. They get paid under army laws and rules. Of course they can not be fed in a company mess, because they are scattered about in squads of two or three; rations are commuted, and clothing is commuted, and quarters are commuted; these things are turned into cash.

Mr. DAVIS, of West Virginia. How much do they get?

Mr. HAWLEY. The Senator from Kentucky has just stated it. The highest runs up to $84 a month, or about a thousand dollars a year. I do not know any case quite as high as that; I supposed it was about $940.

Mr. DAVIS, of West Virginia. How much does an enlisted man get?

Mr. HAWLEY. Sixteen dollars a month for his pay. Then he is fed the year round and clothed the year round and all his transportation and everything he needs is furnished to him. Commute that to the ordinary enlisted man at fair rates and you will find it amounts to something.

Mr. DAVIS, of West Virginia. It is certainly safe to say that these men get twice as much as enlisted men.

Mr. HAWLEY. You can not make such figures out of it to save your life. The Senator is entirely mistaken.

The Principal Legislative Clerk proceeded to call the roll.

Mr. SLATER (when his name was called). On this vote I am paired with the Senator from Louisiana [Mr. KELLOGG].

The roll-call having been concluded, the result was announced—yeas 15, nays 28; as follows:

YEAS—15.

Anthony,	Frye,	Hoar,	Platt,
Blair,	Harrison,	Lapham,	Sawyer,
Conger,	Hawley,	Miller of N. Y.,	Windom.
Davis of Ill.,	Hill,	Mitchell,	

NAYS—28.

Allison,	Davis of W. Va.,	Lamar,	Pugh,
Barrow,	Edmunds,	McMillan,	Rollins,
Bayard,	Garland,	Maxey,	Vance,
Beck,	Gorman,	Morgan,	Van Wyck,
Cameron of Wis.,	Harris,	Morrill,	Vest,
Cockrell,	Ingalls,	Pendleton,	Voorhees,
Coke,	Jackson,	Plumb,	Walker.

ABSENT—33.

Aldrich,	Ferry,	Jones of Nevada,	Saunders,
Brown,	George,	Kellogg,	Sewell,
Butler,	Groome,	Logan,	Sherman,
Call,	Grover,	McDill,	Slater,
Camden,	Hale,	McPherson,	Tabor,
Cameron of Pa.,	Hampton,	Mahone,	Williams.
Dawes,	Johnston,	Miller of Cal.,	
Fair,	Jonas,	Ransom,	
Farley,	Jones of Florida,	Saulsbury,	

So the amendment was not agreed to.

Mr. MORGAN. On page 97, after line 2382, I move to insert:

Provided, That no money shall be paid from the sums appropriated in this act for the fees of United States commissioners or of special attorneys which accrued or became due in any previous fiscal year.

I find that the expenses for United States commissioners during the fiscal year 1882 incurred and paid were $80,327.21, and the committee appropriate $130,000 for next year. That is the same amount of money that was appropriated last year, $130,000 for this same purpose, the payment of United States commissioners, of which the Department has spent only $80,327.21.

There is something wrong about this business evidently. I do not know how to account for it. The chairman of the committee, I think, can not account for it; I doubt if anybody can except the Department itself; but I infer, from looking back over the statements that are found in the report of the Attorney-General, that the money which will be appropriated for instance for the next fiscal year will all be applied to the extinguishment of unliquidated or unsettled demands in preceding fiscal years.

Mr. EDMUNDS. That can not be done.

Mr. MORGAN. The Senator from Vermont says that can not be done; but I suppose it is done. That is either done or there is a very large overestimate for expenses, for the distance between $80,000 and $130,000 is quite considerable on an item of this kind.

I propose to limit the expenditure to debts incurred during the fiscal year for this description of service. What I fear is being done is that they use the appropriations to go back over preceding years, or, if not, for some purpose that I do not understand. There is some gap about this matter that ought to be accounted for.

Mr. EDMUNDS. There is no doubt that the Committee on Appropriations can explain it at once. They understand the operation of this affair.

Mr. MORGAN. I shall be glad to hear an explanation.

Mr. ALLISON. The Committee on Appropriations feels bound, of course, to make such explanation as it can.

The appropriation last year was $130,000, and the estimate this year is $160,000. The Attorney-General, or his representative, stated to us that these items were as little as he could possibly administer the Department of Justice in all its ramifications with, and the committee believe that the Attorney-General stated truthfully when he so stated. If the Senator from Alabama finds that in some prior year only $80,000 of this sum was expended, that is a very satisfactory statement.

Mr. MORGAN. Here is the statement of the Attorney-General.

Mr. ALLISON. It is probable that during that year they were able to economize.

Mr. MORGAN. That was the last fiscal year.

Mr. ALLISON. Ending last July. If the Senator thinks the amount is too great I shall be willing to reduce it somewhat, and thus enable the committee to make further investigation and confer with the people who know more about it than we possibly can.

Mr. MORGAN. We might possibly make a mistake by cutting down the amount that the Attorney-General has estimated for, but we shall make no mistake if we confine the expenditure of this money to the current fiscal year and require him to report a deficiency, if there is a deficiency for the preceding year.

Mr. EDMUNDS. I would suggest, with greatest possible modesty, to the Committee on Appropriations that it is just within the power of one's comprehension who knows anything about the law that all the claims and expenses of these commissioners for a given fiscal year are not reported at the end of that precise year when they square the accounts, because the law allows the appropriation to be drawn upon for one or two years afterward for liabilities before incurred. But the Committee on Appropriations know how all that is, and how justice is administered. That is worth thinking of, I suggest to the committee.

Mr. MORGAN. I prefer to have it thought of on the amendment that I propose, which will confine the expenditure to the fiscal year. That will be safe. If there is any trouble about it we can supply the trouble on a deficiency bill.

Mr. ALLISON. All the committee wants is to have the service continued.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

Mr. GROOME. I propose the following amendment, to come in after the word "expended," in line 2242:

Provided, That there may be bound for each Senator, Representative, or Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate; but this provision shall not be construed as allowing any binding as aforesaid to be done of any books or documents issued during any former Congress of which said Senator, Representative, or Delegate was not a member.

Mr. DAVIS, of West Virginia. Is there not some provision of that kind now?

Mr. ALLISON. That was the provision which was ruled out on a point of order.

Mr. ANTHONY. This is not the same that was ruled out before on a point of order. Nobody objects to it.

Mr. HOAR. Nobody objects to this.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Maryland [Mr. GROOME].

The amendment was agreed to.

RIVER AND HARBOR BILL.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

Mr. MCMILLAN. I move that the bill just sent from the House be read and referred to the Committee on Commerce.

Mr. EDMUNDS. What bill is that?

The PRESIDENT *pro tempore*. The river and harbor bill.

Mr. EDMUNDS. I object to the second reading of it.

The bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of the bill to-day.
Mr. McMILLAN. I ask that the bill be printed.
The PRESIDENT *pro tempore*. The bill will be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

Mr. MORGAN. I offer this amendment, to come in at line 1515 on page 62:

For testing under the direction of the inventor, and for his expenses in connection therewith, Frank Moore's instrument for determining the error of the compass, $1,000.

I wish to make a very few remarks about that. The Secretary of the Navy has had this instrument tested by a board of naval officers, who are satisfied that it is going to be of very great value——

Mr. ALLISON. I make the point of order on the amendment suggested by the Senator from Alabama.

The PRESIDENT *pro tempore*. The point of order can not be made while the Senator from Alabama has the floor.

Mr. ALLISON. I do not seek to take the Senator from the floor.

Mr. MORGAN. I expected the point of order would be made, and I have only one answer to it: *De minimis lex non curat*. This is a very small matter, but it is very valuable indeed; at least that is the testimony of naval officers. It could not have been put in any estimate for the reason that the invention was not known at the time the estimates were made out. Therefore the Secretary of the Navy has been bound to content himself with the recommendation which I have, which has been entered here, and sent to the Committee on Appropriations. He is anxious that this appropriation should be made. Mr. Moore, the inventor of this very remarkable instrument, is a man totally destitute of means; he has nothing; and in order to get the test of it it appears to be necessary that he should have provision on naval vessels on which the instrument is to be tried. There can be no doubt, I think, that it is an accurate and complete corrector of the variations of the compass, and the naval officers believe it will answer this purpose in any kind of a sea, or at any time between 8 o'clock in the morning and 8 o'clock in the evening, at any time during which the sun may shine in the day; that it will correct the errors of the compass, and it is done instantaneously. The light falls upon the instrument and its record is made instantaneously for the correction of the error; a very remarkable discovery. The Secretary of the Navy is anxious that the inventor should have the opportunity of testing it.

Of course the point of order will carry it by, but the Senator from Iowa will perhaps regret that he felt himself bound to make the point of order at some time or other.

The Navy of the United States ought to have this invention, and it is a very small expenditure. I have no personal solicitude about it; but the Secretary of the Navy has, and desires it to be done.

The PRESIDENT *pro tempore*. The point of order is sustained. Are there further amendments?

Mr. LOGAN. I move, on page 72, after line 1760, to insert:

That that portion of the Cherokee Nation of Indians residing west of the Mississippi River, and known and designated as "Western Cherokees," or "Old Settlers," by and under the name and style of the "Old Settler Cherokee Indians," be, and they are hereby, authorized within one year next after the passage of this act to present their claim or claims against the United States by petition to the Court of Claims of the United States under the Cherokee treaties of 1828, 1833, 1835, 1836, and 1846, according to the tenor and effect of said treaties at the dates of their respective ratifications; and, to the end that justice may be done, such court shall examine all settlements heretofore made under said treaties and acts of Congress and other acts and proceedings relating thereto, and correct all errors that may have been made by any accounting officers or other authority of the Government of the United States in marshaling and settling the accounts for the said "Old Settlers," in improper charges, erroneous calculations, misconstruction of laws and treaties, or misapplication of funds. And the said court, in the examination of said "Old Settlers" claim, shall consider the same with reference to, and be governed by, the said treaties, and all such laws, acts, and proceedings as relate to or affect said "Old Settlers," and shall render judgment on the equity of said claim under the said treaties and acts and proceedings, and either party may appeal to the Supreme Court.

Mr. ALLISON. I make the point of order on that amendment.

Mr. LOGAN. I understood the Senator from Iowa to agree to it.

Mr. ALLISON. No, sir; that is too complicated a question to be put upon this bill.

Mr. LOGAN. I so understood the Senator, or I certainly should not have offered it. I submitted it to the Senator. I did not know that he would have any objection to it whatever.

Mr. ALLISON. I did not have time to even read it, as the Senator knows.

Mr. LOGAN. It is a mere reference of the question to the Court of Claims. That is all there is to it.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. HARRIS. I am directed by the Committee on Epidemic Diseases to move an amendment to the bill.

The PRESIDENT *pro tempore*. The amendment will be reported.

The ACTING SECRETARY After line 709 it is proposed to insert:

For the National Board of Health:
For pay and expenses of members of the board and the secretary, $7,000; for miscellaneous investigations, $10,000; for pay of disbursing agent, clerks, and laborers, $5,800; for rent, light, fuel, telegrams, and postage, $1,700; for stationery and furniture, $1,000; for incidental expenses, $300; in all, $25,800.

Strike out from line 710 to line 716 inclusive and insert the following:

And the National Board of Health, with the approval of the President of the United States, is hereby authorized to use a sum not exceeding $100,000 of the unexpended balance of appropriations made for the National Board of Health prior to June 30, 1882, for the maintenance of its inspection service, and to aid State and local boards in preventing the introduction of contagious or infectious diseases into the United States from foreign countries or into one State from another.

Mr. ALLISON. I make the point of order upon that amendment.

Mr. HARRIS. Will the Senator state his point of order?

Mr. ALLISON. In the first place there is no authority to make any appropriation under existing law for the next fiscal year except for the necessary salaries of these officers, if there is authority for that purpose. By the limitation of the law of June 2, 1879, the board expires on the 1st day of July next.

Mr. HARRIS. On the 2d day of June next.

Mr. ALLISON. The Board of Health after that time is a naked board, without any specific authority except that of giving advice to certain officers of the Government.

Mr. HARRIS. Under the act of March 3, 1879, the National Board of Health was created. In April, 1879, it was organized. It is to-day a legally existing institution. This amendment is reported by one of the committees of this body. It was regularly introduced in the Senate and referred to the Committee on Appropriations. That it is in order I think is beyond the possibility of doubt or question, but until the question of order is settled I do not propose to say more.

Mr. GARLAND. It is reported under the twenty-seventh rule by a standing committee.

Mr. HOAR. Where do they get authority?

Mr. ALLISON. By the act of June 2, 1879.

Mr. HARRIS. The act of June 2, 1879, only gives additional powers to an existing institution.

Mr. HOAR. Does not this amendment give them power to expend money for a certain purpose which they would have no power to advance at all under existing law?

The PRESIDENT *pro tempore*. According to the recollection of the Chair, the existence of the National Board of Health expires on the 2nd of June.

Mr. HARRIS. The Chair is a little mistaken if such is the recollection of the Chair. There is no limitation under the act of March 3, 1879, as to the existence of the National Board of Health. There was an act approved June 2, 1879, giving additional powers to it, that does by the tenth section expire four years from its approval, which will be the 2d of June, 1883.

The PRESIDENT *pro tempore*. If the National Board of Health will be in existence as a legal corporation after the 1st of July next, then the amendment having been reported from a standing committee would be in order.

Mr. HOAR. Where would the National Board of Health get any authority of law to take particular action in regard to epidemics after that time?

The PRESIDENT *pro tempore*. The Chair does not know.

Mr. HOAR. This proposes to give them a new legal authority. Suppose it were the Attorney-General of the United States who was authorized to do——

Mr. HARRIS. Will the Senator allow me to say that I will divide my amendment and offer first that part of it that goes down and includes line 9 of the printed amendment? I will modify it and offer it in that form at present.

Mr. EDMUNDS. Let it be read as modified.

The PRINCIPAL LEGISLATIVE CLERK. After line 709 it is proposed to add:

For pay and expenses of members of the board and the secretary, $7,000; for miscellaneous investigations, $10,000; for pay of disbursing agent, clerks, and laborers, $5,800; for rent, light, fuel, telegrams, and postage, $1,700; for stationery and furniture, $1,000; for incidental expenses, $300; in all, $25,800.

Mr. CAMERON, of Wisconsin. I inquire of the Senator from Tennessee whether the statute now authorizes the National Board of Health to make investigations?

Mr. HARRIS. It does.

Mr. CAMERON, of Wisconsin. Miscellaneous investigations?

Mr. HARRIS. It does authorize the National Board of Health to make certain investigations. There was on an appropriation act of a year ago some limitation as to the extent of those investigations.

Mr. CAMERON, of Wisconsin. Will the Secretary read the portion of the amendment referring to investigations?

The Principal Legislative Clerk read as follows:

For miscellaneous investigations, $10,000.

Mr. CAMERON, of Wisconsin. That is new authority which this amendment proposes to confer upon the National Board of Health.

Mr. HARRIS. I think every lawyer except my friend from Wisconsin would take it to mean such investigation as it may legally make.

Mr. CAMERON, of Wisconsin. Then there is no necessity for it in, if the board has the authority now without such a statute. Any law-

yer except my friend from Tennessee would know that it is not necessary to be in at all if that is the case.

Mr. HARRIS. I intended to make no sharp point upon my distinguished friend from Wisconsin.

Mr. CAMERON, of Wisconsin. I do not know what the Senator intended to do. All I know is what he did do.

Mr. HARRIS. I think it is necessary as a matter of appropriation; and that is the point of view in which those lines are proposed, and not intended to enlarge, or limit, or change in any sense, to any extent, the authority of the board.

Mr. CAMERON, of Wisconsin. So far as that is concerned, I make the point that it is new legislation.

The PRESIDENT *pro tempore*. If there is any new legislation in the amendment, of course it is out of order; but if it is not new legislation, having been reported from a standing committee to carry out the provisions of existing law, it is in order.

Mr. HARRIS. Under existing law there are a number of diseases which the National Board of Health are authorized to investigate and report upon. They are not specified in the amendment. The amendment proposes to appropriate according to the estimates for those investigations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. HARRIS].

Mr. ALLISON. Does the Chair rule that the amendment is in order?

The PRESIDENT *pro tempore*. If it is to carry out existing law, and at the same time unless it is pointed out to the Chair to be legislation, the Chair must rule it to be in order.

Mr. ALLISON. Then I desire to say a word upon the question of this Board of Health.

The PRESIDENT *pro tempore*. The Chair refers to the fore part of the amendment. The last part may confer authority.

Mr. ALLISON. I desire to address myself to the fore part of the amendment. After the 2d day of June, 1883, the National Board of Health will have no power or authority except that conferred by the original act of March 3, 1879. Am I right or wrong in that?

Mr. HARRIS. There were one or two acts passed subsequently to the 2d of June, 1879, that slightly enlarged their powers, but the most material of the powers that it exercised heretofore, I am perfectly frank in saying to the Senator, were given by the act approved the 2d of June, 1879.

Mr. ALLISON. So I understand. The second section of that act provides that the duties of the National Board of Health shall be "to obtain information upon all matters affecting the public health, to advise the several Departments of the Government, the executives of the several States, and the commissioners of the District of Columbia, on all questions submitted to them, or whenever in the opinion of the board such views may tend to the preservation and improvement of public health." I submit that for the purposes contained in that section it is little less than a broad farce to pay the salaries and office expenses that are proposed in the amendment suggested by the Senator from Tennessee.

Mr. HARRIS. Mr. President, I regret exceedingly at this late hour of the night and this late day of the session to recognize the duty, as it is certainly my duty, to offer this amendment. I am quite well aware of the fact that there exists a prejudice, and as I think an unjust prejudice, against the National Board of Health; exactly why or wherefore I have never understood and am not now able to understand, yet I recognize the fact.

I will not take time now to go into details or fully remind Senators of the fearful consequences of the epidemics of 1873, 1878, and 1879 in certain sections of the country, epidemics which decimated the populations of certain localities, the city of my home being a great sufferer for at least three of the years that I have mentioned, and one of the least fatal of these epidemics I chanced to have been compelled to remain there. I need not remind the Senate of the fact that during the epidemic of 1873, less severe, much less fatal than that of 1878 or that of 1879, yet in that epidemic for a period of six or eight weeks business was suspended and all business houses closed; there was not a sound to be heard upon the most populous and business streets of that city from early morn till morn again, except the sound of the wheels of the hearse as it bore the last victim to the cemetery, followed perhaps by a single carriage or buggy with one, two, or three of the members of the bereaved family. There was not a single busines house that remained open except the office of the physician and the drug-store. The calm of death was hanging perpetually over that stricken city for the term of six weeks or two months.

We had a much more serious epidemic in 1878, and another in 1879. By the act approved 3d of March, 1879, the National Board of Health was created. By the act approved on 2d of June, 1879, largely increased powers were given to the Board of Health. Immediately after this it established its rules and regulations. In 1878, when we had no national board of health, commerce was absolutely blockaded. Take a single port, that of Cairo, Illinois, and the exports and imports, as shown from authentic data, to and from the infected region in 1879 when we had a national board of health regulating this matter, the freights to and from that single port amounted to more than 100,000 tons in 1879 than for the same period in 1878, when we had no national board of health, while the passenger business in 1879 was simply regulated, not stopped. In 1878 it was an embargo, while in 1879 commerce was not stopped, simply regulated.

The rules and regulations that have been adopted and enforced by the National Board of Health have not only greatly increased the security of the whole Mississippi Valley from the importation of contagion from foreign countries into this country and from one State into another, but it has inspired a degree of confidence in the people of that valley and of the country they had never been able to enjoy when they had to rely upon the State and local boards, every one of which we know is in sympathy with the commercial interests of their respective cities and localities.

That additional security is regarded by the people who are thus exposed to that very great danger as a thing of the highest importance and greatest value.

It was estimated by the President of the United States, and by a committee of this body and of the other House, after the most thorough and careful investigation of that subject which could be given, that in the material wealth of this country not less than from one hundred millions to two hundred million dollars were lost by reason of the epidemic of 1878, to say nothing of the impaired health of our people and the twenty thousand new-made graves which resulted from that epidemic.

There is not a sanitary organization in America that has not recommended the continuance, the preservation of the National Board of Health. I know of but one single local or State board in this whole country that has not recommended and is not now recommending that it be sustained and continued. These organizations and people who have given the greatest attention and care to the subject, these people who have taken the greatest interest in it and are best qualified to judge, have, from one end of this land to the other, the Louisiana board of health excepted, recommended to this Congress that the National Board of Health be sustained and continued, and that the powers given it by the act approved 2d of June, 1879, be re-enacted.

I know, or have abundant reason to believe, that the State board of health of Louisiana and the organization known as the Marine Hospital Service have continuously sought to destroy the National Board of Health. Mr. President, I will not at this time enter into an inquiry as to the motives prompting these organizations. I regret to say that when I may hereafter have occasion to do so the facts will not be prejudicial to the National Board of Health, and may show a disposition on the part of these organizations to aggrandize themselves at the expense of an organization vastly more meritorious and important to the country than either of them.

I of course shall acquiesce as best I can in whatever judgment the Senate may pronounce in respect to the question; but believing as I do believe that it is a matter of the highest importance to a very large proportion of the people of the country that the Board of Health shall be sustained, and that it shall be clothed with ample powers to enable it at least to prevent the importation of contagious and infectious diseases from foreign countries into this, or into one State from another, I shall of course vote to sustain it. I shall regret very much the fact that it shall be either starved out of existence, which is the most unmanly method of disposing of it, or stricken down by an act repealing the act creating it.

Mr. President, I shall not at this late hour of the night and this late day of the session consume more of the time of the Senate in discussing it; but regarding it as I do as vastly more important to the people of this country than any institution in existence which is costing even ten times as much as this board costs to sustain it, I shall therefore desist from further remarks and ask for a vote on the amendment.

Mr. LAMAR. Mr. President, I do not intend to occupy the time of the Senate further than to express my hearty concurrence in the views which have been submitted by the honorable Senator from Tennessee [Mr. HARRIS].

The continuance of this board depends upon the action of the Senate upon this amendment. I believe its discontinuance would cause much alarm and dismay among a large portion of the people of this country. The existence of the board and its authority tends to harmonize and regulate what would otherwise be the inconsistent and antagonistic regulations of local boards. It is one which more than any other cause has given hope to our people in the South and assurance of efficient help under the ravages of a terrible pestilence.

When they were suffering from these ravages before, the beneficence of the North touched the hearts of the Southern people and elicited their deepest gratitude. It would fall with disheartening effect if the Congress of the United States by its action upon this amendment should show itself indifferent to the danger to which they are exposed.

Mr. GARLAND. When the act of 1879 was passed giving these powers to the National Board of Health the argument urged against it was that these were matters that the State boards of health were competent to take care of and would take care of. It has transpired since that all the State boards of health, except the one at New Orleans, Louisiana, have sent their petitions to Congress, which have been referred to the Committee on Epidemic Diseases, begging for the continuance of the National Board of Health, and expressing their inability

to care for the health of their particular States and localities. I think that makes the argument complete why if this board should have been created and given these powers it ought to be continued.

I make this statement, indorsing most heartily the statement that has been made by the two Senators who have preceded me.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. HARRIS].

The question being put, there were on a division—ayes 19, noes 17; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays. ["No!" "No!"]

Mr. EDMUNDS. There is no quorum. We must have the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). Upon this question I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN], but he authorized me to vote in case there was no quorum, and it looks so suspiciously like that, that I will vote.

Mr. SLATER (when his name was called). I was paired with the Senator from Louisiana [Mr. KELLOGG], but I transfer that pair to my colleague [Mr. GROVER] and vote "yea."

The roll-call was concluded.

Mr. ROLLINS. The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Virginia [Mr. MAHONE].

The result was announced—yeas 22, nays 18; as follows:

YEAS—22.

Barrow,	Davis of Ill.,	Jackson,	Slater,
Bayard,	Garland,	Lamar,	Vance,
Beck,	Gorman,	Maxey,	Vest,
Call,	Groome,	Pendleton,	Voorhees.
Coke,	Harris,	Pugh,	
Conger,	Hoar,	Sawyer,	

NAYS—18.

Allison,	Harrison,	Logan,	Rollins,
Anthony,	Hawley,	McMillan,	Van Wyck,
Blair,	Hill,	Morgan,	Windom.
Edmunds,	Ingalls,	Platt,	
Frye,	Lapham,	Plumb,	

ABSENT—36.

Aldrich,	Fair,	Jones of Florida,	Morrill,
Brown,	Farley,	Jones of Nevada,	Ransom,
Butler,	Ferry,	Kellogg,	Saulsbury,
Camden,	George,	McDill,	Saunders,
Cameron of Pa.,	Grover,	McPherson,	Sewell,
Cameron of Wis.,	Hale,	Mahone,	Sherman,
Cockrell,	Hampton,	Miller of Cal.,	Tabor,
Davis of W. Va.,	Johnston,	Miller of N. Y.,	Walker,
Dawes,	Jonas,	Mitchell,	Williams.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. Is the point of order made as to the other part of the amendment of the Senator from Tennessee?

Mr. ALLISON. Yes, sir; I make the point of order upon it.

The PRESIDENT *pro tempore*. That is clear legislation.

Mr. HARRIS. I think, if the point of order is made on the other, the Chair has ruled rightly in regard to it.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. HARRIS. I ask for a separate vote on the committee amendment striking out the paragraph beginning in line 1111.

The PRESIDENT *pro tempore*. Is there any other special reservation? If not, the question is, Will the Senate concur in the amendments made as in Committee of the Whole, except the one indicated by the Senator from Tennessee?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The amendment reserved by the Senator from Tennessee will be reported.

The PRINCIPAL LEGISLATIVE CLERK. The Senate, as in Committee of the Whole, struck out the following clause, beginning in line 1111:

To complete the road from the city of Chattanooga to the national cemetery, near that city, $2,500, or so much thereof as may be necessary to finish said road.

Mr. HARRIS. I hope the Senate will refuse to concur in that amendment, because the road is impassable now, and it can not be completed unless this appropriation is made.

Mr. EDMUNDS. Is it a public road of the State of Tennessee?

Mr. HARRIS. It is a road leading from the city of Chattanooga to the national cemetery at that place, upon which the Government has expended about $10,000.

Mr. EDMUNDS. Is it a public road of the State of Tennessee?

Mr. HARRIS. I am not aware that it is. I am inclined to think it is not.

Mr. EDMUNDS. I am inclined to believe it is.

Mr. HARRIS. I am not sure; I only represent what the board of trade and certain people of the city of Chattanooga represent to me. Of my personal knowledge I can not answer the Senator. The fact I am assured is true, however, that the road is absolutely impassable, and if it were a public road of the State of Tennessee I do not think it would be so.

Mr. BECK. The objection the committee made to this item grew out of the fact that in the "act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1882, the following provision was inserted:

For the road from Chattanooga to the national cemetery, Tennessee: For the completion of the roadway from Chattanooga National Cemetery to the city of Chattanooga, Tennessee, $5,000: *Provided*, That none of the money appropriated by this and the preceding paragraph shall be expended unless in each case the amount appropriated shall complete said roadways.

Somebody has violated the law, and we ought not to make any more provisions until we know why that was not followed. We are defied at every point and by everybody, and we yield to them and make more appropriations as though there was no wrong in violating the law.

Mr. CONGER. In that cemetery lie the remains of 15,000 Union soldiers, visited by their friends during all seasons of the year. If there is no proper means of reaching it from the city of Chattanooga or from any place where people may go and visit the resting-place of their dead, this Congress should make the appropriation, no matter whether the last money was expended properly or not.

Mr. EDMUNDS. May I ask the Senator whether we have any official information from the Secretary of War, who is supposed to have expended this money, as to what the state of this road is, and where is the official information from any board of trade or anybody else who wants to have more money spent there?

Mr. CONGER. I have not seen any such report in regard to it.

Mr. EDMUNDS. There does not seem to be the slightest——

Mr. CONGER. Gentlemen have stated what the condition of the road is, and the House has stated how much is necessary to finish the road. Suppose it is a few hundred dollars more or a few hundred dollars less than the amount originally believed to be necessary, the appropriation should be made.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in; there being on a division—ayes 15, noes 25.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7115) to authorize the construction of a bridge across the Thames River near New London, in the State of Connecticut, and declare it a post-route;

A bill (H. R. 2816) to remove the legal and political disabilities of Samuel H. Lockett, of Alabama;

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri; and

A bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois.

HOUSE BRIDGE BILLS.

Mr. CONGER. I ask that the bills which have just come from the House of Representatives be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives for reference:

The bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri, was read the first time by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. VEST. I ask the Senate to pass upon the bill.

Mr. EDMUNDS. I shall have no objection to passing upon it after it has been referred and reported.

Mr. VEST. I will say to the Senator from Vermont that the bill is identical with one reported by the Committee on Commerce and which is now pending. It is the same bill word for word.

Mr. EDMUNDS. That may be perfectly true, and when the committee have satisfied themselves on that point I certainly shall not object, but I do not want at this stage of the session to pass a bill in that way.

Mr. VEST. I will say further to the Senator from Vermont that the company which proposes to construct this bridge requires the passage of this act to enable it to cross the river, and unless the bill is passed at this session it will necessitate a delay until December.

Mr. EDMUNDS. I shall not object to its immediate consideration if the committee report it to-morrow morning.

Mr. VEST. The committee has already reported exactly the same bill.

Mr. HOAR. The regular time for laying bills before the Senate, except by unanimous consent, is in the morning, after the reading of the Journal. I suggest to the Chair to withhold the bill and lay it before the Senate to-morrow morning after the reading of the Journal. The Senator will then stand just where he does now, with the bill before the Senate.

Mr. EDMUNDS. I think the bill had better be referred, and reported in the morning.

Mr. VEST. There is no necessity for referring it. It is the same bill which has been already reported from the Committee on Commerce.

Mr. INGALLS. No one knows that it is the same bill until it is compared.

Mr. VEST. I have compared it since it came from the House.

Mr. EDMUNDS. Not since it came over here.

Mr. VEST. Yes, I have looked at it.

Mr. EDMUNDS. I can not consent to its consideration to-day.

The PRESIDENT *pro tempore*. The Chair supposes that the best way would be to refer it.

Mr. PLATT. I understood the Senator from Missouri to say that he did not want to have it referred.

Mr. VEST. There is no necessity for referring it, because we reported the same bill.

Mr. EDMUNDS. Let it be read the second time and be placed on the Calendar, if that course is desired.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] suggests that it be withheld and laid before the Senate in the morning.

Mr. EDMUNDS. It is much better to have it read the second time and placed on the Calendar. It can be taken up without any objection by me to-morrow, when I see that the two bills are exactly the same.

Mr. PLATT. That course is the best.

The bill was read the second time by its title, and ordered to lie on the table.

The bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois, was read twice by its title.

Mr. PLATT. Let that lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table also.

The bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route, was read twice by its title.

Mr. PLATT. I ask that that lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table.

HOUSE BILL REFERRED.

The bill (H. R. 2816) to remove the legal and political disabilities of Samuel H. Lockett, of Alabama, was read twice by its title, and referred to the Committee on the Judiciary.

PRINTING OF BILLS.

The PRESIDENT *pro tempore*. The Chair will not order these bills to be printed unless some Senator requests it.

Mr. EDMUNDS. They can be printed and we can get them here by 10 o'clock in the morning.

The PRESIDENT *pro tempore*. One of the clerks suggests that that can not be done.

Mr. EDMUNDS. It can.

Mr. COCKRELL. Let them be printed.

Mr. PLATT. Bills precisely similar have been printed and reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. The order to print will be made.

ORDER OF BUSINESS.

Mr. PLUMB. I desire to make a report from the conference committee on the Post-Office appropriation bill.

Mr. EDMUNDS. Let that wait until morning.

Mr. PLUMB. I will let it lie on the table.

Mr. EDMUNDS. I move to proceed to the consideration of executive business.

Mr. VEST. I want to move that the Senate proceed to the consideration of what is known as the shipping bill, to take it up and let it lie over, so that it shall be the bill coming over for consideration to-morrow.

The PRESIDENT *pro tempore*. The standing order of the Senate is the consideration of House pension bills.

Mr. VOORHEES. And when they are disposed of to take up bills on the Calendar at the point where the consideration was left off.

The PRESIDENT *pro tempore*. That is the standing order.

Mr. VEST. I shall make the motion that the Senate now take up the shipping bill, with the view to consider it in the morning as the unfinished business. I simply want the bill to come before the Senate as the first thing in the morning for consideration.

Mr. HARRISON. Have we not made an order with reference to taking up House bills in their order?

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. VEST. I consider it my duty, under the instructions of the Committee on Commerce, to make the motion, and then will let the Senate determine it. I propose to do all I can to bring the shipping bill to the consideration of the Senate. I shall ask for the yeas and nays on the motion. If the Senate do not propose to consider the bill at this session let them say so on the record.

Mr. EDMUNDS. But the trouble is the Senate has ordered that it will not.

Mr. VEST. Then I move to lay aside that order.

Mr. EDMUNDS. But it is an order of the Senate that you can not lay aside.

Mr. VEST. I suppose a majority vote can do it.

Mr. EDMUNDS. You can not lay it aside any more than a rule. It is a standing rule now.

Mr. INGALLS. The Senator can give one day's notice.

Mr. EDMUNDS. You can give a day's notice.

Mr. PLATT. What is the order of the Senate in relation to pension cases?

The PRESIDENT *pro tempore*. The standing order is to consider pension cases generally.

Mr. PLATT. Does that mean cases reported favorably?

The PRESIDENT *pro tempore*. It means all. Does the Senator want to have the order read?

Mr. PLATT. No; I do not care about it now.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and, on motion of Mr. ANTHONY (at 1 o'clock and 10 minutes a. m., Friday, March 2), the Senate adjourned to meet at 11 o'clock a. m., Friday, March 2.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 1, 1883.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

PRINTING OF HOUSE DIGEST.

Mr. BEACH. I call for the regular order.

Mr. SPRINGER. I rise to make a privileged report. I report from the Committee on Printing the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the order of the House of February 23, 1882, directing the printing of two hundred and fifty additional copies of the Digest of the Rules and Practice of the House for the first session of this Congress, which by oversight was not executed by the Public Printer, be so modified or changed as to authorize the printing and binding of two hundred and fifty copies of the Digest for the present session, under the terms of the said resolution of February 23, 1882.

The resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORTIFICATION APPROPRIATION BILL.

Mr. FORNEY. I rise to submit a privileged report. I present the report of the committee of conference upon the fortifications appropriation bill.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of said amendment strike out the words "three hundred," and in lieu of the sum proposed in the amendment insert the sum of $400,000; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of $20,000; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the

amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum of $75,000; and the Senate agree to the same.

WM. H. FORNEY,
J. H. KETCHAM,
THOS. RYAN,
Managers on the part of the House.

H. L. DAWES,
JOHN A. LOGAN,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the fortifications appropriation bill submit the following written statement in explanation of the effect of the action recommended in the report:

If the report is adopted the act will read as follows:

"That the sum of $175,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense for the fiscal year ending June 30, 1884, the same to be expended under the direction of the Secretary of War; also the following for the armament of fortifications, namely:

"For the armament of seacoast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in Ordnance Bureau, and for conversion of 10-inch smooth-bore cannon into rifled guns, making and testing two 12-inch cast-iron rifled breech-loading cannon, in lieu of such of the guns the construction of which has not been commenced, as were provided for by the "act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes," approved May 4, 1880, making and testing two breech-loading steel guns, one 8-inch and one 10-inch, making mortars and gun-carriages, mounting 15-inch guns, making and testing two guns banded or wrapped with wire, testing devices for breech-loading guns, testing projectiles, &c., in accordance with the report of the Select Committee of the Senate on the Subject of Heavy Ordnance and Projectiles, $400,000.

"For the purchase of machine guns of the latest improvement, $20,000.

"For torpedoes for harbor defenses, and the preservation of the same, and for torpedo experiments in their application to harbor and land defense, and for instruction of engineer battalion in their preparation and application, $75,000: *Provided*, That one-half of this sum may be used in the purchase of torpedoes of the latest improvement."

The bill as agreed upon in conference appropriates $670,000, being $70,000 less than as it passed the Senate, $330,000 less than the estimates, and $295,000 more than the appropriations for the current year.

WM. H. FORNEY,
THOS. RYAN,
J. H. KETCHAM,
Managers on the part of the House.

Mr. HOLMAN. I observe that the committee of conference has agreed to an increase of $295,000 upon the appropriations made in the bill as passed by the House. Does not the gentleman consider this an unnecessary increase?

Mr. FORNEY. I do not. By means of this increase we provide for six guns of large caliber. Under the bill as now reported we shall get two 12-inch cast-iron guns (the present law provides for three); two breech-loading steel guns, one 8-inch, the other 10-inch; and two guns wrapped with wire. The committee of conference thought it necessary that these guns should be made.

Mr. HOLMAN. Will the gentleman explain the difference as to ordnance between the bill as it passed the House and the bill as it comes from the committee of conference?

Mr. FORNEY. The bill as it passed the House appropriated only $100,000 for everything connected with ordnance.

Mr. HOLMAN. But mentioned no particular kind of ordnance.

Mr. FORNEY. No, sir. The Senate amended the bill by increasing this appropriation from $100,000 to $450,000. That amendment of the Senate contained a requirement that three hundred of our 15-inch guns should be placed in the various forts; but we have struck that out. It also provided that under the law now existing there should be made three 12-inch cast-iron guns; we have changed that provision so as to require but two to be made. The amendment also provides, as I have said, for two breech-loading steel guns, one 8-inch and the other 12-inch, which will cost at least $80,000. The conferees on the part of the House believed it necessary that we should have some guns of this character.

Mr. HOLMAN. Where are they to be placed?

Mr. FORNEY. At New York or Boston, I suppose.

Mr. VANCE. How much is provided in the bill now for the purchase of machine guns?

Mr. FORNEY. Twenty thousand dollars. For torpedoes and torpedo experiments we appropriated last year $100,000. This bill as it passed the House gave for this purpose $50,000, which the Senate increased to $100,000. The conference committee has compromised on $75,000.

I move the adoption of the report.

The report was adopted.

Mr. FORNEY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR DISPENSED WITH.

Mr. MOORE. I desire to introduce a resolution of inquiry.

The SPEAKER. The regular order is called for.

Mr. PAGE. I move to dispense with the morning hour for the call of committees for reports.

The morning hour was dispensed with (two-thirds voting in favor thereof).

LIMITATION OF DEBATE.

Mr. PAGE. Mr. Speaker, I move to suspend the rules and limit debate to one minute on the remaining portion of the river and harbor bill, with the exception of that part relating to the Mississippi River, on which I move debate shall be limited to one hour.

Mr. ANDERSON. I rise to a point of order.

The SPEAKER. The gentleman from California will state his motion.

Mr. PAGE. I move to suspend the rules and limit the debate in the Committee of the Whole House on the state of the Union on all the remaining portion of the river and harbor bill except the Mississippi River.

Mr. COX, of New York. I object to that.

Mr. PAGE. And on all amendments thereto.

Mr. BURROWS, of Michigan. Does that include that portion of the bill which has not been read at all?

Mr. ANDERSON. Yes, sir.

Mr. BURROWS, of Michigan. Or considered?

Mr. ANDERSON. A regular gag.

Mr. COX, of New York. I demand a second.

The SPEAKER. By unanimous consent a second will be considered as ordered.

Mr. COX, of New York, and Mr. ANDERSON objected.

The SPEAKER appointed Mr. PAGE, and Mr. COX of New York, as tellers.

The House divided; and there were—ayes 102, noes 45.

Mr. COX, of New York. Does it require a two-thirds vote?

The SPEAKER. It does not.

So the motion to suspend the rules was seconded.

The SPEAKER. The question now recurs on the motion of the gentleman from California [Mr. PAGE] to suspend the rules as indicated.

The House divided; and there were—ayes 99, noes 52.

Mr. PAGE. Have two-thirds voted in the affirmative?

The SPEAKER. They have not.

Mr. HOLMAN. Let us have the yeas and nays.

Mr. BURROWS, of Michigan, and Mr. ANDERSON demanded the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIS. Will the Chair please state the proposition?

The SPEAKER. The motion of the gentleman from California [Mr. PAGE] is to suspend the rules and limit debate on the unconsidered part of the river and harbor bill to one minute.

Mr. PAGE. It does not prohibit the offering of amendments.

The vote was taken; and it was decided in the negative—yeas 134, nays 84, not voting 73; as follows:

YEAS—134.

Aldrich,	Dunnell,	Lord,	Singleton, Jas. W.
Atkins,	Ellis,	Lynch,	Singleton, Otho R.
Bayne,	Errett,	Mackey,	Smalls,
Beach,	Farwell, Chas. B.	Manning,	Smith, Dietrich C.
Bisbee,	Ford,	Martin,	Smith, J. Hyatt
Blanchard,	Forney,	McLane, Robt. M.	Spooner,
Bland,	Frost,	McLean, Jas. H.	Springer,
Brewer,	Garrison,	McMillin,	Stone,
Buck,	Geddes,	Mills,	Strait,
Buckner,	George,	Money,	Talbott,
Burrows, Jos. H.	Gibson,	Moore,	Taylor, Ezra B.
Butterworth,	Guenther,	Moulton,	Taylor, Joseph D.
Candler,	Gunter,	Muldrow,	Thomas,
Cannon,	Hardenbergh,	Murch,	Thompson, P. B.
Carpenter,	Harris, Benj. W.	Mutchler,	Townsend, Amos
Caswell,	Haseltine,	Nolan,	Turner, Henry G.
Chace,	Hatch,	Oates,	Upson,
Chapman,	Hazelton,	Page,	Urner,
Clardy,	Herbert,	Paul,	Valentine,
Clark,	Hewitt, G. W.	Phelps,	Van Horn,
Clements,	Hoblitzell,	Phister,	Wadsworth,
Cook,	Hoge,	Pound,	Ward,
Cravens,	Hooker,	Prescott,	Warner,
Culberson,	Horr,	Rice, John B.	Washburn,
Curtin,	Houk,	Rice, Wm. W.	Webber,
Darrall,	House,	Rich,	Wellborn,
Davidson,	Hubbell,	Richardson, D. P.	West,
Davis, Lowndes H.	Humphrey,	Richardson, J. S.	Wheeler,
Dawes,	Jones, Geo. W.	Ritchie,	Whitthorne,
De Motte,	Jones, James K.	Robeson,	Williams, Thomas
Dezendorf,	Jones, Phineas	Robinson, Jas. S.	Wise, George D.
Dibrell,	Kenna,	Robinson, Wm. E.	Wood, Walter A.
Dowd,	King,	Rosecrans,	
Dunn,	Lewis,	Shultz,	

NAYS—84.

Anderson,	Cox, Samuel S.	Harmer,	Lindsey,
Armfield,	Cox, William R.	Heilman,	Marsh,
Atherton,	Cullen,	Hepburn,	McCook,
Barr,	Cutts,	Hiscock,	McKenzie,
Belmont,	Davis, George R.	Holman,	Miles,
Beltzhoover,	Deering,	Jacobs,	Morey,
Berry,	Doxey,	Jadwin,	Morrison,
Bingham,	Dwight,	Joyce,	Morse,
Bragg,	Farwell, Sewell S.	Kasson,	Norcross,
Briggs,	Fisher,	Ketcham,	Payson,
Buchanan,	Flower,	Klotz,	Peelle,
Burrows, Julius C.	Godshalk,	Lacey,	Peirce,
Caldwell,	Grout,	Ladd,	Randall,
Camp,	Hall,	Latham,	Ranney,
Cassidy,	Hammond, N. J.	Leedom,	Ray,
Cobb,	Hardy,	Le Fevre,	Robinson, Geo. D.

Russell,	Smith, A. Herr	Updegraff,	Walker,
Ryan,	Steele,	Vance,	Watson,
Scales,	Stockslager,	Van Aernam,	Williams, Chas. G.
Shallenberger,	Townshend, R. W.	Van Voorhis,	Willis,
Simonton,	Turner, Oscar	Wait,	Young.

NOT VOTING—73.

Aiken,	Crowley,	Knott,	Scoville,
Barbour,	Deuster,	Mason,	Scranton,
Belford,	Dingley,	Matson,	Shelley,
Black,	Dugro,	McClure,	Sherwin,
Blackburn,	Ermentrout,	McCoid,	Skinner,
Bliss,	Evins,	McKinley,	Sparks,
Blount,	Fulkerson,	Miller,	Spaulding,
Bowman,	Hammond, John	Mosgrove,	Speer,
Browne,	Harris, Henry S.	Neal,	Thompson, Wm. G.
Brumm,	Haskell,	O'Neill,	Tucker,
Cabell,	Henderson,	Pacheco,	Tyler,
Calkins,	Herndon,	Parker,	White,
Campbell,	Hewitt, Abram S.	Pettibone,	Willits,
Carlisle,	Hill,	Reagan,	Wilson,
Colerick,	Hitt,	Reed,	Wise, Morgan R.
Converse,	Hubbs,	Reese,	Wood, Benjamin
Cornell,	Hutchins,	Rice, Theron M.	
Covington,	Jorgensen,	Robertson,	
Crapo,	Kelley,	Ross,	

So (two-thirds not voting in favor thereof) the motion was not agreed to.

Mr. DWIGHT. I desire to announce that the gentleman from Ohio, Mr. CONVERSE, is detained from the House by reason of ill-health. I understand if he were present he would vote "no."

The following pairs were announced:

Mr. SKINNER with Mr. HEWITT of New York.

Mr. THOMPSON, of Iowa, with Mr. AIKEN.

Mr. DUGRO with Mr. CABELL. Mr. DUGRO would vote "no."

Mr. BELFORD with Mr. CONVERSE.

Mr. BRUMM with Mr. COLERICK.

Mr. MASON with Mr. MATSON.

Mr. WADSWORTH with Mr. BLACK.

Mr. CORNELL with Mr. HERNDON.

Mr. WHITE with Mr. WILSON.

Mr. SPAULDING with Mr. ERMENTROUT.

Mr. HENDERSON with Mr. REAGAN.

Mr. BLACKBURN with Mr. SPARKS, on this vote.

Mr. SPARKS. Mr. Speaker, I learn that friends have paired me with Mr. BLACKBURN, who would vote the other way, as I had been complaining somewhat and did not expect to be able to be present this morning. I withdraw my vote.

On motion of Mr. TALBOTT, by unanimous consent the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, to further consider the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union. The unfinished business is the further consideration of the river and harbor appropriation bill.

Mr. HISCOCK. I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. What is the business first in order?

The CHAIRMAN. The unfinished business, being the further consideration of the river and harbor appropriation bill.

Mr. HISCOCK. I object to its consideration.

The CHAIRMAN. Objection being made, under the rule the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the House being in Committee of the Whole House on the state of the Union, objection was made to the consideration of the unfinished business, being the river and harbor appropriation bill, when, under the rule, the committee had risen and directed him to report the objection to the House.

ORDER OF BUSINESS.

The SPEAKER. The question is, Will the House direct the committee to further consider the river and harbor appropriation bill?

Mr. HISCOCK. Would it be in order now to state the reason why I objected to proceeding with the consideration of the river and harbor bill, my object being to reach the deficiency bill?

Mr. PAGE. I object.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON, of Kentucky. I understood the motion of the gentleman from California, when we went into Committee of the Whole on the state of the Union, was to proceed with the further consideration of the river and harbor appropriation bill?

The SPEAKER. That motion would not have been in order. It was proper, of course, for the gentleman to state the purpose for which he made the motion; but it would not be in order to entertain such a motion.

Mr. THOMPSON, of Kentucky. No point of order was made upon the motion.

The SPEAKER. The Chair put the question which was in order upon the motion to go into Committee of the Whole on the state of the Union, but not for any specific purpose. The Chair remembers very well the statement.

Mr. CAMP. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMP. If the House shall decide not to consider the river and harbor appropriation bill, I wish to ask whether the deficiency bill would not be next in order?

The SPEAKER. That will come up properly when this question is disposed of.

Mr. PAGE. I hope the gentleman from New York feels easy now.

The SPEAKER. The Chair will submit the question: Will the House direct the committee to proceed to further consider the river and harbor appropriation bill?

Mr. HISCOCK. On that I ask a vote by tellers, which will perhaps obviate the necessity of demanding a vote by yeas and nays.

Mr. ANDERSON. No, it will not.

The House divided; and there were—ayes 74, noes 79.

Mr. PAGE. Tellers.

Mr. ANDERSON. Yeas and nays.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered, 32 members voting in favor thereof—1 more than one-fifth of the last vote.

The question was taken; and there were—yeas 124, nays 105, not voting 62; as follows:

YEAS—124.

Aiken,	Dunn,	Kenna,	Ross,
Aldrich,	Dunnell,	King,	Sherwin,
Atkins,	Ellis,	Lord,	Simonton,
Barbour,	Farwell, Chas. B.	Lynch,	Singleton, J. W.
Bayne,	Ford,	Mackey,	Singleton, Otho R.
Belford,	Forney,	Manning,	Smalls,
Bisbee,	Frost,	Martin,	Smith, Dietrich C.
Blanchard,	Garrison,	Mason,	Spooner,
Bland,	George,	McLane, Robt. M.	Stone,
Brewer,	Gibson,	McLean, Jas. H.	Strait,
Buchanan,	Guenther,	McMillin,	Talbott,
Buckner,	Gunter,	Mills,	Thomas,
Burrows, Jos. H.	Hammond, N. J.	Moore,	Thompson, P. B.
Cabell,	Hardenbergh,	Muldrow,	Townsend, Amos
Calkins,	Harris, Henry S.	Murch,	Tucker,
Candler,	Haseltine,	Oates,	Turner, Henry G.
Chace,	Hatch,	O'Neill,	Turner, Oscar
Chapman,	Hazelton,	Page,	Upson,
Clardy,	Herbert,	Paul,	Urner,
Clark,	Hewitt, G. W.	Pettibone,	Vance,
Clements,	Hoblitzell,	Phister,	Van Horn,
Cook,	Hoge,	Pound,	Ward,
Covington,	Hooker,	Reese,	Warner,
Cravens,	Horr,	Rice, John B.	Washburn,
Culberson,	Houk,	Rice, Theron M.	Webber,
Cutts,	House,	Rich,	Wellborn,
Davidson,	Hubbell,	Richardson, D. P.	Wheeler,
Davis, Lowndes H.	Hubbs,	Richardson, J. S.	Whitthorne,
Dawes,	Humphrey,	Ritchie,	Williams, Thomas
Dezendorf,	Jones, Geo. W.	Robinson, Wm. E.	Willis,
Dibrell,	Jones, James K.	Rosecrans,	Wise, George D.

NAYS—105.

Anderson,	Davis, George R.	Lacey,	Scales,
Armfield,	Deering,	Ladd,	Scranton,
Atherton,	De Motte,	Latham,	Shallenberger,
Barr,	Dowd,	Leedom,	Shultz,
Beach,	Doxey,	Lewis,	Smith, A. Herr
Belmont,	Dwight,	Marsh,	Smith, J. Hyatt
Beltzhoover,	Erett,	McCook,	Sparks,
Berry,	Farwell, Sewell S.	Miles,	Springer,
Bingham,	Fisher,	Morey,	Steele,
Bragg,	Flower,	Morse,	Stockslager,
Briggs,	Geddes,	Moulton,	Taylor, Ezra B.
Browne,	Godshalk,	Mutchler,	Taylor, Joseph D.
Buck,	Grout,	Neal,	Townshend, R. W.
Burrows, Julius C.	Hammond, John	Norcross,	Updegraff,
Caldwell,	Hardy,	Payson,	Valentine,
Camp,	Harmer,	Peelle,	Van Voorhis,
Cannon,	Heilman,	Peirce,	Wadsworth,
Carpenter,	Hepburn,	Phelps,	Wait,
Cassidy,	Hill,	Prescott,	Walker,
Caswell,	Hiscock,	Randall,	Watson,
Cobb,	Holman,	Ranney,	West,
Colerick,	Jadwin,	Ray,	Williams, Chas. G.
Cox, Samuel S.	Jones, Phineas	Rice, Wm. W.	Wilson,
Cox, William R.	Jorgensen,	Robinson, Geo. D.	Wood, Walter A.
Crapo,	Joyce,	Robinson, Jas. S.	
Cullen,	Kasson,	Russell,	
Curtin,	Kelley,	Ryan,	

NOT VOTING—62.

Black,	Ermentrout,	Lindsey,	Robeson,
Blackburn,	Evins,	Matson,	Scoville,
Bliss,	Fulkerson,	McClure,	Shelley,
Blount,	Hall,	McCoid,	Skinner,
Bowman,	Harris, Benj. W.	McKenzie,	Spaulding,
Brumm,	Haskell,	McKinley,	Speer,
Butterworth,	Henderson,	Miller,	Thompson, Wm. G.
Campbell,	Herndon,	Money,	Tyler,
Carlisle,	Hewitt, Abram S.	Morrison,	Van Aernam,
Converse,	Hitt,	Mosgrove,	White,
Cornell,	Hutchins,	Nolan,	Willits,
Crowley,	Jacobs,	Pacheco,	Wise, Morgan R.
Darrall,	Ketcham,	Parker,	Wood, Benjamin
Deuster,	Klotz,	Reagan,	Young.
Dingley,	Knott,	Reed,	
Dugro,	Le Fevre,	Robertson	

So the House directed the Committee of the Whole House on the state of the Union to proceed with the consideration of the river and harbor appropriation bill.

The following additional pairs were announced:

Mr. THOMPSON, of Iowa, with Mr. DUGRO, who would have voted "no."

Mr. HALL with Mr. BLACKBURN.

Mr. ERMENTROUT. I withdraw my vote. I am paired with Mr. SPAULDING.

Mr. KLOTZ. I withdraw my vote. I am paired with the gentleman from South Carolina [Mr. EVINS], who I see has not yet returned to the House. If present, he would vote "ay" and I should vote "no."

Mr. TOWNSEND, of Ohio. I move to dispense with the reading of the names.

Mr. McCOOK. I object. Let us have the names read. It will be interesting.

The names of members voting were read.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote,

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri; and

A bill (S. 1785) for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland.

ORDER OF BUSINESS.

The result of the vote was then announced as above stated.

Mr. PAGE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Committee of the Whole House on the state of the Union resumed its session, Mr. CANNON in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and by order of the House resumes the consideration of the unfinished business, being the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The pending paragraph was lines 371 and 372, as follows:

Improving Ohio River: Continuing improvement, $250,000.

The Clerk reported the pending amendment offered by Mr. TURNER, of Kentucky, as follows:

After the word "dollars," in line 372, add: "$50,000 of said $250,000 to be expended at the Grand Chain, or so much thereof, as may be necessary to provide five feet of water at low-water mark."

The CHAIRMAN. When the committee rose last night it was dividing on this amendment and a quorum did not appear on a vote by tellers.

Mr. TOWNSHEND, of Illinois. I desire to announce I was detained from the House last evening by serious illness in my family. If present, I should have voted for the amendment.

Mr. TURNER, of Kentucky. I agree that the amount shall be $25,000; and in that form I understand there will be no objection to my amendment.

Mr. BRIGGS. I made the point of order that there was no quorum. There is evidently a quorum present now and I do not insist on the point.

Mr. THOMAS. I offer as a substitute the following:

Of which sum not less than $25,000 shall be used in improving the Grand Chain rapids.

Mr. TURNER, of Kentucky. I accept that.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky as modified.

The amendment as modified was agreed to.

Mr. DAWES. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the amendment just adopted the following:
"And $10,000 may be expended for continuing the improvement of the harbor at the mouth of the Muskingum River, Ohio."

The question being taken on the amendment, it was not agreed to.

Mr. WASHBURN. I ask that the committee be called to order. There is so much confusion that gentlemen do not know what is going on.

The CHAIRMAN. The committee will come to order.

Mr. WILLIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the amendment last adopted the following:
"*And provided further*, That an amount not exceeding $35,000 may be used for continuing the improvement of the Indian Chute at the Falls of the Ohio."

Mr. DAWES. I rise to make the point as to a quorum on the last vote.

The CHAIRMAN. The point is made too late. No further division was demanded, and the result was declared.

Mr. WILLIS. I desire to be briefly heard on the amendment I have offered. It does not increase the appropriation one dollar; it simply indicates in the line of what has already been done that an amount not exceeding $35,000 may be expended at the Falls of the Ohio, where, as I have the evidence before me, in the last four months five of the largest steamers we have on the Ohio River have been wrecked because of the failure to make this improvement. The amendment provides that the engineer may in his discretion use $35,000 of the amount at that point.

The estimates are for $70,000. The work has already been begun and is in progress. And I say to the committee, now at high water it is impossible for the steamboats to go either up or down the Ohio River at that point; and that has been the state of facts for six months in consequence of the erection of a wing dam. This is intended to remove that embarrassment. It is in accord with the recommendation of General Weitzell, of Colonel Merrill, and of the Department, and it does not appropriate a dollar more than the bill.

Mr. PAGE. Can not this be wisely left to the discretion of the Department?

Mr. WILLIS. Not any more wisely than in the other case.

Mr. PAGE. I understand this amendment does not increase the appropriation. If the committee desires to have it inserted, I shall not object.

The amendment was adopted.

Mr. DAWES. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the amendment just adopted the following:
"And that $10,500 may be expended for continuing the improvement of the harbor at the mouth of the Muskingum River, Ohio."

The amendment was adopted.

Mr. ERRETT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the amendment just adopted the following:
"That the Secretary of War be, and he is hereby, authorized to take such action as may be necessary to convey to Thomas Mulvehill, of Pittsburgh, Pennsylvania, all the amount of land erroneously conveyed back to the United States as set forth in a message from the President of the United States to Congress January 19, 1883." (Executive Document, page 46.)

Mr. PAGE. I understand this is simply to correct a mistake, an amount of land having been deeded to the United States in excess of the amount required for certain improvements.

Mr. ERRETT. It was merely a blunder in the deed.

The amendment was adopted.

The Clerk read lines 375 to 380, as follows:

Improving Hazy Lake Channel of Sault Saint Marie River, Michigan, via the Middle Neebish: Continuing improvement, $150,000.

Mr. WASHBURN. The word "hazy" should be "Hay." I ask that the correction be made.

The CHAIRMAN. In the absence of objection the correction indicated will be made.

The Clerk read the following:

Improving Chippewa River, Wisconsin: Continuing improvement, $2,500.

Mr. HOLMAN. I move to strike out the clause just read. There is so large a number of these appropriations which do not seem to be justifiable that it seems almost invidious to designate a particular one. But in a report made to this House on the motion, I think, of the gentleman from California [Mr. PAGE], by the Secretary of War, there are some very instructive facts stated, which I trust will not be entirely lost sight of.

I think, indeed, that this report of the Secretary of War is one of the most valuable documents we have received from that Department or from any other Department of the Government for many years. It tends in a very large degree to correct the extraordinary character of reports which come to Congress through the engineers, who seem to be largely employed in urging considerations why appropriations should be made for the various local as well as general highways of the country.

If there is in the whole round of our official literature a thorough piece of sarcasm, I think it is to be found in this report to which I refer. I ask the Clerk to read the portion of the report which I have marked, in connection with this appropriation.

Before he does so, I wish to call attention to the fact that it seems to be assumed that this bill must pass, that these appropriations must be made; that this bill shall be neither increased nor diminished; that, indeed, there is inside of this House a close corporation, which having made up its mind to pass a given bill and to take a given number of millions of dollars from the public Treasury, no considerations are to induce a deviation from that policy. Now, I wish that bit of sarcasm to be read.

The Clerk read as follows:

IMPROVING CHIPPEWA RIVER, WISCONSIN.

Continuing improvement..... $35,000

The protection of the high sand-banks is desirable, having the effect to hold back sand which eventually finds its way to the Mississippi, thereby obstructing the navigation of that stream. Expenditures for the improvement of navigation on the Chippewa, however, are mostly in the interest of the logging and lumber trade of that valley, and the work will largely consist in the removal of artifi-

cial obstructions heretofore created by these same interests; and further, the improvements must be carried on in such manner as to interfere with none of these interests. The artificial obstructions are boom-piers, sheer-booms, dams, floating logs, and the refuse from saw-mills. In one case a boom spans the entire width of the river. Floating logs are the greatest obstruction to steamboat navigation.

Mr. HOLMAN. I wish to call attention now to the extraordinary fact that you are asked to appropriate money for the improvement of a stream which, according to the statement of the Secretary of War, is only a lumbering stream, used for lumbering purposes, with booms extending entirely across the river; and the improvement of the stream consists in the removal of the artificial obstructions created by the very men who are interested in its navigation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEACH. I will take the floor and yield my time to the gentleman.

Mr. HOLMAN. I am very much obliged to my friend from New York.

Mr. HUMPHREY. I desire, Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. BEACH] yields his time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I am very glad to see that the gentleman from Wisconsin [Mr. HUMPHREY] proposes to defend this item.

I do not indulge the hope, after what has already transpired, that I shall be able in the least degree to arrest the attention of this committee. Whenever a large body of gentlemen have made up their minds that a given bill shall go through, right or wrong, argument seems to be entirely useless.

Here is a stream, shown by the report of the Secretary of War, the very latest information we have, to be a lumbering stream, used for the purpose of lumbering alone, with booms extending clear across the stream, and the removal of those very artificial obstructions is the only improvement that can be made.

We last year appropriated $35,000 for this improvement, and it is now proposed to appropriate still more for carrying on the improvement. There is a bit of sarcasm in the first portion of this report of the Secretary of War on this improvement which should not fail to arrest the attention of gentlemen:

The protection of the high sand-banks is desirable, having the effect to hold back sand which eventually finds its way to the Mississippi, thereby obstructing the navigation of that stream.

The improvement consists in holding back the sand-banks from being washed into a river thousands of miles in length, where the banks of that river and also of its tributaries consist of these banks of sand.

Mr. WASHBURN. Will the gentleman allow me to interrupt him a moment?

Mr. HOLMAN. Certainly.

Mr. WASHBURN. This appropriation is not for the purpose of removing the high sand-banks, but for another purpose entirely.

Mr. HOLMAN. Certainly it is for another purpose. Let me read to my friend what that purpose is, for I am apprehensive that this report has been entirely overlooked:

Expenditures for the improvement of navigation on the Chippewa, however, are mostly in the interest of the logging and lumber trade of that valley, and the work will largely consist in the removal of artificial obstructions heretofore created by these same interests.

That is to say, this is a lumbering stream and the improvement is to remove the artificial obstructions created by those lumbering interests.

And, further, the improvements must be carried on in such manner as to interfere with none of these interests. The artificial obstructions are boom-piers, sheer-booms, dams, floating logs, and the refuse from saw-mills. In one case a boom spans the entire width of the river.

Yet under the constitutional limitation of power to appropriate money for national purposes you last year appropriated $35,000, and it is again proposed to appropriate more money for such a purpose as this. And that, too, in defiance of the well-considered expressions of the President of the United States submitted to the last session of Congress, in which in part at least he tries to call the attention of Congress to the doctrines of our fathers: that you have no right to take money from the public Treasury, drawn from the industries of the whole people, for the benefit of special and private interests. Now, what is this but a special and private interest to be promoted by expenditures from the public Treasury?

Mr. HUMPHREY. I desire to call attention to this Chippewa River. I have traveled it from Reed's Landing to Eau Claire, a distance of sixty miles, on steamboats. There are three steamboats that ply on this river.

Mr. HOLMAN. This report is the latest information we have on that subject.

Mr. HUMPHREY. Do not interrupt me. I did not interrupt you when you had the floor.

This appropriation of $2,500 is for the completion of the jetties which were commenced six or seven years ago. These jetties are at the mouth of the river where it empties into the Mississippi, at Reed's Landing, at the foot of Lake Pepin. This work, which is almost completed, is as much for the improvement of the navigation of the Mississippi River as that of the Chippewa, because anybody who has traversed that river knows that at Reed's Landing there is a large sand-bar. There is also what is called Bœuf Slough, which the Mississippi River Log Company were authorized by a bill passed here three years ago to use. This company takes from sixty to seventy million logs every year.

Mr. HOLMAN. But what was done with the $35,000?

Mr. HUMPHREY. I am going to tell you. Last year Congress made an appropriation of $35,000 to protect the yellow banks of the Chippewa River. The Secretary of War, it seems, did not use that appropriation, which is the appropriation the gentleman from Indiana has been talking about. Now I claim to know as much about this subject as the Secretary of War or anybody else. Those yellow banks are washed every year from the base of a bluff two hundred and fifty feet high, stretching for a distance of four to five miles about twenty miles above the mouth of the river, or a little above Durand, Wisconsin. When the Chippewa runs in a southwesterly direction it strikes that bluff and washes acres upon acres every spring, taking that silt into the Mississippi River. The Mississippi can never be improved below Lake Pepin unless you protect those yellow banks. This is what the engineer has said. The Secretary of War did not use that money; but if you undertake to improve the Mississippi River you must expend from $20,000 to $40,000 twenty miles up the Chippewa or you throw away all the money you expend below Lake Pepin. The Chippewa has a commerce of $7,000,000 per annum; that amount went out of the river last year.

Mr. FLOWER. It goes in rafts.

Mr. HUMPHREY. I beg the gentleman's pardon; there are three steamboats plying regularly.

Mr. FLOWER. Most of it goes in rafts, which are loaded at Eau Claire.

Mr. HUMPHREY. No, sir; the Omaha Railroad takes much of the lumber from Eau Claire.

Mr. FLOWER. It does not take it by boat.

Mr. HUMPHREY. I do not yield to the gentleman; I simply desire to say that this appropriation of $2,500 is to complete the jetties, a work recommended by the Secretary of War years ago. The appropriation of last year is held in abeyance; but although that money was not used last year it must be used, for this work is more for the benefit of the Mississippi River than for the Chippewa.

Mr. HOLMAN. It has not been used yet, I believe?

Mr. HUMPHREY. No, sir; but when the Secretary of War comes to understand the facts he will use it.

[Here the hammer fell].

Mr. WASHBURN. Mr. Chairman, the appropriation now under consideration is not the one of last year, referred to by the gentleman from Indiana [Mr. HOLMAN], nor is it for the same purpose. That appropriation, which has not been expended, was for removing the yellow banks. I rose, however, to call the attention of the committee to the fact that the Chippewa River is really a very important stream so far as the commerce of the State of Wisconsin is concerned. The entire commerce of that river, as shown by the report of the Chief of Engineers, is something like $7,000,000. It is true that this business is very largely lumber business, consisting of lumber-rafts, log-rafts, &c.; yet there are two lines of steamers plying this river during the whole season of navigation, from Reed's Landing (where the river enters the Mississippi), as far as its navigation extends. The Secretary of War in his report says:

The result of the work to date has been in the highest degree beneficial to the navigation interests of the stream. Lumber rafts are no longer detained by bars at the confluence of the Chippewa and Mississippi, a fact fully appreciated by those accustomed to detention before the work of improvement commenced.

The report further states:

Steamboats commenced running April 21, and ceased running November 16. Two steamboats plied between Reed's Landing and Eau Claire; one steamboat plied between Reed's Landing and Dunnville.

The report then goes on to give the large amount of tonnage, the receipts for carrying passengers, &c. This river is in my immediate section of country, and I know of what I speak. This is a legitimate appropriation. The amount is small, and the object is to complete a work long since commenced. There is no propriety whatever in striking it out.

Mr. ANDERSON. I move to strike out the last word. Now, Mr. Chairman, I do not know personally about this particular river. The Secretary of War probably does know. But I rise to call attention to something which I think the country should know something about, and that is, while it may not be true in this case—I do not know about this case, and do not allege it to be true in this case—yet there have been improvements made in river and harbor bills under the guise of developing the commerce of the country which were simply and solely for the benefit of large lumber companies to float down their logs free. I would not be surprised if the two steamboats to which the gentleman referred are two boats owned by a lumber company for the purpose of pulling their logs down.

Mr. HUMPHREY. I know those lines do not.

Mr. ANDERSON. Then this is an exception, for very frequently they are, and very frequently these men who have capital enough to buy large tracts of land, and who have capital enough to put men in logging camps and bring out those logs and make a handsome profit, are not the men to do what other men with capital engaged in business must do,

build their own ways, but have the audacious impudence to come to the Congress of the United States and say to the Government, say to the tax-payers, "You have got, in order to develop the commerce of the country, to take some ditch and put water enough in it, or pull stumps enough out of it, or pull away booms across it in order to let us bring down our logs." When you come to developing an important point such as Chicago or Toledo, when you come to develop a great river, I would be willing to vote any amount of money which could be judiciously expended; but when, under the guise of a national improvement, you come to take the money of the people and put it directly into the pockets of those companies, I would see you all—[applause and laughter]—well, happy in Heaven before I would vote for it. [Laughter.]

Mr. FLOWER. Such appropriations make this bill ridiculous.

Mr. HUMPHREY. The gentleman does not know anything about it.

Mr. HOLMAN. I now ask for a vote on my motion to strike out the clause.

Mr. ANDERSON. I should like to read, in support of the statement I have made, an extract from the engineer's report:

Under date of December 7, 1880, Ingram, Kennedy & Co., of Eau Claire, Wisconsin, extensive dealers in lumber, lath, and shingles, say:

"Had it not been for the work done by the Government at the mouth of the Chippewa, we could not have run our rafts or boats during the low water of the past season."

The CHAIRMAN. The question recurs on the motion of the gentleman from Indiana to strike out the clause.

The committee divided; and there were—ayes 18, noes 62.

Mr. ANDERSON. No quorum has voted.

The CHAIRMAN appointed Mr. HOLMAN and Mr. HUMPHREY as tellers.

The committee again divided; and the tellers reported—ayes 50, noes 97.

So the motion was disagreed to.

The Clerk read as follows:

Improving Fox and Wisconsin Rivers, Wisconsin: Continuing improvement, $150,000, $5,000 of this sum to be available for the improvement of the channel between Green Bay and Depere: *Provided*, That before any money shall be expended the Secretary of War shall appoint a commission of five, two of whom to be officers of the United States Engineer Corps, and three civilians, whose duty it shall be to carefully examine the improvements made and proposed, and report to the Secretary of War whether in their judgment the interests of commerce and navigation will be advanced sufficiently to warrant the continuation and completion of this project. If their report be favorable, this appropriation is made available. If in the judgment of the board the work should not be continued, it shall be their duty to report to the Secretary, and he to Congress, what disposition should be made of the work. The Secretary of War is hereby authorized to fix the compensation of the members of this board, and a sum sufficient to defray all expenses connected with this examination is hereby made immediately available out of the sum appropriated. And the said commission shall inquire and report the extent to which the public works on this river are used to furnish water-power to private persons and corporations, and where and by whom so used, and whether such persons or corporations pay any compensation for such privileges.

Mr. HOLMAN. I reserve all points of order on that paragraph.

Mr. RANDALL. I move to strike out "five," in line 392, and insert in lieu thereof "three;" then strike out the words "two of whom," and in line 394 the words "and three civilians;" so the proviso will then read as follows:

Provided, That before any money shall be expended the Secretary of War shall appoint a commission of three, to be officers of the United States Engineer Corps, and whose duty it shall be to carefully examine, &c.

My object in the amendment is that we shall not be put to the expense of employing three civilians. I believe that a board of three officers of the United States Army will be sufficient to accomplish what is sought by this paragraph.

Mr. PAGE. I do not wish to interrupt the gentleman from Pennsylvania, but the committee is disposed to accept the gentleman's suggestion.

Mr. BRAGG. I object to it.

Mr. PAGE. Very well.

Mr. BRAGG. I desire to offer an amendment to the section in a line prior to that which the gentleman from Pennsylvania proposes to amend.

The CHAIRMAN. Does the gentleman propose an amendment to the amendment of the gentleman from Pennsylvania.

Mr. BRAGG. I propose an amendment to a prior line in the paragraph, and I insist I called the attention of the Chair before the gentleman from Pennsylvania was on the floor.

Mr. RANDALL. I will relieve the Chair of that. I will withdraw mine until the gentleman's amendment has been adopted or rejected.

The CHAIRMAN. By consent the amendment may be withdrawn.

Mr. BRAGG. There is no question of consent about it.

The CHAIRMAN. There is a question of consent. The Chair had recognized the gentleman from Pennsylvania.

Mr. BRAGG. I rose and addressed the Chair before the gentleman from Pennsylvania offered his amendment.

The CHAIRMAN. It is simply a question of recognition.

Mr. RANDALL. I will relieve the Chair, as I have stated, by withdrawing my amendment for the present until after the gentleman from Wisconsin shall have been heard. But I give notice that I will renew the amendment immediately afterward.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. BRAGG. Then I desire to move to strike out the words "and Wisconsin," in line 387. Upon that amendment, Mr. Chairman, I desire to address myself to the remarks made by the gentleman from Maryland [Mr. MCLANE] on yesterday. I have not time, sir, within the five minutes allowed me under the rules of this debate to join the gentleman, who talks so eloquently and fluently of the little veins and the large arteries of commerce. I have not time to strike a poetic vein and with him describe the soft dew-drop falling upon the mountain-side, and follow it in its course thence to the rivulet, from the rivulet to the creek, from the creek to the river, from the river into the Gulf or the mighty Atlantic, and then turn and glorify myself by talking about the great national American system of commerce that is to be advanced. But I have this to say, sir, that when gentlemen talk about that sort of thing, having this liquid, pleasant sound about it, and run on into the realms of poetry, they do as most of the poets do, forget in their ardor for the rhythm of words the facts of the subject upon which they talk, and, like the Methodist preacher at the camp-meeting, are pressing on constantly for those good things that are before and which they desire to grasp.

I was told in reply to my remarks on yesterday by the gentleman from Maryland, when I had stated that the Wisconsin River was not navigable by steamboats, that I was entirely in error and the statement was not correct. And I was told also that sooner than take my statement with reference to its condition the gentleman preferred to refer to the decision of the Supreme Court of the United States, where the witnesses, grave, learned, and distinguished men, had testified in opposition to my statement, and that he preferred to follow the testimony so given to the statement which I had myself made.

I concede that in the RECORD, as his remarks appear published this morning, the conclusion is that the gentleman from Maryland alluded to the Fox River and not to the Wisconsin, but I desire to say to him just this, that he is as much mistaken in reference to the Fox River as he is about the Wisconsin River. In the first place, I have the case of the Supreme Court lying before me, and there was no testimony taken in it at all. So much, therefore, for the testimony of the grave gentlemen who gave evidence in that case that the river was navigable. The case of the Montello came to the Supreme Court of the United States undefended, because an exception was taken to the libel in the district court and the libel was dismissed. There was no testimony taken at all. And the Supreme Court, in endeavoring to find out where the Fox River was, stated not that there is any evidence but that—

The libel does not impart any information as to the character of Fox River, or its connection with other waters, and it is only from the general allegation of the libel that the vessel transported passengers and merchandise upon the navigable waters of the United States, preceding the allegation as to the transportation on Fox River, that we are justified in inferring that the libel intended to state that Fox River was a navigable water of the United States.

We are supposed to know judicially the principal features of the geography of our country, and, as a part of it, what streams are public navigable waters of the United States. Since this case was presented we have examined with some care such geographies and histories of Wisconsin as we could obtain from the Library of Congress, to ascertain if possible the real character of Fox River, and to render the fiction of the law as to our supposed knowledge of the navigable streams in that State a reality in this case; but from such examination we are still in doubt whether Fox River has any such connection with other waters as to form with them a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

So much for the statement to this House that the testimony in that case showed that this river had been at some time only navigable by flat-boats but was now navigable for steamboats.

Again, that case was for a libel violating a law of 1838 by not having the vessel registered; and the violation was in 1867, when the Fox and Wisconsin Rivers, neither of them, were under the control of the United States, and neither of them had any improvement going on under the United States. They then were under the control and being improved by a corporation organized and created by the State of Wisconsin, and it was several years subsequent to that time, when the navigation was found out to be wholly and totally worthless and a fraud, that that company retained all the lands they had and sold back the empty hulks to the United States for three hundred and odd thousand dollars, and saddled upon the General Government the further expense of the work and all the damages to private citizens that had been incurred by reason of carrying it on.

[Here the hammer fell.]

Mr. MCLANE, of Maryland. I desire to say a word or two in reply to the gentleman from Wisconsin [Mr. BRAGG].

When the gentleman from Wisconsin rose on yesterday to correct my statement I did not understand him, did not hear him distinctly, and did not make any distinction between the Wisconsin and the Fox. I had no reference to the item in the bill for the improvement of the Fox and Wisconsin Rivers. I was making a general reference to the question of navigability, and in illustration of the law I referred to the decisions of the Supreme Court in reference to the navigability of the Fox River. I did not understand the gentleman from Wisconsin as referring to the Wisconsin River; if I had I would have promptly called to my own and to his attention the error that was between us.

Now, I understand the gentleman to appreciate the difference be-

tween us, and to make the same point as to the Fox River that he made yesterday as to the Wisconsin.

Mr. BRAGG. The gentleman is mistaken. The point I make is that the case itself does not make any such statement with reference to the Fox River as given by the gentleman from Maryland.

Mr. McLANE, of Maryland. Now, the gentleman from Wisconsin and myself understanding each other perfectly, and the Fox River being in question, he takes exception to my statement yesterday as to what the decision of the court was.

Mr. BRAGG. Oh, no.

Mr. McLANE, of Maryland. If the gentleman has in his hand, as I suppose he has, the report of that case, the Montello steamer case, if he has that report in his hand I should like to have it.

Mr. BRAGG. The gentleman misunderstands me. I am not speaking with reference to the decision of the court.

Mr. McLANE, of Maryland. I referred only to that, and I should like to know what the gentleman from Wisconsin refers to.

Mr. BRAGG. I am speaking as to what the gentleman from Maryland stated was the testimony in the case.

Mr. McLANE, of Maryland. I am referring to that also, and if the gentleman from Wisconsin will send me the book I will read to him what Judge Davis said.

Mr. BRAGG. Judge Davis did not deliver the opinion. The opinion was delivered by Judge Field. The libel was for not registering under the law of 1838.

Mr. McLANE, of Maryland. As the gentleman from Pennsylvania [Mr. RANDALL] gave notice of his intention to renew his amendment I will take time to look at the opinion of the court to which he refers, and will then reply to the gentleman from Wisconsin, and call his attention to the authority and case to which I referred.

Meanwhile I wish it to be understood it was the Fox River I referred to yesterday; and I shall make a further reference to that river to justify what I said yesterday as to the decision of the Supreme Court.

Mr. GUENTHER. I ask for the reading of the amendment offered by my colleague [Mr. BRAGG].

Mr. BRAGG. It is to strike out the words "and Wisconsin" and the letter "s" in the word "rivers."

Mr. HAZELTON. I move to strike out the last word.

I do this that I may say a single word in reply to the general position taken by my colleague from the State of Wisconsin [Mr. BRAGG]. He evidently does not believe in the feasibility of the improvement of either the Fox or the Wisconsin Rivers, and desires that that work upon which the Government has already expended a large amount of money shall terminate and cease.

We have had some two or three surveys of the Wisconsin River by the Engineer Department of this Government and one provision something like this. Two or three years ago—I have not time now to find the law—Congress passed a law authorizing a commission to visit the Wisconsin River in low water. General Wright was on the commission, I think. It was a commission of distinguished engineers; and they examined the Wisconsin River in low water and made a report recommending the continuation of the improvement.

A large amount of public money has been expended upon the Fox, and there are there some very fine water-powers created by that improvement, which were incidental to the improvement only; and a water way has been opened along the Fox which is of the greatest value to the commerce of our State.

Now, while I have no particular interest beyond anybody else's in the improvement of the Fox and Wisconsin Rivers, because they are works that are national in their character, and if improved must contribute to the general commerce of the nation, still, let me say that J. K. Warren, one of the most distinguished engineers of this Government, now dead, made a careful survey of both of these rivers; and among the most important reports contained in the engineer archives is that great report of J. K. Warren, in which he makes a report of the cost, and in it lays down different plans by which the Fox and Wisconsin Rivers can be made navigable and made to contribute largely to the highest interests of commerce in this nation.

If we are to vote upon the estimates of engineers; if we are to take their judgment, then my colleague's whole argument stands absolutely without any foundatian whatever in opposing this great work.

How am I to vote here except upon the judgment of engineers? How am I or any other man to understand whether we are fooling away the money from the national Treasury unless we rely absolutely upon these reports made by engineers distinguished in reputation and capacity?

I am no engineer, I am no sailor or navigator, and I rely upon the reports of the Department.

Mr. WISE, of Virginia. I should like to ask the gentleman from Wisconsin [Mr. HAZELTON] a question.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WASHBURN. I rise——

The CHAIRMAN. Does the gentleman rise to oppose the amendment or to speak in favor of it?

Mr. WASHBURN. I rise to oppose the amendment.

Mr. HAZELTON. This merely provides for a re-examination of the river by the same engineeers who have already reported in favor of this improvement. There is not a dollar to be appropriated unless they again find in its favor. I withdraw the *pro forma* amendment.

Mr. WASHBURN. I trust the pending amendment will not be adopted. I desire to say to the Committee of the Whole that there was a disposition on the part of the Committee on Commerce not to recommend any appropriation for this work. I think I may say that it was the opinion of the committee that it was a work that had better be dropped; that the benefits that would result from the completion of this work would not be commensurate with the large expenditures that would have to be made.

The committee finally decided that instead of making an absolute appropriation they would provide for this board, so that all the facts might be reported to Congress, and then if it should be concluded that the work was not of such importance as to justify its being carried on, some recommendation might be made with reference to disposing of the property of the Government. It seems to me that is just precisely the position in which this matter should be left. Let us obtain this report from a commission of disinterested parties, who will make recommendations with regard to the probable expense, and also give their judgment as to the benefits that will flow from the expenditures should it be made.

Mr. WHITE. Will the gentleman permit me to ask him a question?

Mr. WASHBURN. Certainly.

Mr. WHITE. I would like to know on what authority we can appropriate $5,000 to be expended in improving the channel between Green Bay and Depere?

Mr. GUENTHER. Because that is a part of the Fox River.

Mr. WASHBURN. It is a part of the whole scheme.

Mr. WHITE. If you can expend $5,000 in that direction, why can not you expend it in any direction?

Mr. WASHBURN. That is a part of the scheme. The original scheme was to create navigation between the Mississippi River and the Great Lakes. That is the scope of this improvement. A vast amount of money has already been expended, and to complete it and make it practically of any value would require the expenditure of an immense additional sum.

The committee felt that before recommending any appropriation they had better call a halt and have this matter carefully examined in all its bearings, and have a report from the commission which it is proposed to raise.

Mr. McMILLIN. Why provide for a commission such as is provided in this bill? Why not have the Engineer Corps make the report?

Mr. WASHBURN. I think it is well to have a representative from business men on that commission; but it is immaterial to me.

The committee rose informally; and Mr. ALDRICH took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BRAGG. In reply to my colleague [Mr. HAZELTON], through whose district meanders the beautiful Wisconsin River, and in order to place myself right before such persons as may be scattered along its barren sands who expect in the next few years by virtue of the river and harbor appropriation bill to see the British lion and the French and all other flags floating on vessels as they pass up to Sac City, I say to him, in the language of a very distinguished man of our own State, the first preliminary step toward improving the Wisconsin River is to lath and plaster it. [Laughter.] The sand is at hand and all you have to do is to work up the lime and hair and you may get it so as to hold it sufficiently together to follow the trace of the stream.

I remind him that when the Saint Paul Company, then the Mississippi Railroad Company, built its bridge at Sac City, across the Mississippi River, when promises were high that the Hennepin Canal would be finished so that vessels of war could go through that canal into Lake Michigan, up the Sturgeon Bay Canal, up the Fox River improvement and down into Wisconsin, before they allowed the bridge to be built, they required a draw to be put in it after the manner of draws in bridges on the Ohio River, in order to enable these vessels to pass through so that there should be no disturbance of navigation.

Experts were called before a committee of our Legislature, and they testified before us and located the channel of the stream where the bridge should be built and designated where the draw should be put in. The railroad company built the bridge and put in the draw at the point designated. After the next spring flood the draw was over dry

land, and the channel run away down under another arch of the bridge, where it still remains.

General Warren was not in favor of improving the Wisconsin river upon any plan which has been recommended. He thought that the improvement of the river upon any plan whereby the expense would at all correspond with the benefits to be gained was utterly unfeasible; and General Warren, let me tell you *sub rosa*, was relieved from duty on that work because he could not spend the money as fast as the people wanted him to do it.

Year after year, while we have made appropriations for the Fox and Wisconsin Rivers, the Wisconsin River has been left out in the expenditure of the money, except in the digging of a little canal, about the proper size for a respectable bullfrog, from one river to the other. Since the two rivers have been "improved" the navigation by boats has been driven from both rivers.

When I settled in Wisconsin in 1850 there ran upon Lake Winnebago and upon the Fox and the Wolf Rivers a line of steamboats. There was the Montello, the Badger State, the Appleton Belle, the Peytona, and the Indiana. They carried freight; business was then done in the way of commerce up and down the Fox and Wisconsin Rivers. The United States have taken hold of those rivers; have spent between two and three millions of money, beside the land grant which was given away to a corporation that now claims to own all the water running on the Fox River. That company has now upon its hands from one hundred and fifty to two hundred lawsuits for damages by reason of the overflow of lands and the drowning out of people of the Fox River valley. They have driven out the boats; they have destroyed the commerce, but they have erected valuable water-powers and have built cut-stone spouts to carry the water to factories which are being constructed on that stream for the benefit of private corporations and individuals, who sell out that water by the cubic inch while Uncle Sam pays the expense and keeps the machine in order. That is the result of the "improvement." The commerce, what there was, has been destroyed, partially from that cause and partially from another. There is a railroad running down either bank of the only part of that stream which was ever subject to improvement so as to render it navigable at all in the interest of commerce.

Mr. TOWNSEND of Ohio. Mr. Chairman, ever since I have been a member of the Committee on Commerce the improvement of the Fox and Wisconsin Rivers has year after year come before that committee and has been the subject of serious consideration, the conclusion being in general unsatisfactory. Appropriations have, however, been made from time to time to continue the work, which the committee believed would not be of very great importance when concluded.

This year the question was again carefully considered, and after full consultation with parties interested in that section of the improvement, the committee finally adopted the suggestion that a commission be appointed to consist of two engineers and three civilians, to be selected from all parts of the country other than Wisconsin, so as not to be prejudiced by any local feeling or interest. It was decided that this commission should consider, first, the practicability of concluding the work from an engineering standpoint and its cost; secondly, whether the work when completed would be worth anything to the commerce of the country. The latter branch of the subject was one which it was supposed commercial and business men throughout the country would know most about; hence the proposition that the commission should embrace three civilians as well as two engineers was in my judgment very wise. It was further decided that none of the money should be available for the continuation of this work until the report of this commission should be received and approved by the Secretary of War, who, if the report should be favorable, will be authorized to go on and expend the money.

I know of no better way of disposing of this question for the present than this. It looks to a full investigation of all the facts. Every suggestion such as those presented by the gentleman from Wisconsin [Mr. BRAGG] will be carefully considered, and I doubt not a wise conclusion will be arrived at. My judgment has always been—and the more I have investigated the subject the more this opinion has been strengthened—that this work when completed will be of no practical advantage. If you send there to make an examination a board consisting of engineers, as has been done on two or three occasions, they will report simply upon the practicability or feasibility of the work from an engineering standpoint. But we propose that this commission shall take a wider and more practical view, such a view as Congress should take in acting upon the question. I trust, therefore, that this clause of the bill will be allowed to remain as it is, for I think it will be productive of the best results.

Mr. ROBINSON, of Massachusetts. Why should we not strike out the clause?

[Here the hammer fell.]

Mr. GUENTHER. Mr. Chairman, representing most of the territory in which this improvement is located, I am perfectly willing that the qualifications of the members of this commission should be so prescribed as to exclude any possibility or suspicion that any of them may be unduly influenced. All that we want is a fair, impartial examination by unprejudiced and competent persons. Inasmuch as no part of this money is to be available unless the report of the commission should be favorable, I hope that the appropriation proposed in this provision will be made. I will add that the amendment of the gentleman from Pennsylvania [Mr. RANDALL] is perfectly acceptable to me.

Mr. McLANE, of Maryland. Mr. Chairman, the issue made by the gentleman from Wisconsin on my left [Mr. BRAGG] has been modified this morning; and we both stand before this committee to-day agreeing that it is the Fox River that is in question. As between him and myself the only question at issue is whether there was testimony in the case to show that the Fox River is navigable.

Mr. BRAGG. That is not the question at all.

Mr. McLANE, of Maryland. Pray tell me what it is.

Mr. BRAGG. I stated to you distinctly I referred to the testimony of the witnesses of whom you spoke as to the change made in the stream from a flat-boat stream to a steamboat stream.

Mr. McLANE, of Maryland. Pray, will the gentleman from Wisconsin give me my five minutes? For what I said did refer to the witnesses, and I now hold in my hand the court's opinion to fully confirm what I said. It is not the opinion of the case, however, to which the gentleman from Wisconsin refers.

Mr. BRAGG. Oh!

Mr. McLANE, of Maryland. The case to which he referred reported in 11 Wallace was dismissed because the testimony was not sufficient to sustain the libel or show the navigability of Fox River; but the further testimony was taken which the court considered sufficient, and it is reported in 20 Wallace under the same title, to wit, the Montello case; and that is the case to which I referred. The opinion was delivered, as I stated on yesterday, by Judge David Davis, and he states the case reported in 11 Wallace was dismissed because the evidence was insufficient. Now he says the court has full evidence to show the river was not navigable before this improvement for anything but flat-boats, but when it was improved it became navigable for steamers; and he says it was none the less a navigable stream when it was navigated by flat-boats. That is what I said yesterday, and that is what the gentleman from Wisconsin endeavors to correct to-day. And he cites the case in 11 Wallace where the libel was dismissed, Judge Field delivering the opinion of the court, because the evidence was not sufficient. But the gentleman did not cite the case in 20 Wallace where the court consider the evidence is sufficient, Judge David Davis delivering the opinion of the court. Although the gentleman from Wisconsin [Mr. BRAGG] is no poet, he is a Wisconsin lawyer, and I suppose he knew very well the libel which was reported as dismissed in 11 Wallace was entertained and reported in 20 Wallace. That is the record in this case.

Mr. PAGE. Can not we have a vote now?

Mr. BRAGG. I rise to a question of personal privilege. As a Wisconsin lawyer, I desire to call the attention of this committee and of the lawyer from Maryland to the fact that, if he will look at that case, it was for libel in the year 1867, and the United States had never spent one dollar on that river.

Mr. McLANE, of Maryland. I have looked at them both. I have them before me, and I know very well what is the issue between the gentleman from Wisconsin and myself.

Mr. BRAGG. Not one dollar on that river. I do not care what his case states, you will find the act when the United States took charge of it.

Mr. McLANE, of Maryland. I will report the text of the case.

In the Montello case, reported in 11 Wallace, Judge Field says, "the libel does not impart any information as to the character of Fox River, or its connection with other waters;" and then he proceeds to dismiss the libel and observes that "the parties will be able to present by new allegations and evidence the precise character of Fox River as a navigable stream." In the Montello case reported in 20 Wallace note is taken of the fact that the case had been before the court before, as reported in 11 Wallace, but that the libel was defective and the evidence insufficient to determine the question, and that it was remanded on further proceedings to enable the parties by new allegations and evidence to present the exact character of Fox River as a navigable stream, and that as this was now done there was nothing in the way of a correct solution of the inquiry. Judge Davis then proceeds to deliver the opinion of the court and declares that the Fox River is a navigable stream and was a navigable stream before it was improved by the United States, and one of the highways referred to in the ordinance of 1787; and Judge Davis continues with the observation that "the true test of the navigability of a stream does not depend on the mode by which commerce is or may be conducted, nor the difficulties attending navigation; if this were so, the public would be deprived of the use of many of the large rivers of the country over which rafts of lumber of great value are constantly taken to market." And he refers to the fact that Fox River was navigable by Durham boats only, propelled by animal power, when loaded drawing only two feet of water, before it was improved, and yet it was none the less within the jurisdiction of the United States as a navigable stream as it continued to be after its improvement and navigation by steamers.

Mr. PAGE. Let us have a vote.

Mr. HOLMAN. I ask before the vote is taken to have the attention of the Chair called to the point of order I reserved on this paragraph.

The CHAIRMAN. The gentleman from Indiana did reserve the point of order.

Mr. HOLMAN. I wish to make the point of order, Mr. Chairman, and to confine it to that portion of the paragraph to be found in lines 403 and 404, which read as follows:

The Secretary of War is hereby authorized to fix the compensation of the members of this board.

If the amendment of the gentleman from Pennsylvania be adopted of course the motion to strike this out would be entertained. But I wish to present the question of order whether or not on a river and harbor bill there can be independent legislation.

The CHAIRMAN. The Chair will ask the gentleman from Indiana to again state his point of order. Is the Chair correct in understanding it is confined to lines 403 to 404?

Mr. HOLMAN. I reserve the point of order on the entire paragraph. Of course that embraces all portions of it. I could not probably move more than one point of order at a time. Without regarding it as overruled I confine my point now to the words I have read, as follows:

The Secretary of War is hereby authorized to fix the compensation of the members of the board.

Mr. PAGE. If the amendment of the gentleman from Pennsyvania should be adopted, there would be no point of order, I imagine.

Mr. HOLMAN. That would be stricken out as a matter of fact. But I desire to present the point of order whether or not there can be independent legislation upon a bill appropriating money for the improvement of rivers and harbors. These appropriations are based, at least such has been heretofore the plan, upon the reports of the Chief of Engineers, transmitted to Congress through the Secretary of War. Of course I concede that to the extent of the works recommended to Congress through the Secretary of War there may be to that extent amendments or appropriations against which the point of order would not lie; but what I wish to inquire is whether or not there can be independent legislation upon a bill of this kind?

Mr. PAGE. Upon the point of order——

The CHAIRMAN. The Chair does not desire to hear the gentleman from California upon the point of order. The Chair is not aware of any rule under which this point of order can be sustained, if the clause is germane, and the Chair thinks this is germane. It is not a new thing——

Mr. HOLMAN. The Chair holds that it does not come under the provisions of the third clause of the twenty-first rule then at all?

The CHAIRMAN. No. This is not a general appropriation bill coming within the purview of Rule XXI. That has been so held, as far as the present occupant of the chair knows, without dissent.

Mr. HOLMAN. So, if the amendment is germane, it is in order?

The CHAIRMAN. The Chair so holds, and following the line of precedents.

The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. BRAGG], which has been reported.

The committee divided; and there were—ayes 16, noes 30.

So the amendment was not agreed to.

Mr. RANDALL. I now offer the amendment which I temporarily withdrew.

The CHAIRMAN. The gentleman from Pennsylvania will be kind enough to again state his amendment.

Mr. RANDALL. I move to strike out "five," in line 392, and insert in lieu thereof the word "three;" strike out, in lines 392 and 393, the words "two of whom to be;" and in line 394 the words "and three civilians;" so that if it is adopted this paragraph will read:

Provided, That before any money shall be expended the Secretary of War shall appoint a commission of three officers of the United States Engineer Corps, whose duty it shall be, &c.

As the Committee on Commerce have agreed to accept that amendment, I will not detain this committee by giving the reasons for its adoption, because I do not desire to waste any time.

The CHAIRMAN. Without objection the amendment will be considered as agreed to.

Mr. BRAGG. I object.

Mr. CANDLER. Mr. Chairman, I investigated this matter very carefully in the committee and was opposed to it. Had it been a new project I should not only have opposed it there but I should have opposed it here upon the floor of the committee. But after that investigation, when I found that a great deal of money had been already expended upon this improvement, and when I found earnest advocates in favor of it, I believed it was wise not to vote to strike it out without further investigation. I shall accept, as one of the committee, therefore, the amendment of the gentleman from Pennsylvania.

I believe we can get as accurate and satisfactory an opinion with less prejudice from three officers of the Engineer Corps than we can from three engineers and two civilians combined; and I hope that this clause will be adopted and the amendment of the gentleman from Pennsylvania acceded to. I think then it will be just to the country for their protection and just to these men who advocate the continuance of this improvement.

Mr. PAGE. I now move that the committee rise for the purpose of limiting debate.

Mr. BRAGG. I have two amendments to this section which I desire to offer.

Mr. PAGE. The gentleman can do that after we go back into committee.

The motion was agreed to.

The committee accordingly rose; and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr CANNON reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor appropriation bill had come to no resolution thereon.

Mr. PAGE. I move now that when the House next resolves itself into Committee of the Whole House on the state of the Union to further consider the river and harbor bill that all debate upon this paragraph and pending amendments shall be limited to five minutes.

Mr. WASHBURN. Make it one minute.

Mr. RANDALL. I desire to offer a further amendment.

Mr. BRAGG. I would like to ask the gentleman from California if there will be an opportunity to explain the amendments I propose to offer?

Mr. PAGE. I will give the gentleman from Wisconsin all of the time allowed for debate if this motion is agreed to.

The SPEAKER *pro tempore*. The Chair desires to submit the motion of the gentleman from California.

Mr. PAGE. I propose to modify the motion.

The SPEAKER *pro tempore*. The Chair will hear the modification.

Mr. PAGE. I now move that all debate upon this paragraph and all amendments thereto be limited to ten minutes, not to exclude the offering of other amendments.

The SPEAKER *pro tempore*. The gentleman now moves to limit debate upon the paragraph and all amendments to ten minutes. The latter part of the motion is not necessary.

Mr. ANDERSON. I would suggest to the gentleman from California that he limit debate upon amendments now pending. This is a very important subject.

Mr. PAGE. I can not do that.

The motion to limit debate was agreed to.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole to further consider the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. By order of the House all debate upon the pending paragraph and all amendments is limited to ten minutes.

Mr. BRAGG. I desire to offer as a substitute for the proposition of the gentleman from Pennsylvania what I send to the desk.

The Clerk read as follows:

After the words "Engineer Corps," in line 393, insert:
"But neither of whom shall be connected in any manner with any Government work in the State of Wisconsin."
After the word "civilian," in line 394, insert:
"Neither of whom shall be an employé of the Engineer Corps of the United States, nor of any member of such corps; nor shall he be in any wise interested in any water-power affected by such river improvement, nor in any contract for public work under the control of the United States or any officer thereof; nor shall he be a resident of any county bordering upon either the Fox or Wisconsin Rivers, or through any part of which either of said rivers run."

Mr. PAGE. I hope that will be accepted.

Mr. RANDALL. I give notice that I shall ask a division of the amendment.

Mr. BRAGG. My proposition is, first, after the words "Engineer Corps," leaving the section to stand as it is, to provide that no member of the Engineer Corps who now has charge of any public work in Wisconsin shall be one of that board. My reason is that the pride of caste and of the profession is so great in that corps that if any of his fellows engaged in jobs—or I should say in contracts—in the State, if called to act upon a brother officer's contract where he has lived and built his home, and got a nice yacht and an elegant place to live, he will be very loath to decide he ought to be ousted and turned away.

I move, after the word "civilians," to limit the provision so that no civilian employé of the United States Engineer Corps shall be selected. Why? Because all through our State they have civilian engineers who are doing their work, and, unless limited, they may hire a man who is now their own foreman, who will come in as a civilian engineer and be there to hear their case and decide in their favor.

I restrict them also by providing that no man who shall be such a civilian employé shall have any interest in any water-power that is affected or benefited by the work. I make it also a restriction that no man who is interested in any Government contract over which these Government engineers have control shall be selected, because all those persons stand in an attitude where the influence of the opinion of the engineer in charge is almost conclusive and final.

I then restrict it further, that no one of those men shall be selected from any portion of the country bordering on these rivers from the mouth of the Fox to the mouth of the Wisconsin, so as to relieve their judgment from any prejudice that may be brought to bear by reason of a hope that some time some great benefit may result to some particular locality from the work. And I prefer to have the civilian employé to the engineer, because I regard the judgment of the civilian much better than I do the judgment of the engineer where he is sitting in judg-

ment upon himself; and having encouraged by his reports an expenditure of two and a half millions of money of the Government, he will be exceedingly loath to decide that he had given opinions upon which that money had been uselessly expended.

I can give you perhaps an illustration of the reason why I have not so much confidence in engineers on the subject of their power of management and control of water and how to grant relief. I refer you to the celebrated case of Banks's fleet up the Red River when the Engineer Corps dropped their hands powerless by their sides and all the American engineering science that is now to control the Mississippi was unable to get the fleet of General Banks over the rocks of the Red River. The engineers lay down and went to sleep over it. But the river lumbermen put a little common sense to the task, and their common sense in twenty-four hours floated out the fleet, and as it floated out it floated away all the respect I have for the judgment of that corps over the judgment of anybody else.

[Here the hammer fell.]

Mr. RANDALL. To the first branch of the amendment of the gentleman from Wisconsin [Mr. BRAGG] I have no objection. But I take issue with the gentleman as to the propriety of calling into this commission any civilian. I differ entirely in opinion with the gentleman from Wisconsin—I do it with great modesty—as to the Engineer Corps of the United States Army. My experience and association with these gentlemen has been entirely favorable to their intelligence, their honor, and their character in every way.

Mr. ANDERSON. I shall offer an amendment to strike out $150,000 and insert an appropriation of $5,000, to be expended for the improvement of the channel between Green Bay and Depere. In other words, I want to strike out the Fox and Wisconsin improvements. The facts which have been developed here are simply astounding and startling. There is not any question about it. In the main that money has been used for the benefit of private corporations, and it is money of the United States which has been so used.

It has been stated by some members of the committee that they intended to omit this appropriation; but they did not do it. Now what do we want a commission for to tell us whether we had better omit this appropriation or not? Why can not this House determine that? The taking of United States money under the guise of general commerce to be applied for the benefit of these mill-owners up there is, in my judgment, an entirely wrong idea.

So far as the Fox River is concerned, while it is more nearly a navigable stream than the Wisconsin, yet gentlemen will find the commerce is not very heavy on the Fox River. And furthermore, there have been appropriations I have no doubt for both these streams heretofore. Why, then, when cutting down on your own standard appropriations for improving rivers and harbors—why let these men benefited along your river, and in particular these mill-men and water-power owners, come in here for the purpose of using the money of the United States? I do not think it is right, and I shall vote against it.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. BRAGG], offered as a substitute for the amendment of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I favor the first amendment of the gentleman from Wisconsin, which regulates the character of the appointments of Army engineer officers. The other branch of the amendment I hope will be voted down, because I want the amendment striking out the provision as to the appointing of civilians on this commission to be carried.

The CHAIRMAN. Does the gentleman demand a division of the question on the substitute?

Mr. RANDALL. I do.

The CHAIRMAN. The Clerk will read the first division of the substitute.

The Clerk read as follows:

After the words "Engineer Corps," in line 393, insert:
"But neither of whom shall be connected in any manner with any Government work in the State of Wisconsin."

Mr. RANDALL. I have no objection to that.

Mr. PAGE. I hope that will be adopted.

Mr. GIBSON. I rise to oppose the amendment, and I do it for the purpose of defending the character of the officers of the Army.

The CHAIRMAN. All debate upon the pending paragraph and amendments thereto has been exhausted.

The question was then taken upon the first division of the substitute, and it was agreed to.

The CHAIRMAN. The Clerk will read the second clause of the substitute.

The Clerk read as follows:

After the word "civilians," in line 394, insert:
"Neither of whom shall be an employé of the Engineer Corps of the United States, nor of any member of such corps; nor shall he be in any wise interested in any water-power affected by said river improvement; nor in any contract for public work under the control of the United States or any officer thereof; nor shall he be a resident of any county bordering upon either of the Fox or Arkansas rivers, or through any part of which either of said rivers may run.

Mr. RANDALL. I hope that will be voted down; it is entirely inconsistent with my proposition.

Mr. TOWNSEND, of Ohio. I regard the civilian part of the commission as of far more importance. We have now all the engineer reports we want.

The question was taken upon the second clause of the substitute; and upon a division there were—ayes 27, noes 28.

Mr. BRAGG. No quorum has voted.

Tellers were ordered; and Mr. BRAGG and Mr. RANDALL were appointed.

The committee again divided; and the tellers reported that there were—ayes 58, noes 90.

So the second clause of the proposed substitute was not agreed to.

The amendment of Mr. RANDALL was then agreed to.

Mr. RANDALL. I desire to further amend by inserting in line 403, after the word "to," the word "expend;" also, to strike out in line 404 the words "fix the compensation of the members of this board;" also, to insert, after the word "examination," the words "and such amount as necessary;" so that the clause will read:

The Secretary of War is hereby authorized to expend a sum sufficient to defray all expenses connected with this examination and such amount as necessary is hereby made immediately available of the sum appropriated.

The amendment was agreed to.

Mr. ANDERSON. I now move to amend, in lines 388 and 389, by striking out "$150,000" and inserting in lieu thereof "$25,000." In my judgment $25,000 is enough.

The question was taken upon the amendment of Mr. ANDERSON; and upon a division there were—ayes 8, noes 26.

Mr. ANDERSON. No quorum has voted.

Several MEMBERS. Do not make that point.

Mr. ANDERSON. There are $150,000 involved here; $25,000 I think is enough.

Tellers were ordered; and Mr. GUENTHER and Mr. ANDERSON were appointed.

The committee again divided; and the tellers proceeded to count, but before concluding,

The CHAIRMAN said: The Chair desires to announce to the committee that no quorum has voted. There is evidently a quorum present, and unless it is the pleasure of gentlemen to vote the business of the committee will be suspended.

Mr. ANDERSON. If we can be allowed a vote in the House on this appropriation of $150,000, I will withdraw my point of no quorum.

Mr. GUENTHER. We can not do that.

Mr. ANDERSON. Then we will go on with the count.

Mr. GUENTHER. We will fight it out right here.

The tellers concluded the count; and reported that there were—ayes 46, noes 102.

So the amendment of Mr. ANDERSON was not agreed to.

Mr. BURROWS, of Michigan. I move to amend in line 399, after the word "favorable," by inserting the words "and shall be approved by the Secretary of War;" so that the clause will read:

If their report be favorable and shall be approved by the Secretary of War, this appropriation is made available.

Mr. GUENTHER. There is no objection to that.

The amendment was agreed to.

Mr. WHITE. I now move to strike out the entire paragraph as amended. I desire to be heard on that motion.

The CHAIRMAN. Debate is not in order now; all debate upon the pending paragraph has been exhausted.

Mr. HOLMAN. Before the motion to strike out is voted upon I move to amend the paragraph by striking out from the word "continuing," in lines 387 and 388, down to and including the word "expended," in line 391; also, beginning in line 398, strike out these words:

If their report be favorable and shall be approved by the Secretary of War, this appropriation is made available.

I ask that the paragraph be read as proposed to be amended by me.

The Clerk read as follows:

Improving Fox and Wisconsin Rivers, Wisconsin: The Secretary of War shall appoint a commission of five, to be officers of the United States Engineer Corps, but neither of whom shall be connected in any manner with any Government work in the State of Wisconsin, whose duty it shall be to carefully examine the improvement made and proposed, and report to the Secretary of War whether in their judgment the interests of commerce and navigation will be advanced sufficiently to warrant the continuation and completion of this project. If in the judgment of the board the work should not be continued, &c.

Mr. PAGE. Does that amendment strike out the appropriation?

Mr. HOLMAN. It does; it authorizes only the commission.

Mr. PAGE. That is not right; I hope it will not be adopted.

The committee rose informally; and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had appointed Mr. MAHONE and Mr. MCDILL in place of Mr. BAYARD and Mr. BECK, excused, as the managers of the conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 5538) to reduce internal-revenue taxation.

RIVER AND HARBOR BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN], which has been read.

The question was taken; and upon a division there were—ayes 5, noes 34.

Mr. HOLMAN. No quorum has voted.

Tellers were ordered; and Mr. GUENTHER and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 45, noes 104.

So the amendment was not agreed to.

The question then recurred on the motion of Mr. WHITE to strike out the paragraph; which was not agreed to.

The Clerk read as follows:

Improving Wabash River, Indiana and Illinois: Continuing improvement, $20,000.

Mr. COBB. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out "20" and insert "30;" so as to appropriate $30,000 for continuing the improvement of the Wabash River.

Mr. COBB. Mr. Chairman, everybody knows that the Wabash is an important river—a great tributary to the Ohio and thence to the Mississippi.

Mr. BROWNE. What does it contribute to the Ohio?

Mr. COBB. It contributes large volumes of water as well as great quantities of commerce. When the gentleman and I were boys it floated perhaps as much produce upon its bosom as any river of its length in the country. It passes through the richest country on the globe. There is no valley in the world that is richer than the valley of the Wabash.

The river has been improved; $150,000 have been expended upon it. The Department recommends a further appropriation of $95,000 for this purpose; and the Committee on Commerce reports an appropriation of $20,000, an amount which I submit is altogether inadequate for a river of such importance. It is four hundred and forty miles long, and in its present condition is navigable more than two hundred miles from its mouth, with the exception of the Grand Rapids and one or two other points.

Mr. BROWNE. To what point are the upper waters of the Wabash navigable?

Mr. COBB. To La Fayette. The gentleman does not seem to know anything about a river which is a boundary of his State and runs through it. I have seen upon the Wabash River at my town twenty-nine New Orleans steamers, as large vessels as navigate the Mississippi River. I do not mean to say that I have seen them in recent times, since the growth of railroad communication. But I understand that the object of the river and harbor bill is to give us water ways as a means of transportation competing with the railroads. If this be so, the Wabash River is entitled to a greater appropriation than that proposed in this bill.

I do not care to occupy the time of the committee, but I do insist that this river for the last few years has not received the amount of money which ought to have been appropriated for it—the amount which its volume of water and its importance as a water way justify. I trust the Committee of the Whole will adopt my amendment.

The amendment was not agreed to.

Mr. COBB. I submit the amendment which I send to the desk.

The Clerk read as follows:

After line 417 insert:
"Improving White River, Indiana: Continuing improvement, $20,000."

Mr. COBB. Mr. Chairman, I presume that this amendment will not be adopted. I offer it merely for the purpose of seeing what this committee will do with the report which has been made on this subject.

Here is a stream upon which the Government has already expended $65,000. A further appropriation of $50,000 for its improvement is recommended by the Corps of Engineers to be made for the present year. This stream passes through a very rich section of country—a section not surrounded by railroads as the Wabash River is. The Committee of the Whole might therefore with propriety adopt this amendment as a means of giving to the people along the line of this river the means of transporting their produce.

Let me make a single statement to illustrate the value of this stream. Three years ago I took occasion to examine the statistics, and I found that at the point where the White River intersects the Terre Haute and Indianapolis Railroad there had been shipped from the upper waters of this stream more than 3,000,000 feet of lumber, more than 450,000 bushels of corn, more that 375,000 bushels of wheat, more than 600 carloads of general merchandise. Now, after $65,000 have been expended upon this stream, it is proposed by the committee, as I understand, to abandon the work and let the stream go. There is no railroad adjacent and parallel to this river. It is the only outlet for a large section of rich and fertile country, embracing also vast coal-fields.

Now, will the Committee of the Whole give to these people who live along the line of this stream and within fifteen or twenty miles of it a more convenient and a cheaper method of getting their produce to markets, or will they give to other streams not half so important to the commerce of the country thousands of dollars, and allow this river to remain unimproved because it lies in the great Mississippi Valley, with its rich wheat and corn fields, with its pork and beef that feed the world? Will you withhold an appropriation from this stream and give money for rivulets in the mountains because the members of the Committee on Commerce happen to favor such appropriations? I ask the Committee of the Whole to do justice in this case. This bill as it stands is an outrageous bill. I have attempted to cure some of its enormous defects.

Mr. PAGE. It appears from the engineer's report, on page 1977 (the appendix), that many bridges cross this stream without a draw. These obstructions must absolutely prevent any navigation of the river.

Mr. COBB. Where are those bridges built?

Mr. PAGE. I will read from the report:

A bridge has recently been constructed across the portion of the east fork, for the improvement of which Congress has made appropriations. This bridge is without a draw, and is built without any authority of Congress.

Mr. COBB. Exactly.

Mr. PAGE (continuing the reading):

The bridge of the Evansville and Terre Haute Railroad, near Hazleton, has now no draw worth the name, the bridge in that respect being much worse than it was last year. (See Report of Chief of Engineers, 1881, page 2007.)

The laws regulating the crossing of the smaller navigable rivers are too general and too little understood to be effective.

A definite law giving the requirements to which all bridges on such rivers must conform, and providing means for its enforcement, would be a great step toward peventing obstructions, which the officer charged with improvements is powerless to remove.

Mr. COBB. I understand that perfectly well.

Mr. BROWNE. Now, Mr. Chairman, this amendment touches me in a tender point. I love the White River and my colleague has stated but the truth when he says it passes through one of the richest agricultural regions on the continent. We have commerce—abundance of it. We have large harvest-fields that turn to gold under the summer's sunshine. We have immense corn-fields that turn brown in the autumn frost. We have mills and lumber and everything on the White River. There is but one trouble about it, and that is, it has not got any water [laughter], or at least enough to make it a stream of any consequence to commerce. For that reason I shall vote against the amendment.

Mr. COBB. My colleague lives more than two hundred miles off by the way of this river to its mouth, and I doubt whether he has ever seen one hundred and fifty miles of it next to its mouth. I have never heard of him being in that part of the State but once.

Mr. SPRINGER. When was that?

Mr. COBB. About six or eight years ago, and he will remember perhaps better than I do.

Mr. BROWNE. Yes; it was immediately after Congress made an appropriation to survey the river to Gosport. I went down there because a goose had floated up that far and landed, and was not able to find water enough to get back again. [Laughter.] I sympathized with the goose. [Great laughter.]

Mr. COBB. This river it has been reported by the Engineer Corps can be made navigable, and is now up to Portersvile, eighty miles from its mouth. And if the gentleman makes that issue I can only say he does not know what he is talking about. I know this river runs up to the northeastern part of the State. Its source is way up in the northeastern part, and it traverses the southwestern portion, emptying into the Wabash River. But I know another thing. There is not an hour in the last twenty years, to my knowledge, when boats have not been plying between Portersville and the mouth of the river, where the Engineer Corps have determined to improve it. And Congress has appropriated from year to year for the last five years $20,000 a year. That money has been expended on this river, and the Engineer Corps report to-day that $50,000 can be profitably expended on this river. Notwithstanding the ignorance in regard to this river displayed by my colleague, because he lives where there are no streams, and where his people are wealthy and have been for years and have built railroads and turnpikes, when he comes down into my section of the State he ought to remember we cherish our rivers. And I am in favor of proper appropriations for rivers and harbors; but I do say the favoritism shown for the last four or five years, to my knowledge, in regard to rivers and harbors is an outrage on this great people. These bills ought to be defeated, or else they ought to be corrected and made apply to such water ways as benefit the people.

Mr. BROWNE. I move to strike out the last word. Now, I know my friend is especially the champion of river and harbor appropriations.

Mr. COBB. The gentleman knows that is not true in any sense. [Laughter.]

Mr. BROWNE. I do not understand the gentleman raises any question of veracity.

A MEMBER. It was only said in a Pickwickian sense.

Mr. COBB. It does not go on the RECORD in any Pickwickian sense. The gentleman will understand he can not state a falsehood against me without my denying it. He takes issue with me.

Mr. BROWNE. I desire to repeat, Mr. Chairman, I know my colleague has a very tender regard for river and harbor appropriations. The only trouble with him is he can never get a bill that is precisely to his taste. If you could only put in one of the White rivers in the United

States why it would be entirely satisfactory, and my colleague would vote for that with alacrity. The truth is everybody familiar with Indiana knows that White River is not a stream of any importance. I undertake to say if I could have a commission appointed it would be demonstrated that the Congress of the United States have appropriated more money for its improvement than is equal to the aggregate value of all its commerce, including the value of the boats and other means of transportation on its waters.

Mr. SPRINGER. The gentleman from Indiana must be mistaken; because when he and I were boys the flat-boats went from there loaded with grain and produce of all kinds to New Orleans.

Mr. BROWNE. With grain?

Mr. SPRINGER. Yes, sir; when we were boys that was the only outlet; and the mode of transportation from that country was by flat-boats down that river.

Mr. BROWNE. I am not talking about the younger days of the Republic, when the gentleman from Illinois was a boy. There were many flats in those days. [Great laughter.]

Mr. COBB. Let me interrupt my colleague for a moment. I do not think he heard my remarks——

Mr. BROWNE. Oh, I heard the gentleman call me a liar, but I don't mind that. [Great laughter.] If my colleague desires to apologize I will hear what he has to say.

Mr. COBB. Most certainly I apologize, if that is what my colleague wants, if he has any such interpretation in his mind of my language. Now, will he yield to me for a moment?

Mr. BROWNE. To make an apology? Certainly. [Laughter.]

Mr. COBB. Oh, no; I want to ask a question.

Mr. BROWNE. Just a moment, and then I will yield with pleasure to my friend. Mr. Chairman, seriously the reason why I took the floor to talk on this subject at all was because this is an Indiana stream. Every gentleman who is familiar with my course here knows that I have voted steadfastly against river and harbor appropriations. I voted against them because I believed they included within them streams that were of no national consequence, among other reasons; and that it was a waste of the public treasure to make such provision for them. And when the gentleman there, my colleague, presented this amendment I desired to call to the attention of the committee a stream within my own State affecting my own people, referring to it because I might be held by them to a responsibility for the opposition I assumed.

Now, I am glad to see my colleague zealous in his attempt to secure an appropriation for his constituency. He is entirely right in doing so. I honor him for it. But after he secures it, and I think I am not mistaken about it, he will vote against the bill; and after he votes against the bill and it becomes nevertheless a law, and has reduced the revenues of this Government ten or fifteen millions of dollars, applied to all of these innumerable little streams throughout the country, he will proclaim on the stump, as he did last year during the canvass, that it was a depletion of the Treasury by a Republican Congress. He will hold up this thing as an evidence of Republican profligacy, and make political argument and capital upon it. Now, what I desire is that if my colleague intends to take a part of the "steal," let him stand up and defend it when it has been done.

Mr. PAGE. Unless we can come to a vote, I shall move that the committee rise.

Mr. COBB. If the gentleman will allow me a moment——

Mr. PAGE. I will yield to the gentleman for a moment.

Mr. COBB. I only want to say to my colleague that when he asserts that I stood upon the stump and charged this river and harbor appropriation bill as an evidence of Republican profligacy and extravagance, he is simply mistaken. I did not mention the river and harbor appropriation bill in my speeches. It was not necessary, as there were other issues pending. My people did not require it. There were other matters which were of more importance to the people at that time, and the gentleman certainly does me injustice when he makes that assertion. He was not in my district during the canvass and knows nothing of it. In no public speech of mine did I allude to it in the manner he has suggested, although I voted against the bill.

Now the gentleman says this is a stream of no importance. This river, Mr. Chairman, has two tributaries, two large branches, the East and West Fork, which come together some sixty miles above its mouth, and these Forks are navigable streams and always have been. They propose now to improve twenty miles above the junction of the rivers on the East Fork and make eighty miles of navigable river. Now, he says these two great streams, more than two hundred miles long, which traverse a State like Indiana and drain it, which come together and form a junction sixty miles from its mouth, do not form a navigable stream at any point. I disagree with the gentleman. It indicates to my mind that he has not studied the subject; certainly he knows nothing of that section of the State in which I live if he makes that assertion.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The amendment of Mr. COBB was not agreed to.

The Clerk read as follows:

Improving Saint Anthony Falls, Minnesota: Continuing improvement, $15,000.

Mr. DWIGHT. I move to strike out "improving Saint Anthony Falls, Minnesota," in lines 422 and 423.

I understand, Mr. Chairman, that that water-power belongs entirely to a private company; that it has no connection with the commerce of the country; that it is simply owned as a private water-power. I would like to know if there is anybody here who can tell why it is that property should be improved at the public expense any more than any other private property belonging to any other private individual in the country.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The question was taken.

Mr. WASHBURN. I demand a division.

The committee divided; and there were—ayes 21, noes 65.

Mr. DWIGHT. I call for tellers.

The question being taken on ordering tellers, there were ayes 5—not a sufficient number.

Mr. DWIGHT. I raise the point that a quorum did not vote.

The CHAIRMAN. Under the ruling of the Chair it is too late to raise that point.

So the amendment was not agreed to.

Mr. DWIGHT. I move to reduce the amount to $3,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "$15,000" and insert "$3,000;" so it will read:

"Improving Saint Anthony's Falls, Minnesota: Continuing improvement, $3,000."

Mr. WASHBURN. Perhaps some explanation of this item should be made, though I had not supposed it was necessary. The gentleman from New York [Mr. DWIGHT] moved this same amendment in last session of Congress and it was voted down. He has been very unhappy ever since.

Now, as a matter of fact I desire to say this Government has expended something like half a million dollars in preserving the Falls of Saint Anthony and thereby the stretch of navigation above the falls. This sum of $15,000 is simply to repair damages done by the floods.

So far as any water-power is concerned, there never has been any water-power created by these improvements. The destruction of the falls would have interfered to some extent with the water-power at that point, but the improvement was made for the purpose of preventing the destruction of the falls, and of course the navigation of the stream above there, and about half a million dollars has been expended for that purpose. If the committee feel this work should be allowed to go to destruction, let it adopt the amendment.

Mr. DWIGHT. I wish to ask the gentleman from Minnesota whether this is not private property owned only by individuals, the Government having no interest in it?

Mr. WASHBURN. There is not a word of truth in that statement.

Mr. DWIGHT. Who owns that water-power? And is not this improvement made for the benefit of that water-power?

Mr. WASHBURN. It was not made for the benefit of any water-power. The gentleman before making such statement ought to have acquainted himself with the facts; and if he states that, he states what is absolutely false.

Mr. DWIGHT. Why was the improvement made?

Mr. WASHBURN. To preserve the navigation of the river above Saint Anthony's Falls. Their destruction would have created rapids for a long distance, and the navigation of the river above would have been practically destroyed.

Mr. DWIGHT. I take issue with the gentleman on that statement.

Mr. WILSON. When after due deliberation a line of policy has been marked out by the Government of the United States, that policy ought to be followed out; and upon that theory I should be glad to support this appropriation. Last night, however, I presented to this House exactly a parallel case.

Mr. WASHBURN. Not at all.

Mr. WILSON. I beg your pardon. I presented an exactly parallel case where after mature reflection and full investigation Congress adopted a line of policy to carry out certain improvements, and where Congress directed to be expended and there was expended a large amount of money, much more than half the amount required.

Last night I asked, in the same line of policy as the gentleman from Minnesota [Mr. WASHBURN] to-day, for a vote to finish that work, a work national in its importance, contributing largely to the interests of the country, carrying out many millions of feet of valuable timber that found a ready market throughout the American States and Europe. It was the pleasure of the committee and of the gentleman from Minnesota last night to strangle that enterprise, to repudiate the action of a former Congress, to say to the country that the money heretofore expended might go to waste; that this Government now would not give a mite or a mere pitiful sum with a view to completing improvements of large value.

I reserve the rest of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. HORR. I do not wish to take up the time of the committee. If the committee so desire, I would rather have a vote.

Mr. NEAL. In 1871 I was in the State of Minnesota and examined these falls as carefully as any casual observer could. I went up the river to Saint Cloud and Crow Wing, within ten miles of Brainard, and I have no recollection of seeing anything in the shape of a boat—only saw-logs and skiffs. I ask if the navigation above Saint Anthony's Falls is for any purpose except floating saw-logs? I do not believe there is a steamboat on the river above the falls. As I understood at the time when in Minnesota from intelligent persons that water-power was owned by a private corporation which leased it out, and the Government money was being expended for the benefit, substantially if not ostensibly, of that corporation. The object was to keep up a water-power. If the falls were entirely torn up, while it might make some rapids it would not prevent logs and skiffs going down the river as now.

Mr. HORR. The committee gave this question very careful consideration. The water-power below these falls is not created by the improvement of the falls at all. Nothing more is intended than to prevent the crumbling and destruction of the falls, and thereby to keep the water above the falls in a navigable condition.

Mr. NEAL. For what?

Mr. DWIGHT. For what except saw-logs?

Mr. HORR. I refer to the report of the engineers.

Mr. WASHBURN. I have lived in Minnesota for twenty-five years, and may be supposed to know something of the facts in this case. The river above the Falls of Saint Anthony has been navigated by steamboats ever since I have been there.

Mr. FLOWER. What line of boats?

Mr. NEAL. Is there a steamboat above the falls to-day?

Mr. WASHBURN. I understand there is. I am inclined to say, however, that with the building of a railroad on either side of that river above the falls the navigation of the river is a matter to-day of comparatively little importance; but before the roads were built it was a matter of a good deal of importance.

Mr. FLOWER. Allow me to ask the gentleman this question: When this great reservoir which we appropriated $300,000 for last year, located above the Falls of Saint Anthony at the headwaters of the Mississippi, that is going to add to the navigable capacity of that river and prevent low water, shall be completed, will not the logs of the gentleman float down to where his mill is located and to where your railroad is constructed?

Mr. WASHBURN. Very possibly.

Mr. FLOWER. I would not ask this question except for the fact that you last night called the metropolitan press blackguards, and the gentlemen on this floor who, representing the city of New York, saw fit to oppose the bill last year you called blackguards.

Mr. WASHBURN. I did not say that.

Mr. FLOWER. And your idea of a great reservoir at the headwaters of the Mississippi River which is going to enable you to float your logs down to your mill is one of the provisions which led me to vote against your bill.

Mr. HORR. That is not in this bill.

Mr. FLOWER. I am glad it is not.

Mr. WASHBURN. I presume that if reservoirs are constructed, as I hope and expect they will be, they will improve the navigation of the Mississippi River as far down as Dubuque, and improve it especially above the Falls of Saint Anthony. And I expect it will improve navigation for saw-logs and steamboats and all other kinds of navigation. If it does not I shall be very much disappointed.

I took occasion to say that the clamor raised against these internal improvements was initiated in the city of New York, and I repeat it here to-day. I do not know that that is charging everybody opposed to this bill with being blackguards.

Mr. FLOWER. One more question in all fairness.

Mr. WASHBURN. Very well.

Mr. FLOWER. I want your plain judgment as a business man upon this improvement of the Mississippi River. I asked it yesterday of the gentleman from Michigan [Mr. BURROWS] and he said the Mississippi River Committee had not taken that matter into consideration.

Do you not believe that if the Government should spend millions of dollars in buying the timber lands from which you and other lumbermen are cutting off the timber about the headwaters of the Mississippi River, you would not keep the water in that stream up as it is kept in other streams where the timber has not been removed, and at less cost?

Mr. WASHBURN. I do not think it would have the slightest effect in the world.

Mr. FLOWER. I think it would. I think that is a very important point which should be looked at.

The CHAIRMAN. Time for debate upon the pending amendment is exhausted.

Mr. NEAL. I withdraw the *pro forma* amendment.

Mr. COX, of New York. I renew it. I desire simply to reply to what fell from my distinguished friend last evening. We had not the opportunity then to confront him with the truth; we were not allowed to speak.

But I say to him that when he gives the falsehood to my friend and colleague [Mr. DWIGHT], as he did a moment ago, he must be careful how he repeats matters of comment and infamous clamor concerning the city of New York and its press.

The city of New York was not peculiar in denouncing the infamies of your river and harbor bill of last year. Every paper of consequence in Cincinnati, Chicago, and Saint Louis denounced the composite and peculiar nature of the bill. I am forbidden by the rules to properly describe it. [Laughter.] The Secretary of War, an honest man, has told you what it means.

The gentleman from Minnesota [Mr. WASHBURN] has had his little earnest, kindly words here for his own private reservoirs. More than that, bills have been brought before the Committee on Appropriations asking for money to be paid because there has been more or less of ruin caused by our river and harbor improvements. Plantations have been destroyed, railroads have been helped in their interests, because this House has made certain sinister improvements of rivers, which meant water-powers, hydraulics.

This whole bill is based, more or less, on local and on private interests. I denounce any man here who says that the people of New York city are peculiar, or that the press of New York is peculiar in denouncing that peculiar, unnecessary, and unconstitutional mode of giving away the public money for local and private interests simply because we have a surplus in the Treasury.

Mr. HORR. Now let us have a vote.

Mr. BURROWS, of Michigan. I desire to inquire of the gentleman from Minnesota [Mr. WASHBURN] in regard to this water-power; who is the owner of it?

Mr. WASHBURN. This improvement has nothing whatever to do with the water-power.

Mr. BURROWS, of Michigan. I want to know who is the owner of this water-power.

Mr. WASHBURN. There are two water-powers, one on the east side of the river and one on the west side; there are two corporations.

Mr. BURROWS, of Michigan. Do you know any of the members of these corporations?

Mr. WASHBURN. One is called the Minneapolis Mill Company—I have a small interest in the stock of that company—and the other is the Saint Anthony's Falls Water-Power Company. I wish to disguise nothing in this matter.

I shall not take it to heart if this provision be voted out. In my capacity as a member on this floor I do not propose to cast any vote from personal considerations or one which can by any possibility be so construed. If it be the judgment of this committee that this provision has any personal bearing with respect to myself more than any other citizen of Minnesota, I prefer that it should be struck from the bill.

Mr. FLOWER. I wish to say in all fairness that I am well acquainted with the Falls of Saint Anthony at Minneapolis. The Government has done a great work there. It has preserved it, because it is a loose shelving rock, which high water cuts down, and by this means it has been put back several hundred feet. I think that the work of the Government, which makes a smooth and level passage for the water, has tended to preserve the falls. But I was not aware before that this water-power belonged to two corporations.

The question being taken on the amendment of Mr. DWIGHT, it was agreed to; there being—ayes 44, noes 38.

Mr. WASHBURN. I move that the paragraph be struck out.

The motion was agreed to.

The Clerk read as follows:

Gauging waters of Lower Mississippi and its tributaries: Annual expense of gauging the waters of the Mississippi River and its tributaries, continuing observations of the rise and fall of the river and its chief tributaries, as required by joint resolution of February 21, 1871, $5,000.

Mr. PAGE. As we have now reached the provision with reference to the improvement of the Mississippi River, I will ask that it may be temporarily passed until we have finished the remainder of the bill and that then we return to it and limit the time for debate.

Mr. ROBINSON, of Massachusetts. The trouble is that if we adopt the gentleman's suggestion, this item in regard to the Mississippi improvement may come up late in the afternoon or this evening, when few members will be here. I think it had better be taken up now, when there is a full attendance of members.

Mr. PAGE. Very well; I do not insist upon my suggestion. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DUNNELL having taken the chair as Speaker *pro tempore*, Mr. CANNON reported that the Committee of the Whole on the state of the Union had had under consideration the river and harbor appropriation bill, and had come to no resolution thereon.

Mr. PAGE. I move that when the House shall again resolve itself into Committee of the Whole for the further consideration of the river and harbor bill, all debate on the Mississippi improvement clause and all amendments thereto be limited to forty minutes. I make this motion after having consulted to some extent members of the Mississippi River Committee.

Mr. HOLMAN. I rise to a question of order—that the motion to limit debate on a clause can not be made until that clause has been considered.

Mr. ROBINSON, of Massachusetts. There is no doubt that the gentleman's point is entirely good. I suggested it to the gentleman from

California when he made the motion that the committee rise. But as it would be a waste of time to go back into committee for the sake of reaching the precise point when the motion will be in order, I suggest to the gentleman that as he has by making his point put on record his protest against this proceeding being a precedent, he might withdraw it.

Mr. HOLMAN. Very well.

Mr. TOWNSHEND, of Illinois. I move to amend the motion of the gentleman from California by striking out "forty minutes" and inserting "one hour."

Mr. PAGE. I will ask the gentleman from Indiana [Mr. HOLMAN] and gentlemen who have been members of the Mississippi River Committee whether forty minutes will be satisfactory?

Mr. TOWNSHEND, of Illinois. I insist on my amendment.

Mr. HOLMAN. I think we had better devote an hour to this discussion. However, I am not tenacious about it.

Mr. PAGE. I will take a vote on the proposition fixing forty minutes as the time.

The question being taken on the amendment of Mr. TOWNSHEND, of Illinois, it was not agreed to.

The motion of Mr. PAGE was agreed to.

Mr. PAGE. I move that the House go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. The House has limited the debate on the paragraph which the Clerk will read and all amendments thereto to forty minutes.

The Clerk read as follows:

Improving Mississippi River: That the sum of $1,500,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River from the head of the passes to Cairo, including the harbors of New Orleans, Natchez, Memphis, and the reaches at Plum Point and Lake Providence, and the deflection of the waters of the Red and Mississippi Rivers from the Atchafalaya River; $500,000 from Cairo to the Illinois River, including Alton Harbor, and $150,000 from the Illinois River to the Des Moines Rapids, including a stone and brush revetment at or near Quincy; which said sums shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, $2,150,000.

Mr. PAGE. I am instructed by the Committee on Commerce to offer the following amendment:

After the word "Natchez," in line 451, insert the word "Vicksburgh."

Mr. PAGE. That was agreed to by the committee and was omitted by mistake; it is to correct a clerical error.

The amendment was agreed to.

Mr. PAGE. I have another amendment to offer:

Strike out, in line 457, the words "a stone and brush revetment at or near" and insert after "Quincy" the word "bay."

Mr. SINGLETON, of Illinois. Let me call the gentleman's attention to more specific language: Strike out all after the word "including," in line 456, down to and including the word "near," in line 457, and insert "improvement of Quincy Bay."

Mr. PAGE. That is what the committee instructed me to offer, and I so modify my amendment.

Mr. TURNER, of Kentucky. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. The gentleman has moved after "Memphis" to insert the word "Vicksburgh," and that has not been voted on.

The CHAIRMAN. That amendment has been adopted.

Mr. TURNER, of Kentucky. I desire to offer another amendment.

The CHAIRMAN. Parliamentary courtesy requires the committee amendments shall be first recognized.

Mr. PAGE's amendment as modified was adopted.

Mr. BURROWS, of Michigan. I offer the following amendment——

Mr. TURNER, of Kentucky. I do not wish to lose the opportunity to offer my amendment.

The CHAIRMAN. The gentleman will be heard in time. The Clerk will now read the amendment of the gentleman from Michigan.

The Clerk read as follows:

In line 461 insert:
"*Provided*, That no portion of the money hereby appropriated shall be expended at any other point than those herein specified."

Mr. TURNER, of Kentucky. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. That the gentleman has no right to offer an amendment to line 460 when I have one to move to line 450.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURROWS, of Michigan. I have no disposition to discuss the amendment. I presume there will be no objection to it.

Mr. THOMAS. That meets with the view of the committee who had the matter in charge.

Mr. PAGE. I should like to call the attention of the gentleman from Louisiana to this amendment.

Mr. BURROWS, of Michigan. The gentleman from Louisiana has seen me.

Mr. GIBSON. I am opposed to the amendment.

The amendment was again read.

Mr. KING. I make the point of order that is not in order, as it does not reduce expenditure.

The CHAIRMAN. The Chair overrules the point of order.

The amendment of Mr. BURROWS, of Michigan, was adopted.

Mr. TURNER, of Kentucky, was recognized.

Mr. ROBINSON, of Massachusetts. I desire to offer an amendment at the end of the clause.

The CHAIRMAN. The gentleman will withhold his amendment for a moment. The gentleman from Kentucky has been recognized to offer an amendment.

Mr. TURNER, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert the words "Hickman and Columbus" after the word "Memphis," in line 451.

Mr. SPRINGER. What will be the effect of that?

Mr. TURNER, of Kentucky. I desire to be heard for a moment upon the amendment.

Mr. PAGE. I do not know of anything that warrants that amendment in the estimates submitted.

Mr. TURNER, of Kentucky. I will explain the effect of the amendment.

All I desire to say is this, and I shall detain the committee but a very few moments. In this section of the bill is embraced certain harbors lying along the Mississippi River that may be improved, namely, New Orleans, Natchez, and Memphis, and another has been added, Vicksburgh, on motion of the chairman of the Committee on Commerce. I offer to include in the same category the harbor at Columbus and at Hickman, and I desire to make this remark in support of the amendment: Hickman is an important harbor. It is the terminus of the railroad running from Nashville to the Mississippi River. It is an important harbor, the terminus, as I have shown, of an important railroad. When you come up to Columbus that is the termination of the Mobile and Ohio Railroad, a railroad that runs from the Gulf of Mexico to Columbus. On the other side of the river comes in the Iron Mountain Railroad from Saint Louis to Columbus, and it is certainly as important a point as Natchez, and in my judgment decidedly more important in its commercial bearing. If there is any reason, therefore, to spend the public money in improving the harbors of the points named in the bill, why do you leave out two important points such as Hickman and Columbus, the terminus of leading lines of railway? I ask these to be inserted in the bill. I claim that Columbus is far more important than Natchez in a commercial point of view, and so is Hickman, and they are equally entitled to consideration. The citizens at both these points have been compelled to protect the banks of the river from caving and washing at their own expense and have had no aid from the Government, and there is no valid reason why you should expend public money at Memphis and Natchez to improve their harbors and give nothing to Hickman and Columbus, which are more important points, as I have shown, being the *termini* of important railroad lines. Natchez is no commercial point and has no important railroad line at all. I want to see justice done while you are appropriating the public money for improvement of harbors on the Mississippi, and I hope the amendment will be adopted.

Mr. DUNN. Does the engineer recommend this?

Mr. TURNER, of Kentucky. If it is not found necessary to improve these harbors it need not be done, but it is as necessary as it is to improve the harbors at Memphis and Natchez and more important to the commerce of the country that they should be improved.

[Here the hammer fell.]

Mr. PAGE. I rise to oppose the amendment, and for the following reasons: In the first place there is no estimate or survey with reference to these harbors.

In former appropriation bills of this character until the last one passed by Congress the harbors of New Orleans, Natchez, Vicksburgh, and Memphis had been appropriated for under separate items.

All of them being on the Mississippi River, it was deemed by the committee that they would naturally conflict with the plans adopted by the Mississippi River Commission, and it was thought best, therefore, by the committee to include them in the present bill under a general head of appropriations for the Mississippi River, and thus place it under the control of the commission so that this conflict may not arise. That is the reason why they have been added, as has been suggested, to this bill; and the only reason that I oppose the suggestion of the gentleman from Kentucky is that there has been no plan submitted, no estimate made, no survey undertaken, and no recommendation by the engineers in favor of it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kentucky.

The amendment of Mr. TURNER, of Kentucky, was not agreed to.

Mr. ROBINSON, of Massachusetts. I offer an amendment, which I send to the desk.

The Clerk read as follows:

Provided further, That no money appropriated by this or any former act shall be used for the construction or repair of levees along the Mississippi River, except in the fulfillment of existing contracts.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. ROBERTSON. I raise the question of order upon one part of that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTSON. I make the point of order upon that part referring to a change of previous law. The amendment proposes to restrict not only the appropriation now about to be made but also to affect the appropriations, or the law making appropriations, in the last session of Congress. I suggest, therefore, that the proposition of the gentleman from Massachusetts is a change of existing law, and therefore obnoxious to the point of order.

The CHAIRMAN. The amendment is evidently germane. The Chair is not aware of any rule of the House which would make it subject to the point of order, and therefore overrules the point.

Mr. ROBINSON, of Massachusetts. I understand now that the remainder of the time allowed for the discussion will be divided between those in favor and those opposed to the amendment. If the Chair is willing, I will take charge of the time in favor of the amendment.

Mr. GIBSON. If there be no objection, I will take the time in opposition to it.

The CHAIRMAN. If it can be agreed the gentleman from Massachusetts will be considered as controlling one-half of the time allowed for the debate——

Mr. TOWNSHEND, of Illinois. I think this should go on under the five-minute rule. That was the understanding, and I do not think that any gentleman ought to control the time.

Mr. SINGLETON, of Illinois. I rise to a parliamentary inquiry. I desire to know under what rule or by what authority gentlemen upon either side of this House undertake to control the time on this amendment, any more than on any other amendment which may be offered and discussed in the Committee of the Whole?

The CHAIRMAN. Of course this arrangement would have to be by unanimous consent.

Mr. SINGLETON, of Illinois. Then I object to it.

The CHAIRMAN. The Chair was willing, if unanimous consent was given, to allow gentlemen to make this arrangement. Feeling obliged in its application to take into consideration the fact that certain gentlemen were present who had lately been on the special committee to investigate the improvement of that river, the Chair desired, if there was no objection, to recognize one of the members of that committee to control the time in favor of the proposition submitted by the committee, and a gentleman on the opposite side to control the balance of the time.

Mr. SINGLETON, of Illinois. I object to any such arrangement.

Mr. ROBINSON, of Massachusetts. My proposition is plainly enough stated in the amendment. It is to provide that hereafter no money appropriated in the former acts or this act shall be expended for building or repairing the levees along the Mississippi River, except in the fulfillment of existing contracts.

Why the exception? Because the commissioners have gone on and made certain contracts for doing work and we must fulfill those. I say, go no further. Why? Because for the reasons I stated quite at length yesterday we now in this bill by general consent agreed that the commission shall do no work for the next year out of any money they have in hand, and which we now give them, except at Plum Point and Lake Providence.

Now, I say that every one must admit that if they be limited to the works at those two places, one thirty-eight miles long and the other twenty-five miles long, there is no reason or science in building leeves anywhere on the line of the Mississippi River out of that money. Why? Because while you are working upon those two reaches you of course, in plain language, leave the back door open and the front door open. What use is there in going down and building levees below those reaches or in going above and building them there? Why build any alongside? Because it would have no effect on the work at those two particular points.

We had in the first act appropriating a million dollars a proviso that the commission should not expend any money for levees except as means for deepening and improving the channel for navigation purposes. And they did not spend any. General Gillmore, in his testimony before the Committee on Commerce last year, testified at length and said the commission were not in favor of building levees very much, and they saw in that action of the House of Representatives, or rather of Congress, an indication that the people did not desire they should build levees except for navigation purposes, and therefore they did not build them.

But the House put a little lubricating clause into the appropriation bill of last year, and the commission have gone on under that smoothly into the expenditure of $1,010,000, as I stated, much of it beyond the reach of the improvement on those parts of the river where the navigation is invariably good at all stages of water. Nobody questions it.

It may be argued here, "Let this commission alone." They have said, and the gentleman from Michigan [Mr. HORR] repeated it to us yesterday, "We do not want to build levees this year." He says there is not a cent in here for levees, and here gentlemen stand up and say, "Then trust this commission; do not hamper them; let them alone." That is all very well, but I want to tell this House that the people in that section will not let this commission alone. They want, many of them, levees for protection of land; and they make themselves felt as against that commission. They want it for one purpose, while Congress is granting openly the money for another.

Now, I believe it will be a good act and a generous act to that commission, that we indicate our purpose in granting this money. Express it in this act. We say "we do not want to spend it for levees this year;" we say so among ourselves here. Why not say it in the act? You say it is an impeachment of the integrity and judgment of the commissioners. Not at all. I know many of the Army engineers; I have full confidence in them; but I find that the Army engineers change their minds sometimes on the Mississippi River problem. Why, the commission refer to Major Suter's report of 1875 as the foundation for their theory, and I remember when Major Suter was on the stand and was confronted with his report of 1875 he said he was obliged to abandon much of that doctrine. He had found out that he was wrong and wanted to take it back. There was passage after passage that he said was wrong in his report of 1875.

Now, I want to submit that if this be true of a distinguished engineer—and it is saying nothing of him that may not be said of any of us in all matters of human experience—honest no doubt, capable no doubt, but still, of course, dealing with this gigantic problem of controlling the floods of the Mississippi Valley, it is very plain indeed that this work is experimental, that which may be the thought of to-day will not ripen into the plan of to-morrow. And so when the commission told us, as they did a year ago, that they can not say certainly this matter of levees is of great importance in the improvement of the channel, when they have gone on this year and spent large portions of the appropriation for the protection of lands, and when it is said in this House openly and publicly "not a cent in here for levees and the commission do not want it for levees," I say let us deal like men, put a limitation in the act and say there shall be nothing expended for levees out of this money.

[Here the hammer fell.]

Mr. GIBSON. Realizing the importance of improving the Mississippi River in the Forty-sixth Congress I had the honor to offer a bill which became a law June 28, 1879. It was an act not to protect or to reclaim alluvial lands, but in its very language "an act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters." The President was authorized to appoint upon this commission three of its members from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom should be civil engineers.

Who can deny the constitutionality of the purpose for which this commission was created? Who will assert that the greatest river in our country shall not be improved? Who are the members of this commission? Hon. R. S. Taylor, of Indiana; Lieutenant-Colonel Q. A. Gillmore, Major C. B. Comstock, Major Charles R. Suter, army engineers; Professor Henry Mitchell, of the Coast and Geodetic Survey; J. B. Eads and B. M. Harrod, civil engineers.

These are all distinguished gentlemen, above reproach. It was the genius of Eads that built the jetties and opened the way from the great valley to the sea.

After several years of scientific investigation they submitted their plan for the improvement of the river. I can not state it better than to employ the language of Hon. R. S. Taylor, speaking on behalf of the scientific commission:

> All plans for the improvement of the Mississippi that have been prominently discussed rest upon one of two theories; one, that the remedy for the evils existing consists essentially in the concentration of the water of the river and the equalization of its flow; the other, that it consists in the subdivision and diffusion of its volume. The former theory is the one held by the commission and adopted by Congress, though the other has advocates whose views continue to be urged in Congress and through the press.
>
> Suffice it to say that the retention of the river's water in one undivided volume is the cardinal principle of the plan; and that it is proposed to seek this end by such means as will introduce the fewest artificial conditions into the river's life and apply most economically and effectually its own forces to the work of improving its own channel. These consist chiefly in closing of chutes and outlets; the contraction of the channel in places where it is excessively wide by the creation of new banks from deposited sediment; and the revetment of banks where caving is exceptionally rapid and injurious.

This is a general statement of the plan. Now, sir, assuming that every gentleman in this House is in favor of the improvement of this, the greatest highway of commerce in this country, the free, unfettered competitor of the railways, offering an outlet for the people of the great valley at all seasons for the exchange of their commodities with all the world, the only question for us to discuss is whether we will accept or reject the plan and methods of the commission. Having created the scientific commission to propose a plan, the question is, and the only question is, will you accept it? Will you, gentlemen of this Committee of the Whole, undertake to instruct the commission as to the particular methods that they shall adopt to execute their plan?

Sir, this plan and the methods for its execution have not only the indorsement of every engineer who has ever had service on the Mississippi River, but has received the sanction of the Committee on Commerce and the Committee on the Improvement of the Mississippi River, both of

which committees have given patient and long consideration to the whole matter; have time and time again summoned not only the engineers on the river commission, but all the leading engineers of the country for consultation and advice, and both committees have twice reported bills with appropriations directing the Secretary of War to execute the work of improvement according to the plans, specifications, and recommendations of the river commission. Congress has twice indorsed the plan and the methods. Three Presidents have approved them. The whole country has applauded the undertaking. We sent during the Forty-sixth Congress a special committee to visit the river and after a month's absence they came back and unanimously approved the purposes of the river commission.

Now, sir, what is proposed? It is seriously proposed by the members of the special committee of investigation that recently made a hurried trip down the river, that we should accept their views, their plan, their methods. Why, sir, what are they? The committee is divided. They do not agree. They have submitted three separate and different plans and reports. Which shall we adopt? And who will undertake to execute their views and their plan? It is not the plan of the engineers—of the commission. It is not sustained by the testimony of a single member of the commission. How, then, can we expect the engineers to attempt its execution? Who will be responsible for its failure? These able politicians, accomplished lawyers, would hardly undertake, even the gentleman from Massachusetts [Mr. ROBINSON], to embark in such a gigantic undertaking, against the matured opinions of the famous engineers who command universal respect and confidence for their long experience, their character, and unquestioned ability and patriotism.

Let us stand by the commission.

Mr. HISCOCK. I do not wonder that it is asserted, and truthfully, upon this floor that the committees of this House in charge of the Mississippi improvement have indorsed this scheme. I regret to say it is too often the case in the appointment of committees that those who are friendly to a scheme or to a project are put upon the committees having it in charge.

Mr. SPRINGER. That does not include the President.

Mr. HUMPHREY. We were on a general committee, not a special committee.

Mr. ROBERTSON. That does not include the Committee on Commerce.

Mr. HISCOCK. I care not what committees may have reported on the subject; I care not what engineers may have said. I have no time to go into details. I assert this: that all the engineers agree that this levee system will be inoperative, will be without value, unless you have mattresses, revetments, with dikes established inside the banks of the river.

Mr. KING. I think the gentleman from New York [Mr. HISCOCK] is entirely mistaken.

Mr. HISCOCK. I am not mistaken. The testimony is that the channel of the river must be first established at low water, and then the levee system is to surmount the banks for the purpose of confining the waters within that channel when they are high and above the natural banks of the river. This whole mattress or revetment scheme, in connection with dikes, is for the purpose of holding the waters of the river within certain limits when it is low and does not rise above the natural banks of the river.

Now, what I ask and what I contend for is that the question shall first be settled whether the revetments and dikes will stand, whether the willow mattresses can be maintained in their places. If they can be held where they are placed, then we can try the experiment of placing on top of them the levees for the purpose of confining the water in the channel when at high stages.

We have had some experience with reference to the permanency of the mattresses; we want more with reference to their permanency. I insist, and the evidence is all concurrent on this point, that a very large portion of this stream, so far as navigation is concerned, does not need levees at all. I believe that the plan should be to concentrate the expenditure of this money at given points upon revetments and dikes; and first settle the question whether at low water the stream can be confined within its proper channel.

When that has been demonstrated it will be time enough for us to place upon the banks of the stream above the revetments levees for the purpose of confining the water in periods of freshet and overflow.

Mr. HOOKER. Does the gentleman mean to imply that the jetty system has not given a depth of twenty-seven to thirty feet?

Mr. HISCOCK. I am not discussing the question of the jetty system. There is no likeness or analogy between the two systems. I do understand, however, it is upon the theory of the success of the jetty system that gentlemen ask the construction of levees; but I say the two systems are entirely unlike. The thought I would impress upon the committee is this, let us first settle that we can hold the channel of the river within certain limits during low-water stages, and if successful in that, let us try if we can hold it in freshets or seasons when the water is above and overflows the natural banks of the stream.

I have only time to add—the testimony is concurrent—that the scouring of the river, the deepening of the channel, takes place in the low-water stages only. As the water rises in the river and overflows the banks the current is so slow and the water so charged with silt, which settles, that the bottom of the river rises with the water, and as the water settles or falls the scouring out of the bottom commences. This fact seems to demonstrate that for the purposes of navigation the levees are not required.

[Here the hammer fell.]

Mr. HATCH. Mr. Chairman, I do not profess to be an engineer or an expert on this question of the channel improvement of the Mississippi River; but having lived upon its banks for twenty-seven years I know something of its history from practical experience. I would not give the illustration afforded by the actual building of one levee upon the banks of the Mississippi for all the theory that can be expressed on this floor within the next week. Upon the eastern bank of the Mississippi River, in the State of Illinois, commencing a few miles below Quincy and extending nearly fifty miles down the river, a company of citizens, to protect one of the finest bodies of land within the valley of that grand river, built a few years ago an insecure and insufficient levee; and as competent engineers as live upon American soil have said officially and unofficially that it has improved the navigation of that stream for every single mile of the extent of the levee.

Mr. SINGLETON, of Illinois. And you know it personally.

Mr. HATCH. I do, for my distinguished friend and myself have remained for twelve hours upon a steamer drawing four feet of water, stranded upon a sand-bar, which disappeared in a single season after the construction of that little levee. In connection with this subject I will incorporate in my remarks the testimony of a distinguished engineer who helped to build that levee, and the chief secretary of the company, embodied in letters written by each of them to General Gillmore, president of the Mississippi River Commission.

Mr. Chairman, I have listened patiently throughout the discussion on this bill and the bill of last session, and the strange thing to me is that all this clamor about a river and harbor bill and the improvement of the great water ways of the country comes from that section where the first dollar was expended by the Federal Government to protect the property and lives of its people (and who have been the recipients of the greater portion of the appropriations since made), the State of New York and the New England States. Go along that coast and you can not in a seven days' ride upon a steamer get out of sight of the magnificent and munificent works of the Federal Government that have for many years protected the commerce, the property, and lives of the people of the East; and because this "Giant of the West" has at last arisen from his lethargy, because its representatives have said to the country that we intend the property and lives of our people and their commerce shall be protected in like manner, gentlemen from the East, like the canny Scotchman who had sold his slaves and then declared himself "opposed to slavery," declare themselves opposed to all the plans and methods adopted by the river commission to consummate this great national work.

I tell you to-day that the West knows her rights, and knowing, dares in the future to maintain them, notwithstanding the clamor of a subsidized press, the efforts of interested railroad corporations, or the hostility of Representatives on this floor whom we do not believe to be as competent to decide this great question as the commission to whom it has been intrusted. We are willing to abide by their determination of the best method to be adopted, and patiently wait the result of such experiments as they may see proper to make.

We know the great problem can be solved, and if in the judgment of the Mississippi River Commission and eminent Government engineers it shall become necessary, in order to protect the commerce and the property and lives of our people, that we shall build from Saint Paul to New Orleans a granite wall and import the granite from New England, in the name of the American people living west of the Alleghany Mountains, I tell you we will complete it—complete it in spite of all the cavilings of men who, having drawn money from the Treasury for eighty years for less worthy improvements, propose now to shut down the doors upon the great and growing West. [Applause.]

OFFICE OF CONSOLIDATED TANK LINE COMPANY,
New York, September 6, 1882.

DEAR GENERAL: I send you inclosed communication intrusted to me by Mr. C. N. Clark, of Hannibal, Missouri, for presentation to you.

Unfortunately my absence from the city did not allow me to present it to you personally, and I have only time to send it so that it will be before you in your session at Saint Louis; without being able, for want of time, to give it the indorsement it deserves.

The very clear and complete statement of Mr. Clark can, I believe, be fully corroborated if you will have the necessary examinations made.

I will add the following as a matter of record: The Hannibal bridge was built before the levee was contemplated, or at least before the project was on a construction basis, and no provision was made for the increased discharge caused by the retention in the main channel of the river of the volume that hitherto was dispersed through the Sny Carte and other and smaller bayous, and also by the bank overflows above the bridge. The construction of the levee resulted in a considerable scour between the piers, and at one time caused considerable uneasiness until the piers were protected by riprap.

I have not the least doubt that the concentration of the flood-waters by means of the Sny levee has resulted in an improved channel the whole distance of fifty-one miles. I have from the first been intimately connected with this work, and I only regret that the present status of river improvements had not at the date of its construction permitted assistance to be given to the people in building it. Such assistance would have led to a higher and stronger levee, better able to

withstand the servitudes that now so severely try it. I think your honorable commission will perceive that a strengthening and rebuilding (where necessary) of the Sny levee will improve the river channel more effectually and at less expense than by any isolated dikes.

I have urged Mr. Clark to ask for a personal interview with you and to request permission to state his views and facts more fully. He has shown in this levee enterprise, from its very inception to the present time, great energy, perseverance, and good judgment, and for a layman is well posted in the principles that underlie such and kindred improvements.

I request for him and his cause favorable consideration of your honorable board.

I am, general, very truly, yours,

E. L. CORTHELL, *C. E.*

General Q. A. GILLMORE,
President Mississippi River Commission.

HANNIBAL, MO., *August* 24, 1882.

DEAR SIR: It is reported through the papers that of the appropriation made by Congress at is last session for the improvement of the Mississippi River from Cairo to the head of the jetties, the sum of $1,300,000 has been set apart for closing the breaks in the levees, and perhaps otherwise strengthening them. This, in my opinion, is a wise use to make of the appropriation, to accomplish the end sought, of permanently deepening the channel of the river.

I am glad to see that the commission has at last the power to make such use of the appropriation for improving the river as is in their judgment best calculated to produce the desired result, and that prejudice no longer controls the appropriation, but it is placed in their hands to be applied as they in their wisdom may direct. I greatly regret that the same principle does not prevail, or at least has not in the past, on that part of the river from Saint Louis to Keokuk, and it is with the hope of calling the attention of your commission to this subject that I again write you; and as I refer to your kind letter of the 7th of November last, in which you express the hope "that the powers of the commission and the amount of funds at its disposal will both be so much enlarged at an early day that the construction and maintenance of a comprehensive levee system will constitute a part of its duties." Feeling that this time has now in a measure come, I write the more freely. If I repeat much of a former letter you will excuse me, as I am anxious some of the strong points in the case shall again be brought to your attention and through you to that of the commission, believing the time has now come when action will be taken.

Why the levees should be rebuilt on the Lower Mississippi by the Government, and no aid extended to those above Saint Louis, I can not quite understand. If the repairing of the breaks in the levees on the Lower Mississippi will deepen the channel, and if this is the most practical way of accomplishing this end, then why is not this equally true of the upper river? Is it not the settled policy of the commission that to confine the river to its channel is the true theory of the improvement of the channel? And if this is true theory on the lower river is it not equally true of the river above Saint Louis and below Keokuk? I do not know the exact amount of the appropriation on this part of the river when the river and harbor bill finally passed Congress, but think it was $200,000, from the mouth of the Illinois River to the foot of the rapids at Keokuk; and, as I understand it, whatever the amount is, it is to be expended under the direction of your commission, as it is below Cairo—only this difference: your commission has not as yet taken active control of the work above Saint Louis, the appropriation being expended under the immediate direction of the War Department, but must be with your approval. Now can not and will not the Mississippi River Commission extend their views of the proper expenditure of this appropriation to this part of the river as well as below Cairo? Are we not entitled to the services of this commission equally with those on the lower river? May we not expect this, and thus have righted a wrong under which we have suffered for years?

In 1872 we, the land owners, began the construction of a levee from a point in Adams County, Illinois, nine miles below Quincy, to Hamburgh Bay, in Calhoun County, Illinois, a distance of fifty-two miles, with the hope of reclaiming 100,000 acres of land then overflowed by the Mississippi River whenever it got out of its banks. Under the laws of Illinois the cost of this work was assessed upon the lands to be reclaimed. The cost of the work was estimated at $650,000. This amount of bonds was issued, running twenty years, bearing 10 per cent. annual interest, and sold for 90 cents on the dollar. The work was finished in 1874. Up to the time of building the levee, the river between Hannibal, Missouri, and Quincy, Illinois, was the most difficult of navigation of any portion between Saint Louis and Keokuk. During the period of low water, usually from August 1 to the close of navigation, great difficulty was met by steamboats of all classes on this stretch of the river. The Saint Louis and Keokuk Packet Company and Northern Line Packet Company habitually took out of the trade their side-wheel boats and put in light-draught stern-wheel boats during the time of low water, and these light-draught boats found great difficulty in passing, and often only by the help of other boats, the ferry boat from this place often being employed for this purpose. The steamer Andy Johnson laid aground here all the winter of 1871–'72 unable to move until the rise in the spring. This had been the condition of the river here as far back as memory extends. Captain Wells, of Quincy, Illinois, left his boat to winter on this bar in 1832, and still lives to testify to the facts as stated. During the fall of 1872, while constructing the levee opposite this obstructed channel, I habitually saw boats aground here, and at one time saw and counted six boats working over this bar and finally only succeeded with great difficulty.

The work on the levee was begun in September, 1872, at a point three miles above the worst bar and nine miles below Quincy, and during the fall and winter extended eighteen miles down the river, passing the obstruction in the river some fifteen miles. The spring rise in the river came as usual and the levee held the water in the channel. The work on the levee was resumed as soon as the water went down, and during the summer and fall of 1873 the river was very low—nineteen inches lower than at any time in 1872, as shown by the gauge at the bridge at this place, but no boat had any difficulty in navigating the river between Hannibal and Quincy, where so much had been found before, and where I had myself seen so many boats aground the fall before, with nineteen inches more water. From that day to this—nine years—no boat has been delayed a moment at this place. Now I assert, without the fear of successful contradiction, that the building of the Sny Island Levee, and its partial maintenance has done this work of improving the channel at this place; that it has taken out and kept out of the river the worst obstruction to navigation between Saint Louis and Keokuk. It has done a work that would have cost the General Government a large amount of money to have done for itself, and this expenditure would have been made by the Government three years ago, when they began work at Gilbert's Island (which was the next great obstruction, after the one we had removed), under the direction of Major Mackenzie. In other words, we have from private means alone improved the channel of the Mississippi to an extent that would have cost the Government a very large amount of money, had it not been done by us, and would have been taken from the appropriation at least three years ago.

If this statement is true—and I challenge investigation—does not the General Government owe to the builders of the Sny Island Levee some recognition of the work they have done, at such fearful cost to themselves? You want the proof that we have made this improvement in the channel, and I cheerfully give it. Two miles below the upper end of the levee an arm of the river leaves the main channel and passes east of Sny Island, and returns again to the main channel forty miles below, nearly opposite Clarksville, Missouri. This arm, or branch, of the river is from five hundred to seven hundred feet wide and runs nearly parallel with the river most of this distance—making an island from one to two miles wide and forty miles long. Through this channel, or arm, at ordinary high water it was estimated by our engineer, Captain E. L. Corthell, one-sixteenth part of the water left the main channel and passed down the river, returning, as I have said, forty miles below. This arm of the river is called the Sny Carter Slough.

The obstruction to navigation mentioned above begins just below the point where the arm of the river left the main channel and extended down the river, and is known here as "Gun-Lock Bar." This bar was made by the deposit of sand, silt, and soil carried in solution by the river to this point and deposited here. This deposit was caused by want of power in the river to carry it further, caused by the loss of one-sixteenth part of its water through the Sny Carter Slough, and consequent loss of one-sixteenth part of its carrying power, and one-sixteenth part of the material carried to this point was dropped to the bottom, and thus the bar was formed and the main channel filled for miles. In building our levee we constructed a dam across this arm of the river and continued our embankment down the river on the west bank of the island, and from the dam up the river to a point above high water, thus restoring to the main channel its lost volume of water and its carrying power. This restored power has removed the bar, deepened the channel, and made navigation safe, easy, and unobstructed, and will so continue to operate as long as the work is maintained. In improving the river above Saint Louis, the removal of this obstruction to navigation would have been among the first works undertaken by the General Government, had it not been done by us.

In building this work our lands were encumbered by a lien of $6.50 per acre, and annual interest of 65 cents per acre. In 1876, April 18, the levee gave way at three points, destroying all crops, the water sweeping away many of the improvements, fences, and small houses, &c. The river remained high most of the summer, and the ground covered with water; so no crops were raised that year. During the fall and winter of 1876–'77 we repaired the breaks in the levee by private contribution, and began farming operations again in the spring of 1877. Breaks have continued to occur, and not a full crop has been raised since 1876. But we have continued to raise money from these exhausted people and fill up the gaps, but more than this we could not do. And many have lost their home and all they have in doing this.

On October 1, 1881, the levee was whole the entire length, and all looked prosperous behind it. A large breadth of corn had been planted in the spring and looked promising, was nearly ready to gather. A great deal of ground had been sown in winter wheat and the farmers were still sowing. All hoped we would get one full crop, and then we could strengthen the levee and hold it until the Government officers in charge of the river improvement should see what the levee had done for the river channel and come to our relief. We crowded forward the wheat sowing with all the force possible. The river was rising, but we did not stop. A flood in the fall was unheard of, but soon the water reached "danger line," and we left our plows and wheat drills in the field and gathered on the levee to protect and hold it if possible. The river continued to rise until the 26th, when it was only thirteen inches lower than in 1851, the highest water ever known above the mouth of the Missouri River. The levee was broken in four places, and all property on the bottom that water would injure was destroyed. A remnant of last year's assessment for levee repairs was yet unexpended, and some of the land owners advanced the amount of their next assessment, and two of the gaps have been filled and have so far held the water in the river this season. Something over $20,000 is still uncollected on this year's assessment for levee purposes. If this is collected by force it will take the homes of some, at least of those people that have already suffered and borne so much, and this will not make the levee safe.

It will break again if the river rises twenty feet above low water, and it has been twenty-two feet above, and was twenty-one feet above low water last October when the present breaks were made. Therefore, the people have little to encourage them to pay their levee assessments. But if the Government would expend upon this work one-half it would have cost them to remove Gun-Lock Bar this year, and the balance next year, with what the people could do, would probably make the levee safe against anything but extreme high water. If this work is maintained there will be no obstruction to navigation in the river, in the form of sand-bars between Hannibal and Quincy, but should this work be allowed to go out, Gun-Lock Bar will be reformed just as rapidly as material can be brought down the river by the water, and deposited there. Then the Government will be compelled to construct works for its removal, or abandon the hope of improving the channel above Saint Louis, and the work already done.

I know the theory of the improvement of the channel of this part of the river, as adopted by the War Department, is, by a system of low-water works, and I am not disposed to discuss the question with them of the success of their plans; but, as on the lower river, I would like to see the river confined to its channel at high water, as I do know what this has done and will do for the channel when only partially confined, as in the case of our embankment. Were this work thoroughly done, the river at all times held in the channel, no low-water works would be required, at least at the point named, and very little at any other point opposite the levee. And not only would the channel of the river be made all that is desired opposite the work, but 100,000 acres of land taken from waste and desolation and added to the productive wealth of the country.

It is asked, "Why do not these lands build this levee high and strong and make it able to resist the river at all times, and thus many times double their value?" I answer, first, such a levee would not only reclaim the lands and make them valuable for agricultural purposes, but would, as it has already done, deepen and improve the channel for the purposes of navigation and for the benefit of the commerce of the United States, and, if properly strengthened and maintained, would thoroughly deepen and improve the channel, and would therefore be as great a benefit to commerce as it would be to the lands. And so far as this result is accomplished by the levee, just so far the General Government is in honor bound to meet the expense, up to the cost of works built by themselves, that should produce equal results. Second, these lands have now done all in their power to accomplish this result, are buried under a debt of $650,000 with accrued and accumulated interest, at the rate of 10 per cent. per annum since 1876, when the last interest was paid. This makes it impossible to borrow one dollar on these lands for levee or other purposes, and repeated overflows have cut off every revenue from these lands and their owners are helpless and powerless to protect themselves. They will do all that is possible for them to do to aid the Government to make this work a permanent improvement of the river and at the same time protect their property from destruction.

I make these statements simply because they are facts in relation to the poverty of these lands and the great majority of their owners, not as a reason why the General Government should come to our relief by donation or otherwise. While we are just as much entitled to it as those people on the lower river who have been so generously aided by the Government during the past spring and summer, we ask no charity. We ask simply even-handed justice. We ask the United States Mississippi River Commission to investigate our claim, and if found to be true and just, if our levee has improved the channel and is now rendering navigation easy and safe as claimed, that a portion of the present appropriation for this part of the river, as has been done below Cairo, be applied to closing the gaps in our levee and strengthening the embankment, the amount so used by the commission not to exceed the amount it would cost the Government to construct works upon their own plan that would produce the same improvement in the channel of the river.

Believing this to be only just, we ask it unhesitatingly at the hands of the

commission. In conclusion, will not the commission recommend or direct an examination of this work to be made at once and give us an opportunity to prove our claim, and if my statements are found to be correct, extend such help as shall seem to them just and within their power to render?

I have the honor to be, yours, truly,

C. N. CLARK.

General Q. A. GILLMORE,
President Mississippi River Commission, New York.

Mr. BURROWS, of Michigan obtained the floor.

Mr. SINGLETON, of Illinois. I understand that the time has been allotted on this question contrary to the rules of this body; and I protest against it. Those who have spent their lives on the Mississippi River are not permitted to be heard.

The CHAIRMAN. The gentleman from Michigan [Mr. BURROWS] is recognized.

Mr. BURROWS, of Michigan. Mr. Chairman, I hope this committee will not misunderstand this proposition. We propose to improve the low-water navigation of the Mississippi. Its navigation is good in flood-time. The works that we have determined upon and for which we are to make appropriations are to improve its low-water navigation. If that can be improved, it is of little consequence whether levees be constructed or not; for it is conceded upon all hands that when the natural banks of the river are bank-full the navigation is unobstructed from Cairo to the Gulf.

Mr. GIBSON. Will the gentleman allow me——

Mr. BURROWS, of Michigan. I can not. Hence the building of levees to restrain the overflowing water can not possibly aid low-water navigation unless the theory of engineers be true that by restraining the flood-waters of the river you will scour the bed of the river and thereby improve low-water navigation.

Several MEMBERS. That is it.

Mr. BURROWS, of Michigan. Is that theory correct?

Mr. ELLIS. Every engineer says so.

Mr. BURROWS, of Michigan. I hope that these interruptions will not come out of my time. Mr. Hutton, an engineer of high standing who accompanied the committee, said in his testimony:

Question. You have not met with the theory, then, that the confinement of the water at low stages so as to gradually raise it in height, keeping it within that natural channel, the water would erode the bottom and so deepen the channel as to keep down the surface?

Answer. I have heard the general theory advanced that by confining the water within these narrow limits the eroding of the bottom would increase the channel, but I have never heard the theory advanced that the water of the Mississippi River could be so confined.

Q. What do you think of that theory yourself?

A. I think the water would cut the banks rather than the bottom.

Q. But there is a tendency to work out the bottom, is there not?

A. Well, in high water, from my reading and knowledge of the characteristics of the Mississippi River—and these are derived entirely from the observation of other persons and the reports and investigations, beyond my simple looking at the river as we traveled over it—the general result of all the reports indicates very clearly, I think, that during high water shoals form, and the bottom of the river rises and is not cut off or eroded, and that the cutting on the bottom is done at low water; and I think it is further maintained, and I believe with truth, that the undercutting of the banks is done at low water, or in a falling stage of the river.

Q. Then you would expect, as the result of these observations, that as the water was accumulated in depth in the channel you would have a greater amount of deposit in the bottom instead of a greater scouring?

A. That is the result of reports given on the subject.

Q. Well, in your judgment, is it practicable or desirable, for the purposes of channel improvement only, to confine the waters of the valley within the levees on the banks?

A. No, sir; as far as improvement of the channel is concerned, I do not think it an advantage.

Q. Is it a disadvantage, in your judgment?

A. Yes; to the extent that the higher the water becomes the higher the bars generally become, and therefore it is a disadvantage.

And that is the universal testimony of all the witnesses that the deposition of sediment occurs at high water.

Mr. KING. Because the water overflows.

Mr. BURROWS, of Michigan. Do not interrupt me.

Mr. GIBSON. Let us have order so the gentleman can be heard.

Mr. BURROWS, of Michigan. Mr. Chairman, there is nothing which casts so much odium on these river and harbor bills as this continual clamor when they are being considered.

The CHAIRMAN. The gentleman will proceed.

Mr. BURROWS, of Michigan. I say the testimony submitted to the committee is almost uniform that the shoaling takes place during flood, and that the cutting out of the bed occurs when the river is low.

Mr. HOOKER. What are you reading from?

Mr. BURROWS, of Michigan. The testimony of Lieutenant Hutton.

Mr. HOOKER. He never saw the Mississippi River.

Mr. BURROWS, of Michigan. He went with the committee from Cairo to the Gulf.

One word more. These interruptions do not come out of my time.

General Comstock, president of the commission, said to your committee:

Question. Your view as to the building of levees on banks is that it is not essential to mere low-water navigation of the river?

Answer. No, sir.

Q. You think they are of a great deal more service for protection of land than for the improvement of the channel for navigation?

A. Yes, sir.

Q. If you were the sole member of the commission would you have expended the money in that way?

A. No, sir.

Now I will read from the report of this Mississippi River Commission. It was made December 1, 1882, about two months ago:

From much of that part of the preceding report which relates to levees, one member (General Comstock) dissents.

Mr. GIBSON. And the only member.

Mr. BURROWS, of Michigan. I am much obliged. I said one member dissents. If "the only member" makes it any stronger we will insert that:

For the following reasons he is of the opinion that levees are of little aid in the improvement of low-water navigation.

Low-water navigation is now bad only where the river has such great width as to be necessarily shoal. To improve it the great widths must be diminished by works of contraction, and the river must be kept from wandering about, by revetting its caving banks. Both these classes of work are in the river, and levees on top of the bank can not take the place of either class.

It is true that when levees confine floods between them they increase the depth of sixty feet or more which the river would have without them, by a few feet, and thus should increase somewhat the velocity of the river. Theoretically, this increased velocity should scour the bed, thus sinking it in some degree. In practice no case is known where any considerable sinking of the river-bed for long distances has been produced by levees.

But even if the low-water surface and the river-bed should sink together in consequence of the levee effect during preceding floods, it is still to be feared that the low-water depths might not be sensibly increased thereby.

In view of the uncertainty whether levees will cause any considerable sinking of the low-water bed and of the further doubt whether such sinking would sensibly increase the low-water depths, it does not seem to him wise, in the absence of practical experience, to attribute any considerable value to a system of levees as an aid to channel improvement.

Mr. ELLIS. Will you be candid enough to read from page 183 what General Comstock says?

Mr. BURROWS, of Michigan. If the committee will indulge me a moment more.

Mr. ELLIS. Give this side a chance.

Mr. BURROWS, of Michigan. The gentleman has his time.

Mr. ELLIS. I do not have any time.

Mr. BURROWS, of Michigan. Now, I wish to say a word further, if the committee will indulge me.

Mr. KING. I object.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURROWS, of Michigan. If I believed that the building of levees was essential to the improvement of the navigation of the Mississippi River I should certainly favor them. Their cost is estimated at $100,000,000——

Mr. GIBSON. My dear sir, do not make that statement upon the floor of this House. I beg the gentleman not to make such an assertion. The commission estimate it at $4,000,000, and that is all they propose to use. The gentleman must not make such statements here in the presence of men who know these facts and are familiar with the subject.

Mr. BURROWS, of Michigan. The cost has been estimated——

Mr. HOOKER. By whom?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ROBERTSON. I hope unanimous consent will be given to the gentleman from Michigan to go on and complete his remarks. [Cries of "Regular order!"]

Mr. THOMAS was recognized.

Several members addressed the Chair.

The CHAIRMAN. The committee will be in order; no gentleman will be recognized until the committee comes to order.

Mr. BURROWS, of Michigan. Has my time expired?

Several MEMBERS. A long time ago.

The CHAIRMAN. It has expired.

Mr. THOMAS. Mr. Chairman, the proposed amendment offered by the gentleman from Massachusetts [Mr. ROBINSON] will, if adopted, produce a radical and important change in the law creating the Mississippi River Commission and prescribing their duties.

Mr. BURROWS, of Michigan. Will my friend yield to me for a moment to make a correction?

Mr. THOMAS. Certainly.

Mr. BURROWS, of Michigan. I desire, since the gentleman has been kind enough to yield to me, to occupy a minute to make a correction. When I stated a moment ago that $100,000,000 are required for this Mississippi River work, I do not mean to be understood as stating that the entire amount was for levees——

Mr. ELLIS. You knew that it was not for that.

Mr. GIBSON. You so stated.

Mr. BURROWS, of Michigan. But was for the entire improvement of the channel and all.

Mr. GIBSON. And that is estimated by the commission at not exceeding $37,000,000.

Mr. BURROWS, of Michigan. No, sir; more than that.

Mr. WHITE. I ask unanimous consent that this debate be extended.

The CHAIRMAN. No gentleman can be recognized in this confusion.

Mr. WHITE. Then I insist upon the regular order.

The CHAIRMAN. The regular order is for gentlemen to be seated. The gentleman from Illinois is entitled to the floor.

Mr. THOMAS. Mr. Chairman, if we look to the law under which the Mississippi River Commission was organized we will see clearly what

the purpose and intent was for which it was created and what they were called upon by Congress to do; we must look for a moment at the demands made by Congress upon this Mississippi River Commission, and I beg the careful attention of the committee to this point, for it is a very important one. What did Congress ask this Mississippi River Commission to do?

To take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; and promote and facilitate commerce, trade, and the postal service.

Now, Mr. Chairman, you have before you what this commission was called upon to do. I have read you the exact language of the law which created the commission. They have on the strength of that authority settled upon and promulgated a plan and submitted it to Congress for its consideration. That plan has received the indorsement of the best scientists in this country and in Europe. It has received the approbation of four different committees of Congress; it received the approval not only of the Forty-sixth but of this Congress also. The commission was called upon to take into consideration and "mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof, prevent destructive floods, and promote and facilitate commerce, trade, and the postal service." We demanded of the commission the accomplishment of certain results, and they report to us that in order to accomplish the results demanded it was necessary to employ levees. That recommendation is before us, and yet, in violation of the plain provisions of law, in the face of the testimony which has been submitted, in the face of all the experience of gentlemen who know that river and its requirements, in the face of the known fact that restrained water will cut out and deepen its channel, the gentleman from Massachusetts [Mr. ROBINSON] comes here and proposes to tie the hands of the commission, to deprive them of the benefits and means by which they propose to accomplish the results we demanded of them. He proposes that the commission shall execute this grand work in some other way than the one agreed to and settled upon both by it and Congress. I say, Mr. Chairman, that common fairness and justice and the desire for the accomplishment of these important things all demand that this commission—struggling as it is with one of the grandest questions that ever engaged the minds of the scientific world—should be allowed to go on, with their hands loose, with all of their original powers at their command to accomplish this grand work.

Mr. HUMPHREY. Will the gentleman yield to me for a question?

Mr. THOMAS. Yes, sir.

Mr. HUMPHREY. I wish to ask if the commission did not decide that the legitimate result of the levee system was alone to raise the bed of the river and that it could only be utilized as a means of scouring the channel of the river by sinking mattresses and establishing revetments so that the channel should be confined in that way?

Mr. THOMAS. The evidence shows, and I know the fact to be, that at high water the river spreads across the country and when the current is retarded thereby it forms eddies and drops its silt; but when you confine the waters and conserve their force you accelerate the current and it carries this sediment on and into the Gulf, instead of dropping it on the bars, thereby ruining the low-water navigation.

Sir, it is necessary to dig out the channel of this stream. In order to do so you must employ all the forces possible. This river at high water has a greater force a thousand-fold than at low water. If these forces are conserved and directed to the digging out of its bottom instead of wasting its velocity in overflow, you will see the results accomplished, and instead of these overflowed and alluvial lands being reclaimed alone, you will see the permanent, lasting, and perfect improvement of the Mississippi River according to the provisions of the law which we enacted and under which the Mississippi River Commission have been acting. Few people understand fully the philosophy of the proposed plan for the improvement of the Mississippi River, and as Hon. Robert S. Taylor, of Indiana, a member of the commission, has recently explained the plan in a most admirable article in the North American Review, I beg you to hear what he has to say:

The Mississippi River Commission was created by act of Congress approved June 28, 1879. It consists of seven members appointed by the President, of whom three are required to be from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, of whom two shall be civil engineers. It is provided in the act that the commission shall—

"Take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, and promote and facilitate commerce, trade, and the postal service."

The commission was duly organized, and, after consideration of the subject, reported a plan of improvement, which has been adopted by Congress, and for the execution of which an appropriation of $1,000,000 was made by act of March 3, 1881, and another of $4,123,000 by act of August 1, 1882, all to be expended below Cairo. Under these appropriations the work is now in progress, its execution being in the hands of officers of the Engineer Corps detailed for that purpose by the Chief of Engineers. Its completion, according to the plans proposed, will require a number of years, and further large appropriations. There is, therefore, added to the interest which belongs to the subject as a great engineering problem, that which attaches to every object of public expenditure.

It is the purpose of this article to set forth briefly the general plan proposed by the commission, and the reasons upon which it rests. In order to a clear apprehension of the questions involved, a short description of the river in its unimproved condition will be useful.

At the city of Cairo, upon the southern extremity of the State of Illinois, are gathered together the waters of five great rivers, namely, the Missouri, the Upper Mississippi, the Ohio, the Cumberland, and the Tennessee. Between that point and the Gulf of Mexico lies the Mississippi River proper, 1,097 miles in length as it flows. Its course is through an alluvial plain 600 miles long and from 25 to 80 miles wide. In this basin is embraced an area of 41,000 square miles, of which 32,000 square miles are liable to overflow. Borings made at eighty-three places between Cairo and Vicksburgh show 131 feet mean depth of alluvial soil. From Cairo to the mouth of the Red, the width of the river between banks varies from 1,900 to 13,800 feet, the mean being 4,400 feet. Below the Red the width rarely exceeds 3,500 feet, the mean bing 3,350. Between Cairo and Memphis its least depth at low water is 5 feet; between Memphis and Red River 6 feet, and between Red River and New Orleans 15 feet. The variation in its discharge is enormous, passing from 100,000 cubic feet per second at low water to 1,600,000 at the highest flood. The range between high and low water mark at Cairo is 52 feet; at Memphis 35 feet, at Vicksburgh 52 feet, and at New Orleans 14 feet. In its greatest floods its water surface stretches from hill to hill across the entire valley; at extreme low water it flows between banks from 30 to 40 feet high. The depth of its inundation bears no comparison with its area, being on an average less than 3 feet over the arable lands. In the swamps it is much more. Its flood elevation at Cairo is 322 feet above the sea. Its fall from Cairo to Memphis is about 6 inches to the mile. Thence to the Gulf its fall steadily diminishes, being about 1¼ inches per mile at New Orleans. It is one of the muddiest rivers in the world. The greater portion of the sediment received by it at Cairo comes from the Missouri, but this supply is constantly re-enforced by the caving of its own banks, which are washed into the river at an estimated rate of 5,000 acres per annum.

All plans for the improvement of the Mississippi that have been prominently discussed rest upon one or two theories: One, that the remedy for the evils existing consists essentially in the concentration of the water of the river and the equalization of its flow; the other, that it consists in the subdivision and diffusion of its volume. The former theory is the one held by the commission and adopted by Congress, though the other has advocates whose views continue to be urged in Congress and through the press.

There are numerous opportunities to let out of the channel of the Mississippi large portions of its water. The Atchafalaya, which receives its waters from the Red River, at a point only 6 miles distant from the junction of that river with the Mississippi, is there several feet lower than the Mississippi. At the present time the water of the Red rarely reaches the Mississippi at all, but for the most part flows down the Atchafalaya, augmented by a large outflow from the Mississippi. It is only when the Red is high and the Mississippi low that there is any flow from the former to the latter. The difference of level between the Mississippi and the Atchafalaya increases as they descend, so that at Plaquemine the difference is 22 feet, and the distance between them 11 miles. On the east bank, at Bonnet Carré, the difference of level between the river and Lake Pontchartrain is 20 feet, and the distance between them 5 miles. At Lake Borgne the difference of level is 14 feet and the distance 6 miles. So that it is quite possible to make outlets by which the flood-water, or, for that matter, all the water of the Mississippi could find its way to the Gulf by shorter lines and lower levels than those of the present river. And when men stand appalled at the sight of its devastating floods the suggestion of quick relief by outlets seems at first sight so practicable and reasonable that it is not strange that it should find favor in many minds.

The reasons which lie against this theory require some thought for their clear apprehension, but rest, as is believed, on well ascertained laws.

The three most difficult factors in the problem are the wide variation in the volume of the river's discharge, the quantity of solid matter transported by its current, and the softness of its banks. If any one of these three elements were absent the question presented would be comparatively simple.

To contain the river at its flood requires a great channel. Its banks are so friable that its constant tendency is to make itself room by tearing them down. When the flood subsides the material of which they were composed is found scattered over the broad channel in obstructing bars and shoals. Over and among these the low-water river has to make its way by such tortuous and changing path as it can find or make for itself. It is then that navigation becomes difficult and dangerous. There is water enough in the river at its lowest stage to furnish ample depth for navigation if it were confined in a channel of suitable width, and it would make and maintain such a channel for itself if it were not for the interference of the floods.

The problem of the river's improvement comprehends, therefore, in its broadest sense, these two requisites—a high-water channel capacious enough to contain its floods, and a low-water channel narrow enough to afford the depth necessary for navigation. And the more nearly identical in location these can be made the more permanent and perfect will be the improvement attained.

In the consideration of any plan for the accomplishment of these ends it is to be remembered that there are very rigid limits to the possibilities of engineering methods applicable to the case. To build upon a foundation of bottomless alluvium any breakwater or training-wall of stone or timber that shall withstand the floods that pour down from the north like an ocean let loose is impossible. To dig and keep open a channel for a river that flings down in its own pathway a sand-bar a mile square as though it was a handful of ashes is equally impossible. Hence, if at any point a deeper channel is needed, the river must be compelled to dig it; if a new bank is needed, the river must be coaxed to build it. Its own Titanic hands are the only instruments equal to either task.

If any one will set a tumblerful of the coffee-colored water of the Mississippi where it will remain undisturbed for twenty-four hours he will find, at the end of that time, a teaspoonful of mud in the bottom of the tumbler, while the water will be comparatively clear. If he had kept the water in motion all the time he would have found it as turbid as when he took it from the river, and no deposit at the bottom. In this tiny experiment is illustrated the most important law of the Mississippi River's life, namely, that the power of water to sustain and transport sediment depends upon its motion. The exact relation between the velocity of moving water and its silt-carrying power is not ascertained. It varies with the size and specific gravity of the particles. But enough is known to warrant the general statement that every diminution of the velocity of a running stream diminishes its silt-transporting capacity. It is not necessary, in order to produce this result, that there shall be a cessation of motion in the water; a diminution of its rate is sufficient.

The operation of this law is universal and invariable, on the largest scale and on the smallest. The miniature torrent that sweeps down the plowed furrow in a hill-side field scours its bed clean as long as it maintains its headlong velocity. But when it slackens its course at the foot of the slope, it throws down its load of sand and loam in an instant. The delta which forms at the mouth of every sediment-bearing river is the same phenomenon on a larger scale.

Upon the Mississippi River the traveler is never for a moment out of sight of visible evidence of the operation of this law. The following examples will be familiar to any one who has been upon it. In the outer curve of every bend, where the current is swift and strong, the channel is deep and clean. On the inner side of the return curve there is slack water and a bar. Wherever the channel is narrow and deep there is a high velocity and no deposit of sediment. Where it is excessively broad and shallow bars accumulate rapidly.

At a bank-full stage the river has a rapid current and is heavily loaded with sediment. At the overflow stage the water escaping laterally over the banks is

suddenly checked in its velocity, and immediately begins to drop its load, leaving a diminishing deposit as it recedes. To this layer the next flood adds another, each being thickest at the margin next the river, where the escaping water experiences the first diminution of its velocity. In this way the river builds up its own banks by overflow; and in consequence of this method of building them they are highest nearest the river, the receding declination sometimes reaching 12 feet in a mile, and being rarely less than 5.

Following the course of great overflows through the forests adjacent to the river, the observer will find on the farther side of trees, logs, and other obstructions, sand reefs and areas of deposit marking every place where the advancing water was checked in its velocity.

It occasionally happens that the river cuts off a long bend by a short channel across its neck, leaving a horseshoe-shaped section of the old channel unused. At the open ends of this abandoned channel the water in it mingles with the current flowing past, and so has a gentle inward and outward flow as the river rises and falls. The consequence is a deposit of sediment at the entrances of the abandoned channel, by which they are ultimately filled up and cut off entirely from the new channel, forming deep, clear, crescent-shaped lakes. There are many such lakes in the valley, some of them now several miles from the river. Such a cut-off occurred at a bend opposite Vicksburgh in 1876, leaving the city upon one arm of the abandoned bend. The lower end of that arm is already filled up to the height of 25 feet above low water, and 50 feet above the old bottom, leaving the city's wharves and elevators a mile and a half inland at ordinary and low stages.

By shiftings of the channel, the formation of islands, and other causes, the subsidiary channels, called chutes, are formed in large number. If a swift current set through a chute it enlarges; if a sluggish current flow through it, it fills with sediment. Sloughs and outlets leading out of the river into the swamps, in which the free flow of water is obstructed by willows, are often permanently closed in the same manner.

As the river elongates its bends by caving off the outer bank there is commonly formed a sloping bar on the inner bank, which advances as the outer bank recedes. As fast as this bar rises above ordinary low water it is covered by a growth of willows. At high stages the water flowing over the bar is obstructed by this growth and successive deposits of sediment are thus caused, which ultimately build the bar up to the full height of the adjacent banks. By this process the river shifts its channel, tearing down one bank and building up the other as it goes.

Some of the methods of channel improvement now in use have been copied from the processes of nature just described. When it is sought to narrow an excessively wide channel, permeable screens made of piles and interwoven brush or poles are set on the bar where it is desired to form new banks at intervals of a thousand feet or less. The water in flowing through these screens loses so much of its velocity that it drops its sediment very rapidly after passing them. The effect produced by such structures is sometimes quite remarkable. In favorable localities a fill of 40 feet in depth has resulted in a single season. At Horsetail Bar, below Saint Louis, may be seen an area of more than a thousand acres of land, which has been built up from the river-bed to an average depth of 25 feet by the means just described. A mere line of piles 8 feet apart will often produce a heavy deposit below them.

These numerous examples have been cited in order to illustrate and enforce the proposition stated at the outset: that the greatest law of the river's life is that it shall be forever laden with a burden which slips from its grasp the instant it loiters by the way. The whole valley is itself the result and the proof of the existence and the operation of this law. There is not a shovelful of earth in all its square miles that has not been dissolved in water and carried by water to the point where its journey ended for want of velocity to carry it farther. Every grain of sand, every drop of water, every inch of movement, every low stage, every high stage, every flood, is equally obedient to the same great law. The engineer who has learned its meaning well has taken the first step toward a successful solution of the problem of the river's improvement. He who ignores or defies it puts himself in the pathway of forces as irresistible in their operation as the march of a glacier.

This brings us to the practical question. Here are so many cubic miles of water per annum to be conducted to the sea. It is desired to do it in such manner as to afford the best possible low-water navigation and the least possible high-water inundation. Shall it be confined in its course to one channel, or shall it be subdivided or allowed to subdivide itself into several?

The excavation of a river channel is work. The transportation of sediment is work. The accomplishment of either involves the expenditure of energy. So that it is but another statement of the same question to say, how will a given quantity of water perform most work—in one concentrated volume or in subdivisions?

To this inquiry the experience of every person furnishes a ready and true answer. A gentle rain, falling on the earth's surface, leaves its lightest vegetable mold undisturbed. The same quantity of water descending in a waterspout tears away its solid hills. The water which trickles over a field through thousands of infinitesimal and broken channels without producing the least abrasion of its surface would if concentrated in one volume on the same surface plow it deep and wide. There is nothing else in nature of which it is so literally and familiarly true that "in union there is strength" as of water. Subdivided finely enough, it is the morning mist; concentrated largely enough, it is nature's master-mechanic, the continent-builder of the world.

Taking its whole life together, there is, in the phenomena of the Mississippi River, as elsewhere, a perfect correlation of forces. It does all the work it can all the time. It excavates its bed as deep and wide as it can. It carries out of its channel as much of the sediment mixed with its water as it can. When it drops from its broad shoulders a hundred thousand cubic yards of sand on the bar, as it often does, it is because it can carry it no farther. It never drops a spoonful except for the same reason.

All the conditions of the river are the result of its own forces. It has no antecedent banks, bars, width, or depth; all these are its own creation. It made yesterday the things that make it to-day; it is making to-day the things that will make it to-morrow. Its present inadequacy to meet the wants of men is the result of its inadequate work in the past. It overflows its banks because its channel is not capacious enough to contain its flood. To make its channel more capacious requires more work. At low water it stumbles over bars which it lacks strength to displace. To remove them requires more work. It makes its shoal places shoaler by the deposit of sediment which it wants energy to carry farther. More work would do it. So that if the river of the future is to subserve the interests of mankind better than the river of the present, the river of to-day must be induced to do more and better work. This is to be accomplished by the conservation, concentration, and wise direction of all its energies. That this means the conservation, concentration, and wise direction of its volume seems too obvious to need repetition.

Depletion or subdivision is a step in exactly the wrong direction. It is a change toward weakness; not toward strength. An outlet may serve to lower a flood for the time being, but the result is a temporary advantage gained at enormous future cost. The diminution of volume produced by the outlet means diminution of energy. It means a smaller, weaker river from that point to the sea. And that means a river less able to remove bars, less able to excavate a channel, less able to carry sediment, less able to contain a flood.

It is in the nature of things that each portion of the river shall in its turn bear the burden of the complications above it. The bars that obstruct it came down from above. The sediment that loads its water came down from above. Hence there is the clearest necessity that it should, as in the order of nature it does, augment its strength as it descends. An outlet reverses this order of nature and of reason. It diminishes the energy of the river below without lightening in any like degree the burdens cast upon it by the river above.

It is not possible, without accurate and expensive observations and measurements, to trace all the injurious effects of an outlet upon the river below. But enough is visible to common observation to show the unvarying operation of the laws stated. At its mouth the Mississippi has tried the outlet system of its own accord by subdividing into four distinct channels. From New Orleans down to the widening of the channel, preparatory to its subdivision, it has nowhere less than a hundred feet of depth. In its four subordinate channels the depth rarely exceeds 50 feet; and at the mouths of all, except the one improved by the jetties, it is about 16 feet. Suppose the same subdivision had taken place two or three hundred miles higher up, would not like results have followed in the channels below?

Outlets in the form of great crevasses have frequently occurred. They are always followed by increased deposits in the bed below them.

Channels conveying unfiltered Mississippi water invariably contract their dimensions to the smallest space that will contain the water flowing through them. The law governing chutes has been stated already: a swift current keeps them open; a sluggish current fills them up with sediment. When an island appears in the center of the river it is rare that a good channel is maintained on each side of it. Something will occur to disturb the equilibrium between them; one will begin to rob the other of water, whereupon the other will begin to fill with sediment, a process which increases in rapidity as the disproportion of flow grows greater.

At the mouth of the Red River is a remarkable illustration of the same law. The Red formerly entered the Mississippi at the apex of a bend. In 1831 the bend was cut off. For a time the Red used the upper arm of the bend as its channel, during which time it rapidly contracted to the dimensions suitable for the conveyance of the water of the Red River alone; while the lower arm of the bend closed up entirely. Afterward the Red abandoned the upper arm of the bend, and cut a channel just large enough for its own flow through the lower one; whereupon the upper one filled up. Later, the enlargement of the lower Atchafalaya, whose head is in the apex of the old Mississippi bend, near the original mouth of the Red, produced an active overflow from the Mississippi, which has been already described, and, in consequence, the channel is now enlarging. So that, in the space of six miles, between the Mississippi and the head of the Atchafalaya, there have been, within fifty years past, first, a Mississippi channel 3,500 feet wide, and probably 60 feet deep; then a dry bar; then a Red River channel 300 feet wide and 10 feet deep; and now a rapidly growing outlet.

The use of the word "unfiltered" in the general statement above is material, and makes an important distinction. The statement is not true of a channel conveying clear water. The Yazoo River is one of this class. There was formerly, at Yazoo Pass, nearly opposite Helena, an outlet which diverted a large volume of water from the Mississippi into the Yazoo, which that river returned to the Mississippi at Vicksburgh. By this means the channel of the Yazoo was excavated deep and wide. The pass was closed a number of years ago. Since then the chief water supply of the Yazoo has come from the swamp-drains, which discharge clear water, and from Mississippi overflows, which are thoroughly filtered by the woods and swamps through which they travel before reaching it. So that we have to-day in the Yazoo a clear-water stream, flowing with slow velocity through a capacious channel which does not perceptibly decrease in size. No such result ever occurs in the case of water charged with sediment.

Nature has made the channel of the Mississippi of increased capacity for discharge as it descends. The permanent diversion of a substantial portion of its water by outlets will reverse that order, and shrink the channel below them to the size required by the diminished river. This shrinkage will take place first by decrease of depth, as the depositing sediment falls to the bottom, and thus the interests of navigation will be the first to suffer. But the mischief will not stop there. When the river and the outlets shall have adjusted themselves to the new conditions created they will, all together, be less able to discharge a great flood than the unimpaired river was alone; and there will be no place for it to find vent except over the shallow rim of the shrunken channel.

It is not within the purpose of this article to describe in detail the methods by which it is proposed to execute the general plan of improvement recommended by the Mississippi River Commission. Suffice it to say that the retention of the river's water in one undivided volume is the cardinal principle of the plan; and that it is proposed to seek this end by such means as will introduce the fewest artificial conditions into the river's life, and apply most economically and effectually its own forces to the work of improving its own channel. These consist chiefly in the closing of chutes and outlets; the contraction of the channel in places where it is excessively wide, by the creation of new banks from deposited sediment; and the revetment of banks where caving is exceptionally rapid and injurious.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] is recognized.

Mr. WHITE. I rise to a question of order. I understood that the debate on this paragraph and amendments thereto was limited to forty minutes.

The CHAIRMAN. It was.

Mr. WHITE. Have not the forty minutes expired?

The CHAIRMAN. Ten minutes yet remain.

Mr. BUTTERWORTH. My friends from Illinois [Mr. THOMAS] and Missouri [Mr. HATCH] can not go before me in desiring the improvement of the Mississippi River. We are now for the first time confronted with the proposition that the engineers are to be voted down when they suggest economy in the expenditure of the public money. They have been censured heretofore because they have been supposed to be extravagant and to have dedicated themselves to a lavish expenditure of the public funds. And now when they propose economy, that which is palpable economy, there is a disposition on the part of some gentlemen to decry them, and to distrust their judgment. Up to this hour in regard to all other streams, all other localities, their judgment has only been called in question because they urged liberal appropriations for divers and sundry improvements. But when they suggest economy, and urge that we shall not rush into an improvement until the experiment has demonstrated beyond reasonable peradventure that what is proposed is likely to be a success, we are pressed to disregard their recommendations.

It is something entirely new in the history of this country for an appropriation to be made to build levees to confine the waters of the Mississippi. That is entirely new, and my friend from Illinois [Mr. THOMAS] knows very well that the engineers themselves not only distrusted the feasibility of that project, but some of them asserted most positively that the attempt would be futile.

Mr. GIBSON. There is no such proposition before the committee. What is before the committee is to authorize the engineers to improve the navigation of the river.

Mr. BUTTERWORTH. Oh, I understand that perfectly. You want to get the appropriation ostensibly for the purpose of inclosing and keeping confined within a narrow space the waters of the Mississippi while the incidental protection to the riparian owners is the ultimate and prime object.

Mr. GIBSON. The gentleman should be fair——

Mr. BUTTERWORTH. One moment. I not only want to be fair but more than fair; I want to be justly liberal in this matter.

My friend knows very well that when this commission proceeded to make their allotments all along the Mississippi River from its mouth to Cairo they were beset by citizens to begin by building levees from Cairo down; and quite a controversy arose as to the allotment. Let me say, so far from opposing a levee system, if an actual experiment shall demonstrate it will operate as hoped by my friend it will, so far from opposing it I shall be glad to favor it; and if as an incident to improving navigation it protects the riparian owners, I certainly would be doubly pleased, as would every right-minded citizen.

Mr. DUNN. Would you propose to limit the experiment to a part of the plan instead of all of it?

Mr. BUTTERWORTH. Why, my friend knows the engineers have said they do not desire to prosecute this year the work of building levees. If the levee system is to be tried, it is tried by us in connection with the other system of keeping the water within the banks.

Mr. ELLIS. Why do you want to fetter them?

Mr. BUTTERWORTH. My friend knows very well that the pressure to build levees along the banks of the Mississippi River has as little to do with improving the navigation as the color of his hair.

Mr. ELLIS. I know better. Every engineer——

Mr. BUTTERWORTH. I am not talking about the engineers, but the riparian owners. What I urge is that these experiments in the interest of national commerce, in the interest of our interstate commerce, in the interest of the South, in the interest of the Mississippi Valley, shall, while they are within the region of experiment, be confined to such works as will give them a fair and proper test, and, it being once determined that the willow mattress or the levee system will protect and improve the navigation of the Mississippi River, then I have no doubt I can speak for New England and every part of this country, that they will vote as liberally as my friends from Louisiana can desire to make the needed improvement, whatever it may be.

Mr. ELLIS. You do not know that; and they testified differently from your argument.

Mr. BUTTERWORTH. They do not testify differently about that. The gentleman is entirely mistaken.

Mr. ELLIS. I am not mistaken.

Mr. BUTTERWORTH. Well, the evidence is before the House. They can read it. Not one in ten believes the levee system would be successful. Why it was asserted by some that the musk-rat would undo in a night what an army could do in a day.

Mr. ELLIS. There is not a musk-rat in the Southern States.

Mr. BUTTERWORTH. I am not talking about whether there are musk-rats there or not; I am only telling what a musk-rat could do if he was there. Let me say another thing. You gentlemen stand more in your own light, when you insist upon appropriations in defiance of the result of experiment, than you can conceive of now.

Mr. GIBSON. We have not done that.

Mr. RANDALL. No more important subject than that of the improvement of the navigation of the Mississippi River can claim the attention of this body. That subject has attracted the attention of the most scientific men of the world from a period far back of the organization of this Government, with varying recommendations.

For myself, I am in favor of making appropriations for the purpose of experimenting upon the improvement of the navigation of the Mississippi River until we shall at last succeed in finding the solution of this great problem. It was with that intent that I was in favor of the creation by a former Congress of the Mississippi River Commission, and perhaps I may say without egotism that I was largely instrumental in securing the passage of that bill through this House.

Mr. ROBERTSON. You carried it through.

Mr. RANDALL. Now, if the Mississippi River Commission does not answer the purpose after a fair trial, let us abolish it. And if that shall come, let us go to Captain Cowden or any one else who may present a feasible and reasonable plan for solving this great problem.

I believe in Congress taking the absolute and exclusive control of this matter. I would be unwilling to leave it to any other authority, State or municipal, outside of the authority of the United States Government. I do not believe that this Government has the power to appropriate money for the reclamation and improvement of alluvial lands. But it has absolute power, and should exercise it in the way of reasonable and proper appropriation of money, to secure the better navigation of the Mississippi River.

If the building of levees shall come as an incident or as a result of any successful experiment or plan, we can not help that. We will accomplish the great purpose in view, and to that end I think the American people have never in any way raised their voice against the appropriation of money for that purpose.

I wish that this proposition could be separated from others in this bill, so that I might vote, as I will now vote, against striking out any part of the provision in relation to the Mississippi River, and not give a seemingly opposition vote to that project by voting against the bill.

Mr. BURROWS, of Michigan. Will the gentleman permit me to ask him a question?

Mr. RANDALL. If I have the time.

[Here the hammer fell.]

The CHAIRMAN. The Chair begs to say to the gentleman from Pennsylvania [Mr. RANDALL] that at his request the hammer fell when half of his time had expired.

Mr. RANDALL. Because I have promised the remaining half to the gentleman from Illinois [Mr. MORRISON], and I want to keep my promise.

Mr. MORRISON. In the two and a half minutes allowed me I have no time to speak of the importance of improved navigation on the Mississippi River to my section as well as to the whole country. But I must be pardoned for saying that the long-promised home market has not come to us. For in the year last past we have exported, beside a considerable portion of other products, about 30,000,000 of bushels, or more than one-half of our entire wheat crop. And by reason of this river we reach the markets of the European millions at greatly reduced cost.

Before the organization of the Mississippi River Commission large sums of money were expended to improve navigation; but the improvement made was not commensurate with the money expended. Since then something—very much—has been accomplished and our products go cheaper, surer, safer, to the sea, whether they go by river or rail.

If the gentleman from Massachusetts [Mr. ROBINSON] means by his proposition or amendment that no levees shall be built to protect the lands of any one, and will so amend his proposition, I will vote for it.

Mr. ELLIS. So will I.

Mr. GIBSON. So will I.

Mr. MORRISON. If that is all he intends to accomplish by it, he ought so to amend it. If, on the other hand, it is needful in order to improve the navigation of that river that levees shall be built, to that extent and to that extent only do I favor, support, or advocate the building of levees. For that purpose and to that extent it is as legitimate, as just and wise to accomplish the purposes by building levees as by any other means not more economical. If there is some better and more economical way let us know what it is.

Mr. GIBSON. Will the gentleman from Massachusetts [Mr. ROBINSON] accept that proviso?

Mr. MORRISON. Who are the best judges and who is best informed on the subject and of what is needful to improve navigation of the river? The commission appointed by the President, with the advice and consent of the Senate, or the six or seven excellent gentlemen we sent down the river on a pleasure trip to look at it? I do not question either the intelligence or the purpose of these gentlemen. I respect both.

But I submit that the members of the river commission are better advised on the subject because of their training before and their better opportunities for informing themselves since their appointment, if not before. A majority of the commission is made up of men skilled and trained in the Army and Navy, and whatever may be said of either the Army and Navy, both are as good as anything else we have in the country—the officers are as honest as any other class of men. Like other men, they can hardly be wholly free from local influences.

The commission was not so made up as to have on it men from different sections representing different interests that they might so perform their duties that each might help the other to put money in his purse. This commission was not packed that each might help the other at the public expense to protect his field, his town, or his land. They have no fields or lands to protect which could induce them to make traffic of their positions to help each other to unwarrantable profits. Such commissions have been made, and I have heard none of the intelligent gentlemen of this examining committtee rise in their places here and condemn or disapprove its misdeeds. The River Commission is entitled to a fair and further trial. It has done well; it has done more in the work of improving the Mississippi River than has been done by all other agencies we have employed. Still I am not and have never been very partial to commissions of any kind. Next to conference committees Congressional commissions as a rule are more prolific of personal and private jobbery and public plunder than any other legislative methods or instrumentalities yet discovered.

Mr. DUNN. I move an amendment to the amendment of the gentleman from Massachusetts [Mr. ROBINSON].

Mr. BURROWS, of Michigan. I would inquire of the Chair if the time fixed for debate has expired?

The CHAIRMAN. It has expired. The amendment of the gentleman from Arkansas [Mr. DUNN] will be read.

Mr. BURROWS, of Michigan. Mr. Chairman, I——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BURROWS, of Michigan. I rise for the purpose of moving that the committee do now rise.

The CHAIRMAN. The gentleman from Michigan [Mr. BURROWS] will be recognized for his motion as soon as the amendment is reported.

The Clerk read as follows:

Add to the proposed amendment the words "and for the purpose of improving navigation;" so that the amendment will read:

"*Provided further*, That no money appropriated by this or any former act shall be used for the construction or repair of levees along the Mississippi River, except in fulfillment of existing contracts and for the purpose of improving navigation."

Mr. ROBINSON, of Massachusetts. If you adopt that it lets in the whole scheme.

Mr. GIBSON. Then the gentleman does not want the navigation improved.

The CHAIRMAN. Debate is out of order.

Mr. BURROWS, of Michigan. I have made the motion that the committee rise in order that the time for debate may be extended, and that I may be able to read to the Committee of the Whole what General Comstock says.

Mr. PAGE. I hope the committee will not rise for the purpose of extending debate. We must get through this bill speedily and send it to the Senate, if it is to become a law.

The motion of Mr. BURROWS, of Michigan, was not agreed to.

The question recurring on the amendment of Mr. DUNN, there were—ayes 65, noes 91.

Mr. DUNN. I call for tellers.

Tellers were ordered; and Mr. DUNN and Mr. ROBINSON of Massachusetts were appointed.

The committee again divided; and the tellers reported—ayes 97, noes 91.

So the amendment of Mr. DUNN to the amendment of Mr. ROBINSON, of Massachusetts, was agreed to.

The question recurring on the amendment of Mr. ROBINSON, of Massachusetts, as amended, it was not agreed to, there being—ayes 39, noes 74.

Mr. BAYNE. I move to amend by striking out, in line 461, the words "two million one hundred and fifty thousand dollars," which I submit are simply a duplication of the amount appropriated in the paragraph.

The amendment of Mr. BAYNE was agreed to; there being—ayes 87, noes 15.

Mr. HOLMAN. I move to amend by adding to the paragraph the proviso which I send to the Clerk.

The Clerk read as follows:

Provided, however, That the Secretary of War shall detail three engineers of the Engineer Corps of the Army, with the approval of the President, to make special examination into the effect of constructing outlets for the flood-water of the Mississippi River above the passes into the Gulf of Mexico on the flood-line of the river, and especially at Lake Borgne; and into the effect on the flood-line of the river of closing up existing outlets above the three great passes of the river into the Gulf; and that the report of said engineers be laid before Congress at the opening of the next session; and the expenses of such examination shall be paid out of the sum above appropriated for the improvement of said river from the head of the passes to Cairo.

Mr. ELLIS. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point.

Mr. ELLIS. The amendment increases expenditures and changes existing law.

The CHAIRMAN. The point of order is overruled.

The question being taken on agreeing to the amendment of Mr. HOLMAN, there were—ayes 73, noes 91.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. ELLIS were appointed.

The committee again divided; and the tellers reported—ayes 77, noes 84.

So the amendment was not agreed to.

Mr. ANDERSON. I move to amend by inserting after the word "direction," in line 458, the words "and at the discretion;" so that the clause will read:

Which said sums shall be expended under the direction and at the discretion of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

Mr. ANDERSON. I demand a division.

The committee divided; and there were—ayes 37, noes 116.

So the amendment was rejected.

Mr. WHITE. I move in line 452 to strike out the words "Red and;" so it will read:

And the deflection of the waters of the Mississippi River from the Atchafalaya River, &c.

Now, Mr. Chairman, the Mississippi River has more now than it can carry. [Cries of "Order!"]

The CHAIRMAN. Debate has been closed.

Mr. WHITE'S amendment was rejected.

Mr. UPDEGRAFF. I move to strike out the whole paragraph.

The committee divided; and there were—ayes 52, noes 104.

So the amendment was rejected.

Mr. HOLMAN. I have not been able to ascertain, Mr. Chairman, whether or not the motion has been made to strike out the words "and the deflection of the waters of the Red and Mississippi Rivers from the Atchafalaya River."

Mr. THOMAS. I think that has been made and voted down.

Mr. HOLMAN. If the amendment has been voted on, of course I do not propose to renew it, but I think that the retention of those words in the bill is a great mistake.

The CHAIRMAN. The gentleman from Kentucky moved to strike out the words "Red and," in line 452; but the words indicated by the gentleman from Indiana the Chair thinks have not been voted on.

Mr. HOLMAN. I move, then, to strike those words out. [Cries of "Vote!"] I demand a division, and ask that my amendment be read.

The Clerk read as follows:

Strike out the words—

"And the deflection of the waters of the Red and Mississippi Rivers from the Atchafalaya River."

The committee divided; and there were—ayes 41, noes 109.

So the amendment was rejected.

Mr. BURROWS, of Michigan. I offer the following amendment.

The Clerk read as follows:

No portion of the money hereby appropriated shall be used for the construction of levees from Cairo to the head of the passes.

Mr. ELLIS. I make the point of order that that amendment has already been voted on.

The CHAIRMAN. The Chair overrules the point of order. [Cries of "Vote!"]

Mr. BURROWS, of Michigan. Let us have a division.

The Committee divided; and there were—ayes 80, noes 86.

Mr. BURROWS, of Michigan. I demand tellers.

Tellers were ordered; and Mr. BURROWS, of Michigan, and Mr. ELLIS were appointed.

The committee again divided; and the tellers reported—ayes 71, noes 101. [Applause.]

So the amendment was rejected.

The Clerk read as follows:

Improving Mississippi, Missouri, and Arkansas Rivers: Continuing removal of snags, wrecks, and other obstructions from the Mississippi River, $50,000; continuing removal of snags, wrecks, and other obstructions from Missouri River, $50,000; continuing removal of snags, wrecks, and other obstructions from Arkansas River, $20,000.

Mr. ANDERSON. I move, in line 466, to strike out "$50,000" and insert "$150,000." That motion, I believe, is debatable, and I should like to be heard on it. Mr. Chairman, we have just made an appropriation of $2,150,000 for the Mississippi River, while there is an appropriation of only $50,000 reported in this bill for the Missouri River. My amendment is to make that $150,000. If $2,000,000 go to the Mississippi River then certainly it is within the bounds of proportion that the Missouri River, which is a longer river, which washes many rich and populous and agricultural States, should receive a greater appropriation than this bill provides.

Mr. KENNA. Let me suggest to the gentleman from Kansas that the appropriation in the present paragraph is for a specific object, while in the next paragraph he will see there is an appropriation for the general improvement of the Missouri River of $350,000. If he has any amendment to offer to the latter paragraph it should be submitted when that paragraph is under consideration.

Mr. FLOWER. Will the gentleman from Kansas accept as an amendment that half of the money may be expended to riprap the roots of the trees along the banks.

Mr. ANDERSON. I am told it would be better to make my amendment later on, and what we have just heard only makes still stronger my opinion of this bill. It is jam full of things which ought to be taken out of it; but I do not think $50,000 is a sufficient sum for removing obstructions from the Missouri River, and therefore I move to make it $150,000.

Mr. HOOKER. Mr. Chairman, I have not had an opportunity in the division of time made to say anything on this bill until now, and I desire to say something in reply to the observations which fell from the lips of the gentleman from Michigan [Mr. BURROWS] and the gentleman from Massachusetts [Mr. ROBINSON] in reference not only to the improvement of the Mississippi River, but its tributaries, the Missouri being one of its great tributaries and the Ohio the other. It was said they did not intend to make an appropriation looking to a system of leveeing the banks on either side for the purpose of improving the navigation of the Mississippi. Now, the concurrent testimony of all the engineers who have ever spoken on the subject at all, with the exception simply of the engineer whom the gentleman from Michigan [Mr. BURROWS] quoted, who came from the State of Maryland, and had never seen the Mississippi River until he was taken down as one of the special committee organized at the close of the last session of Congress, to make a visit to the Mississippi River and inquire into the modes and methods in which the Mississippi River Commission had conducted its work—I say the concurrent testimony of all the engineers was that it was necessary to confine the river within certain limits, and in order to confine the river within certain limits it was essential at high-water mark you should have levees to confine it within the prescribed limit of its banks.

Sir, the very same principle which has been so successfully applied by that eminent engineer to the obstructions in the lower river, whose name is indissolubly coupled with that Mississippi River from that

great structure which spans it at Saint Louis, a monumental work of mechanical art and engineering skill in construction of bridges, surpassing any on this continent or in the world, the man whose name is inseparable from the jetties—I say that same principle should be applied above on the swifter currents of the river. What is the principle to which I refer? I allude to the jetty system. By confining the slow currents of the river where it flows to the Gulf within certain given limits on its lower reaches to where it debouches into the sound, jetties have been constructed to serve the same purpose which this principle proposes to establish by those who understand that river and its history on the swifter currents of the river on its upper part, in the shape of levees, to confine the water within its legitimate channel.

I am willing to concede that unless you can apply the jetty system to the more rapid currents of the upper river you can not successfully construct levees for the preservation of its channel; because they must have a bank immovable and not shaken by the floods, and we who understand, we who live upon the river, and I have lived there all my life, know that it is when the river is receding and going from the flood tide to the low-water mark that the current of the river, sweeping the sand from under the river-beds, creates the slipping and caving of the banks. Therefore it is essential that we should make the jetty system apply to the rapid currents of the upper river so as to keep the current within defined limits, as we apply the same system to the more sluggish currents at the mouth of the river. And let me say in this connection, Mr. Chairman, that I have stood upon the deck of one of the largest vessels coming into the port of New Orleans, and its captain said to me as to the question of our not having attained under the direction of Captain Eads a proper depth of water, averaging thirty feet as claimed, that his vessel was of the largest draught and the greatest length of any vessel that comes to the marine port of New Orleans; and that he could safely testify that the jetties had so improved the channel that he can pass with any other vessel of equal size abreast through the improved channel. Therefore I claim that we should apply the jetty system for the improvement of the Mississippi River wherever it is necessary to apply the system for the protection of the channel.

Mr. BURROWS, of Michigan, rose.

Mr. PAGE. Unless we can come to a vote I shall move that the committee do now rise.

Mr. BURROWS, of Michigan. I have no objection to that. I only desired, however, to occupy a moment.

Mr. PAGE. I will yield for that purpose.

Mr. BURROWS, of Michigan. I shall only occupy one or two minutes of the time of the committee. What the gentleman from Mississippi has said in relation to the eminent engineer, Major Hutton, that he never visited the Mississippi River, gives me an opportunity to read from his testimony to show how thoroughly mistaken the gentleman can be. He was examined before the special committee, and I will read a portion of his testimony.

Question. Will you state your full name, Mr. Hutton?
Answer. Nathaniel H. Hutton.
Q. Where do you reside?
A. Baltimore, sir.
Q. How long have you resided there?
A. About twenty years, sir.
Q. Your age?
A. Forty-nine years.
Q. Your business?
A. I am a civil engineer.
Q. How long has that been your business, Mr. Hutton?
A. For about thirty years.
Q. Are you a graduate of any institution?
A. No, sir.
Q. In what business are you engaged in Baltimore—what particular business?
A. I am an engineer of the harbor board of Baltimore.
Q. How long have you held that position?
A. For six years.
Q. Were you an engineer in charge of any works previous?
A. Yes, sir; I have had charge for the Government of the improvements of the Patapsco River for some years. I made surveys for the Delaware and Maryland Ship-Canal, for the extension of the James River and Kanawha Canal to the Ohio River, and I have had charge of the improvement of the James River, and the improvements of the Rappahannock, the Susquehanna, and innumerable smaller ones. I have been in charge of river and harbor works ever since the war.
Q. All the time since the war?
A. All the time, together with other business. I am consulting engineer, and have a variety of other business in that connection.
Q. When you were engaged in the works of the different rivers and harbors you mention you were in the employ of the Government, were you not?
A. Yes, sir.
Q. You may state if you accompanied the committee down the Mississippi River on the occasion of its recent visit down that river?
A. I did, sir.
Q. At the request of the chairman of the committee?
A. Yes, sir.
Q. You joined the committee at Cairo?
A. I joined the committee at Cairo.
Q. Colonel, are you acquainted with the plans of the Mississippi River Commission for the improvement of the Mississippi, the general plans of the Mississippi River Commission?
A. I think I am, sir, so far as the published reports of the work, and what I saw on that river, go.
Q. I will ask you at this point if you ever visited the Mississippi River before?
A. I have, sir.

Mr. HOOKER. But not as an engineer.

Mr. BURROWS, of Michigan:

Q. How frequently?
A. I have passed up and down it I suppose half a dozen times——

Mr. HOOKER. That may be; thousands of others have visited the river; but he never visited it as an engineer.

Mr. BURROWS, of Michigan. This also gives me an opportunity to complete what General Comstock, president of the Mississippi River Commission, says. After saying "in practice that no case is known where any considerable sinking of the river-bed for long distances has been produced by levees," he goes on:

But even if the low-water surface and the river-bed should sink together in consequence of the levee effect during preceding floods, it is still to be feared that the low-water depths might not be sensibly increased thereby.
In view of the uncertainty whether levees will cause any considerable sinking of the low-water bed, and of the further doubt whether such sinking would sensibly increase the low-water depths, it does not seem to him wise, in the absence of practical experience, to attribute any considerable value to a system of levees as an aid to channel improvement.

Now, I desire to say further, as this also gives me the opportunity, that as the committee have settled this question of appropriating money for the building of levees under the guise of improving the navigation of the river, and as this appropriation goes into the bill now in a shape which will allow the commission to use any portion of it to build levees above Red River or below—I say for myself that the conviction is so strong in my mind that this is wholly for the benefit of the riparian owners and to enhance the value of the lands that under no circumstances, so long as that provision remains in the bill as it is now written, can it have my vote? Under no circumstances, because I do not believe that it is right.

Mr. PAGE. Now give us a vote.

Mr. ELLIS. Mr. Chairman, I deem it my duty to say two or three words in response to what has been said by the gentleman from Michigan. I want this House to understand, and I challenge the record, that of the sixteen engineers who testified before the Mississippi River Commission—and you can not and you dare not deny it—fourteen of them gave their unhesitating, unequivocal sanction to the plan submitted by the Mississippi River Commission. There is the record. Every gentleman may read it for himself. Gentlemen may quote particular passages, may garble, may misrepresent, but the bold, bald, crushing truth will live that the plan and projects of the commission command the best and most progressive engineering thought of the world.

What are these plans? What is that theory?

It is, as I stated yesterday, the low-water channel, and coincident with it and dependent upon it is the high-water channel. I hurl back and deny the statement that we from Louisiana, or any other Representative on this side, have been influenced by the sole motive of protecting lands from overflow. It has been the humane voice of this country from great-hearted and progressive men of every party that if a plan could be devised that would at once perfect navigation and protect the fields and homes of people, that plan should be adopted.

Mr. HORR. Do I understand the gentleman to say there were sixteen engineers before the commission and all but two of them agreed in recommending this plan?

Mr. ELLIS. Yes; every one but two. Mr. Hutton was one of them, and nobody ever heard of him before. I at least never did. The chairman said he was invited by the committee. My assent was never given; neither was any authority given in the resolution appointing us to employ or pay him. I found him on board the boat when I went there; how he came to be there nobody knows; but the chairman of the committee, in my judgment, may possibly tell.

Now, I say that not only the sixteen engineers who testified before us, but Barnard and Humphreys, Gillmore and Herschell, and other distinguished engineers of this country have given their unhesitating and unqualified sanction to this plan of the Mississippi River Commission. There has been no thought with them of protecting the alluvial land, except as incidental to the perfection of channel navigation; and I can not conceive how in the face of the whole engineering thought of this country, ay, and of Europe, gentlemen who profess to feel within their breasts the faintest pulsations of humanity can say one word against that plan, when in addition to unfettering the great river and yet controlling it in its majestic march as it pours its magnificent tide of commerce to the sea, proposing to emancipate all the grain-growers, ay, in Michigan, ay, in Indiana, saving to the toilers of the West $35,000,000 per annum, or 15 cents on every bushel of wheat they send to market—how, outside of this consideration, they can hesitate for one moment when this plan proposes to redeem from utter and absolute ruin 45,000 square miles of the fairest and most majestic lands that exist beneath the smile of the American sun. [Applause.]

Ah, Mr. Chairman, there are voices and visions that gather around me now that I scarce dare give utterance to. There are visions of a great turbid sea; there are visions of weary eyes looking over imprisoning water around their homes; there are phantoms of struggling hands in the flood; there are memories of people looking with despair while their all is swallowed up by the floods of the mighty river. Their voices come and whisper to me and ask me for utterance here. But they must be still. We must look to the commercial aspect alone. We look only to making this great river the channel of the commerce of the West and the South, ay, of the majestic empire of the Mississippi Valley, from where the river in its natal hour woos the kiss of the northern sky that mirrors its serene glory in Itasca's lake, down, down two thousand miles

to where it smiles to greet the ardent kiss of the eager tropic sea. [Applause.]

Mr. PAGE. If we can not have a vote I move that the committee rise.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. I call for a division.

Mr. BURROWS, of Michigan, addressed the Chair.

Mr. PAGE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

BRIDGES ACROSS NAVIGABLE RIVERS.

Mr. VAN HORN. I ask unanimous consent that the first half hour of this evening's session be set aside for the consideration of some very important bills in relation to the construction of bridges crossing navigable rivers that are of great moment to the country.

Mr. BEACH. I object.

Mr. HISCOCK. I must object to that.

Some time subsequently,

Mr. BUCK said: I understand objection has been withdrawn to the proposition of the gentleman from Missouri. I suggest that fifteen minutes be asked for instead of thirty; in that form I think it will not be objected to.

Mr. BEACH. I objected before, and I do not withdraw my objection.

WEST POINT MILITARY ACADEMY.

The SPEAKER laid before the House the report of the Congressional Board of Visitors to the West Point Military Academy for 1882; which was referred to the Committee on Military Affairs, and ordered to be printed.

NEW ZEALAND AND AUSTRALIAN MAILS.

The SPEAKER also laid before the House a concurrent resolution of the Legislative Assembly of the State of California, urging the necessity of liberal payments for the carrying of the New Zealand and Australian mails; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD. It is as follows:

Assembly concurrent resolution No. 47.

To the Speaker of the House of Representatives, Washington, D. C.:

Whereas the line of mail steamships now covering the route between San Francisco, New Zealand, and Sydney, New South Wales, via Honolulu, has been of great advantage to our country, and especially so to the Pacific coast thereof; and

Whereas this steamship line has been maintained mostly by the assistance of payments made by the above-named colonies for carrying the mails, the contracts for such payments terminating in November next: Therefore,

Be it resolved, That this Legislature urges upon Congress the necessity in the interest of American commerce and as a matter of equity to our colonial neighbors, who have this far borne the expense of this mutually beneficial mail service, of assisting in its maintenance by such liberal payment for the carriage of the New Zealand and Australian mails as their wisdom may suggest, having in view the benefit we receive from the regular commercial intercourse afforded thereby as well as by the increasing tide of travel from the colonies through our country to Europe.

Resolved, That his excellency the governor be requested to forward by telegraph to the President *pro tempore* of the United States Senate and the Speaker of the House of Representatives a copy of the foregoing resolution, with the request that they consider and take action upon the same immediately.

E. S. THOMPSON,
Secretary of State of California.

VISITORS TO MILITARY AND NAVAL ACADEMIES.

The SPEAKER. Under the provisions of section 1327 of the Revised Statutes the Chair announces the appointment of Mr. STEELE of Indiana, Mr. TOWNSEND of Ohio, and Mr. SPARKS of Illinois as the members on the part of the House of the Board of Visitors to attend the next annual examination of cadets at the Military Academy at West Point.

Under the provisions of the act of February 14, 1879, the Chair appoints Mr. HARMER of Pennsylvania, Mr. UPDEGRAFF of Iowa, and Mr. MILLS of Texas as the members on the part of the House of the Board of Visitors to attend the next annual examination of cadets at the Naval Academy at Annapolis.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. LYNCH to print in the RECORD remarks on the river and harbor bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted as follows:

To Mr. HARMER, to withdraw from the files of the House papers in the case of Robert W. Simmons.

To Mr. RICE, of Missouri, to withdraw from the files of the House papers in the case of B. F. Lutman.

To Mr. BARBOUR, to withdraw from the files of the House papers in the case of Mrs. A. Fant and Henry T. Fant, now pending before the Committee on War Claims; no adverse report.

To Mr. SPOONER, to withdraw from the files of the House papers in the case of W. L. Parvin and Henry A. Greene.

FREEDMEN OF CHICKASAW NATION.

Mr. MOORE asked and obtained unanimous consent to have printed in the RECORD the memorial of the Freedmen of the Chickasaw Nation.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States of America:

The undersigned, your memorialists, respectfully show that they are residents of the Chickasaw Nation, and are "persons of African descent," and were born and bred in the said nation.

They have such interests there as inspire them with an earnest desire to remain residents, and to become citizens of the nation. There they have families, wives and children, and property; in fact everything that is dear to them is there; and they would consider it a great hardship to be forced to leave their firesides and to seek new homes.

Your memorialists represent not only themselves, but also that class of persons known in the nation as "persons of African descent," of which class there are about three thousand individuals. We and they have ever been loyal to the Government of the United States, and expect ever so to remain.

In order the more plainly to lay before your honorable bodies our cause and our claims, we call attention to the third article of the treaty between the Choctaw and Chickasaw Nations and the United States, of April, 1866, which reads as follows:

"ART. 3. The Choctaws and Chickasaws, in consideration of the sum of $300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent., in trust for the said nations, until the Legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of the said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of $300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of $100 per capita, as shall be sufficient to pay such persons of African descent before referred to as, within ninety days after the passage of such laws, rules, and regulations, shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the Legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of $300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory, in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years to remove from said nations all such persons of African descent as may be willing to remove, those remaining or returning after having been removed from said nations to have no benefit of said sum of $300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations."

From the terms and language of this clause of the treaty it is quite evident that the leading desire and intention of the Government of the United States was the complete enfranchisement of the "persons of African descent" in the said nations. Besides the emphatic words used in this clause touching the "laws, rules, and regulations necessary," &c., we have the additional assurance from the very date of the instrument, 1866, that this enfranchisement of the negro was the leading design of this clause, because at that time the Government was especially looking to the accomplishment of that event in all its enactments touching the colored race as well as its amendments to the Constitution of the United States. If this be the true intent and meaning of this clause of the treaty, we respectfully suggest the question: Will the Government of the United States quietly allow itself to be thwarted in this beneficent design?

The Chickasaw Indians have up to this time neglected and refused to pass the "laws, rules, and regulations" enumerated in said clause of the treaty. In 1877, after the lapse of eleven years from the date of said treaty, the Legislature of the Chickasaw Nation passed the following statute:

"An act confirming the treaty of 1866.

"SECTION 1. *Be it enacted by the Legislature of the Chickasaw Nation*, That whereas a treaty was concluded at Washington city on the 28th of April, 1866, by commissioners duly appointed on the part of the Chickasaws and Choctaws and the United States Government, which treaty was ratified with amendments by the United States Senate and confirmed by the President, the Chickasaw Legislature does hereby give its assent and confirm the said treaty and amendments made by the Senate of the United States.

"SEC. 2. *Be it further enacted*, That the Chickasaw Legislature does hereby give its assent to the sectionizing and allotment of the lands in severalty under the system of the United States, as provided for in the treaty of April, 1866, and the President of the United States is hereby requested to cause the same to be done as soon as may be practicable.

"SEC. 3. *Be it further enacted*, That the provisions contained in article 3 of the said treaty, giving the Chickasaw Legislature the choice of receiving and appropriating $300,000 therein named, for the use and benefit, or passing such laws, rules, and regulations as will give all persons of African descent certain rights and privileges be, and it is hereby, declared to be the unanimous consent of the Chickasaw Legislature that the United States shall keep and hold said sum of $300,000 for the benefit of the said negroes; and the governor of the Chickasaw Nation is hereby requested to notify the Government of the United States that it is the wish of the Legislature of the Chickasaw Nation that the Government of the United States remove the said negroes beyond the limits of the Chickasaw Nation, according to the requirements of the third article of the treaty of April 28, 1866.

"Approved October 17, 1877.

"B. F. OVERTON, *Governor.*"

This act reflects the settled design and purpose of the Chickasaw Nation not to enfranchise the said "persons of African descent" named in said treaty. They have refused and neglected and still refuse and neglect to pass such laws. Besides the evidence of the settled purpose of the Chickasaws, as found in this statute, we are enabled to state as a fact that on several occasions during pending elections applications have been made at the polls of voting to be allowed to vote by persons of "African descent," yet these applications, though made by some of the oldest and most respectable of such persons—persons born and bred in the nation—have been invariably rejected.

In the aforesaid act of their Legislature, as it appears to us, the Chickasaws show a disposition to shuffle off upon us, in lieu of our rights, the money, this $300,000 or a part of it, and to thus absolve themselves from their obligations under the treaty; and we feel obliged here to assert that we do not consider our-

selves in any way entitled to any portion of said money as matters now stand, and we protest most solemnly against the bartering of our rights and privileges for money.

The stipulation of the Government of the United States, to remove from the nations persons of African descent, applies only to such persons as might elect to remove. In this connection we take occasion to say, that although sixteen years have passed away since the ratification of this treaty, yet no persons of African descent have so elected to remove. And it is our belief that the United States Government has not removed from the nation any persons of African descent under this stipulation.

Now, when the Government agreed to this stipulation in the treaty, to remove from the nation such of the persons of African descent as might elect to remove, and such as were "willing" to remove, the Government asserted impliedly that it would not remove any persons of African descent who did not so elect to remove or who were not willing to remove; for an agreement reached in diplomacy is supposed to embody the ultimata of the treating parties.

We assume, then, that the Government is pledged by this treaty not to remove any of the persons of African descent from the nations who are not willing or who do not elect to remove, and that the Government has thus graciously given us the privilege of making or not making this election.

For many and grave reasons we do not elect to remove. As natives, we are attached to the localities of our birth and childhood; as men, we are attached to the people among whom we have been born and bred. We like the Chickasaws as friends, and we know by the experience of the past that we can live with them in the future in the close union of sincere fraternity and brotherly love. It is for these and other grave considerations that we do earnestly desire to be freemen in fact as well as in theory, for without the elective franchise—a free vote—there can be no real liberty. As things now exist, so far as the persons of African descent in the nations are concerned, the word freeman is a sham.

In this connection we here call attention to the latter clause of the said third article of the treaty of 1866:

"And should the said laws, rules, and regulations not be made by the Legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of $300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory, in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of $300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations."

Now, we respectfully submit that, having remained unmolested in the nation for sixteen years after the ratification of this treaty, and having not elected to remove, we are, in the very terms of this clause of the treaty, placed "upon the same footing as other citizens of the United States in the said nations."

It is true that we are debarred, in so many words, from any benefit in the said sum of $300,000, but we do not set up any claims to said money, or to any part thereof. We cheerfully abandon every claim which we may or might have had in the said money.

But, notwithstanding this very clear stipulation, and the legitimacy of the conclusion we draw from it as connected with the facts and the lapse of time, we are still ignored as citizens, and are so likely to remain, without the gracious intervention of the Government of the United States in our behalf.

THE $300,000—WHAT IS THE STATUS OF IT?

We have no accurate knowledge as to whether or not any portion of this sum of money has been paid in any way to the nations. This question we respectfully submit to the more enlightened understanding of Congress, within whose reach all such information lies. We are advised, however, and so state our belief, that some part of this money has been paid to and accepted by the Chickasaws. And we here call attention to the forty-sixth article of the treaty of 1866:

"ART. 46. Of the moneys stipulated to be paid to the Choctaws and Chickasaws under this treaty for the cession of the leased district, and the admission of the Kansas Indians among them, the sum of $150,000 shall be advanced and paid to the Choctaws, and $50,000 to the Chickasaws, through their respective treasurers, as soon as practicable after the ratification of this treaty, to be repaid out of said moneys or any other moneys of said nations in the hands of the United States; the residue, not affected by any provision of this treaty, to remain in the Treasury of the United States at an annual interest of not less than 5 per cent., no part of which shall be paid out as annuity, but shall be annually paid to the treasurer of said nations, respectively, to be regularly and judiciously applied, under the direction of their respective legislative councils, to the support of their government, the purposes of education, and such other objects as may be best calculated to promote and advance the welfare and happiness of said nations and their people, respectively."

We make no effort to reconcile this forty-sixth clause of the treaty with the third clause. If the Chickasaws have received any of their proportion of this money, then surely they are under the greater obligation to carry out the stipulations of the third clause, and to enact such "laws, rules, and regulations as may be necessary to give all persons of African descent, and their decendants heretofore held in slavery among said nations, all the rights, privileges, and immunities—including the right of suffrage." &c.

CITIZENSHIP IN THE NATION BY ADOPTIONS AND INTERMARRIAGE.

By the two modes of making citizens in the nations, one by legislative adoption and the other by intermarriage with Chickasaws, there is but little if any chance for a person of "African descent" to become a citizen of the nation. Because: 1. The rule upon which they base their legislative adoption reads thus:

"The Legislature shall have power by law to admit or adopt as citizens of this nation such persons as may be acceptable to the people at large."—*Tenth section of General Provisions.*

Experience teaches us that persons of African descent are excluded from adoption under this rule.

2. The intermarriage of persons of African descent with Chickasaws is very rare; there may be a few of such cases, but as a general rule we of African descent do not intermarry with Chickasaws; we intermarry among ourselves, and we do not wish to be either forced or induced by any custom, law, or power to abandon our social habits of life and fall into new ways.

THE EQUALITY OF THE LAWS.

In the fourth article of said treaty of 1866, it was stipulated on the part of the nations, "That all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made; and that they shall be treated with kindness and protected against injury."

We acknowledge with gratitude and pleasure that at the hands of the Chickasaws we have been treated with kindness and protected against injury; nor do we complain that, since the ratification of the treaty, any special law has been made affecting us differently and unequally with the Choctaws and Chickasaws; but, at the same time, we repeat here the steady and determined refusal of the Chickasaws to pass the laws, rules and regulations, heretofore referred to, as stipulated in the third article of the treaty, and it is plain that without such laws, rules, and regulations we can not enjoy an equality of the laws as they exist among the tribes.

Many persons of African descent in the Chickasaw Nation in the late war, who still reside there and on whose behalf we are now appealing, were volunteer soldiers in the late war between the States, and as such did good and honorable service for the Union, and bear upon them to this day the practical marks and scars of war; and we are at liberty at the same time to state that not one of the Chickasaw freedmen took part in the war against the Union.

In thus appealing to the Congress of the United States we disclaim any disposition on our part, as well as on the part of those we represent, to force the tribe into any measures which may be disagreeable to them or violative of their peculiar customs and usages, and we express the wish earnestly that whatever should be done in the premises may be such as can be carried out so as not in any manner to disturb the harmony which has so long existed and which now exists between us and the tribes.

In the seventh article of said treaty "the Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory; provided, however, such legislation shall not in any wise interfere with or annul their present tribal organization or their respective legislatures and judiciaries, or the rights, laws, privileges, and customs of the Choctaw and Chickasaw Nations, respectively."

Therefore, we pray that the Congress pass such an act as will place us on a footing with the persons, other than the Chickasaws, as are referred to in the following seventh clause of the general provisions of the constitution of the Chickasaw Nation. That is to say:

"SEC. 7. All persons, other than Chickasaws, who have become citizens of this nation, by marriage or adoption, and have been confirmed in all their rights as such by former conventions, and all such persons as aforesaid who have become citizens by adoption by the Legislature, or by intermarriage with the Chickasaws, since the adoption of the constitution of August 18, A. D. 1856, shall be entitled to all the rights, privileges, and immunities of native citizens. All who may hereafter become citizens, either by marriage or adoption, shall be entitled to all the privileges of native-born citizens, without being eligible to the office of governor."

And your petitioners, as in duty bound, will ever pray.

KING BLU.
ISAAC ALEXANDER.

We the undersigned are members of the Chickasaw tribe, and we hereby cheerfully indorse the foregoing memorial and recommend that the prayers of the petitioners be granted if consistent with the powers that exist under the said treaty; and we sign this paper as delegates appointed by such of the Chickasaw tribe as are friendly to the prayer of the petitioners.

FLETCHER FRAZIER.
JOHN DYER.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON, for the evening session of to-day.

To Mr. SPAULDING, for the remainder of this day.

INDIAN TRUST FUND—TENNESSEE BONDS.

Mr. MOORE. I ask unanimous consent to submit for consideration and adoption at this time a resolution of inquiry.

The SPEAKER. It will be read.

The Clerk read as follows.

Resolved, That the Secretary of the Interior be, and hereby is, respectfully requested, if not incompatible with the interests of the public service, to furnish to this House a statement showing the number and amount of bonds of the State of Tennessee now held by him in trust for various Indian tribes, when and by whom the investments were made, the dates of purchase, the periods of time for which interest may be due and unpaid thereon; the amount of appropriations, if any, made by Congress to cover any default of such interest; and whether the State of Tennessee has made any proposition, and if so what, looking to their settlement either by payment or compromise.

Mr. RANDALL. There are members from the State of Tennessee not now present who have an interest in this matter, and I will object.

Mr. MOORE. Then I ask that it be referred to the Committee on Indian Affairs.

There was no objection, and it was referred accordingly.

The SPEAKER. The hour of half past 5 having arrived, in pursuance of previous order the Chair declares the House in recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock and 30 minutes p. m., the Speaker in the chair.

POSTAL REGULATIONS.

Mr. LACEY. I ask unanimous consent to take from the House Calendar for consideration at this time House bill No. 7635, to amend section 3829 of the Revised Statutes. I will state that it is a public bill and one recommended by the Department.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That section 3829 of the Revised Statutes of the United States be so amended as to read as follows:

"SEC. 3829. And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business wherein is transacted any portion of the business now performed at post-offices, or who shall place over, within, or upon any office or place of business the sign, name, or title of post-office or postal station, shall, for every such offense, be liable to a penalty of not more than $500: *Provided*, That the Postmaster-General may, by regulation, provide for the sale of stamps at places other than post-offices: *And provided further*, That this act shall not prevent the delivery, without charge, at newspaper offices of letters in answer to advertisements inserted in said newspapers."

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. SINGLETON, of Illinois. I object.

Mr. LACEY. I hope the gentleman will not object. This is a bill which is recommended by the Post-Office Department.

Mr. HOLMAN. I think this is a good measure, but I hope the gen-

tleman from Michigan [Mr. LACEY] will be allowed a moment to explain it.

The SPEAKER. Is the objection insisted upon?

Mr. SINGLETON, of Illinois. It is.

The SPEAKER. Objection being made, the bill is not before the House.

PATENTS.

Mr. VANCE. I am instructed by the Committee on Patents, unanimously, to ask consent to report from that committee for consideration at this time House bill No. 7630, to amend section 4887 of the Revised Statutes, in relation to patents.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That section 4887 of the Revised Statutes shall be, and hereby is, amended so as to read as follows:

"SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application; but every patent hereafter granted for an invention which has, prior to the filing of the application for said patent, been patented in a foreign country, shall expire seventeen years from the date of the foreign patent, or if there be more than one, seventeen years from the date of the earliest foreign patent, and in no case shall it remain in force more than seventeen years; but all applications hereafter made for patents for inventions previously patented in a foreign country, upon the invention of the same person, shall be made within two years from and after the date of such foreign patent, or if there be more than one, from the date of the earliest foreign patent. No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or if there be more than one, at the same time with the one having the shortest term; but this act shall in no wise renew, revive, prolong, or extend any patent heretofore granted."

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. ANDERSON. I think that had better lie over.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] objects.

Mr. VANCE. I would like to move to suspend the rules and pass the bill.

The SPEAKER. Objection is made, and the bill is not before the House.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill No. 7637—the deficiency appropriation bill—and pass the same with the amendments proposed by the Committee on Appropriations.

Mr. PAGE. If this bill can be passed without a call for a quorum and without being read, I have no objection.

Mr. RANDALL. It can not be passed without being read.

Mr. HISCOCK. I will say that the passage of the bill at this time is necessary to make it sure that we are not to have an extra session of Congress. The bill contains some twenty or thirty pages, and the reading will take but a little while. If I may be allowed, I will state further that the bill carries less than one-half a million dollars of appropriations for the support of the Government the current year. The remaining appropriations of the bill are for audited claims certified to Congress under the act of June 14, 1878, and also appropriations to meet audited claims for back pay and bounty.

Mr. PAGE. I will say to the gentleman that the river and harbor bill will also fail unless it be passed without delay.

Mr. HISCOCK. The failure of that bill will not necessitate an extra session.

Mr. PAGE. Neither will the failure of the deficiency bill.

Mr. HISCOCK. I do not care to take any chances on that.

Mr. HAZELTON. Mr. Speaker, there will be no extra session. I am officially informed of that fact. [Laughter.]

Mr. HISCOCK. It is necessary this bill should be passed that I may be relieved of its care in the House and enabled to do my work upon committees of conference to which I am assigned.

Mr. RANDALL. Mr. Speaker, I do not object to the passage of this bill under a suspension of the rules. If we are in danger of an extra session, there is of course a necessity for its prompt passage. But so far as I am concerned, I can not consent that the bill be passed without reading.

The SPEAKER. There is no proposition of that kind.

Mr. HISCOCK. I have not asked that the bill be passed without reading.

Mr. PAGE. I rise to a parliamentary inquiry. I desire to know if it is the motion of the gentleman——

Mr. HISCOCK. I will say further that I desire no debate on this question.

Mr. PAGE. I was about to make this inquiry, whether on the motion of the gentleman from New York anything will be in order but the reading of the bill and fifteen minutes' discussion on each side?

The SPEAKER. Nothing.

Mr. TALBOTT. The gentleman from New York says that he wants no debate.

Mr. HISCOCK. I want no debate.

Mr. PAGE. Can amendments be offered?

Mr. HISCOCK. The motion to suspend the rules is not subject to amendment.

The SPEAKER. Does the gentleman from New York propose that the bill be passed with amendments?

Mr. HISCOCK. Yes, sir; with amendments of the Committee on Appropriations, which I have sent to the Clerk's desk.

The SPEAKER. Are they connected with the bill?

Mr. HISCOCK. They are.

The SPEAKER. The Chair was about to state that no amendment can be offered afterward. The bill will be read with the amendments as proposed to be passed under the motion to suspend the rules.

Mr. PAGE. I will not offer objection to this proposition of the gentleman from New York.

The SPEAKER. The bill will be read with the amendments of the Committee on Appropriations.

The Clerk read as follows:

A bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

To supply deficiencies in the appropriations for the fiscal year 1883, as follows:

CIVIL-SERVICE COMMISSION.

For three commissioners, at the rate of $3,500 each per annum; one chief examiner, at the rate of $3,000 per annum; one secretary, at the rate of $1,600 per annum; one stenographer, at the rate of $1,600 per annum; and one messenger, at the rate of $600 per annum; in all, $5,814.80.

For necessary traveling expenses, incidental expenses, and additional compensation to officers detailed as examiners, $7,000.

To enable the Secretary of the Interior to comply with the requirements of section 4 of the act approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," $5,000. And a sufficient amount of said sum is appropriated to pay for the rent of suitable and convenient rooms for carrying on the work of the commission authorized by said act, and in case such rooms can not be assigned to said commission in any of the public buildings at Washington city.

To defray the expenses of the French and American Claims Commission: For salaries, compensation, and contingent expenses to enable the Government to fulfill its treaty obligations to France as well as to enable the counsel for the United States to take the testimony needed for defending the Government against unjust claims, $25,000.

TREASURY DEPARTMENT.

To enable the Secretary of the Treasury to transfer from the appropriations for "contingent expenses, Treasury Department, investigation of accounts, and traveling expenses, 1882," a sum not exceeding $2,000, and "contingent expenses, Treasury Department, ice, &c., 1882," a sum not exceeding $450, to supply a deficiency in the appropriation for "contingent expenses, Treasury Department, freight, telegrams, &c., 1883."

To enable the Secretary of the Treasury to transfer from the appropriation for "contingent expenses, Treasury Department, gas, &c., 1882," so much as may be required to supply a deficiency in the appropriation for "contingent expenses, Treasury Department, ice, &c., 1883," not exceeding the sum of $3,200.

To enable the Secretary of the Treasury to transfer from the appropriation for "contingent expenses, Treasury Department, gas, &c., 1882," so much as may be required to supply a deficiency in the appropriation for "contingent expenses, Treasury Department, fuel, &c., 1883," not exceeding the sum of $2,000.

For expenses of national currency: Paper, engraving, printing, express charges, and other expenses, $25,000.

To complete the transfer and preparation of the Philadelphia collections presented to the United States at the close of the Permanent International Exhibition in Philadelphia, including necessary expenses already incurred, $4,112.82.

WAR DEPARTMENT.

For support of military prison, Fort Leavenworth, Kansas:
For purchase of subsistence stores for seventy-five prisoners, $3,832.50.
For subsistence stores, oil, wicking, and tobacco, $2,975.
For medical supplies, $200.
For donations of $5 each to prisoners on discharge, $150.
For extra-duty pay to members of the prison guard, $71.70.

Miscellaneous:
For fuel, light, and miscellaneous items, War Department building, $3,500.

NAVY DEPARTMENT.

For tuition of two naval cadets at the Royal Naval College, Greenwich, $900.
For fuel, light, and miscellaneous items, Navy Department building, $2,000.

INTERIOR DEPARTMENT.

For stationery for the Department of the Interior and its several bureaus and offices, $13,000.

For photolithographing or otherwise producing plates for the Official Gazette, $4,500.

For photolithographing or otherwise producing copies of the weekly issues of drawings of patents, designs, and trade-marks, $20,000.

Public lands service:
For compensation of registers and receivers of local land offices, $20,000.

Indian affairs:
This amount for subsistence and civilization of the Sioux Indians, as per agreement ratified by act of Congress approved February 28, 1877, $200,000.

This amount for necessary expenses of transportation, under contract, of goods, provisions, and other articles purchased for various Indian tribes, $20,000. And any unexpended balance of appropriations for this purpose for the fiscal year 1882 is hereby reappropriated and made available on account of this service for the current fiscal year.

This amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to continue the investigation of Cherokee Indian matters named in the act of Congress approved August 7, 1882, $1,000.

The Eastern Band of Cherokee Indians is hereby authorized to institute a suit in the Court of Claims against the United States to determine the rights of the said band in and to the moneys, stocks, bonds, &c., held by the United States in trust for the Cherokee Indians arising out of the sale of lands lying west of the Mississippi River and also in a certain other fund commonly called the permanent annuity fund to which suit the Cherokee Nation commonly called

Cherokee Nation West shall be made a party defendant. The said Eastern Band shall within three months after the passage of this act file a petition in said court, verified by the principal chief of said band, setting forth the facts upon which such claim is based. The said Cherokee Nation West shall within six months after the passage of this act file its answer to said petition, and said cause shall proceed to final determination pursuant to the practice in said court and such rules or orders as the said court may make in that behalf. The Secretary of the Interior shall transmit to said court for the consideration of said court copies duly certified of all records, reports, papers, and other document on file in the Department of the Interior which he may deem necessary to said cause or which may be requested by either of the parties hereinbefore referred to; and the said parties respectively may take and submit to said court such additional competent testimony as they may desire.

And jurisdiction is hereby conferred upon said court to hear and determine what, if any, interest, legal or equitable, the said Eastern Band has in said moneys, stocks, bonds so held in trust as aforesaid by the United States, and shall enter a decree specifically defining the rights and interest of the said Eastern Band therein and in any moneys hereafter to be derived from sources similar to those out of which the existing fund arose.

When the interest, if any, of the said Eastern Band has been ascertained as aforesaid, the Secretary of the Treasury shall, out of the portion of said fund adjudged to said parties respectively, pay all the proper costs and expenses of said respective parties of the proceedings herein provided for (each party except the United States to be liable for its own costs and expenses), and the remainder shall be placed to the credit of the said Eastern Band of the said Cherokee Nation in accordance with their respective rights as ascertained by the said judgment and decree of said court.

In the said proceeding the Attorney-General, or such of his assistants as he may designate, shall appear on behalf of the United States.

Either of the said parties to said cause may appeal from any judgment rendered by said Court of Claims to the Supreme Court of the United States, and the said courts shall give such cause precedence.

POST-OFFICE DEPARTMENT.

Office of the Postmaster-General:

For fuel, and for repairs to engine, boilers, and heating apparatus, $6,000.

For miscellaneous items, $3,000.

Money-Order Office:

For one watchman and one fireman, at the rate of $720 each per annum; one female laborer, at the rate of $480 per annum; six charwomen, at the rate of $180 each per annum; in all, $975.

For engraving, printing, and binding drafts and warrants, payable from the postal revenues for 1883, $500.

For wrapping-twine, payable out of the postal revenues for the year 1883, $5,000.

DEPARTMENT OF JUSTICE.

Office of the Attorney-General:

For public printing and binding, Department of Justice, $10,000.

For printing records for the Supreme Court of the United States, $10,000.

DISTRICT OF COLUMBIA.

For fuel for the public schools, $5,000; one-half of said amount to be paid from the revenues of the District of Columbia.

JUDICIAL.

To pay the salary of the United States district judge for the northern district of Georgia, $3,081.56.

For fees of marshals, $120,000.

HOUSE OF REPRESENTATIVES.

For miscellaneous items, $7,000.

SEC. 2. To supply deficiencies in the appropriations for 1882 and prior years, and for other purposes, namely:

STATE DEPARTMENT.

To reimburse the disbursing clerk, Department of State, for expenditures made by him on account of fuel, $891.60, and miscellaneous items, $528.31, being on account of the service of the fiscal year 1882, $1,419.91.

Foreign intercourse:

To meet expenses incurred by W. H. Edwards, late consul-general at St. Petersburg, during the illness of the minister of the United States to Russia, in the month of March, 1879, $426.

To pay drafts drawn on the Secretary of State by consular officers on account of contingent expenses of United States consulates, being for the service of the fiscal year 1880, $969.18.

To pay amounts found due by the accounting officers of the Treasury Department on account of contingent expenses of United States consulates, being deficiencies as follows: For the fiscal year 1882, $16,983.19; for the fiscal year 1881, $154.34.

To pay amounts found due by the accounting officers of the Treasury Department on account of salaries of consular officers not citizens of the United States, being a deficiency for the fiscal year 1882, $327.41.

To pay amount found due by the accounting officers of the Treasury Department on account of annual expenses of Cape Spartel light, coast of Morocco, being deficiency for the fiscal year 1882, $15.

COURT OF CLAIMS.

For payment of the judgments of the Court of Claims, $339,000: *Provided*, That no judgment shall be paid until the right of appeal has expired.

TREASURY DEPARTMENT.

Mints and assay offices:

To pay amount due the Philadelphia Sun and Item for advertising, being a deficiency on account of the fiscal year 1882, $16.

For subscription to Charlotte Observer, from January 1 to July 1, 1881, being a deficiency for the fiscal year 1881, $4.

Internal revenue:

For payment of amounts found due by the accounting officers of the Treasury Department on account of salaries and expenses of collectors of internal revenue, being a deficiency for the fiscal year 1882, $6,074.69.

Life-saving stations:

Compensation of one superintendent of life-saving and life-boat stations on the coasts of Lakes Huron and Superior, being a deficiency for the fiscal year 1882, $127.47.

Miscellaneous objects:

To pay amount found due by the accounting officers to National Capital Telephone Company, being a deficiency for the fiscal year 1881, $45.70.

To enable the Secretary of the Treasury to transfer from the appropriation for "contingent expenses, Treasury Department, miscellaneous items, 1882," the sum of $229.73 to supply a deficiency in the appropriation for "contingent expenses, Treasury Department, freight, telegrams, &c., 1882," for the amounts found due by the accounting officers.

To pay amount found due by the accounting officers of the Treasury Department for carpets in Treasury building, being a deficiency for the fiscal year 1881, $11.90.

For transportation of United States notes in redemption of mutilated United States notes, due to Adams Express Company, being a deficiency for the fiscal year 1882, $971.

For the payment of liabilities contracted in the fiscal year 1882, and prior fiscal years, for the propagation of food-fishes, $3,740.

To enable the Secretary of the Treasury to pay to William F. Rogers, late colonel Twenty-first Regiment New York Infantry Volunteers, the amount of Treasury draft numbered 9070, of September 28, 1864, issued on Treasury warrant numbered 1463, in payment of a horse lost in the military service, and paid by the United States depositary at Baltimore on a forged indorsement, as appears by the affidavit of said William F. Rogers and papers on file in Treasury Department, $200.

To refund to R. T. Aycock, master of the schooner George W. Thomas, so much of a fine incurred under section 4325, Revised Statutes, and remitted by the Secretary of the Treasury, but erroneously covered into the Treasury, $45.

To refund to James W. Bell, master of the sloop Theodosia E. Bell, a fine incurred under section 4334, Revised Statutes, and remitted by the Secretary of the Treasury, but erroneously covered into the Treasury, $20.

To refund to William Robinson, master of the schooner Dreadnaught, a fine incurred under section 3125, Revised Statutes, and remitted by the Secretary of the Treasury, but erroneously covered into the Treasury, $20.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Treasurer of the United States, out of any moneys in the Treasury not otherwise appropriated, the sum of $555.85, to reimburse the said Treasurer for an amount appearing on his books as a deficiency, and known as the deficiency of December 5, 1876.

To enable the accounting officers of the Treasury to effect a settlement of the account of Daniel R. Chambers as internal-revenue stamp-agent at Emory Court-House, Texas, against whom a judgment was obtained in the United States district court for the western district of Texas, on the 27th of April, 1874, for $296.50 principal, and $61.14 interest and costs, which said sums were collected and erroneously covered into the Treasury on account of the Post-Office Department, authority is hereby granted them to make the necessary entries without involving the expenditure of any money from the Treasury.

The accounting officers of the Treasury are hereby authorized to pass to the credit of Herbert A. Gill the sum of $150 for services performed in connection with the National Museum during the second and third quarters of the fiscal year ending June 30, 1881; and to S. C. Brown $60 for services performed in connection with the United States Fish Commission during the third quarter of the fiscal year ending June 30, 1881.

To pay Michael Conlon and Edmund Brockenborough $242.61 each, being the amount withheld from their salaries as messengers in the office of the National Board of Health from July, 1881, to August 7, 1882, $485.22.

NAVY DEPARTMENT.

Naval establishment:

To pay amounts found due by the accounting officers of the Treasury Department on account of contingent, Marine Corps, being a deficiency for the fiscal year 1881, $288.40.

To pay amounts found due by the accounting officers of the Treasury Department on account of contingent, Marine Corps, being a deficiency for the fiscal year 1882, $320.05.

To pay amount found due by the accounting officers of the Treasury on account of transportation and recruiting, Marine Corps, being a deficiency for the fiscal year 1881, $36.

To pay amounts found due by the accounting officers of the Treasury Department on account of contingent, Bureau of Navigation, being a deficiency for the fiscal year 1881, $130.72.

For disbursements made by Lieutenant John W. Danenhower and Chief Engineer George W. Melville, on account of transportation, subsistence, &c., of themselves and a portion of the survivors of the Arctic exploring steamer Jeannette, in their journey from the Lena delta to the United States; and for expenses of the court of inquiry convened for investigating the circumstances of the loss of that vessel, &c., under authority of the joint resolution of Congress approved August 8, 1882, $12,504.64, or so much thereof as may be necessary.

The accounting officers of the Treasury Department are hereby authorized and directed to allow to Assistant Naval Constructors R. Gatewood and Francis T. Bowles pay equal to sea-pay while at the Royal Naval College, Greenwich.

INTERIOR DEPARTMENT.

For photolithographing or otherwise producing illustrations for the Patent Office report for 1870, $6,000.

General Land Office:

To enable the Secretary of the Interior to pay the employés in the General Land Office who rendered voluntary services without compensation during the period from July 1 to August 5, 1882, $1,903.98, or so much thereof as may be necessary.

Public lands service:

For payment of amounts found due by the accounting officers of the Treasury Department on account of surveying the public lands: For the fiscal year 1881, $2,502.35; for the fiscal year 1882, $1,103.19.

To pay Thaddeus Thayer, licensed trader on the Lac Court d'Oreilles reservation, Wisconsin, the proceeds of sale of certain pine logs, the property of said Thaddeus Thayer, erroneously seized and sold by the United States, which said proceeds were covered into the Treasury during the second quarter of 1881, $809.20.

To pay Ithamar C. Whipple the amount due him as receiver of public moneys at Cheyenne, Wyoming, the same being to his credit on the books of the Treasury Department, $152.22.

Indian affairs:

Amount found due certain railroad companies for transportation in connection with the purchase of Indian supplies during the fiscal year ending June 30, 1881, being a deficiency for that year, $134.20.

Amount due Dominick Corcoran, per certificate numbered 6479, of Second Comptroller, dated July 22, 1882, for value of lands and improvements thereon in the "Muckleshoot Prairie," taken for use of Indians, April 7, 1859, $320.

For the survey and appraisement of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, in accordance with the provisions of an act approved August 5, 1882 (in addition to the sum of $1,500 appropriated by section 6 of said act), $2,000, or so much thereof as may be necessary; said sum to be reimbursed to the United States out of the proceeds of the sale of said lands.

For the survey and appraisement of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, in accordance with the provisions of an act approved August 7, 1882, $2,500, or so much thereof as may be necessary; said sum to be reimbursed to the United States out of the proceeds of the sale of said lands.

POSTAL SERVICE.

For inland transportation by railroad routes, payable from the postal revenues of 1881, $24,687.79.

For mail-messenger service, payable from the postal revenues of 1881, $459.94.

For advertising, payable from the postal revenues of 1881, $25.20.

For clerk-hire, payable from the postal revenues of 1881, $204.50.

For route-agents, payable from the postal revenues of 1882, $5,079.92.

For advertising, payable from the postal revenues for 1882, $483.72.

For stationery, payable from the postal revenues for 1882, $6,517.28.
For furniture for post-offices, payable from the postal revenues for 1882, $716.64.
For rent of building corner Third and East Capitol streets, in the city of Washington, used as a branch post-office during the fiscal years 1882 and 1883, $650, the same to be paid from the postal revenues for those years; and the Postmaster-General is hereby authorized to rent the said or other suitable premises for use as a branch post-office in Washington, District of Columbia, at an annual rental not to exceed $360 per annum, the same to be paid from the annual appropriations for rent, light, and fuel made in the acts making appropriations for the service of the Post-Office Department.

DISTRICT OF COLUMBIA.

For coroner's jurors' fees in inquest cases, prior to July 1, 1882, $96.
For work on streets and avenues for the fiscal year 1882, $3,500.
To meet deficiencies on account of the several items of appropriations for the support of the government of the District of Columbia for the fiscal year 1882, $4,950.
The commissioners of the District are hereby authorized to use a sum not exceeding $2,540.50 of the unexpended balances of the sums appropriated for school purposes by the act making appropriations for deficiencies, approved August 5, 1882, in making necessary repairs and improvements on the Amidon, Bannaker, and Analostan school buildings, and said sum is hereby reappropriated for those purposes: *Provided*, That the $1,200 appropriated by the act approved July 1, 1882, "for rent of rooms to accommodate the schools until the Jefferson building is completed," may be expended for said purpose at any time during the present fiscal year. And said commissioners are further authorized to apply the sum of $700 of the amount appropriated for rent of station-houses for the current fiscal year to the purchase of necessary furniture for the station-houses authorized by act approved April 1, 1882: *Provided further*, That one-half of the foregoing sums for the government of the District of Columbia shall be paid from the revenues of the said District.

JUDICIAL.

For payment of special deputy marshals for services at the Congressional elections in the year 1881 and prior years, $7,782.

HOUSE OF REPRESENTATIVES.

To enable the Clerk of the House of Representatives to pay the assistant journal clerk, at the rate of $2,000 per annum, to June 13, 1884, $2,672.20.
For additional compensation to the assistant journal clerk, $600.
To pay to the parties named below the amounts set opposite their names, in full of expenses incurred by them, respectively, in contested-election cases, namely:
To J. Floyd King, $500; D. Wyatt Aiken, $708.65; M. E. Cutts, $1,000; J. C. Cook, $1,000; Gustavus Sessinghaus, $2,000; R. Graham Frost, $2,000; Edward W. Robertson, $700; A. A. Mabson, $500; John W. Jones, $800; Charles M. Shelley, $300; in all, $9,508.65.
To pay Hon. Jesse J. Yates, as a member of the Forty-sixth Congress, his mileage and stationery account for the first regular session of that Congress, $245.
To pay Hon. Horatio Bisbee, jr., as a member of the Forty-sixth Congress, his mileage and stationery account for the first regular session of that Congress, $525.
To pay the representatives of Hon. J. T. Updegraff, deceased, balance of salary and for mileage due him as a member of the Forty-seventh Congress, $1,032.74.
To enable the Architect of the Capitol to construct partitions and shelving for storing surplus books of the Library of Congress in the crypt at the east side, $2,000.
For altering and increasing the mail-boxes, and for necessary repairs in the post-office of the House of Representatives, to be expended under the direction of the Architect of the Capitol, $500, or so much thereof as may be necessary.
To enable the Clerk of the House to pay the following claims, which have been examined and recommended by the Committee on Accounts, namely:
To W. H. Barbour, $320; to Henry H. Neal, $329.34; to Wilbur F. Kellogg, $284.17; to P. V. Degraw, $48; to Francis A. Baird, $350; to L. B. Cook, $300; to William Mallory, $232.
Miscellaneous:
To pay W. W. Lester, for services rendered as a messenger while receiving the pay of a laborer, $100.
To pay John S. Kenyon, difference between pay received by him and that of reading clerk, while so acting, for two months and fifteen days, $208.33.
To pay Henry A. Dawson, for services as messenger under the Postmaster from December 4 to 14, inclusive, $35.50.
To pay R. R. Ripley $400 as extra compensation for his services as assistant clerk to the Committee on Ways and Means.
To pay J. B. Holloway, additional, for services as assistant clerk to the Committee on War Claims, $400.
To pay E. L. Brown, for services as enrolling clerk during the first session of the Forty-seventh Congress, $240.
To pay N. A. Fuller, difference between amount received by him as cashier, under the Sergeant-at-Arms, from July 1 to August 5, 1882, and his salary as fixed by the act approved August 5, 1882, $90.49.
To pay Frank Galt, for services as assistant to the Journal clerk from December 1 to 13, inclusive, $78.
To pay Henry H. Smith, for services rendered and to be rendered in compiling and indexing all questions of order decided in Committee of the Whole House on the state of the Union on general appropriation and revenue bills, under the resolution of February 23, 1882, $500.
To pay J. J. McElhone, chief of the corps of official reporters of the House of Representatives, for extra services and for clerk hire paid out by him, $1,000, for the second session of the Forty-seventh Congress.
To reimburse Robert J. Stevens for sundry items paid for on account of Committee on Appropriations, House of Representatives, during the Forty-sixth and Forty-seventh Congresses, $60.
To reimburse John G. Doren, late index clerk of the House, for money necessarily expended by him for assistance in indexing the printed matter of the House during the Forty-fifth and Forty-sixth Congresses, $812.25.
SEC. 3. That for the payment of claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1882 and prior years, and which have been certified to Congress under section 4 of the act of June 14, 1878, as fully set forth in House Executive Document No. 45, Forty-seventh Congress, second session, and for other items, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

State Department:
For foreign intercourse, as follows:
For contingent expenses United States consulates, 1880, and prior years, $212.53.
For salaries, consular service, for same period, $57.07.
For salaries, consular officers not citizens, for same period, $94.21.
For relief and protection of American seamen, for same period, $598.91.
To pay James Rea, late consul at Belfast, the amount found due him under private act numbered 123, approved July 5, 1882, $1,765.51.

Treasury Department:
For internal revenue, as follows:
For redemption of stamps prior to July 1, 1880, $81.66.
For allowance of drawbacks for same period, $171.07.
For refunding taxes illegally collected for same period, $5,053.52.
To pay C. L. Loyd balance of amount due on judgment against late Internal-Revenue Collector Conley, for taxes illegally collected, $4,692.50.
For refunding moneys erroneously received and covered into the Treasury prior to July 1, 1880, $55.87.
For punishment for violation of internal-revenue laws, 1880 and prior years, $1,754.58.
For salaries and expenses of supervisors and subordinate officers of internal revenue, 1877 and prior years, $74.69.
For salaries and expenses of agents and subordinate officers of internal revenue, 1880 and prior years, $521.29.
For expenses of assessing and collecting internal revenue, 1875 and prior years, $200.
For salaries and expenses of collectors of internal revenue, 1880 and prior years, $183.39.
For mints and assay offices, all being for the fiscal year 1880 and prior years, as follows:
For contingent expenses, mint at San Francisco, $36.63.
For contingent expenses, mint at Carson, $2.51.
For contingent expenses, assay office at Helena, 41 cents.
For contingent expenses, assay office at Boise City, $11.28.
For contingent expenses, mint at Denver, $6.42.
For miscellaneous expenses, all being for the fiscal year 1880 and prior years, as follows:
For Coast and Geodetic Survey, western division, $4.20.
For suppressing counterfeiting and other crimes, $35.
For refunding to national banking associations excess of duty, $88.02.
For contingent expenses, independent treasury, 32 cents.
For contingent expenses, Treasury Department, freight, telegrams, &c., $83.19.
For contingent expenses, steamboat-inspection service, 6 cents.
For payment for land sold for direct taxes, $645.
For refunding taxes illegally collected under the direct-tax laws, $791.18.
The Secretary of the Treasury is hereby authorized and directed to cause to be audited by the proper accounting officers of the Treasury, and certified to Congress as in the case of other claims, under section 4 of the act of June 14, 1878, the claims of the original owners of lands which were sold for non-payment of United States direct taxes, for the surplus proceeds of the same under the provisions of the act of August 5, 1861.
Interior Department:
For public lands service, as follows:
For depredations on public timber, 1880 and prior years, $832.86.
For surveying private land claims in California, 1880 and prior years, $25.02.
For surveying the public lands, 1880 and prior years, $1,330.51.
For surveying the northern boundary of Wyoming, $1,000.
For adjusting claims for indemnity for swamp-lands, $65.50.
Department of Justice:
For judicial, as follows:
For expenses of United States courts, 1879 and prior years, $6,131.10.
For fees of commissioners of United States courts, prior to July 1, 1880, $230.90.
For fees of jurors, United States courts, for same period, $756.35.
For fees of witnesses, United States courts, for same period, $497.14.
For support of prisoners, United States courts, for same period, $3,972.13.
For support of convicts, 1880 and prior years, $748.
For miscellaneous, United States courts, expenses prior to July 1, 1880, $1,608.04.
For rent of court-rooms, United States courts, for same period, $360.
For fees of supervisors of elections, for same period, $300.
For expenses of Territorial courts in Utah, for same period, $12.
For salaries of district marshals, for same period, $990.45.

CLAIMS ALLOWED BY THE COMMISSIONER OF CUSTOMS.

For Marine-Hospital Service, for same period, $44.77.
For fuel, lights, and water for public buildings, for same period, $280.50.
For Life-Saving Service, for same period, $175.50.
For expenses of revenue-cutter service, for same period, $8.71.
For refunding moneys erroneously covered into the Treasury (customs), for same period, $250.
For building or purchase of revenue vessels, for same period, $2,010.

WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay of volunteers (Mexican war), 1871 and prior years, $202.16.
For pay of mounted riflemen (volunteers), under Colonel John C. Fremont, in 1846, 1871, and prior years, $105.
For pay of Florida volunteers, 1871 and prior years, $680.20.
For contingencies of the Army, 1880 and prior years, $82.74.
For draft and substitute fund, 1871 and prior years, $75.93.
For medical and hospital department, 1880 and prior years, $477.20.
For expenses of recruiting, 1880 and prior years, $6.15.
Twenty per cent. additional compensation, prior to July 1, 1880 (joint resolution of February 28, 1867), $139.32.

INTERIOR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For contingencies of the Indian Department, 1880 and prior years, $89.
For incidental expenses, Indian service in Colorado, for same period, $1.
For incidental expenses, Indian service in Oregon, for same period, $856.46.
For support of Sioux of different tribes, including Santee Sioux of Nebraska, for same period, $65.41.
For transportation of Indian supplies, for same period, $464.10.
For traveling expenses of Indian inspectors, for same period, $2.45.

CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

Interior Department:
For Army pensions for 1880 and prior years, $1,065.80.
War Department:
For regular supplies, Quartermaster's Department, for 1880 and prior years, $4,833.33.
To pay H. L. Thayer claim for regular supplies, Quartermaster's Department, for same period, $54.03.
For incidental expenses, Quartermaster's Department, for same period, $1,699.72.
For army transportation, for same period, $147,216.19.
To pay Olive A. Adams, widow of Daniel M. Adams, holder and owner of audited claims for army transportation, 1880 and prior years, certified in Executive Document 45, second session, Forty-seventh Congress, $583.67.
For barracks and quarters, for same period, $1,994.20.
To pay H. L. Thayer, claim for barracks and quarters, for same period, $191.52.
For horses for cavalry and artillery, for same period, $11.540.
For clothing, camp and garrison equipage, for same period, 67 cents.
For subsistence of the Army, for same period, $1,105.70.

For refunding to States expenses incurred in raising volunteers, as follows: To the State of Ohio, $70,943.96; to the State of Maine, $2,197.32; to the State of Massachusetts, $11,754.12 (eighth installment); to the State of Pennsylvania, $33,766.58 (eleventh installment); to the State of Kentucky, $29,498.94 (eleventh and twelfth installments); in all, $148,160.92.

For horses and other property lost in the military service prior to July 1, 1880, $32,781.94.

For commutation of rations to prisoners of war in rebel States, for same period, $13,776.50.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855, 1856, 1871, and prior years, $3,050.

For 20 per cent. additional compensation, prior to July 1, 1880, $960.56.

For Rogue River Indian war, for same period, $613.14.

For contingencies of fortifications, $158.51.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, prior to July 1, 1880, $20,783.80.

For pay, miscellaneous, for 1880 and prior years, $2,246.69.

For pay of the Navy (arrearages), prior to July 1, 1880, $3.23.

For pay of the Marine Corps for same period, $151.92.

For contingent, Marine Corps, for 1880 and prior years, $475.86.

For fuel, Marine Corps, for same period, $24.50.

For transportation and recruiting, Marine Corps, for same period, $96.

For Naval Observatory, Bureau of Navigation, for same period, $29.60.

For contingent, Bureau of Equipment and Recruiting, for same period, $130.08.

For civil establishment, Bureau of Equipment and Recruiting, for same period, $54.79.

For maintenance of yards and docks, Bureau of Yards and Docks, for same period, $28.66.

For medical department, Bureau of Medicine and Surgery, for same period, $832.88.

For contingent, Bureau of Medicine and Surgery, for same period, $147.19.

For provisions, Navy, Bureau of Provisions and Clothing, for same period, $3.

For contingent, Bureau of Provisions and Clothing, for same period, $362.51.

For construction and repair, Bureau of Construction and Repair, for same period, $44.40.

For steam-machinery, Bureau of Steam-Engineering for same period, 29 cents.

For Navy pensions, for same period, $221.69.

For bounty for destruction of enemy's vessels, prior to July 1, 1880, $157.68.

For enlistment bounties to seamen, for same period, $689.36.

For indemnity for lost clothing, for same period, $368.90.

POST-OFFICE DEPARTMENT.

For deficiency in postal revenues for 1880 and prior years, $12,354.69.

For deficiency in postal revenues, 1880 and prior years, to pay certificates numbered 157, 158, 159, 160, 161, and 162, for mail transportation and clerk-hire, $3,469.37.

To pay S. P. Wheeler amount of claim for mail-messenger service in Chicago, Illinois, payable from the postal revenues for 1882 and prior years, $461.24.

SEC. 4. For the payment of arrears of pay, &c., to officers and soldiers of the United States Army which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1881 and prior years, $400,000.

For payment of amounts for arrears of pay to two and three year volunteers who served in the war of the rebellion which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $150,000.

For payment of amounts of bounty to volunteer soldiers who served in the war of the rebellion, and their widows and legal heirs, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871, and prior years, $150,000.

For payment of amounts of additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871, and prior years, $60,000.

SEC. 5. It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold, for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made. The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 10 per cent. of the amount of the offer or proposal, and also a bond, with two or more sureties, to be approved by him, conditioned for the payment of the remaining 90 per cent. of the amount of such offer or proposal within the time fixed in the advertisement. And in case default is made in the payment of the remaining 90 per cent., or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act. And in that event said cash deposit of 10 per cent. shall be considered as forfeited to the Government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessels; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury: *Provided, however*, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions. Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury. But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. In case any vessel now in process of construction in any navy-yard has been or shall be found to be unworthy of being completed, and has been and shall be condemned under the provisions of said act, and can not properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold.

NOTE.—Amounts recommended in this bill:

Section 1. Deficiencies, 1883	$485,113 38
Section 2. Deficiencies, 1882 and prior years, and miscellaneous	256,305 54
Section 3. Claims audited by the accounting officers, Treasury Department	536,570 17
Section 4. To pay claims that may be audited in 1884, for back pay and bounty to soldiers	760,000 00
Total amount in bill	2,037,989 09

During the reading of the bill the following proceedings took place:

Mr. HOLMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I make the point of order that the matter which the Clerk is now reading, this provision with reference to the Cherokee Indians, following line 107 of the bill, does not appear in the printed bill.

The SPEAKER. The gentleman simply has not the bill with the amendments printed.

Mr. HOLMAN. Have the amendments to the bill been printed?

The SPEAKER. These amendments are from the Committee on Appropriations and have not been printed. The Clerk was directed to read the bill as it is proposed to be amended.

Mr. WHITE. I rise to a parliamentary inquiry: If it is proposed to have the bill read and acted upon without discussion on these amendments that we have never seen?

The SPEAKER. That is not a parliamentary inquiry. The bill is read just as though it had been printed. The Clerk will resume the reading.

Mr. WHITE. I desire to understand this matter.

The SPEAKER. The gentleman can understand it if he listens to the reading of the bill. The Clerk is reading it as he has been directed to read it.

Mr. WHITE. But what I wish to know is whether when this bill is read, or when the reading is completed, it will be open to amendment and discussion?

The SPEAKER. It will not be open to amendment.

Mr. WHITE. Nor discussion?

The SPEAKER. That depends upon the action of the House.

Mr. HOLMAN. I wish to ascertain to what portion of the bill this amendment which the Clerk has just read is to apply?

The SPEAKER. It is to come in after line 107 of the bill.

Mr. KENNA. This is a very important bill, and it is important to the House that we should understand from the reading of it what it is.

The SPEAKER. The Chair is trying to preserve order.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER proceeded to put the question on the motion of Mr. HISCOCK to suspend the rules and pass the bill.

Mr. HOLMAN. I believe this is open to a demand for a second.

The SPEAKER. Did the gentleman rise in time to demand a second?

Mr. HOLMAN. I believe the motion was subject to a second under the rule.

The SPEAKER. Undoubtedly it was. But the second was not demanded.

Mr. HISCOCK. I hope that will be allowed. I am willing to make any explanation or answer any question I may be asked.

The SPEAKER. The second was not demanded; and if not demanded it can not be ordered.

Mr. HOLMAN. The Chair directed the reading of the bill as preliminary to submitting the motion.

Mr. ATKINS. I think there will be no trouble about this. I have no doubt the chairman of the Committee on Appropriations is willing to answer any question.

The SPEAKER. That can be done by unanimous consent.

Mr. CALKINS. Let the second be considered as being ordered.

The SPEAKER. The Chair desires to understand from the gentleman from Indiana whether he rose in time to demand a second.

Mr. HOLMAN. I rose at the proper time to ask a second of the motion.

The SPEAKER. Did the gentleman demand a second before the question was put?

Mr. HOLMAN. When the reading of the bill was concluded?

The SPEAKER. After the reading of the bill.

Mr. HOLMAN. Not until the Speaker rose and began to submit the question to the House in the ordinary form. I did not rise until then. I rose then. I supposed the Speaker was to inquire whether the usual demand for a second was waived.

The SPEAKER. In order that there may be a second it requires to be demanded. When the demand is not made for a second the Chair puts the question without debate.

Mr. HOLMAN. The demand was made. I rose for that purpose.

The SPEAKER. The Chair is trying to find out the fact. Does the gentleman state that before the question was put, or before the Chair commenced to put it, he demanded a second?

Mr. HOLMAN. I did not rise until after the Speaker had risen to put the question, for the reason that I did not know that the reading of the bill had been concluded.

The SPEAKER. The gentleman intended to demand a second?

Mr. ATKINS. I ask unanimous consent that the second be considered as ordered.

Mr. HOLMAN. Let it go; we will be more careful hereafter.

The Speaker again put the question, and upon a rising vote stated that in the opinion of the Chair two-thirds had voted in the affirmative.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 139; noes 10.

Mr. McMILLIN. Has a quorum voted? If not, I desire to make the point.

The SPEAKER. A quorum voted; 149 members voted.
Mr. HOLMAN. Then I call for the yeas and nays.
The question was taken upon ordering the yeas and nays; and there were 15 in the affirmative.
The SPEAKER. Not a sufficient number.
Mr. HOLMAN. Count the other side.
The negative was counted, and there were 119.
The SPEAKER. Not one-fifth voting in the affirmative, and the yeas and nays are not ordered.
So the rules were suspended and the bill passed (two-thirds voting in favor thereof).

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole on the state of the Union. I make that motion in order that we may proceed with the consideration of the river and harbor appropriation bill.
The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.
The CHAIRMAN. When the committee rose this afternoon it was dividing upon an amendment offered by the gentleman from Kansas [Mr. ANDERSON]. The Clerk will report the amendment.
The amendment was read, as follows:

In line 466 of the bill strike out "$50,000" and insert "$150,000;" so that it will read:
"Continuing removal of snags, wrecks, and other obstructions from the Missouri River, $150,000."

The question was taken upon the amendment; and it was not agreed to upon a division—ayes 16, noes 130.
Mr. ANDERSON. I now move to amend by striking out "$50,000" and inserting "$100,000;" and I desire to be heard on that amendment.
It seems to me that this Committee of the Whole, I can not see why, does not have adequate conception of the magnitude of the Missouri River as a great water-way for national and interstate commerce. If it had, I think that a larger sum would be appropriated than $50,000 for removing snags, wrecks, and other obstructions from the great river of the American continent.
It is only a truism to say that the future population and trend of emigration in this nation will be determined by the contour of the continent, by the fertility of the soil, and by climatic influence. Here is the great river of this continent, one longer than the Mississippi, one navigable for more miles than the Mississippi, one reaching into the Rocky slope, far into the Northwest, where the future grain-growing of this country will soon be. But for some reason the Committee on Commerce, which can appropriate $120,000 for the Great Kanawha River, which can make an appropriation for Cheesequake's Creek, which can include the Fox and Arkansas Rivers, and also Saint Anthony's Falls in this bill, when they come to a river of importance, the improvement of which would furnish a check to the greed and exactions of the railroad corporations, they can recommend an appropriation of only $50,000.
This is not for the purpose of leveeing the banks of that stream, not for the purpose of preventing the wastage of the banks, but simply to remove the snags and obstructions in the channel of the river. There is now enough water there to float your commerce. And yet for that purpose the committee recommended an appropriation of only $50,000.
Of course we differ in opinion in regard to this bill. I question no man's motive, I question no man's sincerity; I simply claim my right to have my opinion and to present such amendments as I see fit. Where the subject of the importance of a great stream affecting the great Northwest is presented to this committee, I submit in all kindness and in all earnestness that my amendment should be adopted.
Mr. WHITE. On page 1675 of the engineer's report, submitted to this Congress by the Secretary of War, I find this interesting information:

The whole amount appropriated for snagging on the Missouri River was reserved for the construction of a boat for special service on that stream, but the amount being insufficient for the purpose nothing more was done than to prepare plans and working drawings. As funds from the new appropriation are now available, the construction of the boat will soon be commenced and pushed to completion as soon as possible.

Here is an important work. We have just passed a clause in this bill appropriating nearly $2,000,000 on an experiment as to whether we can make the Mississippi River unload its burden and build up banks strong enough to support levees; an experiment which, in my opinion, will prove a perfect failure. But the plan of snag-boats and the removal of snags from the Missouri and Mississippi Rivers is a perfect success. Last year we thought it of sufficient importance to appropriate $150,000. But the Committee on Commerce comes in here this year and recommends the appropriation of the small sum of $50,000 for this great national water-way, when the Secretary of War tells us that he needs $358,000 for the coming fiscal year.
I confess that I see a slight conflict between the report of the Chief of Engineers and the mild veto of the President at the last session of Congress. But if we are to think for ourselves, independent of the President's veto; if we are to promote the commercial intercourse of this country by removing the snags in the Father of Waters, let us not be scared, but let us make a sufficient appropriation.
The amendment offered by the gentleman from Kansas [Mr. ANDERSON] is not a mere technical one but a substantial one. It is to make a sufficient appropriation to carry out to some reasonable extent the work of removing obstructions in the way of snags, &c., in the Missouri River. The gentleman from Kansas is not playing the rôle of an obstructionist, but he is attempting to get out of this committee a decent bill, a fair bill, or no bill at all.
If we are going to improve the commerce of the country let us do it on a broad, liberal and statesman-like policy, and not be whipped into line by the veto of the President and the censures of the metropolitan press.
[Here the hammer fell.]
Mr. PAGE. I move that the committee rise for the purpose of closing debate.
Mr. BROWNE. I hope the gentleman will not make that motion. The galleries are very full and there is a very fine audience here. [Laughter. Cries of "Vote!" "Vote!"]
Mr. PAGE. Very well, if we can have a vote I will withdraw my motion.
The question was taken upon the amendment of Mr. ANDERSON, and it was not agreed to; there being upon a division—ayes 44, noes 111.
Mr. ANDERSON. I move to amend by striking out, in line 466, the word "fifty" and inserting "eighty," so as to make the appropriation for continuing removal of snags, wrecks, and other obstructions, from the Missouri River $80,000.
Mr. PAGE. I make the point that this amendment has already been voted down.
Mr. ANDERSON. No, sir; I have proposed $150,000 and $100,000. I now propose $80,000. I have fixed this amount because it is the same which has been appropriated for the improvement of the harbor at the home of the chairman of the Committee on Commerce, my distinguished friend from California [Mr. PAGE]. It was found expedient by the committee that $80,000 should be given in this bill for the improvement of the harbor at Oakland. It was voted in by the committee because that is a great harbor, and because it came within the jurisdiction of the commerce of the country.
Now, here is the great Missouri River, big enough to wash up all the gold in Nevada and every gulch in the gentleman's State, a river along which within thirty or fifty years there will go a commerce of a value that no man can now compute. I simply ask that there be appropriated for the removal of snags and other obstructions from the Missouri River a sum equal to that found expedient or necessary to be appropriated for the improvement of the harbor at Oakland.
The amendment was not agreed to.
The Clerk read as follows:

Improving Missouri River, from its mouth to Sioux City, Iowa: Continuing improvement, including survey, from its mouth to Fort Benton, Montana, $550,000.

Mr. DUNNELL. I move to amend by inserting after the paragraph just read the following:

For continuing the practical test of the flume invented by M. J. Adams, the said test to be made under the supervision and direction of said Adams, $5,000.

In the river and harbor bill of last session an appropriation of $8,000 was made to continue the construction of a flume invented by Mr. Adams, and the request is made that there be an appropriation of $10,000 for that purpose for the present year. I have proposed in this amendment an appropriation of $5,000, believing and hoping that this sum will enable the inventor to make a successful test of the flume which he has been at work upon for the last two years. This invention is now undergoing a practical test in France in the removal of sand-bars in many of the rivers in that country. I hope there will be no objection to the amendment.
The amendment was agreed to.
Mr. ANDERSON. Now, as my friend has accepted that amendment, I move to amend by striking out, in line 347, the word "three" and inserting "four," so as to increase the appropriation from $350,000 to $450,000.
As the chairman of the Committee on Commerce has, in the generosity of his disposition, accepted the amendment of my friend from Minnesota [Mr. DUNNELL], I hope that, as we now have an opportunity to improve the Missouri River, he will accept this amendment, because there is no river anywhere so far as I know—none that has really attained to the dignity of a river and is not a mere creek—which needs improvement so much as the Missouri. There is a recklessness about its methods, there is a vim in its sweep, there is something so independent about it, something which goes so much on its own way, that it really needs to be curbed a little, it needs to be "sat down" upon occasionally; it needs to receive several and divers lectures semi-occasionally. If you can confine the current of that river, if you can prevent the washing away of soil, than which none is more fertile than that upon its banks, you will have added much to the future prosperity of that region. I ask that there be an increase of $100,000 in the proposed appropriation for the development of this river.

Mr. PAGE. I move that the committee rise for the purpose of limiting debate on this paragraph and all amendments thereon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill, had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I move that when the House shall again resolve itself into Committee of the Whole to resume consideration of the river and harbor bill all debate upon the pending paragraph and all amendments thereto be limited to one-half minute.

The question being taken on the motion of Mr. PAGE, there were—ayes 129, noes 7.

Mr. ANDERSON. No quorum.

Tellers were ordered; and Mr. ANDERSON and Mr. PAGE were appointed.

The committee again divided; and the tellers reported—ayes 137, noes 8.

So the motion of Mr. PAGE to limit debate was agreed to.

Mr. PAGE. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. CANNON in the chair), and resumed the consideration of the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The CHAIRMAN. By order of the House all general debate has been limited to one-half minute on the pending paragraph and all amendments thereto. The Chair recognizes the gentleman from California.

Mr. PAGE. I ask for a vote.

Mr. ANDERSON'S amendment was rejected.

The Clerk read as follows:

Improving Mississippi River above Falls of Saint Anthony: Continuing improvement, $3,000.

Mr. ANDERSON. In order to get some information in reference to this paragraph I will move to strike out the last word. I would like to inquire whether this has any relation to the improvement at Saint Anthony's Falls which was under consideration this morning?

Mr. PAGE. It has not. The estimates were $17,000 and we gave $10,000 last year, while this is only an appropriation of $3,000.

Mr. ANDERSON. I understand this has no connection with the reservoir.

Mr. PAGE. None.

Mr. ANDERSON. I withdraw the amendment.

The Clerk read as follows:

Improving Sacramento River, California: Continuing improvement, for the improvement and protection of the navigable channels of the Sacramento and Feather Rivers, $60,000.

Mr. VAN VOORHIS. I move to strike out the appropriation for the Sacramento River. The Secretary of War has certified to this House that this is a useless appropriation; it is not a national improvement; and that the only object of it is to take out of the river the *detritus* which the California miners have thrown into it. The United States have nothing to do with it. It is perfectly outrageous and absurd that we should go to California and go to mining by aiding the State of California to take care of the dirt which the miners take out of the hills and throw into that river. Nobody would have heard of such a thing as that if the chairman of the Committee on Commerce were not from California. It is so outrageous, so damnable, that nobody but a gambler or cut-throat would have thought of tacking such a thing as that to such a bill as this.

Mr. HORR. I move that the gentleman's language be taken down. It is an outrage.

Mr. PAGE. I hope my friend will withdraw that.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan to take down the words of the gentleman from New York [Mr. VAN VOORHIS].

The motion was agreed to.

Mr. HORR. I now move, Mr. Chairman, that the words be reported to the House as they have been taken down.

The Clerk read as follows:

It is so outrageous, so damnable, that nobody but a gambler or cut-throat would have thought of tacking such a thing as that to such a bill as this.

Mr. McLANE, of Maryland. I now move, Mr. Chairman, that the committee rise and report that language to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; and the gentleman from New York [Mr. VAN VOORHIS] having used the following words: "It is so outrageous, so damnable, that nobody but a gambler or cut-throat would have thought of tacking such a thing as that on such a bill as this," they were ordered to be taken down and reported to the House for its action.

Mr. McLANE, of Maryland. Mr. Speaker, I made the motion that the committee rise and the words be reported to the House; and I now move the expulsion of the member from New York who used that language.

Mr. HISCOCK. I have no doubt the words of my colleague——

Mr. LE FEVRE. I ask that the motion be put in writing.

Mr. McLANE, of Maryland. My resolution is in writing.

Mr. LE FEVRE. Where is it? Let it be read.

Mr. McLANE, of Maryland. I hope the Chair will preserve order.

The SPEAKER. The gentleman will send up his resolution.

Mr. McLANE, of Maryland. I send up the words of the gentleman from New York, as taken down in committee, and accompany those words with a resolution of expulsion, on which I call for the previous question.

Mr. HISCOCK. I hope the gentleman from Maryland will not do that.

The SPEAKER. The Clerk will first read the resolution.

The Clerk read as follows:

Resolved, For the use of said language said VAN VOORHIS is expelled from this House.

Mr. HISCOCK. Now, Mr. Speaker, we all recognize the fact——

Mr. McLANE, of Maryland. I hope the gentleman from New York will not attempt to take the floor from me.

Mr. HISCOCK. I hope the gentleman from Maryland will yield to me for a moment.

Mr. McLANE, of Maryland. I yield a moment.

Mr. HISCOCK. I thought the gentleman would do so. I believe, as other members of this House do, that the words spoken by my colleague were spoken in the heat of debate, provoked as he thought he was by something that transpired. I believe he has been guilty of an infraction of the rules of this House and its privileges; yet I believe the measure just proposed would visit upon him too severe a punishment, and I trust before the resolution is pressed that he will be allowed to make an explanation. The gentleman from Maryland in that event will withdraw, I hope, his resolution, if his explanation is satisfactory.

Mr. McCOOK. Will the gentleman from Maryland yield to me for a moment?

Mr. McLANE, of Maryland. Yes.

Mr. McCOOK. I hope the gentleman from Maryland will not insist upon this summary method before giving my colleague an opportunity of being heard.

Mr. McLANE, of Maryland. It never entered my mind——

Mr. MILLS. Of course the gentleman is entitled to be heard.

Mr. McCOOK. I ask the privilege of making a brief statement myself. I admit that the language of my colleague can not be defended. I concede that unless he apologize in the most full and complete manner, not only to the House but to the gentleman who reported this bill, that he ought to be expelled. [Applause.] But I think it only fair and just to him that we should hear him as to whether he will apologize or not before such a summary method is proposed.

Mr. ROBINSON, of Massachusetts. Will the gentleman from Maryland allow me a word?

Mr. McLANE, of Maryland. I will yield to the gentleman from Massachusetts for a moment.

Mr. ROBINSON, of Massachusetts. I desire only to say, Mr. Speaker, that no one personally can more heartily condemn such language than I. It is the grossest infraction of the rules of decorum and the privileges of this House. But I wish to suggest to my friend from New York [Mr. McCOOK], who says that it is due to his colleague that we should pause before we take such summary action, that we should also pause in justice to ourselves before taking such a step.

This is the House of Representatives, it is true, of the American people; and yet day after day scenes transpire in this Hall that are not creditable to the national House of Representatives. [Applause.] That is no excuse for the gentleman from New York who has so gravely offended against the dignity of this body; and it is time that this should be stopped. But I repeat, in justice to ourselves we should pause before we invoke the summary penalty provided for in the Constitution, which can only be inflicted by a vote of two-thirds of the members of this House. We should stop here for a moment, recognizing the fact that no one can call in question the right of a member or of any man charged with an offense to have the fullest opportunity for a hearing and the amplest opportunity for explanation and apology. In the heat of debate language may be and is often used that as soon as uttered would be gladly recalled. We should then give the gentleman from New York who has offended a chance to explain. If he declines, if he

wavers, if he attempts to justify himself for such an offense, then I will go unhesitatingly to the extremity of punishment.

Mr. McLANE, of Maryland. It never entered into my mind, Mr. Speaker, that the gentleman should not have the amplest opportunity to be heard in his own defense.

Mr. HORR. Will the gentleman yield to me for a moment?

Mr. McLANE, of Maryland. Yes, sir.

Mr. HORR. Mr. Speaker, I called for the taking down of these words simply because I deemed it the only method to maintain the dignity and good breeding of our members. I wish to say that I did it with no feeling toward the gentleman from New York. But I wish further to say that this language was used, and I call my friend from New York [Mr. HISCOCK] to witness the fact, without the slightest provocation from the chairman of the Committee on Commerce. He had not opened his mouth or uttered a syllable or a word in any manner or shape to exasperate the gentleman from New York and call forth such a response. He had done nothing of the kind, and I looked upon it as an unprovoked attack which this House out of respect to its own dignity ought not to submit to for a single moment. While I am willing, if the gentleman from New York will apologize for his language, as far as I am concerned, willing to give him that opportunity, I do say, Mr. Speaker, that we can not afford to permit the rules of this House to be infringed in such a manner without punishment. And I will say further that the rules of common decency should not be so grossly violated here among the members of this body—gentlemen, as we claim to be. This offense should meet the most summary punishment unless the man who perpetrated the offense takes back such language toward any member of this House and makes proper *amende* to the dignity of the House which he has so grossly insulted.

Mr. McLANE, of Maryland. Mr. Speaker, I repeat what I have tried to say once or twice before, that it never entered into my mind in moving that resolution that I should put it to a vote of this House without giving the gentleman from New York the fullest opportunity for making an explanation of the words he used. I say this in reply to the gentleman from Massachusetts.

Mr. ROBINSON, of Massachusetts. He should make more than an explanation.

Mr. McLANE, of Maryland. I am not embarrassing myself with what the gentleman from New York should say. I merely want to say for myself that I do not desire to ask a vote on that resolution until the gentleman from New York has been heard.

But, Mr. Speaker, it never entered into my mind that anything he could say could excuse him before the country and before this House.

Mr. ROBINSON, of Massachusetts. There is always room for repentance.

Mr. HISCOCK. I trust my friend from Massachusetts will not deem it necessary——

Mr. McLANE, of Maryland. I have not yielded. I beg the gentleman from New York [Mr. HISCOCK] to allow me to say what I have to say. I have taken the course I have taken under the impression that I would have, and I have no doubt that I have it, the cordial sympathy of the House. Now, it is not for me and it is not for this House——

Mr. BISBEE. I rise to a question of order. I ask that order be preserved in the Hall.

The SPEAKER. The point of order is well taken. Members will clear the aisles and resume their seats.

Mr. McLANE, of Maryland. I said it never entered my mind to ask a vote on this resolution without hearing from the gentleman from New York. The meanest, the commonest criminal in the land has a right to be heard. But when I come to ask the House to pass upon this resolution, and when I take the responsibility of moving it, I have my duty to perform; and I wish to recall to the House that the gentleman from New York [Mr. VAN VOORHIS], just previous to the use of the words which have been taken down, addressed the gentleman from California as the chairman of the Committee on Commerce. He knew perfectly well to whom he addressed that language. And it is fresh in the mind of every member of this House that last night when we were in session we were discredited and disgraced by that same member from New York, who then addressed the chairman of the Committee on Commerce in language that, although it would give no disgrace to the gentleman from California, made infinite disgrace to this House and to the gentleman from New York, who uttered the language. Last night when he addressed the chairman of the Committee on Commerce he made some reference to his early life, and spoke of him as a mule-driver or a stage-coach driver. Sir, it would have been quite in the line of current retort and would have had no originality in it if the gentleman from California had said to the gentleman from New York if he had ever been a mule-driver or a stage-coach driver he would have remained such probably to the present hour.

Mr. ATHERTON. I rise to a question of order.

Mr. HISCOCK. I call the gentleman from Maryland [Mr. McLANE] to order.

Mr. McLANE, of Maryland. I am quite in order. I know what I am saying.

The SPEAKER. The Chair will not regard it as in order for the gentleman to make a personal attack——

Mr. HISCOCK. I call the gentleman from Maryland to order, and ask that his words be taken down.

Mr. McLANE, of Maryland. Take down my words and you will find in them no breach of parliamentary decorum.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] calls the gentleman from Maryland to order and asks that his words be taken down. The gentleman will indicate what words the reporter will write out.

Mr. HISCOCK. I prefer to withdraw my request that the gentleman's words be taken down. I believe they were out of order, and on reflection he will recognize that fact.

Mr. McLANE, of Maryland. Mr. Speaker——

The SPEAKER. The gentleman from Maryland will suspend for one moment. The Chair will state it will not be regarded in order for a gentleman to review language used at another time or make personal attacks on any person.

Mr. McLANE, of Maryland. I will avoid the slighest infringement of the rule as the Chair understands it.

The SPEAKER. The gentleman will proceed in order.

Mr. McLANE, of Maryland. I will not take the slightest liberty in the sense of the Chair. I want only to say, in referring to the language of the gentleman from New York last night, and in expressing my regret and my sense of shame that such language was used on this floor, I will say I find in that fact my impulse for moving this resolution. I am satisfied not only that we have reached a point when an example is necessary, but, I regret to say it, we have found the individual that ought to be made an example of.

That is why I have moved this resolution. And now it rests with the House to give that gentleman an opportunity to say whatever he has to say. And then I shall demand the previous question on my resolution.

Mr. THOMPSON, of Kentucky. Mr. Speaker——

The SPEAKER. The gentleman from Maryland [Mr. McLANE] asks that the gentleman from New York [Mr. VAN VOORHIS] shall be allowed to make a statement. The Chair hears no objection. The gentleman from New York will be heard.

Mr. MILLS. Before the previous question is called the person charged should have a hearing.

Mr. McLANE, of Maryland. On reflection, I will yield the floor without calling the previous question.

Mr. MILLS. Will the gentleman from Maryland say whether he thinks it an offense to be a mule-driver or a stage-driver? [Cries of "Order!" "Order!"] I want to say that this House should act in pursuance of the ancient and fundamental law among all English-speaking people that punishment shall be inflicted upon no criminal until he has been fully heard.

Mr. McLANE, of Maryland. One word only in reply to the gentleman from Texas.

The SPEAKER. The Chair understood the gentleman from Maryland to yield the floor, and the gentleman from Texas is not recognized as entitled to the floor.

Mr. GIBSON. I make the point of order that there is so much confusion here that we can not understand what is going on.

The SPEAKER. The point of order is well taken. Before any person is recognized for any purpose the Chair will insist that order shall be restored. [After a pause.] The Chair understands that the gentleman from New York is accorded the right to be heard on this matter, and recognizes him for that purpose.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON, of Kentucky. Who called upon the gentleman from New York to make a statement?

The SPEAKER. The House.

Mr. THOMPSON, of Kentucky. By what authority?

The SPEAKER. The Chair submitted the question to the House, and no objection was made.

Mr. THOMPSON, of Kentucky. At what time?

The SPEAKER. Within a few minutes.

Mr. THOMPSON, of Kentucky. The gentleman from Maryland yielded the floor.

The SPEAKER. The gentleman from Maryland yielded the floor, but himself indicated a desire that the gentleman from New York should have an opportunity to be heard.

Mr. McLANE, of Maryland. I beg the Chair to restate that proposition.

Mr. THOMPSON, of Kentucky. I have not heard the gentleman from New York claim the floor.

The SPEAKER. The gentleman from New York is accorded the floor, if he desires to be heard.

Mr. THOMPSON, of Kentucky. If the gentleman from New York does not desire the floor, by what authority does the Chair refuse to recognize others?

The SPEAKER. If the gentleman from New York does not desire to be heard, of course he need not be.

Mr. THOMPSON, of Kentucky. I ask the Speaker whether the gentleman from New York can be heard through any one but himself?

The SPEAKER. That is a matter the Chair need not now decide, for it is not now presented. If the gentleman does not desire to be heard himself, the question will then come up. The Chair recognizes the gentleman from New York.

Mr. VAN VOORHIS. Mr. Speaker, I have been very earnestly opposed to the river and harbor bill. Some of us who have been opposing it have found it exceedingly difficult to be heard in consequence of confusion in the House, sometimes raised thoughtlessly and sometimes otherwise; so that in addressing the Chair or the House I have always found it necessary to speak with a great deal of power and difficulty. In other words, I have been compelled to raise my voice to its extreme strength in order to get the attention of the presiding officer and of the House.

Now, sir, I am not an orator as my friend from Maryland is. My vocabulary is much more meager than his. Sometimes, perhaps, when I wish to express my opinions of a measure I may not use exactly the words that he would use.

What I intended in the instance now before the House was simply to characterize the measure I was discussing. I had not the slighest intention to be personal to anybody, nor did I suppose that I was using language different from what others have used with perfect impunity upon this floor.

And I say here that so far as the chairman of the Committee on Commerce is concerned, I have not the slightest feeling toward him of any kind whatever, unfriendly or malicious. I had a right, as I thought, to speak of the Sacramento River improvement, an improvement which the Secretary of War had spoken against. And I do not know but if the Secretary of War had been here he would have been criticised for his opinion, although it was asked for.

Now, I wish to withdraw the words to which exception was taken, stating that when I used them I did not mean to apply them to the chairman of the Committee on Commerce or make any personal application. I simply meant to express my objection to the measure under consideration. I had no intention to make any personal allusion in those words to anybody. And I very much regret any exception should be taken or that I am under the necessity of withdrawing those words. [Loud and continued laughter.]

The SPEAKER. The House will come to order.

Mr. VAN VOORHIS. I am not through.

The SPEAKER. The Chair will recognize no one until the House is in order. No gentleman will be recognized for any purpose at all until the House comes to order.

After a pause,

Mr. VAN VOORHIS. I shall be exceedingly sorry if this bill shall pass and become a law. I regret very much that I used the words which I did, and have a desire to make the fullest apology to the House for their use.

Mr. LE FEVRE. I move to lay the resolution on the table.

Mr. FLOWER. I hope the gentleman from Maryland will withdraw the resolution.

Mr. BURROWS, of Michigan. Is the motion of the gentleman from Ohio [Mr. LE FEVRE] debatable?

The SPEAKER. It is not.

Mr. SPRINGER. The gentleman from Maryland, as I understand, has the floor?

Mr. BURROWS, of Michigan. I understand that the gentleman from Maryland [Mr. MCLANE] desires to make a statement.

The SPEAKER. Does the gentleman from Maryland desire to make a statement?

Mr. MCLANE, of Maryland. I rose, Mr. Speaker, supposing that I was in perfect parliamentary order——

The SPEAKER. Certainly; the gentleman is entitled to recognition. The gentleman from New York has yielded the floor. The gentleman from Ohio [Mr. LE FEVRE] moves to lay the proposition of the gentleman from Maryland on the table.

Mr. MCLANE, of Maryland. If the gentleman from Ohio desires to make that motion——

Mr. LE FEVRE. I withdraw it.

Mr. TOWNSHEND, of Illinois. The gentleman from Maryland, as I understand, has withdrawn the resolution.

The SPEAKER. Does the gentleman from Maryland withdraw his resolution?

Mr. MCLANE, of Maryland. I rose for that purpose.

The SPEAKER. The gentleman has the power to withdraw his resolution, and as the Chair understands does so. If there be no objection, the resolution will be considered as withdrawn.

Mr. HERBERT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. Does the withdrawal of the resolution withdraw the amendment which was offered?

The SPEAKER. There has been no amendment offered.

Mr. HERBERT. Then, Mr. Speaker, I submit as an independent proposition a motion that the Speaker censure the gentleman from New York, and on that motion I wish to be heard for a moment.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] submits a motion which will be reduced to writing.

Mr. CALKINS. The House must "censure;" the Speaker can not "censure."

Mr. SPRINGER. By direction of the House, he can.

The SPEAKER. The motion of the gentleman from Alabama is in order.

Mr. CALKINS. I rose to make a point of order, and to call the attention of the Chair and the gentleman from Alabama to the fact that perhaps this form of the motion is not parliamentary. That was the purpose for which I rose.

The SPEAKER. The gentleman will state his point of order upon the motion.

Mr. CALKINS. That is the point I desired to make.

The SPEAKER. The gentleman will be heard on the point of order.

Mr. CALKINS. That is all I desire to say.

Mr. HERBERT. I modify my motion by substituting the word "reprimand" for the word "censure."

Mr. CALKINS. I withdraw my suggestion.

The SPEAKER. Either word is in order under the practice.

Mr. HERBERT. Now, Mr. Speaker, if I can have the ear of the House, I desire to be heard on my motion.

Mr. BAYNE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. As I understood, a resolution was presented by the gentleman from Maryland, and a motion made to lay that resolution on the table.

The SPEAKER. The resolution was withdrawn, and that carried with it the motion to lay on the table.

Mr. BAYNE. Then an amendment was not in order.

The SPEAKER. No amendment was proposed.

Mr. HERBERT. In my opinion, Mr. Speaker, this House owes it to itself, notwithstanding the apology made by the gentleman from New York, to at least censure the language of which he has been guilty here on this floor. I should not have voted to expel him; certainly not, if he had apologized. But, sir, we have witnessed within the last few days offense after offense against the dignity of this House. It has become too common, sir, for the charge of falsehood to be bandied to and fro between members. When we come to consider what is the offense of which this gentleman from New York has been guilty, we find it to be exactly this: As the gentleman from Maryland has said, on last night a scene occurred here between the gentleman from New York and the gentleman from California. I only refer to it now for the purpose of illustrating the animus which in my opinion, notwithstanding the retraction of the gentleman from New York, actuated him at the time he used the words recently taken down. The gentleman from New York called the gentleman from California a mule-driver and a stage driver. It is true, as the gentleman from Texas has said, that the fact of having been a "mule-driver" or a "stage-driver" is no disgrace. It is an honest and therefore an honorable occupation, and it is to the credit of the gentleman that, without early opportunities, he has been able, by the suffrages of his fellow-men, to become a Representative in Congress. Yet it is also true that those words were employed with the purpose on the part of the gentleman who used them to cast opprobrium upon the gentleman from California. That was last night; from that time until this nothing has occurred, so far as we know, to show that the feeling which prompted those words did not exist to-night when the words taken down were used.

And what were they? Can they fairly be construed to have been intended by the gentleman from New York [Mr. VAN VOORHIS] to apply to the bill? If I am not mistaken in the words, they are that nobody but a cut-throat or a gambler would have drafted such a bill. I ask that the words may be read, in order that I may be correct.

The Clerk read as follows:

It is so outrageous, so damnable, that nobody but a gambler or a cut-throat would have thought of tacking such a thing as that on such a bill as this.

Mr. HERBERT. Now, gentlemen, we are here judges of a matter affecting the dignity of the House of Representatives. Is there any member on this floor who can say that he believes the words "nobody but a cut-throat or gambler would tack such a thing as that to such a bill as this" were intended to apply to the bill and not to the gentleman from California? Now, Mr. Speaker, if we believe this to be the truth, does the mere fact that the gentleman from New York [Mr. VAN VOORHIS] rises in his place and retracts those words—does that wipe out the offense? I ask this House to say, has not an offense been committed; and if we believe it has, if we now set an example here when such words as those have been uttered by expressing ourselves completely and fully satisfied?

Mr. KING. There is so much confusion in the Hall that we can not hear the gentleman from Alabama [Mr. HERBERT]. Then, Mr. Chairman, any member of this House who wishes to avail himself of the privilege of debate to say here on this floor what he would not say outside can convert the House of Representatives into a bear garden.

Mr. THOMPSON, of Kentucky, rose.

Mr. HERBERT. Mr. Chairman, I have said all I desired to say. I simply wanted to put before this House this matter as it appears to me, but I desire before yielding the floor to send the resolution in form

which I wish to offer, and then I shall yield the remaining portion of my time to the gentleman from Michigan [Mr HORR].

The Clerk read as follows:

Resolved, That the member from New York, Mr. JOHN VAN VOORHIS, in the language used by him upon the floor and taken down at the Clerk's desk, has been guilty of a violation of the privileges of this House, and merits the severe censure of the House for the same.

Resolved, That the said JOHN VAN VOORHIS be now brought to the bar of the House by the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

Mr. HERBERT. Put the word "reprimanded" instead of the word "censured" in the last resolution.

Mr. THOMPSON, of Kentucky. I move to lay that resolution upon the table.

Mr. HORR. I thought I had the floor?

Mr. HERBERT. I yield the floor to the gentleman from Michigan.

Mr. THOMPSON, of Kentucky. The gentleman from New York has made the amplest apology for everything he said.

The SPEAKER. The question before the House is on the motion to lay on the table.

Mr. PAGE. I would like to say——

Mr. THOMPSON, of Kentucky. He has withdrawn everything he said.

Mr. PAGE. I should like to be heard.

The SPEAKER. Is there objection to the gentleman being heard? The Chair hears none.

Mr. PAGE. I ask the gentleman from Alabama to withdraw his resolution in order that the House may proceed to the consideration of the river and harbor appropriation bill so we may reach a vote and pass it to-night.

Mr. THOMPSON, of Kentucky. I have moved to lay the resolution on the table.

Mr. CALKINS. Does the gentleman from Alabama withdraw his resolution?

Mr. HERBERT. I do not.

The House divided; and there were—ayes 62, noes 82.

So the House refused to lay the resolution on the table.

Mr. TALBOTT. I demand the previous question on the resolution.

Mr. LE FEVRE. I demand the yeas and nays.

Mr. HORR. I thought the gentleman from Alabama yielded the floor to me.

The SPEAKER. The gentleman did not have the floor to yield.

The yeas and nays were not ordered.

Mr. CALKINS. Mr. Speaker, I only rise to occupy the attention of the House for one moment. It is generally, and I believe almost universally, the custom of the House after a member had used language which had been declared unparliamentary and had made an ample apology for the use of that language, at least to pass by the offense. In this instance, however, the language used was so offensive and so outrageous that members of the House evidently feel some punishment should be visited on the offending member.

Now, we all understand the language used. We all understand the parliamentary law as applicable to it. We all understand what ought to be done in a dignified body like this, or as this ought to be. And now let us vote upon the resolution which the gentleman has offered and put the thing at an end at once. [Applause.]

Let us have a vote by yeas and nays upon the resolution.

Mr. ROBESON. I rise to a parliamentary inquiry. Have not the yeas and nays been already refused on this proposition?

The SPEAKER. Not on the resolution.

Mr. VAN VOORHIS. I would like to be heard for a moment.

The SPEAKER. The gentleman can not be heard now.

Mr. VAN VOORHIS. Have I not a right to be heard on this resolution?

The SPEAKER. Not without the consent of the House.

Mr. VAN VOORHIS. Then I ask consent to be heard.

Mr. CLARDY. I understand the gentleman from New York is asking to be heard; I hope there will be no objection.

The SPEAKER. The Chair will submit that request. Is there objection to the gentleman from New York being heard?

There was no objection.

Mr. VAN VOORHIS. Mr. Speaker, if the river and harbor men of this House want to censure me for what has occurred, I suppose I can stand it. I do not know but that they are in a majority here; and the only misconduct which seems to affect my friend from Alabama is that I have opposed this bill in my poor way. It has been very poor indeed. Now, in what I said before I mean to be understood as withdrawing in the fullest possible manner the language which was objected to. Did not the gentleman from Alabama so understand me?

Mr. HERBERT. I understood the language was withdrawn.

Mr. VAN VOORHIS. And in addition to that I apologize to the House for using such language, and to the gentleman from California also, if he or anybody supposed that the language was applicable to him. I have stated before what I now repeat, that I did not intend to apply it to him.

The SPEAKER. The question is upon agreeing to the resolution.

Mr. THOMPSON, of Kentucky. Is a motion now in order to lay upon the table that resolution?

The SPEAKER. That motion has just been voted down. The Chair will submit the motion to the House on agreeing to the resolution.

The question was taken; and the Speaker decided that by the sound the "ayes" had it.

Several MEMBERS. Let us have a division.

Mr. KENNA. Before the division is called for let me submit a request to the House by unanimous consent.

The SPEAKER. The Chair hears no objection.

Mr. KENNA. I hope it will be satisfactory to the gentleman from Alabama, and to the Chair, that the resolution which he has submitted may now be withdrawn; and, by common consent, the entire language and proceedings in reference to this matter may be omitted from the RECORD. I hope that course may be pursued.

Mr. HORR. No, I do not consent to that.

Mr. HERBERT. I do not consent to the withdrawal of that resolution. I believe this House owes it to itself, owes it to its own sense of dignity, owes it to this country, to express its opinion upon this breach of decorum in the fullest possible manner.

Mr. KENNA. I have no doubt about the propriety of the resolution; but inasmuch as the gentleman from New York has apologized in the amplest manner, I think the matter had better be dropped.

Mr. KASSON. May I be heard for a moment in reference to this matter?

The SPEAKER. It can only be done by consent, as the House is dividing.

Mr. KASSON. I ask consent to be heard for a moment. I have thought, Mr. Speaker, of every similar instance within the whole range of my memory, which embraces several occasions of offensive language in the House of Representatives, and I can remember none where this resolution has been offered and adopted subsequently to the withdrawal of the language and a double apology, an apology to the House and an apology to the member supposed to be designated by the language used. Both these apologies have been completely made. The language has been entirely withdrawn; and the proposition now made is after that has been done to bring the member to the bar of the House for such ordinary punishment as is usually imposed in cases where there is neither retraction nor apology. If there is a precedent for this I hope some gentleman will cite it. I remember none. I therefore do not believe it right at this stage of the proceedings to subject the person offending, so grossly offending, to the censure of the House, administered in open House by the Speaker, as he would have been censured at least if the language had not been withdrawn and the apology made.

Mr. HERBERT. A single word, Mr. Speaker. I do not know whether there be any precedent for this motion under these circumstances or not; but this I do know, that if such censures had been imposed in such cases heretofore, we would not so frequently have witnessed, as we have unfortunately witnessed in our parliamentary proceedings here, the use of such language by members sheltering themselves under the privileges of debate. And I hope this House now, if it has not done so heretofore, will make a precedent on this question that will be remembered. [Applause.]

The SPEAKER. The Chair will again submit the question on agreeing to the resolution of the gentleman from Alabama, which has been read and on which a division is demanded.

The House divided; and there were—ayes 66, noes 78.

So (no further count being demanded) the resolution was not agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CANNON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes consideration of the river and harbor appropriation bill. There is an amendment pending before the committee, the amendment of the gentleman from New York [Mr. VAN VOORHIS].

Mr. VAN VOORHIS. Before the committee rose I said all I cared to say about the amendment.

The question being taken on the amendment, it was not agreed to.

The Clerk read lines 498 and 499, as follows:

Improving mouth of Coquille River, Oregon: Continuing improvement, $7,000.

Mr. CASSIDY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 499 insert the following:
"Improving Colorado River, $20,000."

Mr. CASSIDY. Mr. Chairman, that amendment is as proper as many of the provisions of this bill. I offer it in obedience to a memorial of the Legislature of my State, which I had the honor of submitting to this House a few days since. In that memorial all of the facts in the case were duly and forcibly set forth. There can be no question, sir,

about the importance in a strictly commercial sense of the Colorado River. The Colorado is essentially and emphatically an interstate waterway. It is more than 1,500 miles in length, having its source in the Wind River Mountains in Montana Territory, and stretching away through Wyoming, Utah, Arizona, and Nevada to the Gulf of California. It washes the southern boundary of my State for nearly three hundred miles, forming the dividing line between Nevada and Arizona. Union Peak, a towering mountain in the Wind River range, is the common source of the Mississippi, Missouri, Columbia, and Colorado Rivers.

The Colorado is navigable for a distance of more than five hundred miles. A line of steamers is now plying regularly at all seasons of the year between Yuma and Fort Mohave, a distance of three hundred and twenty-five miles. The commerce on this portion of the river is very considerable at present, and steadily growing. It is by this route alone that the commercial needs and interests of Northeastern Arizona, Southwestern Utah, and Southern Nevada are accommodated. The Utah Southern Railroad from Salt Lake southward is nearing Collville, the head of navigation on the Colorado. The Utah Northern Railroad is reaching out from Salt Lake far to the northward. With these two roads completed there will be a continuous route across that portion of the continent from the British Possessions on the north to the Gulf of California at the south. The Colorado River must afford an important link in this great north and south line of communication. The Government has never expended one dollar in the improvement of the navigation of the Colorado.

No other stream of equal importance has been so shamefully neglected. Some years since a survey was authorized by Congress. The army engineer, to whom the work was assigned, Lieutenant Payson, reported that the river could be thoroughly improved and placed in first-class order at an estimated cost of $92,000. But he went out of his way, in my judgment, to say that the commerce of that region would not justify the expenditure. Whatever may have been the condition in 1878, when the examination was made, the same state of affairs does not exist now. Many important mining districts have been discovered and agricultural valleys settled since that date; and I say in all earnestness that a system of improvements along the Colorado River should be undertaken without further delay. The cost will be immaterial in comparison with the money lavished on other streams of merely local importance. Understanding that the Committee on Commerce has attempted to restrict the items carried in this bill to about one-third of the sum which will be required to complete in each case, hence I have proposed but $30,000 for the Colorado on the same basis, the Government engineers having estimated that the whole work can be finished at a cost not to exceed $92,000. In conclusion, I trust that the amendment which I have offered will meet the approval of a majority of this House.

The amendment was not agreed to.

The Clerk read lines 500 and 501, as follows:

Improving harbor at Norfolk, Virginia: Continuing improvement, $10,000.

Mr. DEZENDORF. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 501, strike out "$10,000" and insert "$18,000."

Mr. DEZENDORF. Mr. Chairman, in asking for this increase I desire to call the attention of the committee to the fact that the harbor of Norfolk is naturally one of the best in the world, but that during the war obstructions were sunk in the Elizabeth River by the Federal Government by which bars were formed in said harbor, for the removal of which $360,000 have been already expended; and that the Chief of Engineers has reported that $18,000 will complete the work upon said harbor in accordance with the project of the harbor commissioners and engineers.

This harbor is one of the most important in the country, with a commerce increasing at a greater ratio than is generally understood by the country at large.

Norfolk is now the fourth cotton port in the Union, and the receipts of this commodity are increasing daily. I desire to call attention to a few facts in this connection taken from a recent speech of Mr. Charles G. Elliott, president of the Norfolk Cotton Exchange:

In 1874, 20,346 bales were shipped; in 1876, 108,683; in 1878, 159,357; in 1880, 258,065, and during the cotton year ending August 31, 1881, 328,818 bales left our wharves in seventy-seven ships for Liverpool and the Continent, direct, while about 40,000 were forwarded by our exporters, on through bills of lading via other ports. Mark the comparison: In 1874, 20,000 bales; in 1881, 360,000 bales. A gain of 1,700 per cent. in seven years.

From a recent article by Senator JOHNSTON, based upon data taken from the official report of the United States Bureau of Statistics, we take the following comparison between the decrease and increase in the business of the six largest cotton ports, between the six years ending August 31, 1861, and the six years ending August 31, 1879:

Market.	Increase.	Decrease.
	Per cent.	*Per cent*
Galveston	197	
New Orleans		28
Mobile		43
Savannah	44	
Charleston	34	
Norfolk	1,212	

And yet the cotton has come to Norfolk, year by year gaining in the immense proportions before stated.

The demands of this trade have been so great that, in our harbor within the past year, 14,580 feet (nearly three miles) of new wharf frontage have been constructed, more than for seventy-five years before; immense warehouses built (even now inadequate) and six powerful compresses are in operation, with a daily capacity of 10,000 bales.

Among the other causes of the growth of Norfolk as a cotton port may be mentioned the extension northward of the area of cotton production and the largely increased yield of South Side Virginia and of North Carolina, our near neighbor and best customer. With this progressive and highly-favored State, whose exhibits here are so remarkable, Norfolk is closely allied, not only by the Seaboard and the Norfolk and Western lines, but by two canals and a new railroad, the Elizabeth City and Norfolk, connecting our harbor with a low country region unsurpassed for fertility and watered by 1,900 miles of inland navigation.

We would also refer to the large truck farms around our city. These supply fruits and vegetables for early shipment to the North, amounting in value to $2,500,000—one strawberry farm employing 1,700 hands. This truck has furnished paying business to lines of splendid coastwise steamers in the summer, when the cotton trade is light, and which are thus made strong enough to compete successfully for the carrying of cotton as against the all-rail routes.

The Delaware, the Patapsco, and the Upper Chesapeake are almost annually closed for weeks, and we have the only port south of Cape May (except the bay of Mobile, thirty miles below that city) which can receive and accommodate the mammoth ships now being built to carry ten or fifteen thousand bales of cotton.

Traversing the fertile valleys of Southwest Virginia, at New River our Norfolk road taps rich and valable coal and ore beds, and crossing East Tennessee, abundant in resources, opens up to us the cotton-producing country of the South and Southwest. Over this line cotton from every Southern State goes to Norfolk. In the fall it brought to us a considerable proportion of the receipts of Mobile, Montgomery, Selma, Opelika, Meridian, and other points which were seeking rapid transit for early delivery in Liverpool. And it certainly affords to Memphis, that great mart of the Mississippi Valley, the best outlet for her large accumulations of stocks of cotton.

The track of this road runs directly to the wharves on deep water, and freights are easily transferred from car to ship or compress at very low cost, no cartage being required.

From the Northwest we have the Chesapeake and Ohio, now connecting Cincinnati and Louisville, through the Ohio and Kanawha Valleys, with Hampton Roads, soon to open another route to Memphis; a transcontinental link, binding under one control the bay of San Francisco to the Lower Chesapeake, shortening the avenues of trade and travel between the West and East by hundreds of miles, and destined to be a formidable rival of any of the grand trunk lines.

Mr. Chairman, the receipts of cotton at the port of Norfolk this year will amount to about 800,000 bales. About one-seventh of the entire crop of the country will move through Virginia waters, and the value of the export to foreign countries will amount to about $40,000,000.

I have thus shown, sir, the importance of this harbor, and now I hope the committee will vote to increase the amount to the sum indicated in my amendment, which sum will complete the work.

The question being taken on the amendment on a *viva voce* vote, the Chairman stated that the "noes" seemed to have it.

Mr. WISE, of Virginia. I call for a division.

The committee divided; and there were—ayes 33, noes 42.

So (further count not being called for) the amendment was not agreed to.

The Clerk read lines 502 and 503, as follows:

Improvement Cumberland Sound, Georgia and Florida: Continuing improvement, $25,000.

Mr. ROBINSON, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 503 insert the following:

"Improving Gowanus Channel, in the harbor of New York: Continuing improvement, $20,000."

Mr. ROBINSON, of New York. The report of the engineers states the reasons for continuing this improvement in the Gowanus Channel, in the harbor of New York. They have reported that $40,000 would be an appropriate sum to put into this bill for continuing this improvement.

I will not occupy the time of the committee, Mr. Chairman, in discussing this matter at length, but only state that it is a very necessary improvement. While the engineer asks $40,000, I only in this amendment ask for $20,000.

Rather than occupy the time of the committee I ask leave to print as a part of my speech a short letter from Mr. Beard, of Brooklyn, a gentleman largely interested in the improvements in that part of the city.

I hope the chairman of the Committee on Commerce will not oppose my amendment.

The letter and accompanying table referred to by Mr. ROBINSON, of New York, are as follows:

BROOKLYN, N. Y., *January* 23, 1883.

MY DEAR SIR: Inclosed you will please find statement of number of vessels, value of cargoes, and amount of tonnage which used Gowanus Creek in eleven months. This statement was prepared for General Newton at the time he made the survey and recommended the appropriation for the improvement of Gowanus Creek channel. By the statement you will see that there were eight hundred and sixteen vessels, with an aggregate tonnage of 398,905 tons, discharging cargoes on the wharfs of Gowanus Creek amounting to $5,546,500. These vessels paid into the custom-house for tonnage dues, at 30 cents per ton, a very large amount of money. You will readily see that the improvement of Gowanus Creek is an important adjunct to the commerce of this port, and its necessity and the advantages to be obtained to commerce by making a channel of sufficient width and depth to allow of the passage of large vessels will be easily understood. General Newton made a survey in 1880 and recommended to Congress that a channel be made two hundred and fifty feet wide and eighteen feet deep at low water, which would require an expenditure of $180,000 for dredging. The Congress of 1881 appropriated $40,000. Congress in 1882 made a further appropriation of $20,000, leaving yet to be appropriated in order to complete the work $120,000. The money already expended has been used to make a cut through the bar sixty feet wide. This you will see is of very little advantage, as it is impossible to keep a vessel in a channel sixty feet wide. If the balance of the amount recommended is appropriated and expended on the channel it will be of untold

benefit to this part of Brooklyn and a relief to the overcrowded piers of New York city; but if the work is suspended or ceases where it is, the money already expended is virtually thrown away.

I am, sir, your obedient servant,

WM. BEARD,
140 Amity street, Brooklyn, N. Y.

Hon. WILLIAM E. ROBINSON, M. C.

Names of parties doing business on and adjacent to the Gowanus Canal in the city of Brooklyn, New York, and statement of amount in value, quantities, and style of business for one year ending December 1, 1880.

Names and business.	Quantity.	Value.
Kenyon & Newton, lumber and timber.....feet...	5,000,000	$150,000
Watson & Pettenger, lumber and timber.....feet...	6,000,000	160,000
Kelsey & Loughlin, coal and wood.....tons...	50,000	250,000
J. W. Jones & Co., coal and wood.....tons...	8,000	40,000
Hobby & Leeds, lumber and timber.....	.....	180,000
J. Pieper's Sons, wood.....	.....	31,500
S. W. Bowne & Co., hay and grain.....	.....	1,000,000
Nelson & Holden, coal and wood.....	.....	265,000
P. G. Hughes, masons' material.....	.....	150,000
John Finke, coal and wood.....	.....	40,000
J. P. Story, coal.....tons...	30,000	160,000
G. Rose & Sons, lumber and timber.....feet...	4,000,000	125,000
J. H. Baker & Co., chemicals.....	.....	75,000
Halsted Brothers, lumber and timber.....feet...	1,000,000	32,000
A. W. Adams, masons' material.....	.....	75,000
J. S. Loomis, lumber, moldings, &c.....feet...	4,500,000	125,000
Wm. Bradley, freestone.....tons...	3,000	48,000
Ed. C. Pease, lumber and mill.....feet...	1,000,000	75,000
J. Morton & Sons, masons' material.....tons...	60,000	250,000
Brooklyn Improvement Company, lumber.....feet...	10,000,000	3,000,000
South Brooklyn Sawmill Co., lumber and timber....feet...	6,250,000	250,000
J. E. Litchfield & Co., lumber and timber.....feet...	400,000	100,000
Webber & Quinn, coal and wood.....	.....	125,000
Cory & Evans, hay and grain.....tons...	45,000	90,000
P. H. Quinn, coal and wood.....tons...	10,000	50,000
J. S. Schmader, coal and wood.....tons...	40,000	160,000
Murtha & Boyle, coal and wood.....tons...	50,000	250,000
Knight & Lidford, coal and wood.....tons...	18,000	90,000
H. S. Christian, masons' materials.....	.....	175,000
Rankin & Ross, freestone.....tons...	2,500	45,000
Geo. J. Gregory, petroleum oil.....bbls...	400,000	600,000
Downing & Lawrence, shipwrights and dry-dock.....	.....	80,000
Total.....	.....	5,546,500

Vessels recorded in custom-house arriving in Gowanus Bay Channel for eleven months, January 1 to December 1, 1880.

Vessels.	Number.	Aggregate.	Average.
		Tons.	*Tons.*
Steamers.....	5	4,194	839
Ships.....	50	59,861	1,197
Barks.....	498	287,127	576
Brigs.....	65	19,994	307
Schooners.....	198	27,729	140
Total.....	816	398,905	.....

The amendment of Mr. ROBINSON, of New York, was not agreed to.

Mr. VAN VOORHIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 503 insert the following:
"Improving Charlotte Harbor, New York: Continuing improvement, $35,000."

Mr. VAN VOORHIS. The duties collected at Charlotte Harbor amount to about $200,000 a year. The work which is in progress there will cost about $400,000. Eighty thousand dollars were estimated by the engineers for the last year. Thirty-five thousand dollars were appropriated in the last river and harbor bill. When appropriations are being made for rivers and harbors, I think this important harbor should have its share. I do not know how the Committee on Commerce skipped this important harbor of Charlotte. I do not know but what they had some personal reason for skipping it and leaving it out of the bill. I do not know they had such a reason, but I think this appropriation ought to be in the bill, and I therefore submit my amendment.

The amendment was not agreed to.

The Clerk read lines 504 and 505, as follows:

Improving Rancocas River, New Jersey: Continuing improvement, $6,000.

Mr. ANDERSON. I move to strike out that paragraph. I call attention to this because of the fact that this is one of the items mentioned in the report of the Secretary of War. He says:

So far as appears from the reports, the project is to increase the navigable depth of a river having already six or seven feet, and is mainly in the interest of a single item of commerce, namely, that of transporting phosphate rock from Charlestown to fertilizer works at Centreville, at the head of navigation on the river.

There was appropriated last year $10,000; and of that sum to December 31, 1882, there was used but $2,000. And this bill appropriates $6,000.

Now, I know nothing of this work, except what is told us in this report, which comes from good authority. It seems to me this may be another of those cases where an appropriation is made that is practically for the benefit of a manufacturing concern. I do think that class of cases should be eliminated from the bill. I therefore make a motion to strike out this paragraph.

The motion to strike out was not agreed to.

The Clerk read lines 512 and 513, as follows:

Improvement of the mouth of the Columbia River, Oregon, $75,000.

Mr. HOGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 513 insert the following:
"Improving the Monongahela River: Continuing improvement, $25,000."

Mr. PAGE. That ought to be admitted.

The amendment was agreed to.

The Clerk read lines 514 to 517, as follows:

That the appropriations made by the acts of June 18, 1878, and March 3, 1879, for improving Harlem River, New York, be covered into the Treasury.

Mr. HUTCHINS. I move to amend by striking out the paragraph just read.

I hope I may have the attention of the committee for a moment while I give my reasons for offering this amendment. In 1878 an appropriation of $300,000 was made for the improvement of Harlem River, in the city of New York. When that large appropriation was made the petitions that came to Congress in its behalf were very largely from the Western States. The boards of trade and prominent citizens in most of the Western cities petitioned that that improvement should be made in behalf of the commerce of the great West.

When the appropriation was made it was coupled with the condition that the sum should not be available until the right of way for the work was secured to the United States free of cost. That unusual condition was attached to the appropriation for the reason that a large number of valuable lots of ground were required in order to make the improvement. The Government said, and very properly in my opinion, "we will appropriate the money to improve the navigation, but the land required for that purpose must be furnished free of cost to the Government."

In 1879 a further appropriation of $100,000 was made upon the same condition. Now, the city of New York has conveyed to the Government property worth a very large amount of money and the Government holds the title to it. The title of the water frontage, about six miles, is to-day in the Government free of any cost, so far as the city ownership is concerned, rights that to the city would be worth a very large amount.

More than that, the State of New York has expended a large amount of money, probably exceeding $100,000, for proceedings which have been had up to this time in securing the right of way from the individual owners. A bill has passed the Assembly of the State of New York within the past week appropriating $250,000 more to pay such owners for their land, which it is proposed shall be taken. That is the condition of this matter to-day. Yet it is proposed to cover this money back into the Treasury. I have conferred with members of the Committee on Commerce, and they were not aware of these facts. No explanation had been made to them of the present condition of the proposed improvement. As the money stood there unused, they proposed to cover it into the Treasury. I understand from the chairman of the committee that there will be no objection to striking out this provision.

Mr. HORR. The Committee on Commerce supposed that they had examined this matter with great care. The gentleman from New York [Mr. HUTCHINS] states facts which there is no proof in the Department to substantiate. We have no evidence, nor could we get any, that the title to the property is in the United States Government. Is there any such proof on file?

Mr. HUTCHINS. It is on file in the city of New York.

Mr. HORR. Ah, but not here. We have no evidence of it, nor does the Department here understand that the Government has any such title.

Mr. HUTCHINS. Filing it here would not convey the title; but the officers in charge of the work in the city of New York are cognizant of the fact. And what is more, I make the statement myself, which I suppose the gentleman will accept.

Mr. HORR. I would not question the gentleman's word for a moment.

Mr. WASHBURN. I would like to ask the gentleman a question. If all the conditions of the law have been complied with, then why has not the appropriation been used?

Mr. HUTCHINS. I would state in answer to the gentleman that the conditions have not yet been complied with.

Mr. HORR. That is what we supposed; I do not yield any further.

Mr. HUTCHINS. I mean to say that the assessment map which has been made of this improvement covers over 7,000 different parcels, including more than 22,000 different lots; and of course it necessarily requires much time and preparation.

Mr. HORR. The gentleman admits what we learned to be a fact This money has been hung up, waiting the action of the people of Ne York city, and they have made no clean title to the Government.

The Committee on Commerce, in looking over the matter to see how we could in any way retrench expenditures and keep this river and

harbor bill free from excrescences, found this large amount of money lying there and not being used. We also learned from the press of New York city that they considered the appropriations in the last river and harbor bill to be fraudulent and wrong. Our friends from New York city state that the bulk of them were steals. The newspapers of that city also stated the same thing. We, not knowing of any steals, supposed that they did know of one, and living right there we supposed that they knew that this was the one. Consequently we naturally proposed to put the money back into the Treasury, so as to prevent the steal which they said was going on. [Laughter.] It was done to preserve the virtue of the gentlemen from New York, and of the metropolitan press, and in obedience to their demands.

Mr. FLOWER. I move to strike out the last word.

Mr. PAGE. I hope we will be allowed to have a vote.

Mr. FLOWER. I want to say a word or two.

Mr. PAGE. How long a time?

Mr. FLOWER. Not over two minutes. I desire to state that we have not been as anxious in New York to get this money out of the Treasury as some other gentlemen who have had appropriations made for their districts. We were willing to let it stay there until the right of way had been secured. The State of New York is going to secure that right of way, and make a four-hundred-foot canal, and give the Western produce which comes to her doors an outlet to the ocean. We ask that this appropriation remain in the Treasury, and that you will trust us another year. I hope this provision will be stricken out.

Mr. HUTCHINS. One word.

Mr. PAGE. Oh, no; let us now have a vote.

The question was taken on the motion of Mr. HUTCHINS; and upon a division there were—ayes 31, noes 42.

Mr. HUTCHINS. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. HUTCHINS and Mr. PAGE were appointed.

Mr. KENNA. I ask that the rising vote be taken again. I do not think the question was understood.

The CHAIRMAN. If there be no objection, the vote will be again taken.

Mr. WASHBURN. I desire, by unanimous consent, to ask the gentleman from New York [Mr. HUTCHINS] whether there is any reasonable probability that if this appropriation be allowed to stand for the present this right of way will be furnished within the next year, so that this work may go on?

Mr. HUTCHINS. I have no doubt that it will be furnished within ninety days.

Mr. WASHBURN. In that case I should be sorry to see it stricken out.

The question being again taken, there were—ayes 53, noes 24.

So the amendment was adopted.

Mr. JONES, of New Jersey. I move to amend by inserting the provision which I send to the desk.

The Clerk read as follows:

That $400,000 be appropriated to continue the filling of the Potomac flats.

Mr. JONES, of New Jersey. I wish the committee would hear a statement of my reasons for offering this amendment. I have been informed by a number of gentleman——

Mr. PAGE. I make a point of order upon the amendment. It does not belong in this bill. It is not an improvement of a river or harbor for purposes of navigation or commerce, but is simply for sanitary purposes.

Mr. JONES, of New Jersey. Was not a provision of this kind inserted in the last river and harbor bill?

Mr. PAGE. It was put on in the Senate and was forced upon us in conference.

Mr. JONES, of New Jersey. I would be very glad to see an appropriation made for this purpose, because——

Mr. PAGE. It is not germane to any portion of this bill.

Mr. JONES, of New Jersey. I know well the contractor for this work. By the 1st of November the appropriation already made will have been expended. In putting his plant there the contractor has been at an expense of over $100,000. If no appropriation be made this year, and the contractor is obliged to stop work, he must suffer a great loss.

Mr. PAGE. The gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman from New Jersey will be heard on the point of order, if he desires.

Mr. JONES, of New Jersey. The appropriation made last year for this purpose was in a river and harbor bill, and I do not know why it should not be made in the same bill this year.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, on or before January 1, giving detailed statements of the work done, the expenditures made, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, as far as can be without actual detriment to the interest of the Government, by contract. Where such works can not be done by contract without injury to the public interest, they may be prosecuted by hired labor. Where said works are done by contract such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution of the work according to such contract, and for the proper payment of all liabilities incurred in the prosecution thereof for labor and material.

Mr. DAVIS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 540, after the word "works," strike out to and including the word "labor," in line 544, and insert:

"By contract, except that works for which the appropriations herein made are less than $10,000 may be prosecuted by hired labor; and that works under the direction of the Mississippi River Commission may be prosecuted by hired labor if in the opinion of said commission the interests of the Government are better subserved thereby."

Mr. DAVIS, of Illinois. This amendment explains itself. It has had the consideration, I believe, of the committee to some extent, and I hardly think they will object to it.

Mr. DUNN. The gentleman will allow me to inform him that the work on the Mississippi River is to be executed by the Secretary of War, not by the commission—only in accordance with the plans of the commission. It may be done by contract or by labor employed directly by the Government.

Mr. DAVIS, of Illinois. Then the amendment can be modified by striking out "commission" and inserting "Secretary of War."

The object of this provision is to require that for all the important works contracts shall be made, so that there may be a proper accountability, and that the large sums appropriated for these improvements may be advantageously expended. I offer the amendment in the interest of accountability to the Government and to the people.

Mr. RANDALL. For several years, as I understand, the effort has been made so to arrange the law in this respect as to meet exactly the difficulties which at one time existed. After full consultation as I understood with the Engineer Corps, the language of this bill as recommended by the committee has been agreed upon. I think it would be a dangerous experiment to change it.

Mr. KENNA. I do not know that I caught exactly the amendment of the gentleman from Illinois [Mr. DAVIS] or the expression of the gentleman from Pennsylvania [Mr. RANDALL], but I desire to say that the clause as it stands in the bill is in the very words adopted year after year for a number of years in bills of this kind. The engineers in charge of the various improvements are familiar with these requirements; and I trust the provision will be allowed to remain as it is.

Mr. DAVIS, of Illinois. Mr. Chairman, in many places throughout the country proposed contracts for public works have been declined by the Government for one reason or another. New machinery, new plants, have been brought into use by the Government, and subsequently destroyed, or sold for an inadequate price, thus entailing loss which should be avoided. My belief is that the Government can contract for this service without devoting a large sum of money to procuring plant. We notice here to-night in reference to the improvement of the Missouri River that the entire appropriation last year was exhausted and used to build a snag-boat, and no improvement was made. My object is to let all the work under $10,000 be by hired labor if desired, but in large contracts I think the Government is better served if it should contract down to the last dollar, and we will get a better accountability than we now receive from that Department.

Mr. WASHBURN. I think there is sufficient discretion left in the hands of the Secretary of War to provide for any such case as the gentleman from Illinois refers to.

The amendment of Mr. DAVIS, of Illinois, was rejected.

Mr. LYNCH. I move the following amendment.

The Clerk read as follows:

In line 553 insert the following:

"And upon the further condition that convict labor shall not be used or employed on any of the works named in this bill."

Mr. LYNCH. I do not wish to make a speech, but will merely ask for a vote.

Mr. LYNCH'S amendment was rejected.

Mr. HOLMAN. I offer the following amendment to come in at the end of line 553:

The Clerk read as follows:

No sum of money appropriated for any improvement specified in this act shall be expended until the Chief of Engineers shall report in writing to the Secretary of War that the improvements named would be of public utility.

Mr. TOWNSEND, of Ohio. That is in the bill now.

The committee divided; and there were—ayes 72, noes 97.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN appointed Mr. HOLMAN and Mr. PAGE as tellers.

The committee again divided; and the tellers reported—ayes 67, noes 103.

So the amendment was rejected.

Mr. BAYNE. I move after line 553 to insert the following.

The Clerk read as follows:

That the Secretary of War be, and is hereby, authorized and directed to make such regulations as may be necessary to preserve and protect the channels of the rivers and harbors herein appropriated for from damage, injury, or impairment by the deposit of refuse or other matter or material.

Mr. KENNA. I hope that amendment will be adopted.

Mr. PAGE. I have no objection.

The amendment was adopted.

The Clerk read as follows:

That surveys shall hereafter be made upon application to, and authorization of, the Secretary of War, and in every case where surveys are made the report thereon shall embrace such information concerning the commercial importance, present and prospective, of the improvement contemplated thereby, and such general commercial statistics as the Secretary of War may be able to procure: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, and then only when such local engineer shall have made such examination and shall have reported to said Chief of Engineers that in his judgment said harbor or river is worthy of improvement, and that the work is a public necessity.

Mr. KASSON. I move to insert after the word "engineers," in line 570, these words: "with the approval of that officer."

Mr. PAGE. I have no objection to that amendment.

The amendment was adopted.

Mr. KASSON. I move to add at the end of the paragraph the words I send up to the Clerk's desk.

The Clerk read as follows:

In respect to commerce between the States, or with foreign countries.

Mr. KASSON. That is to say the report shall state the work is a public necessity in respect to commerce between the States or with foreign countries. My object is to make a distinction between a work of benefit to a locality not larger than a State, and those works which in my judgment come up to the constitutional provision of commerce between the States or with foreign countries.

The amendment was rejected.

Mr. KENNA. I move, in line 70, to strike out the words "in his judgment," and in lieu thereof to insert "in the judgment of the engineer in charge."

The amendment was adopted.

The Clerk read as follows:

That such parts of the money appropriated by this or any previous act for any particular improvement, whether requiring locks or dams or otherwise, as may be necessary in the prosecution of such improvement, may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

Mr. THOMPSON, of Kentucky. I move to insert the following amendment.

The Clerk read as follows:

Improving Kentucky River, Kentucky: Continuing improvement, $49,999.

Mr. THOMPSON, of Kentucky. I desire to say, Mr. Chairman, that last night this was stricken out——

Mr. ANDERSON. What is the motion?

The CHAIRMAN. The amendment of the gentleman from Kentucky will be again reported.

Mr. PAGE. Let me state, Mr. Chairman, that the gentleman from Kentucky proposes to insert the clause which was stricken out of the bill last night, on page 16 of the bill, the following words:

Improving Kentucky River, Kentucky: Continuing improvement, $50,000.

Mr. THOMPSON, of Kentucky. Fifty-one thousand dollars is the amount that it should be.

Mr. PAGE. I have no objection to the modification. On yesterday this was stricken out on motion of Mr. WHITE, the colleague of the gentleman from Kentucky. He desires now that it may be reinserted in the bill in its proper place. If it be adopted by the committee and ordered to be reinserted I hope there will be no objection, and I ask unanimous consent that it be inserted in its proper place.

Mr. WHITE. I object.

Mr. THOMPSON, of Kentucky. There can be no objection to this, I think, anywhere.

The CHAIRMAN. The Chair will submit the question.

The question was taken.

Mr. WHITE. I demand a division.

The committee divided; and there were—ayes 152, noes 15.

So the amendment as modified was agreed to.

The CHAIRMAN. Without objection the clause will be inserted in its proper place in the bill.

There was no objection.

Mr. BERRY. Mr. Chairman, I wish to ask if the word "otherwise," in line 574, should not be "other works?" I think this is a misprint, and I ask that the correction be made.

Mr. PAGE. That is right; the correction should be made there.

The amendment was agreed to.

Mr. PAGE. The improvement of the Kentucky River, which has just been reinserted in the bill, I understand by unanimous consent is to be put in its original place in the bill.

The CHAIRMAN. That has already been done.

Mr. WHITE. I desire to say that I have objected to that.

The CHAIRMAN. The Chair thinks it is too late for the gentleman to object now; unanimous consent was asked and has been given.

Mr. WHITE. I rose when the Chair put the question, and did not understand there was any request for unanimous consent. I demanded a division on the adoption of the resolution, but nothing was said about putting it in its original place in the bill.

The CHAIRMAN. The Chair begs to state to the gentleman from Kentucky that when unanimous consent was asked for no objection was made.

Mr. WHITE. I rose to object.

The CHAIRMAN. If the gentleman from Kentucky will allow the Chair to state that when unanimous consent was asked for and given the eye of the Chair rested in that part of the Hall where the gentleman from Kentucky is now standing, and the eye of the Chair failed to notice the gentleman from Kentucky on his feet. [Laughter.]

Mr. WHITE. I desire to say in response to what the Chair has said that when the Chair put the question on the adoption of the resolution I objected. I did not object till the Chair put the question; but I supposed, of course, that the objection which I made was entertained by the Chair, since I made it when the gentleman from California, the chairman of the committee, first made the request. The moment it was asked for I objected. I objected to inserting in this bill $51,000 for the Kentucky River.

The CHAIRMAN. Does the gentleman from Kentucky say to the Chair that the moment the Chair announced that by unanimous consent this would be inserted in its proper place in the bill he rose in his place and addressed the Chair and made objection?

Mr. WHITE. I rose in my place. I do not remember if I addressed the Chair; but I rose in my place and said I objected. I took it for granted, however, that the objection had been entertained as it was made before.

The CHAIRMAN. The gentleman insists upon a literal construction of the rule. Now, the Chair will be compelled to apply a literal construction of the law to the gentleman from Kentucky. The Chair made the request for unanimous consent and the gentleman from Kentucky did not rise in his place to object. Therefore the Chair now holds that it is too late.

Mr. HOLMAN. I desire to offer an amendment to come in at the end of the bill.

The Clerk read as follows:

Provided, That no sum of money appropriated by this act for any improvement therein named shall be expended until a board of five engineers of the Engineer Corps of the Army, of which the Chief of Engineers shall be the president, who shall be detailed for that duty by the Secretary of War, with the approval of the President, shall report in writing to the Secretary of War that the work named would be of public utility.

The CHAIRMAN. The question is on the adoption of the amendment.

The committee divided; and there were—ayes 38, noes 115.

Mr. LE FEVRE. No quorum.

The CHAIRMAN. A quorum has voted.

Mr. LE FEVRE. Then I demand tellers on that vote.

Tellers were refused, 14 members only voting in favor thereof.

Mr. RICHARDSON, of South Carolina. I desire to offer an amendment to which I think there will be no objection. I am informed by members of the Committee on Commerce that they do not object to it.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. RICHARDSON, of South Carolina. I move in lines 70 and 71 of the bill to insert "fifty" after the word "hundred;" so that it will read:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $150,000.

Mr. PAGE. You can not go back to that part of the bill.

Mr. BRAGG. I make the point of order upon the amendment

Mr. ANDERSON. That is subject to the point of order.

Mr. BRIGGS. I make the point of order that the amendment can not now be entertained.

Mr. BRAGG. We have passed that item in the bill.

The CHAIRMAN. The Chair will hold that the point of order is well taken, that part of the bill having been passed.

Mr. PAGE. I move that the committee rise and report the bill to the House with the recommendation that it pass as amended.

Mr. BRIGGS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. This bill has not been read in full.

The CHAIRMAN. The Clerk read the last line of the bill.

Mr. BRIGGS. The Clerk has not concluded the reading of the bill. I have been observing it carefully and it was not read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That all moneys hereby appropriated shall be immediately available.

The CHAIRMAN. Are those the lines to which the gentleman refers?

Mr. BRIGGS. They are.

The CHAIRMAN. They have been read now.

Mr. KASSON. I offer a further amendment.

The Clerk read as follows:

After line 585 add:

"*Provided*, That not more than $5,000,000 of the aggregate sum by this act appropriated shall be expended before the end of the fiscal year beginning the 1st

day of July next; nor in apportioning the same shall any larger sum be expended for any objects designated in this act than the sum herein assigned therefor."

Mr. KASSON. I suppose of course there will be objection to this amendment. But, as in the other case, I desire to place upon record my judgment of the limit that ought to be put upon the bill passed at this session. I shall ask for a division upon it.

The question being taken on the amendment, there were—ayes 59, noes 93.

So the amendment was not agreed to.

Mr. PAGE. I move that the committee do now rise and report the bill to the House with the amendments.

Mr. ANDERSON. I call for a division; and I hope the Chair will count accurately.

The committee divided, and there were—ayes 151, noes 12.

Mr. ANDERSON. I call for tellers.

Tellers were not ordered—only 11 members voting therefor.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CANNON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had directed him to report the same to the House with sundry amendments.

The SPEAKER. The gentleman from California [Mr. PAGE] is recognized.

Mr. WHITE. I move that the House do now adjourn.

The SPEAKER. The Chair has recognized the gentleman from California.

Mr. PAGE. I move the previous question on the bill and amendments.

Mr. WHITE. Pending that I move that the House do now adjourn.

The question being taken on Mr. WHITE'S motion, there were—ayes 6, noes 110.

Mr. WHITE. I call for tellers.

Tellers were not ordered, only 3 members voting therefor.

So the motion to adjourn was not agreed to.

The SPEAKER. The question is on the demand for the previous question.

The previous question was ordered.

Mr. PAGE moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question will first be on the amendments recommended by the committee.

Mr. HOLMAN. I ask that they be reported.

Mr. PAGE. I ask that the question be taken on all the amendments as one question.

Mr. WHITE. I object.

The SPEAKER. Does the gentleman from Indiana require the reading of the amendments?

Mr. HOLMAN. They are but few in number. I think there ought to be some consideration of them in the House.

The SPEAKER. The Clerk will read the amendments.

The Clerk commenced the reading of the amendments reported from the Committee of the Whole House on the state of the Union.

Mr. PAGE. I understand the gentleman from Indiana withdraws his call for the reading of the amendments.

Mr. HOLMAN. I have noted the amendments in my own copy of the bill. Unless some other gentleman desires to hear them read, I withdraw the call for the reading.

The SPEAKER. The demand for the reading of the amendments being withdrawn, the question is on agreeing to the amendments reported from the Committee of the Whole House on the state of the Union.

The question being taken, the amendments were agreed to.

Mr. PAGE moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill as amended. [Mr. ANDERSON rose.] For what purpose does the gentleman rise?

Mr. ANDERSON. I rise to move to recommit the bill to the Committee on Commerce, with instructions to report a substitute.

The SPEAKER. That motion is not now in order.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. PAGE. I move the previous question on the passage of the bill.

I desire to say, while I would be entitled to an hour, I do not desire to take any time. I had promised a portion of my time to the gentleman from New York [Mr. DWIGHT] and the gentleman from Louisiana [Mr. GIBSON]. I do not propose myself to occupy any time, and these gentlemen have kindly notified me that they would not claim the floor if I can obtain for all gentlemen who desire it permission to print in the RECORD their remarks on the river and harbor bill.

There was no objection, and it was so ordered. [See Appendix.]

Mr. HOUSE. Let us now have a vote.

Mr. ANDERSON. I move to recommit the bill to the Committee on Commerce, with instructions to report as a substitute for the bill what I send to the desk.

The Clerk read as follows:

Be it enacted, &c., That the sum of $3,000,000 be hereby appropriated, out of moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the preservation of the public works constructed by the United States in its rivers and harbors.

The question bring taken on a *viva voce* vote, the Speaker stated that the "noes" evidently had it.

Mr. ANDERSON. I call for a division.

The House divided; and there were—ayes 12, noes 144.

So the motion to recommit with instructions was not agreed to.

The SPEAKER. The gentleman from California [Mr. PAGE] demands the previous question on the passage of the bill.

The previous question was ordered.

Mr. PAGE moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KASSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to know whether the omission in the title of the bill of the fiscal year was intentional.

The SPEAKER. The title is no part of the bill. If necessary, the title can be changed after the bill is passed.

Mr. PAGE. The bill does not refer to the next fiscal year. The money appropriated is immediately available.

The SPEAKER. The question is on the passage of the bill, and in accordance with the rule will be taken by yeas and nays.

The question was taken; and there were—yeas 111, nays 90, not voting 90; as follows:

YEAS—111.

Aiken,	Dunn,	Jones, George W.	Ritchie,
Aldrich,	Dunnell,	Jones, James K.	Robertson,
Atkins,	Ellis,	Jorgensen,	Robeson,
Bayne,	Errett,	Kenna,	Rosecrans,
Bisbee,	Evins,	King,	Ross,
Blackburn,	Farwell, Chas. B.	Lewis,	Simonton,
Blanchard,	Farwell, Sewell S.	Lord,	Singleton, Otho R.
Brewer,	Ford,	Lynch,	Smalls,
Buchanan,	Forney,	Manning,	Spooner,
Burrows, Jos. H.	Frost,	Martin,	Stone,
Calkins,	Fulkerson,	Mason,	Strait,
Candler,	George,	McLean, Jas. H.	Talbott,
Cannon,	Gibson,	McMillin,	Thomas,
Carpenter,	Guenther,	Mills,	Thompson, P. B.
Chapman,	Harris, Benj. W.	Money,	Townsend, Amos,
Clardy,	Haseltine,	Moore,	Upson,
Clark,	Hatch,	Muldrow,	Urner,
Clements,	Hazelton,	Oates,	Vance,
Cook,	Herbert,	O'Neill,	Van Horn,
Covington,	Hewitt, G. W.	Page,	Ward,
Crapo,	Hoblitzell,	Paul,	Washburn,
Cravens,	Hooker,	Peirce,	Webber,
Culberson,	Horr,	Pettibone,	Wellborn,
Darrall,	Houk,	Pound,	Wheeler,
Davis, Lowndes H.	House,	Reese,	Willis,
Dawes,	Hubbell,	Rice, John B.	Wise, George D.
Dezendorf,	Hubbs,	Rich,	Wise, Morgan R.
Dibrell,	Humphrey,	Richardson, J. S.	

NAYS—90.

Anderson,	Doxey,	Lacey,	Shultz,
Atherton,	Dwight,	Leedom,	Smith, J. Hyatt
Barr,	Fisher,	Le Fevre,	Sparks,
Beach,	Flower,	McCook,	Springer,
Belmont,	Geddes,	Morey,	Steele,
Beltzhoover,	Godshalk,	Morrison,	Stockslager,
Berry,	Grout,	Morse,	Taylor, Joseph D.
Bingham,	Hall,	Mutchler,	Townshend, R. W.
Bowman,	Hardenbergh,	Norcross,	Turner, Oscar
Bragg,	Hardy,	Payson,	Tyler,
Briggs,	Harmer,	Peelle,	Van Voorhis,
Buck,	Hepburn,	Prescott,	Wadsworth,
Burrows, J. C.	Hill,	Randall,	Wait,
Campbell,	Hiscock,	Ranney,	Walker,
Cassidy,	Hitt,	Richardson, D. P.	Warner,
Caswell,	Holman,	Robinson, Geo. D.	Watson,
Cobb,	Hutchins,	Robinson, Jas. S.	West,
Colerick,	Jacobs,	Robinson, Wm. E.	White,
Cox, William R.	Jadwin,	Ryan,	Whitthorne,
Cullen,	Jones, Phineas	Scales,	Willits,
Curtin,	Kasson,	Scoville,	Wood, Walter A.
Cutts,	Ketcham,	Shallenberger,	
Davis, George R.	Klotz,	Sherwin,	

NOT VOTING—90.

Armfield,	Butterworth,	Davidson,	Hammond, John
Barbour,	Cabell,	Deering,	Hammond, N. J.
Belford,	Caldwell,	De Motte,	Harris, Henry S.
Black,	Camp,	Deuster,	Haskell,
Bland,	Carlisle,	Dingley,	Heilman,
Bliss,	Chace,	Dowd,	Henderson,
Blount,	Converse,	Dugro,	Herndon,
Browne,	Cornell,	Ermentrout,	Hewitt, Abram S.
Brumm,	Cox, Samuel S.	Garrison,	Hoge,
Buckner,	Crowley,	Gunter,	Joyce,

Kelley,	Miles,	Reed,	Thompson, Wm. G.
Knott,	Miller,	Rice, Theron M.	Tucker,
Ladd,	Mosgrove,	Rice, Wm. W.	Turner, Henry G.
Latham,	Moulton,	Russell,	Updegraff,
Lindsey,	Murch,	Scranton,	Valentine,
Mackey,	Neal,	Shelley,	Van Aernam,
Marsh,	Nolan,	Singleton, J. W.	Williams, Chas. G.
Matson,	Pacheco,	Skinner,	Williams, Thomas
McClure,	Parker,	Smith, A. Herr	Wilson,
McCold,	Phelps,	Smith, Dietrich C.	Wood, Benjamin
McKenzie,	Phister,	Spaulding,	Young.
McKinley,	Ray,	Speer.	
McLane, Robt. M.	Reagan,	Taylor, Ezra B.	

So the bill was passed.

The following pairs were announced:

Mr. THOMPSON, of Iowa, with Mr. DUGRO.

Mr. REED with Mr. HAMMOND of Georgia.

Mr. PACHECO with Mr. PHISTER.

Mr. BLAND with Mr. NEAL.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. DE MOTTE with Mr. MATSON.

Mr. RUSSELL with Mr. WILLIAMS of Alabama.

Mr. SMITH, of Illinois, with Mr. MOULTON.

Mr. CHACE with Mr. TUCKER.

Mr. SMITH, of Pennsylvania, with Mr. BARBOUR.

Mr. RAY with Mr. TURNER of Georgia.

Mr. HAMMOND, of New York, with Mr. REAGAN.

Mr. DEERING with Mr. CULBERSON.

Mr. SPAULDING with Mr. ERMENTROUT.

Mr. MACKEY with Mr. RICE of Missouri.

Mr. BRUMM with Mr. MCKENZIE.

Mr. LINDSEY with Mr. DAVIDSON.

Mr. LATHAM with Mr. COBB.

Mr. MILLER with Mr. CABELL.

Mr. UPDEGRAFF with Mr. E. B. TAYLOR. Mr. TAYLOR would have voted "aye" and Mr. UPDEGRAFF "no."

Mr. DWIGHT. I desire to state that Mr. CONVERSE, of Ohio, is absent on account of illness. If here, he would vote "no."

Mr. VALENTINE. I was paired during the afternoon with Mr. ARMFIELD, of North Carolina; the pair was not to extend further than this afternoon. I understand, however, that he has gone home unwell; and therefore, to protect him, I will withdraw my vote.

Mr. HOLMAN. My colleague, Mr. MATSON, is detained from the House on account of sickness. If here, he would vote "no."

Mr. MCCOOK. My colleague, Mr. SKINNER, is absent by leave of the House on account of sickness in his family. If present, he would vote against this bill.

Mr. HENDERSON. I desire to say that if I was not paired with Mr. REAGAN, of Texas, I should vote "no."

Mr. REESE. I desire to state that my colleague, Mr. TURNER, of Georgia, is absent on account of indisposition.

Mr. HENDERSON. I notice that it is announced that Mr. HAMMOND, of New York, is paired with Mr. REAGAN. If so, I would like to vote.

The SPEAKER. It is too late now.

Mr. HENDERSON. If I am not paired with Mr. REAGAN, of Texas, I think I should be allowed to vote. My colleague, Mr. TOWNSHEND, paired me with Mr. REAGAN yesterday, and if the pair has been changed it was without my knowledge and consent.

Mr. SPRINGER. I think my colleague is entitled to vote, under the circumstances.

The SPEAKER. It is too late under the rules.

Mr. WALKER. My colleague, Mr. BRUMM, desires me to say that if he were present he would vote "no."

The SPEAKER. The Chair has been requested to state that Mr. JOYCE, of Vermont, is absent this evening on account of sickness in his family.

Mr. STEELE. My colleague, Mr. BROWNE, is absent on account of indisposition. If here, he would vote "no."

Mr. ROBINSON, of Massachusetts. My colleague, Mr. RUSSELL, has been called home in consequence of sickness in his family. He is paired with Mr. WILLIAMS, of Alabama. If they were present, Mr. RUSSELL would vote "no," and I understand that Mr. WILLIAMS would vote "ay."

Mr. TALBOTT. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WHITE. I object.

The SPEAKER. The Clerk will read the names.

The Clerk began the reading of the names.

Mr. WHITE said: I notice that the name of Mr. JOSEPH H. BURROWS is announced in the affirmative. I do not think he has been here this evening.

The SPEAKER. The reading of the names can not be interrupted.

The Clerk resumed the reading of the names, but before concluding,

Mr. WHITE said: I withdraw the demand for the reading of the names.

The result of the vote was then announced as above stated.

Mr. PAGE. I move to reconsider the vote by which the bill was passed; and also move to lay the motion to reconsider on the table.

The SPEAKER. If there is no objection it will be so ordered.

Mr. WHITE. I call for a division on that vote.

The SPEAKER. The Chair thinks it is too late.

Mr. WHITE. I called for it in time.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] states that he rose in time and called for a division on the motion to lay the motion to reconsider on the table.

Mr. HOLMAN. The gentleman from Michigan, Mr. BURROWS, rose immediately on the announcement by the Speaker of the vote.

The SPEAKER. The question will be taken by a division.

The House divided; and there were—ayes 66, noes 24.

Mr. ANDERSON. No quorum has voted.

Tellers were ordered; and Mr. PAGE and Mr. ANDERSON were appointed.

Mr. WHITE. I call for the regular order.

The SPEAKER. This is the regular order. The tellers will take their places.

The House again divided; and the tellers reported—ayes 80, noes 27.

Mr. ANDERSON. I waive the question of a quorum.

So (no further count being called for) the motion to reconsider was laid on the table.

LEAVE TO PRINT.

Mr. MCLEAN, of Missouri, by unanimous consent, obtained leave to have printed in the RECORD remarks on one of the provisions of the deficiency appropriation bill. [See Appendix.]

PERSONAL EXPLANATION.

Mr. TOWNSHEND, of Illinois. In justice to my colleague [Mr. HENDERSON] I wish to state that I paired him to-day with the gentleman from Texas [Mr. REAGAN], who was absent on account of illness. I understand now the gentleman from Texas is paired with some one else, but he was first paired with my colleague.

BRIDGE ACROSS MISSOURI RIVER.

Mr. VAN HORN. I move to suspend the rules and pass a bill to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

Mr. CASWELL. I desire to submit a privileged report.

The SPEAKER. Pending another proposition that can not be done. The bill which the gentleman from Missouri moves to pass under a suspension of the rules will be read.

Mr. HISCOCK. I ask the attention of the House for a moment. I believe that a privileged report should have preference over this business.

The SPEAKER. It has not preference of a pending proposition; it would have preference over a proposition not pending.

Mr. HISCOCK. I appeal to the gentleman from Missouri [Mr. VAN HORN] to withdraw this bill and let the conferees on the part of the House on the Post-Office appropriation bill make a report. There are three or four of these bridge bills. I am in favor of all of them; and will come here to-morrow morning to help pass them.

Mr. ANDERSON. I think this bill of the gentleman from Missouri had better not be pressed now. The gentleman will save time by withdrawing it for the present.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That the Chillicothe and Kansas City Railway Company, a corporation organized under the laws of the State of Missouri, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto over the Missouri River, at some accessible point consistent with the interests of the river navigation within five miles above and ten miles below the present railroad bridge across said river, at the city of Kansas City, in the county of Jackson and State of Missouri. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers and freight passing over said bridge than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least fifty feet above extreme high-water mark, as understood at the point of location, and at least eighty feet above low-water, and the bridge shall be at right angles to, and its piers parallel with, the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, it shall have two or more pivot or draw span openings over the main channel of the river, giving two hundred feet clear channel-way in each opening, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river. Also that all fixed spans located between the shore lines, at the medium stage of water, shall be three hundred feet or more in length, and that the clear head-room under such spans shall not be less than ten feet at highest water: *Provided also*, That said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river, and if any bridge erected under such authority shall, in the

opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Missouri in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 2 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Mr. WASHBURN. I wish to say that the Committee on Commerce considered this bill, or a bill precisely like it, and reported it unanimously.

The motion of Mr. VAN HORN to suspend the rules and pass the bill (H. R. 7682) was agreed to (two-thirds voting in favor thereof).

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] stated that there was a privileged report to be presented.

Mr. HISCOCK. We have concluded to defer it until to-morrow morning.

Mr. RANDALL. What is the report?

Mr. HISCOCK. The conferees of the two Houses have been unable to agree, the points of difference being the two items on which a disagreement was reported the other day. The Senate conferees refused to recede from either of those items.

A MEMBER. What are they?

Mr. HISCOCK. One is in reference to the compensation of subsidized roads; the other in relation to special mail facilities.

Mr. RANDALL. I think we had better have a fuller House when we vote on that question.

Mr. HOLMAN. I move that the House adjourn. There is no quorum present.

Mr. RANDALL. I hope we shall not adjourn. I desire to have passed a bill to remove the political disabilities of a confederate soldier.

The motion of Mr. HOLMAN was not agreed to.

BRIDGE ACROSS THAMES RIVER, CONNECTICUT.

Mr. BUCK. I move to suspend the rules so as to take from the House Calendar House bill No. 7115 and pass the same, with the amendments reported from the Committee on Commerce.

The bill as amended was read, as follows:

A bill to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Thames River, not below Winthrop's Point, and also across any inlet thereof, in the State of Connecticut, to be constructed under and by virtue of joint resolution of the Legislature of the State of Connecticut entitled "A resolution authorizing the New York, Providence and Boston Railroad Company to bridge the Thames River, and to extend its lines," passed at its January session, 1882, is hereby declared to be, when completed in accordance with the aforesaid joint resolution of the Legislature of the State of Connecticut, a lawful structure and a post-route for the conveyance of the mails of the United States: *Provided*, That no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers and freight passing over said bridge, than the rate per mile paid for the transportation over the railroads leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States: *And provided further*, That the said bridge shall be built with a pivot-draw, not less than five hundred feet in length, and so as to not practically interfere with the navigation of said river for commercial or naval purposes, or the usefulness and efficiency of the navy-yard upon the same. In order to secure a compliance with these conditions, the said New York, Providence and Boston Railroad Company, previous to commencing the construction of said bridge, shall submit to the Secretary of War and the Secretary of the Navy of the United States a plan of said bridge, and of the location thereof, with a detailed map of the river at the proposed site of said bridge, and for the distance of a mile above and below such site, exhibiting such information touching said bridge and river as may be deemed requisite by said Secretary of War and said Secretary of the Navy to determine whether the said bridge, when built, will conform to the prescribed conditions of this act, to not practically interfere with the navigation of said river for commercial and naval purposes, or the usefulness and efficiency of the navy-yard upon the same.

SEC. 2. That the Secretary of War and the Secretary of the Navy are hereby authorized and directed, upon receiving said plan and map and other information, and on the application of said railroad company, to designate a board of competent Army and Navy officers to examine such plan and location, and if, in the opinion of said board, such plan and location, or any modification thereof, will not practically interfere with the navigation of said river for commercial and naval purposes, or the usefulness and efficiency of the navy-yard upon the same, said board is hereby authorized to approve the same. The approval of said board shall be filed with the Secretary of War, and upon the filing thereof it shall be the duty of the Secretary of War, in writing, to notify said railroad company thereof; and, upon receiving such notification, the said company may proceed to the erection of said bridge, conforming strictly to such approved plan and location. Until the said board, so appointed as aforesaid, shall approve the plan and location of said bridge, and the Secretary of War shall, in writing, notify said railroad company of the same, said bridge shall not be built or commenced. And the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Secretary of War.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 1 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The motion to suspend the rules was agreed to (two-thirds voting in favor thereof), and the bill was passed.

BRIDGE ACROSS ILLINOIS RIVER.

Mr. SPRINGER. I move to suspend the rules so as to take from the House Calendar and pass the bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois.

The bill was read, as follows:

Be it enacted, &c., That the Litchfield, Carrollton and Western Railroad Company, its successors and assigns, are hereby authorized and empowered to erect, establish, and maintain a railway bridge across the Illinois River, extending from a point, to be by them selected, within five miles of Columbiana, in Greene County, to a point, to be selected by them, within five miles of Farrowtown, in Calhoun County, in the State of Illinois; and that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States for the southern district of the State of Illinois.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans: *Provided*, That if the said bridge shall be built with unbroken or continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length; and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than two hundred and fifty feet, and said spans shall not be less than thirty feet above low-water mark and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge; and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the surroundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War. And the said structure shall be at all times so managed and kept as to offer

reasonable and proper means for the passage of vessels through or under said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Secretary of War; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, whenever the public good shall in the judgment of Congress so require, without any expense or charge to the United States.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 7. That this act shall take effect and be in force from and after its passage.

The motion to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I move that the House adjourn; and I insist on my motion.

Mr. RANDALL. I hope the gentleman will not press that motion; I desire to have passed a bill for the removal of political disabilities.

Mr. WHITE. I appeal to the gentleman from Michigan [Mr. BURROWS] to let the case of this repentant rebel come in.

The motion of Mr. BURROWS, of Michigan, was not agreed to.

SAMUEL H. LOCKETT.

Mr. RANDALL. I move to suspend the rules so as to pass the bill (H. R. 2816) to remove the legal and political disabilities of Samuel H. Lockett, of Alabama.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from Samuel H. Lockett, of Alabama.

Mr. ROBINSON, of Massachusetts. We ought to be assured that this bill has been reported from a committee. I have no doubt that it has been.

Mr. MANNING. I made the report from the Judiciary Committee, and it was unanimous.

The motion to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

SALARIES OF POSTMASTERS.

Mr. BINGHAM. I move to suspend the rules and pass the bill (H. R. 7611) to adjust the salaries of postmasters.

Mr. SIMONTON. I demand a second.

Mr. HOLMAN. I move the House do now adjourn. I shall insist on a quorum for the rest of the evening.

Mr. RYAN. We might as well adjourn.

Mr. HOLMAN. I am opposed to the bill and shall resist it.

Mr. ROBINSON, of Massachusetts. This can not pass unless a quorum is present. I do not object to its standing over until to-morrow.

Mr. HISCOCK. It had better go over until to-morrow as unfinished business.

Mr. HAZELTON. I object to that.

The question recurred on Mr. HOLMAN'S motion to adjourn.

The House divided; and there were—ayes 32, noes 34.

So the House refused to adjourn.

Mr. HOLMAN. I demand a second of the motion to suspend the rules.

The Clerk proceeded with the reading of the bill.

Mr. HISCOCK. I ask by unanimous consent that this shall go over until to-morrow.

Mr. HOLMAN. With the demand pending for a second?

Mr. HISCOCK. Certainly. Let us have unanimous consent to that. I hope no one will object.

Mr. HOLMAN. I will object hereafter to any business being done without a quorum.

Mr. HISCOCK. That is acceptable to the gentleman from Pennsylvania.

Mr. BINGHAM. All I desire is to have a standing in the House for the bill.

Mr. ROBINSON, of Massachusetts. It now goes over as unfinished business.

Mr. FLOWER. It was not so with me, for I was on the floor the other day and on the Calendar.

Mr. BINGHAM. This bill must be considered in some shape.

The SPEAKER. Is it desired to have the bill printed in the RECORD?

Mr. BINGHAM. It is.

The SPEAKER. The Chair hears no objection, and the bill will be printed in the RECORD and go over as unfinished business.

Mr. HOLMAN. With a demand for a second pending.

The SPEAKER. That can be made at the time the bill is read.

Mr. HOLMAN. I made it before at the proper time but lost my opportunity.

The SPEAKER. You made it after the reading.

Mr. HOLMAN. I made it as soon as the Speaker stated it.

The SPEAKER. But not before the question was put. The Chair understands the right to demand a second is reserved.

Mr. HISCOCK. I hope we will adjourn with that understanding.

The SPEAKER. The Chair hears no objection.

The bill as reported from the Committee on the Post-Office and Post-Roads is as follows:

Be it enacted, &c., That the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General from their respective quarterly returns to the Auditor of the Treasury for the Post-Office Department or copies or duplicates thereof to be forwarded to the First Assistant Postmaster-General for four quarters immediately preceding the adjustment, at the following rates, namely:

First class:

Gross receipts, $40,000, and not exceeding $45,000, salary, $3,000.
Gross receipts, $45,000, and not exceeding $60,000, salary, $3,100.
Gross receipts, $60,000, and not exceeding $80,000, salary, $3,200.
Gross receipts, $80,000, and not exceeding $110,000, salary, $3,300.
Gross receipts, $110,000, and not exceeding $150,000, salary, $3,400.
Gross receipts, $150,000, and not exceeding $200,000, salary, $3,500
Gross receipts, $200,000, and not exceeding $260,000, salary, $3,600.
Gross receipts, $260,000, and not exceeding $330,000, salary, $3,700.
Gross receipts, $330,000, and not exceeding $400,000, salary, $3,800.
Gross receipts, $400,000, and not exceeding $450,000, salary, $3,900.
Gross receipts, $450,000, and not exceeding $500,000, salary, $4,000.
Gross receipts, $500,000, and not exceeding $600,000, salary, $5,000.
Gross receipts, $600,000 and upward, salary, $6,000.

Second class:

Gross receipts, $8,000, and not exceeding $9,000, salary, $2,000.
Gross receipts, $9,000, and not exceeding $10,000, salary, $2,100.
Gross receipts, $10,000, and not exceeding $11,000, salary, $2,200.
Gross receipts, $11,000, and not exceeding $13,000, salary, $2,300.
Gross receipts, $13,000, and not exceeding $16,000, salary, $2,400.
Gross receipts, $16,000, and not exceeding $20,000, salary, $2,500.
Gross receipts, $20,000, and not exceeding $24,000, salary, $2,600.
Gross receipts, $24,000, and not exceeding $30,000, salary, $2,700.
Gross receipts, $30,000, and not exceeding $35,000, salary, $2,800.
Gross receipts, $35,000, and not exceeding $40,000, salary, $2,900.

Third class:

Gross receipts, $1,900, and not exceeding $2,100, salary, $1,000.
Gross receipts, $2,100, and not exceeding $2,400, salary, $1,100.
Gross receipts, $2,400, and not exceeding $2,700, salary, $1,002.
Gross receipts, $2,700, and not exceeding $3,000, salary, $1,300.
Gross receipts, $3,000, and not exceeding $3,500, salary, $1,400.
Gross receipts, $3,500, and not exceeding $4,200, salary, $1,500.
Gross receipts, $4,200, and not exceeding $5,000, salary, $1,600.
Gross receipts, $5,000, and not exceeding $6,000, salary, $1,700.
Gross receipts, $6,000, and not exceeding $7,000, salary, $1,800.
Gross receipts, $7,000, and not exceeding $8,000, salary, $1,900.

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish the Department with certified copies of their quarterly returns to the auditor at such times and for such periods as he may deem necessary in each case.

Fourth class:

SEC. 2. That the compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box-rents collected at their offices and commissions upon the amount of canceled postage-due stamps (provided for in section 270 of the Revised Laws and Regulations, edition of 1879), and on postage-stamps, official stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled on matter actually mailed at their offices, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely: On the first $50 or less per quarter, 100 per cent.; on the next $100 or less per quarter, 60 per cent.; on the next $200 or less per quarter, 50 per cent.; and on all the balance, 40 per cent., the same to be ascertained and allowed by the auditor of the Treasury for the Post-Office Department in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the compensation of any postmaster of this class shall reach $250 for four consecutive quarters each, exclusive of commissions on money-order business, and when the returns to the auditor for four consecutive quarters shall show him to be entitled to a compensation in excess of $250 per quarter, the auditor shall report such fact to the Postmaster-General, who shall assign the office to its proper class and fix the salary of the postmaster as provided by section 1 of this act: *Provided further*, That in no case shall there be allowed to any postmaster of this class a compensation greater than $250 in any one of the first three-quarters of any fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sum as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of $1,000, exclusive of money-order commissions.

SEC. 3. That the Postmaster-General shall make all orders relative to the salaries of postmasters; and any change made in such salaries shall not take effect until the first day of the quarter next following the order; and the auditor shall be notified of any and all changes of salaries.

SEC. 4. That the salaries of postmasters of the first, second, and third classes shall be readjusted by the Postmaster-General, the first adjustment (under this act) to take effect simultaneously with the reduction of the rates of postage, and thereafter at the beginning of each fiscal year; and the salary of the postmaster at Washington city, District of Columbia, shall be $5,000; and in no case shall the salary of any postmaster exceed the sum of $6,000, except in the city of New York, where the salary of the postmaster shall remain as now fixed by law, at $8,000 per annum.

WOMAN SUFFRAGE.

Mr. WHITE, by unanimous consent, from the Special Committee on Woman Suffrage, reported back the joint resolution (H. Res. 255) proposing an amendment to the Constitution; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. SPRINGER. As a member of that committee I have not seen the report, and do not know whether it meets with my concurrence.

Mr. WHITE. I ask by unanimous consent that the minority may have leave to submit their views to be printed with the majority report.

The SPEAKER. The Chair hears no objection.

LOAN OF TENTS, ETC.

Mr. STEELE, by unanimous consent, from the Committee on Military Affairs, reported back joint resolution (H. Res. 336) granting the use of tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battlefield of Gettysburgh in July,

1883; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I understand the Post-Office bill goes over as unfinished business, with the demand for a second pending, and therefore I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 15 minutes a. m., March 2) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: Memorial of the Legislature of Arizona Territory, asking for the appointment of a commissioner to investigate matters at the Papago Indian reservation—to the Committee on Indian Affairs.

By Mr. ANDERSON: The petition of P. H. Williams and 80 others, citizens of Hilton, Kansas, for free lumber—to the Committee on Ways and Means.

By Mr. BELMONT: The petition of Lenette M. Frost, of Queens County, New York, for an extension of patent—to the Committee on Patents.

By Mr. CANDLER: The petition of James S. White & Co. and others, praying for the repeal of sections 2907 and 2908 of existing law which requires the addition of inland transportation, costs, and charges to the ad valorem cost of goods—to the Committee on Ways and Means.

By Mr. DEZENDORF: The resolutions of superintendents of schools in the State of Virginia, adopted at a meeting held in the city of Richmond, February 28, 1883, relative to educational matters—to the Committee on Education and Labor.

By Mr. S. S. FARWELL: The petition of citizens of Scott, and of citizens of Clinton County, Iowa, relative to the duty on lumber—severally to the Committee on Ways and Means.

SENATE.

FRIDAY, *March* 2, 1883.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PLUMB, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of Shelby M. Cullom, chosen by the Legislature of Illinois a Senator from that State for the term beginning March 4, 1883; which were read, and ordered to be filed.

Mr. VAN WYCK presented the credentials of Charles F. Manderson, chosen by the Legislature of Nebraska a Senator from that State for the term beginning March 4, 1883; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SAULSBURY presented resolutions of the Wilmington (Delaware) Typographical Union, remonstrating against proposed legislation adverse to union printers in the Government Printing Office; which were ordered to lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PLUMB. I desire to make a report from a conference committee.

Mr. MCMILLAN. Should not the bills that came from the House last night be laid before the Senate?

The PRESIDENT *pro tempore*. This takes precedence.

Mr. MCMILLAN. Very well.

Mr. PLUMB. I present the report of the conference committee on the District appropriation bill.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 25, 27, 32, 34, 35, 37, 38, 47, 55, 69, 70, 71, 72, 76, 81, 82, 98, 101, 113, and 114.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 30, 31, 36, 39, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 57, 59, 60, 61, 62, 63, 65, 66, 67, 68, 73, 74, 75, 77, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 97, 100, 102, 103, 104, 105, 106, 107, 108, 109, 111, and 112; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert $1,900; on page 4, in line 9 of the bill strike out "two" and insert "three;" and in line 10 strike out "two clerks" and insert "one clerk;" and in line 11 strike out the word "each;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,450;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out all after the word "full," in line 3, down to and including line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "building," insert "by the commissioners of the District;" and in line 2, after the word "be," insert "prepared by the inspector of buildings and;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$10,000, $5,000 of which shall be used for building a house on the premises, under the direction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for, and shall require an itemized report of receipts and expenditures to be made to them to be transmitted with their annual report to Congress."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price and to use so much of the sum hereby appropriated as may be necessary for that purpose."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "eighty;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$301,560;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$543,675;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with amendments as follows: In lieu of the sum proposed by said amendment, insert "$1,000;" and on page 17, in line 15 of the bill, before the word "dollars," insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "four" and insert the word "five;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$56,000," and add the following as a new paragraph:

"For new heating apparatus for the John F. Cook School Building, $2,500; for the Randall School Building, $2,400; for the Miner School Building, $3,900; for the Abbott School Building, $3,200; in all, $12,000."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out, insert the following:

"And the time allowed for filing claims in the Court of Claims under an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same and for other purposes,' approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred."

And the Senate agree to the same.

P. B. PLUMB,
F. M. COCKRELL,
H. L. DAWES,
Managers on the part of the Senate.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

The report was concurred in.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. MCMILLAN. I ask the Senate to excuse me from service upon the committee appointed yesterday to examine the Mississippi River improvement, under resolution passed by the Senate.

The PRESIDENT *pro tempore*. Will the Senate excuse the Senator from Minnesota? The Chair hears no objection; and the Chair appoints in his place the Senator from Wisconsin [Mr. SAWYER.]

HOUSE BILLS.

Mr. MCMILLAN. May I ask that the bill for the improvement of rivers and harbors be taken up and referred?

The PRESIDENT *pro tempore*. The bills received from the House last night were sent to the Printer, and have not yet been returned. They are expected back every moment.

Mr. McMILLAN. When they arrive I shall ask that they be laid before the Senate.

REPORTS OF COMMITTEES.

Mr. BLAIR. I ask leave, from the Committee on Education and Labor, to report back the bill (S. 1251) to provide for the preparation of a centennial record of the Government of the United States, without recommendation as to action, and I ask for the printing of the documents accompanying the same.

The documents were ordered to be printed.

Mr. BLAIR. There is on the table a resolution for the printing of the annual report of the Commissioner of Education, which passed the Senate at the last session with an amendment decreasing the number 7,000 copies, 20,000 being the number of copies the original resolution called for. The vote was very close, and after the resolution was passed as amended by the Senate the chairman of the Committee on Printing said to me that if the resolution were recalled he would make no further opposition to its passing as originally prepared; that is, 20,000 instead of 13,000 copies, whereupon the Senate voted to recall the resolution. I had entered my motion to reconsider the vote, and now I should like to call it up.

The PRESIDENT *pro tempore*. It is not yet in order.

Mr. BLAIR. It will take but a moment.

The PRESIDENT *pro tempore*. Morning business is still in order.

Mr. BLAIR. It is necessary to act this morning, it is so late in the session; but I will wait until the morning business is concluded.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2459) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported it without amendment.

Mr. HARRISON submitted the report of the Congressional Board of Visitors to the West Point Military Academy for 1882; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1843) dedicating the military reservation at Plattsburgh, New York, to the village of Plattsburgh for a public park, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. VAN WYCK. The Committee on Public Lands instruct me to make a couple of reports, for which I would like consideration at the present time. They have been waiting for a long time to get these two measures before the Senate. The facts are agreed upon. I report first the bill (H. R. 832) for the relief of Marzel Altmann, without amendment.

The PRESIDENT *pro tempore*. The Chair understands this is a bill which has been reported and is on the Calendar. It is not in order to report it now. It is on the Calendar already.

Mr. VAN WYCK. I should like to have it considered.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 2073) for the relief of Wesley Montgomery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2401) for the relief of William H. Simmons, reported it without amendment.

Mr. BLAIR. I rise to the consideration of a report from the Committee on Printing, which has been partially considered.

The PRESIDENT *pro tempore*. That is not in order now.

Mr. JONAS, from the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases, to whom was referred the bill (S. 2318) to establish a floating ward in the port of New Orleans, reported it with amendments.

Mr. FRYE. I am instructed by the Committee on Claims to report back the bill (H. R. 3850) for the relief of Joseph Wescott & Son, favorably without amendment; and as it is a very simple affair I should like to have it considered now.

Mr. MORGAN. I object to its present consideration.

The PRESIDENT *pro tempore*. The bill goes to the Calendar.

HEIRS OF LOYAL COWLES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. BARROW on the 5th of February, reported it without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the resolution:

Resolved, That the Acting Secretary of the Senate be, and is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate, to the legal heirs of Loyal Cowles, deceased, late assistant in the stationery-room of the Senate, the sum of $500, being an amount equal to six months' salary as assistant aforesaid; the above sum to be considered as including the funeral expenses and all other allowances.

The resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF DIRECTOR OF THE MINT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a concurrent resolution of the House of Representatives to print additional copies of the report of the Director of the Mint, to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent and concurred in, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That 9,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. ANTHONY. I would say, and I wish my voice could reach the heads of Departments and Bureaus, that the Committee on Printing is exceedingly reluctant to report resolutions for printing documents coming from the Executive Departments. They should be provided for in their appropriation for printing.

CENSUS REPORT MAPS.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports, have instructed me to report it back with an amendment. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to authorize the Committee on Printing to instruct the Public Printer to accept private proposals for printing the required number of copies of maps and other illustrations for the census reports from plates or stones which were engraved under special appropriations for printing and engraving for the Tenth Census prior to the act of August 7, 1882, whenever it shall clearly appear that expense can be saved thereby.

The amendment reported by the Committee on Printing was to strike out, in lines 3 and 4, the words:

That the Committee on Printing be, and they are hereby, authorized to instruct the.

And in line 4, after "Public Printer," to insert:

Is authorized under the direction of the Joint Committee on Public Printing or of the Senate Committee on Printing in case there be no committee on the part of the House.

The amendment was agreed to.

Mr. ANTHONY. There is a resolution to dispense with advertising for the maps and plates of the census that have already been engraved. They have already been engraved for the bulletins, and the stones are now in the possession of the engraver and the work can be done much cheaper by him than they can be by an outsider, who would have to make the engraving over again.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SMITHSONIAN REPORT.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution of the House of Representatives for printing extra copies of the report of the Smithsonian Institution, have instructed me to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent and concurred in, as follows:

Resolved by the House of Representatives (the Senate concurring), That 15,560 copies of the report of the Smithsonian Institution for the year 1882 be printed, 2,500 copies of which shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

NEW EDITION OF SENATE MANUAL.

Mr. ANTHONY. The same committee, to which was referred a resolution for printing a new edition of the Manual and Rules, have instructed me to report back the same and ask to be discharged from its further consideration. The rules require revision, and it is hardly proper to print them until they have been revised. When the matter of printing comes up the Printing Committee, if it is referred to them, will take it into consideration, but at present it belongs to the Committee on Rules.

The report was agreed to, and the committee were discharged from the consideration of the following resolution:

Resolved, That there be prepared under the direction of the Committee on Rules a new edition of the Manual, and that 1,000 copies of the same be printed for the use of the Senate.

OFFICIAL RECORDS OF WAR OF REBELLION.

Mr. ANTHONY. The same committee, to which was referred the joint resolution (H. Res. 365) in relation to the distribution of the volumes of the Official Records of the War of the Rebellion, have instructed

me to report back the same with an amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was to strike out the word "Senators" in line 3.

Mr. ANTHONY. The House of Representatives, if I may say it without disrespect, seem to be exceedingly vacillating about the distribution of these records. This is the second resolution they have sent over to us, and we have amended this as we did the former by striking out "Senators" and allowing them to distribute their own copies as they see fit. We distribute ours under the law as originally passed.

Mr. HOAR. I ask the Senator from Rhode Island does the resolution propose, as the committee recommended it, to require Senators to make their final allotment before September, or otherwise lose the power?

Mr. ANTHONY. The word "Senators" is stricken out, which confines it entirely to the House.

Mr. HOAR. There are sometimes new libraries or new wants made known to Senators, and as this is a document of one hundred or more volumes it may be desirable to keep one or two sets without disposing of them for the time being. I hope the Senator will look sharply to that point.

Mr. ANTHONY. The committee thought of that, and by striking out the word "Senators" it leaves the distribution as to Senators to remain under the existing law, and allows the Representatives to distribute their copies as they see fit.

Mr. FRYE. There is a provision also in the sundry civil bill on this subject.

Mr. PLUMB. The provision in the sundry civil bill applies to Senators and extends the time to July, 1884. I understand that the Secretary of War holds that every Senator, Representative, or Delegate who does not, between now and the 4th day of this month, designate the persons to whom he will have these documents sent, waives the right to designate them at all.

Mr. ANTHONY. That is another illustration of the folly of legislating on appropriation bills. If that had been referred to the Committee on Printing, it never would have had our recommendation. We are willing that the House shall distribute their reports as they see fit, but the Senators, we infer, are satisfied with the law as it exists.

Mr. HAWLEY. So we lose our chance if we do not do it by the 4th of March.

Mr. PLUMB. I have not named mine, but if I do not name them before the 4th of March I lose them and the Secretary sells them. We simply extend the time for naming until the 1st of July, 1884.

Mr. ANTHONY. Then I think this had better be amended so as to reserve the rights of Senators.

Mr. PLUMB. I think so. That provision was inserted in the sundry civil bill to cover this construction of the Secretary of War.

Mr. HOAR. The gentleman from Kansas thinks it is reserved till the 1st of July, 1884.

Mr. PLUMB. Certainly, that is the provision in the sundry civil bill.

Mr. ANTHONY. I ask, then, that this joint resolution be recommitted to the Committee on Printing.

The PRESIDENT *pro tempore*. The joint resolution will be recommitted to the committee on printing.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the bill commonly known as the river and harbor bill be read the second time and referred to the Committee on Commerce.

Mr. HOAR. When that motion of reference is put I wish to say a few words.

The PRESIDENT *pro tempore*. That is the question now. The Senator from Massachusetts has the floor on the motion to refer, the bill being considered as read the second time.

Mr. HOAR. When the motion of reference is put I desire to say a few words.

The PRESIDENT *pro tempore*. It is now in order.

Mr. HOAR. It may possibly take five or ten minutes. As I see my friend on my left [Mr. BLAIR] and several Senators are desiring to have the attention of the Senate, I would a little rather defer what I have to say to a later period, if my friend from Minnesota will withdraw the motion.

Mr. McMILLAN. Very well.

Mr. BLAIR. I wish to recall the attention of the Senate to the resolution for the printing of the report of the Commissioner of Education.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. BLAIR. This is a resolution, and I supposed reports of committees were through.

Mr. HAWLEY. By no means through.

The PRESIDENT *pro tempore*. Reports of committees are in order now.

GOVERNMENT DEPARTMENT AT CENTENNIAL EXPOSITION.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred a joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876, to report it without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

YORKTOWN CENTENNIAL COMMISSION.

Mr. HAWLEY. I am instructed by the Committee on Printing, to whom was referred the following resolution, to report it with a slight amendment, changing it to a concurrent resolution:

Resolved, That 10,000 copies of the report of the proceedings of the Yorktown Centennial Commission be printed, of which 6,000 shall be for the use of the House and 4,000 for the use of the Senate.

The amendment of the Committee on Printing was, after the word "resolved," to insert the words "by the Senate (the House of Representatives concurring)," and in the same line, after "thousand," to insert "additional."

The amendment was agreed to.

The resolution as amended was agreed to.

SORGHUM SUGAR REPORT.

Mr. HAWLEY, from the Committee on Printing, to whom the subject was referred, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Report of the National Academy of Sciences on the sorghum sugar industry be printed with such portions of the appendix and accompanying exhibits as may be selected by the Joint Committee on Public Printing, and that there be printed 6,500 additional copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 1,000 copies for the use of the Department of Agriculture, and 500 copies for the use of said National Academy of Sciences.

FEES OF PENSION ATTORNEYS.

Mr. MITCHELL. I am instructed by the Committee on Pensions to report back the bill (S. 2263) to amend the pension laws, and for other purposes, with an amendment, and I ask for its present consideration. It is an important bill, though very short.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for the present consideration of this bill.

Mr. INGALLS and others. Let it be read for information.

Mr. MITCHELL. The committee are unanimously in favor of it, and the Commissioner regards it as very important.

The Acting Secretary read the amendment reported by the Committee on Pensions, which was to strike out all after the enacting clause and insert a substitute.

Mr. MITCHELL. If the Senator will allow me about three minutes, I think I can explain it.

Mr. INGALLS. I ask for an explanation.

Mr. MITCHELL. The existing law allows a $10 fee to pension attorneys and claim agents, but it does not provide when the payment shall be. As a result of that the payment of the claim agents often precedes the filing of pension claims, and they proceed at once to collect their pay for their work before it is done, and in some instances delay the settlement of cases in the Pension Office, as it appears plain to some members of the Committee on Pensions, for the purpose of securing their pay. The bill proposes to go back to the old law in that respect and provide that the fee shall not be demandable until the case is settled and allowed, and that then it shall only be paid by the pension agent when the certificate is forwarded to him by the Commissioner of Pensions, as was formerly done.

That is the substance of the whole bill. The first section, however, is necessary in view of the construction which has been placed on the act of 1868 fixing the amount allowed of $10, which has been decided by the courts in this District, as I understand, not to apply to cases of claims for arrearages of pension, so that the claim agents have been going on and making their contracts and getting their pay in arrearage cases without regard to the legal limitation.

Mr. HOAR. Does this make the fee of the claim agent or pension attorney a lien in all cases?

Mr. MITCHELL. It depends on the successful prosecution of the claim.

Mr. HOAR. Is that the present law?

Mr. MITCHELL. It is not the present law.

Mr. HOAR. I think I must, unless there is very strong reason for it, though I have great respect for the judgment of the Pensions Committee, enter my protest against solemnly enacting the doctrine of contingent fees by legislation. I regard the having any person who is prosecuting a claim in a court of justice or anywhere else interested——

The PRESIDENT *pro tempore*. Does the Senate object to the present consideration of the bill?

Mr. HOAR. Yes, sir; I must object.

The PRESIDENT *pro tempore*. It will go over.

LAND CLAIM OF JOHN J. JACKMAN.

Mr. HALE (by request) submitted the following resolution, which was read:

Resolved, That the Committee on Public Lands be, and is hereby, instructed to inquire into and report to the Senate upon the questions herein, relating to

the southwest quarter of section 32, township 139 north, range 80 west, Dakota Territory:

First. Whether said lands were awarded to John J. Jackman, a settler thereon, under the pre-emption law, by a decision of the Secretary of the Interior, rendered July 26, 1876.

Second. If so, whether such award was conclusive and final, and binding upon the Government of the United States.

Third. Whether such decision was fully executed and carried into effect by the subsequent allowance of an entry of said lands by John J. Jackman, and the issuance of a certificate of entry and a receipt for the purchase-money to him.

Fourth. Whether said Jackman, by virtue thereof, became vested with the title to said lands and the right to a patent therefor.

Fifth. If so, whether said Jackman's entry was subsequently set aside and canceled, and he denied the right to such patent.

Sixth. If so, by what authority and for what reason the same was done.

Seventh. What action has been since taken by the land department with reference to said lands.

Eighth. That said committee inquire into and report all other matters material to a full knowledge of everything that has been done by the land department affecting Jackman's right and title to said lands, examining all evidence, reports, opinions, and decisions relating thereto in the Interior Department and any other information deemed material, sending for persons and papers, if necessary, and report the same to the Senate by bill or otherwise.

And the President is hereby requested to withhold said lands from disposition in any manner or to any person or persons until such time as the investigation herein and hereby directed can be made and due and proper action had thereon.

Mr. INGALLS. Let that go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over, objection being made to its present consideration.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I submit the report of the committee of conference on the Post-Office appropriation bill.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes if practicable, in order to secure the better protection of the interests of the Government and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered, which sum shall be immediately available."

And the Senate agree to the same.

Upon amendments numbered 2 and 3 the conference committee are unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

L. B. CASWELL,
GEO. M. ROBESON,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

Mr. EDMUNDS. Let the report be explained a little.

Mr. PLUMB. I will state that the conferees agreed upon everything that was in issue except the amendment of the Senate providing $185,000 for special mail facilities and the action of the Senate in striking out the provision of the House amending the charters of the Pacific railway companies.

Mr. EDMUNDS. Do I understand this report to be an agreement?

Mr. PLUMB. This is an agreement as to certain items and a disagreement as to others.

Mr. EDMUNDS. Can the Senator tell us in brief the items agreed to?

Mr. PLUMB. The Senate inserted $25,000 additional for steamboat transportation, and that the Senate recedes from. The Senate also named the 1st day of July next ensuing as the date when the 2-cent postage shall take effect; that has been by agreement made the 1st day of October instead of the 1st day of July. Then there was some verbiage connected with the last section of the bill which requires the investigation of the relations of the Government as to the methods of carrying the mails on railroads.

Mr. EDMUNDS. What does that investigation provide for?

Mr. PLUMB. It provides that the Postmaster-General shall investigate the relations of the Government to the railroads.

Mr. EDMUNDS. Is that in the print of the bill?

Mr. PLUMB. I think it is.

Mr. EDMUNDS. I have no objection to the report as far as it goes.

Mr. DAVIS, of West Virginia. I should be glad to know from the Senator making the conference report what is the exact point of it? He said there was something stricken out in regard to the Pacific railways, and that there was $185,000 added by the Senate to the bill for fast mails. There was also an amendment by the Senate, on the motion of the Senator from Maryland [Mr. GORMAN], asking for future information from the Postmaster-General from time to time on that subject. Is that in the conference report or is it stricken out?

Mr. PLUMB. The precise language of the amendment of the Senator from Maryland is not in the bill. The whole paragraph was recast in such a way as we thought would better express the idea that was evidently in the mind of the Senate and still get the information which the Senator from Maryland desires.

Mr. DAVIS, of West Virginia. Now I ask is the information that was intended by the Senate to be called for still retained in the paragraph in substance?

Mr. PLUMB. The committee thought it not only contained it in substance, but that we were more certain to get in the proper logical way what was wanted on that subject by the Senator from Maryland than we should by the amendment that he proposed and that was adopted by the Senate.

Mr. DAVIS, of West Virginia. Now I should like to ask whether the real difference is about the Pacific Railroad provision or the $185,000 for fast mail facilities?

Mr. PLUMB. The difference is in regard to both. As far as I can ascertain by the language of the conferees on both sides it is no more in regard to one item than in regard to the other.

Mr. DAVIS, of West Virginia. So far as the $185,000 is concerned for fast-mail service, I am under the impression, and I believe others are, that if the Senate is willing to recede from that amendment the bill may be readily settled. If there are other differences I have no disposition to ask the Senate to recede just now before another effort is made to procure a settlement; but if that is the only difference, I think the bill is too important to have it in hazard at this late day of the session by reason of the fact that the Senate is very anxious to pay $185,000 for certain fast mail facilities to certain portions of the country, when the great mass of the people and that part of the country that needs facilities as much as the part which is now served is left without any mail facilities, and certain cities get benefits from the Government in the shape of large subsidies when others are left entirely unprovided for. I think it very unequal, very unfair, and unjust to give $185,000 to be paid in that way. I believe the discussion and examination that took place here shows that the great mass of the people of the country, especially of the West and Southwest, would get on just as well without paying the $185,000 as with it. If that is the real difference that prevents an agreement between the conferees of the House and Senate, I hope that the Senate will not cause the probable loss of the passage of this bill on that account.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

Mr. DAVIS, of West Virginia. I should want to know what that means.

Mr. PLUMB. The report is simply an agreement on the minor points of which I have spoken, and a disagreement on the two major points which I stated in the beginning.

Mr. DAVIS, of West Virginia. Is a further conference asked for?

Mr. PLUMB. We simply propose now to adopt the report. After that there can be subsequent action in that direction. The moment the report is adopted, I understand it then devolves on the House to take action, and if they desire a further conference they can ask for it.

Mr. DAVIS, of West Virginia. Suppose the House do not ask for a further conference, will the bill remain on the table?

Mr. PLUMB. They will undoubtedly act upon it. It is for them to take new affirmative action.

Mr. EDMUNDS. I merely wish to add that I hope the conferees on the part of the Senate will persist resolutely and to the end of this session, if necessary, against tacking on to this bill in conference any new legislation about the relation of the United States to railroads or to anybody else. I am not on the question of how much they ought to be paid for transportation, but in respect to going into legislation as to what should be done with the money or how it shall be collected and what shall be their duty toward the United States I beg the conferees to resist riding on anything of that kind; and my reason is not because I am in favor of the railroads but because I am in favor of the United States, and I do not want to run the slightest risk of disturbing the supremacy that we now by the decisions of the courts have got over them in respect to these affairs.

Mr. PLUMB. Let me say in regard to the observations of the Senator from Vermont and the Senator from West Virginia that so far as I am authorized to speak for the Senate conferees, being admonished by the vote of the Senate and by the discussion which has been had from time to time on the subject of legislation, especially material legislation, on appropriation bills, there need be no apprehension that the position of the Senate will not be maintained. In regard to this other matter I think the Senator from West Virginia need not feel unnecessarily alarmed about the loss of the bill on account of the item of which he has spoken. If that item should be, as he seems to think it ought to be, eliminated, the bill will still pass; and I may say that I think the action of the Senate conferees will not much disappoint him.

Mr. DAVIS, of West Virginia. I am very glad to have the Senator say so.

Mr. BROWN. I hope the conferees, who ever they may be, on the

matter of the fast-mail appropriation will be as firm as the Senator from Vermont wants them to be on the other subject. The position of the Senate should not be yielded. In my opinion the Senate is clearly right about it.

The Senator from West Virginia says we can not have a fast mail to every section. That is true. It is not expected that the fast-mail service will be able to reach every town and every village in the country, but it penetrates some sections of the country, and from the points reached by the fast mail in that way the mail is distributed throughout the entire country. The fast mail from here to Florida is a very important one. It passes through Richmond, Wilmington, Charleston, Savannah, and Jacksonville, Florida. It accommodates an immense travel in the winter season of people who are desirous of going from the northern section down to that semi-tropical garden of ours in Florida, and it affords facilities to travel which are important in connection with the carriage of the mails. Then it is a vast accommodation to business people and to the public generally in having their letters and newspapers and other mail matter carried rapidly through and distributed.

I think there is no more important appropriation in the bill than the one to which I have just referred. I trust the Senate will not yield upon it, but will insist on it that the appropriation be made.

Mr. GORMAN. I desire only to call the attention of the Senate to the report of this conference committee in one respect. As I understand the eleventh amendment of the Senate to this bill the conferees propose to make a change and the simple change is to appropriate $10,000 additional compensation to the superintendent of the railway mail service and the employés in that office who are now amply paid. That seems to me, from the examination I have given it, the only change, to increase the compensation of these gentlemen for performing a service that they are well paid for now, and which in the last eight years they have failed to perform as it might have been. Everything else that the Senate placed on the bill is disposed of except the $185,000 appropriated for fast mails. As I understand the report, all there is in it is what I have stated. I trust it will not be adopted.

The report was concurred in.

Mr. PLUMB. To complete the proceedings in regard to the Post-Office bill I move that the Senate further insist on its second and third amendments and ask a new committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

SANTA RITA DEL CABRE LAND CLAIM.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to furnish the Senate with copies of all papers, of any kind, on file in the General Land Office, relating to the claim heretofore made and filed with the surveyor-general of the Territory of New Mexico, by or for the heirs of Don Francis Manuel Elquea, deceased, to and for what is known as the "Santa Rita del Cabre" mineral grant or tract of land in the Territory of New Mexico. Also all papers relating to the claim of Martin B. Hayes, as the purchaser of said grant or tract of land from said heirs, together with the action had on both of said claims by the surveyor-general of said Territory or the Commissioner of the General Land Office. Also all the papers relating in any manner to any location or locations or attempted locations made for any purpose upon any lands embraced within said claims, together with the action had on each of such locations, or attempted locations, by either the general or local land officers.

Mr. PLUMB. Let that go over.

Mr. EDMUNDS. Let it be printed also.

The PRESIDENT *pro tempore*. The resolution will be printed.

CONDITION OF SIOUX INDIANS.

Mr. LOGAN submitted the following resolution; which was read:

Resolved, That a select committee of five Senators be appointed by the Presiding Officer to examine into the condition of the Sioux Indians upon their reservation, the character of the same, and the feasibility and propriety of proposed reduction of said reservation, and such other matters concerning the welfare of said Sioux Indians as they may think necessary. Said committee shall also have power and are directed to examine into the grievances of the Indian tribes in the Territory of Montana, and receive and consider such propositions from said Indians looking to legislation for the adjustment of their differences with each other and with the Government as they may make; and said committee may in their discretion accept of the advice, assistance, and co-operation of not more than three members of the House of Representatives of the Forty-eighth Congress, and shall have power to send for persons and papers, examine witnesses under oath, employ a clerk and stenographer, and sit during the recess of the Senate, and at such times and places as the committee may determine, and shall report their proceedings to the Senate at its next session, and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of said committee, out of the contingent fund of the Senate.

Mr. MORGAN. It seems to me extraordinary that a committee should be allowed to select three members from the House of Representatives to compose a part of the committee.

Mr. LOGAN. It does not mean that at all. It does not mean that they shall select, but that they may confer with members of the House instead of having a joint committee, which can not be got through now. The object is to allow a conference with persons of the House connected with the Indian Committee. That is all it means.

Mr. MORGAN. I think it is unprecedented.

Mr. LOGAN. That may be.

Mr. HOAR. Would not that power be in the committee without expressing it?

Mr. LOGAN. No doubt about that; but I did not suppose there was any impropriety in putting it into the resolution that they might confer, and then in their report they can show what conference has been had.

Mr. HOAR. But it says "not more than three." It ties up the committee. We do not know but that the House may hereafter make some appointment. Of course these three have got to be selected by the Senate committee. I would suggest to the Senator whether he has not got all the power he wants without that clause?

Mr. LOGAN. There would not be power to pay them.

Mr. HOAR. I will not interfere.

Mr. LOGAN. I wish to say, as I offered the resolution, that the presumption might be that I desired to be on the committee. I do not. I offered the resolution for the purpose of having this examination made, but I do not desire to be appointed on the committee and shall decline to serve on it. The Indian Committee, which holds over, is a very competent committee, and I think appointments can be made from it.

The resolution was agreed to.

PROTECTION FOR FISHERIES.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to offer the following resolution and ask its present consideration:

Resolved, That the sub-committee of the Senate Committee on Foreign Relations, as designated by the chairman of said committee at the last session of Congress, to act in conjunction with the Commission of Fish and Fisheries to examine into the subject of the protection to be given by law to the fish and fisheries of the Atlantic coast, as proposed in the bill S. 1823, be, and the same is hereby, continued for the purpose of completing said investigation and reporting thereon.

Resolved, That said committee have power to employ a clerk and stenographer, to send for persons and papers, and that it have leave to sit during the recess of the Senate.

Resolved, That the expenses incurred under the foregoing resolution be paid out of the appropriation for the contingent expenses of the Senate, on vouchers approved by the chairman of said sub-committee.

I will say that owing to the engagements of Senators last summer this work was not completed. It will cost but a very small sum, as I am informed, and it is considered desirable especially by the people of New Jersey who are affected by menhaden fishing operations.

Mr. GARLAND. I ask the attention of the Senator from Minnesota. There is some doubt about one part of the resolution in my mind. I do not believe it is the custom of the Senate to instruct a sub-committee, but generally they instruct the committee and then the committee gives its own instructions to its sub-committee. Would it not be better to use the phraseology that the Committee on Foreign Relations be instructed to do so and so?

Mr. WINDOM. I have no objection to changing it in that way.

Mr. GARLAND. I do not think it is parliamentary for the Senate to instruct a sub-committee.

The PRESIDENT *pro tempore*. The Senator from Minnesota modifies the resolution by making it an instruction to the Committee on Foreign Relations.

The resolution as modified was agreed to.

CORTE DE MADERA DEL PRESIDIO.

Mr. PLUMB. I submit the following resolution. I will state that it is substantially a copy of the resolution under consideration day before yesterday, but it is now put in shape to meet the objection made then:

Resolved, That the Committee on Public Lands be continued as now constituted until the first Monday of December next, and that it have authority to sit during the vacation and to make the investigation committed to it by order of the Senate on the 26th day of February, 1883, concerning a certain grant of lands in the State of California; and for the purposes of said investigation it shall have power to send for persons and papers and to employ a stenographer, and the expenses of said investigation shall be paid from the contingent fund of the Senate.

Mr. INGALLS. Does that mean that Senators whose terms expire on the 3d of March are to be continued on the committee until December?

Mr. PLUMB. That would not be within the power of the resolution. It was drawn by the Senator from Vermont, who gave the subject ample consideration.

Mr. INGALLS. Let the first part of it be read again.

The Acting Secretary read the first portion of the resolution.

The amendment was agreed to.

REVISION OF THE RULES.

Mr. FRYE. I sent a resolution to the Committee on Printing a few days since providing for a new edition of the Manual. The Senator from Rhode Island, chairman of the committee, reported this morning adversely, giving as a reason that no new edition of the Manual should be provided for until there has been a revision of the rules, a correction of errors, &c. I concur with him that there ought to be something of that kind, and I offer the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, continued, and authorized to sit during the recess of Congress, at Washington or elsewhere, for the purpose of revising, codifying, and simplifying the rules of the Senate, and of correcting and preparing the Manual for publication; and it may employ such assistance as may be required; and the necessary actual expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate.

Mr. BAYARD. Let that lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed, if that is requested.

Mr. FRYE subsequently said: The Senator from Delaware withdraws his objection to my resolution.

Mr. BAYARD. I withdraw my objection to the consideration of the resolution about the revision of the rules.

The PRESIDENT *pro tempore*. The Chair will put the question on the resolution offered by the Senator from Maine.

The resolution was agreed to.

H. B. LITTLEPAGE.

Mr. CALL submitted the following resolution:

Resolved, That H. B. Littlepage be reinstated to the messenger-roll of the Senate, with compensation from the date of his removal.

Mr. INGALLS. Let that lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

AMENDMENTS TO BILLS.

Amendments were submitted by Mr. JOHNSTON, Mr. JONAS, Mr. LAPHAM, Mr. MILLER of California, and Mr. PLUMB, intended to be proposed by them, respectively, to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations.

Amendments were submitted by Mr. ANTHONY, Mr. CALL, Mr. CAMDEN, Mr. CONGER, Mr. JOHNSTON, Mr. LAMAR, Mr. MAHONE, Mr. MILLER of California, and Mr. SLATER, intended to be proposed by them respectively to the bill (H. R. 7631) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the bill (H. R. 7679) to establish post routes; which was referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury transmitting the names of the clerks and other persons employed in the several bureaus of his Department during the calendar year ended December 31, 1882, with the sums paid to the same and the time they were employed; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War in answer to resolution of February 27, calling for a report in regard to the condition and progress of the improvement of Charleston Harbor, &c.; which was ordered to lie on the table, and be printed.

LOUISVILLE EXPOSITION.

Mr. BECK. There is a House bill on the table that I ask may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; and it was read twice by its title.

Mr. BECK. I ask that that bill be passed now. It is an exact copy of the centennial bill. It will only take the time necessary to read it. The Committee on Finance have examined it and recommend it.

Mr. EDMUNDS. Has that bill come up this morning?

Mr. BECK. No; it has been here a week.

The PRESIDENT *pro tempore*. It has been here some days.

Mr. BECK. It is agreed to by the Committee on Finance.

Mr. EDMUNDS. Has that not been laid before the Senate?

The PRESIDENT *pro tempore*. The attention of the Chair was not called to it.

Mr. EDMUNDS. I merely rise now to call the attention of the Chair and the Senate to the fact about these House bills, that the order that the Senate adopted on the yeas and nays the other day, so that it is a standing order of the Senate, commands us to take up House bills on the Calendar in their order and nothing else. I do not object to this bill, but I wish to have the opportunity to make that objection when the river and harbor bill shall be moved, if it is moved, from the Calendar where it now is in point of parliamentary law, for its second reading. I make no objection to this bill; I believe it is right.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MINING AND INDUSTRIAL EXPOSITION AT DENVER.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883; which was read twice by its title.

Mr. BECK. That also was examined by the Committee on Finance.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

Mr. VEST. This is a House bill. The Committee on Commerce reported favorably a similar Senate bill, and pending its consideration here the House passed this bill.

The PRESIDENT *pro tempore*. Is there objection to its consideration?

Mr. ROLLINS. I object, merely for the purpose of saying this: The Senate has adopted an order that it will consider House bills. Now, this case simply reverses the order by considering House bills that last came over instead of those that first came over. Instead of considering House bills in their proper order, this is an attempt to reverse that order and take those that have just come over from the House. All I desire in this matter is to secure not equal justice, for I do not expect that, but an apparent show of justice, so that the bills from the House which have been lying on our tables and on the Calendar for a long time may have some chance of consideration.

Mr. PLATT. May I have the attention of the Senator from New Hampshire a single moment?

The PRESIDENT *pro tempore*. There are two bills, one for Thames River, Connecticut, and this.

Mr. ROLLINS. With the understanding that other States asking for this consideration, as well as Connecticut and Missouri, are to have a fair show some time before the close of the session, I shall withdraw the objection.

Mr. VEST. Certainly. I desire to have all these bills taken up and disposed of now.

Mr. BROWN. I make no objection now, but hereafter I shall object and insist on the regular order.

Mr. MORGAN. I object. We have adopted an order of business here and it is not fair for any Senator to insist that we shall depart from it. I object.

Mr. PLATT. May I appeal to the Senator from Alabama for a single moment? These bills came over from the House last night; they were laid before the Senate last evening.

Mr. MORGAN. I have had bills here for eight months, and I have petitioned the Senate time and again to take them up for consideration and never can get it done. I object to this bill being considered, and will continue to object to this and all others, not because it is this bill——

Mr. PLATT. The Senator may strike, but I beg him to hear. These bills came over from the House last evening——

Mr. MORGAN. I know they did.

Mr. PLATT. They were laid before the Senate, and I supposed there was unanimous consent last evening that they should be acted upon this morning. I do not know that that unanimous consent was formally expressed, but it certainly was understood when they came here last night that if they were read last evening and printed, they should be acted upon this morning. We have just acted upon two bills that came over from the House relating to industrial expositions. These bills will not take any time except the time required to read them.

Mr. MORGAN. I withdraw my objection.

The PRESIDENT *pro tempore*. Objection is withdrawn. The bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I ask unanimous consent for the printing of the report of the conference committee on the tax reduction bill, in order that we can have it here for the examination of Senators.

The PRESIDENT *pro tempore*. Is there objection to the printing?

Mr. EDMUNDS. That is, before you submit it to the Senate?

Mr. MORRILL. Yes, sir.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order is made.

BRIDGE ACROSS THE THAMES RIVER.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declaring it to be a post-road.

Mr. EDMUNDS. This is done by unanimous consent, the objection, I understand, having been withdrawn.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois, was referred to the Committee on Commerce.

LIGHT-HOUSE AT SOUTHWEST PASS.

Mr. KELLOGG. I ask unanimous consent to take up the bill (S. 1943) making an appropriation for rebuilding the light-house at Southwest Pass, Vermillion Bay, Louisiana, which is No. 1026 in the order of business. It will take but an instant.

Mr. HARRISON. I object. We have a standing order and some of us are interested in matters that will be reached by pursuing it; but if time is consumed by special cases——

Mr. KELLOGG. I appeal to the Senator from Indiana to hear me a moment.

Mr. MCMILLAN. Objection being made, I ask the Senate——

Mr. KELLOGG. Wait a moment. This is a bill that I offered in the form of an amendment last night. Under a misapprehension it did not go to the Committee on Appropriations, though I was ordered to report it from the Committee on Commerce. It is a very simple matter establishing the only light-house on the Gulf coast from Florida to Sabine. I am sure the Senator from Indiana will not object. It will take but a moment. It is the only bill I have asked for.

Mr. HARRISON. There are a hundred bills on the Calendar that will take but a moment. The question is whether we shall follow the order adopted by the Senate, and let each one of us have a chance in matters in which our constituents are interested, or whether we shall occupy the whole time as we have been doing this morning.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Louisiana.

Mr. MCMILLAN. I ask for the disposition of the river and harbor bill.

Mr. KELLOGG. I believe I have the floor. I move to postpone the pending and all prior orders and take up this bill.

The PRESIDENT *pro tempore*. That is not now in order.

Mr. KELLOGG. When it is in order I shall make that motion.

The PRESIDENT *pro tempore*. It will not be in order at all. A resolution can be offered to-day to change the order.

Mr. KELLOGG. I am sure this bill will pass if it is only brought to the notice of the Senate.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The Chair will call the attention of the gentleman from Vermont [Mr. EDMUNDS] to the state of the river and harbor bill. While the Senator was out this morning it was taken from the table, read the second time, and a motion made by the Senator from Minnesota [Mr. MCMILLAN] to refer it to the Committee on Commerce. The vote on the reference would have been taken then, but the Senator from Massachusetts [Mr. HOAR] wished to say something, and by common consent it was passed over until morning business was concluded.

Mr. EDMUNDS. I make the point of order that the bill having been read the first time can not be read a second time until it is taken up by vote of the Senate; and, secondly, that under the standing order of the Senate in relation to House bills, this bill can not be considered at this time. It having been read the first time it went on the Calendar; there is no other place for it now; and it can not be taken up for a second reading on the Calendar any more than if it was reported from one of our own committees. It goes to the foot of the Calendar and it can not be taken up until we have got down to it under the order of the Senate, adopted after discussion on the yeas and nays.

Mr. MCMILLAN. This is still within the morning hour, and the bill has been read the second time and a motion has been made to refer it to the Committee on Commerce. Last evening the bill had its first reading and it went over upon objection; but there was no order sending it to the Calendar, and until an order of the Senate is entered sending it to the Calendar, it does not go there.

The PRESIDENT *pro tempore*. The Chair understood from what was done this morning that it was taken up and read a second time. The motion to refer was simply postponed by common consent of the Senate until the morning business was ended. The Chair thinks the motion to refer is in order. The question is, Will the Senate refer the bill to the Committee on Commerce?

The motion was agreed to.

Mr. EDMUNDS. I wish to give notice, so that if I happen to step into the lobby to speak to a gentleman for a moment the bill will not pass, that when this report is made I shall insist that the bill shall go upon the Calendar, as it must then, of course, and then the standing order of the Senate will forbid it to be taken up out of its order.

Mr. MCMILLAN. The Senator's remarks certainly are not just if they are intended to imply that the Senator has not had full notice of everything that has been done.

Mr. EDMUNDS. The Senator is mistaken. I did not have notice when it was taken up; but I take no offense at all.

Mr. HOAR. I had desired to address the Senate perhaps fifteen or twenty minutes in regard to the general subject embraced in this bill. But it seems to me in the present condition of public business, with the large number of matters which demand the attention of the Senate during the next forty-eight hours, at the end of which time this session will terminate by the operation of the Constitution, I ought not to avail myself of my privilege for such a discussion.

I wish, however, to say a word. It is the constitutional duty of every Senator to act according to his own judgment of what is right and for the public interest without regard to mere clamor, but with regard and deference and consideration to honest public sentiment. Still I think that regard requires, in the present condition of public sentiment upon this question, that every proposition for a river and harbor improvement which should be adopted here should be accompanied by a careful consideration of every item on the part of a committee of the Senate, and should also be accompanied by such a statement of the importance to national commerce of every individual improvement as will make its way not merely to the favorable judgment of the Senate, but to the general favor of the public.

There is no mode of ascertaining in the end what is the public sentiment of a self-governing people in regard to legislation but by the laws which the constitutional representatives of the people enact. The public sentiment of the American people in matters of legislation is to be found in its laws. I do not speak of temporary gusts of passion, but the permanent, sober second thought of this people in regard to what should be law is to be ascertained, and ascertained only by inquiring what is law.

Now, Mr. President, it is manifestly impossible that upon a bill containing, I suppose, hundreds of items—I have not read the particular pending bill—it is manifestly impossible that in forty-eight hours this committee, however industrious, however intelligent, however well informed, however conscientious, can give the necessary scrutiny; and therefore it is manifestly impossible that in the present stage of the public business this bill can be properly considered by the Senate itself and become a law.

The reference of the bill will only enable the committee to ascertain the impossibility of reporting it to the Senate with such facts and information as the Senate has a right to require at the hands of the committee before it can act. Therefore, not in the least having changed my mind as to what the interest of this people requires, not in the least doubting that the permanent and final judgment of the people will be in favor of developing its water ways all over the country, and its harbors, by the use of the national forces and the national resources, which are alone adequate to that purpose, I have risen to say that I can not doubt that this committee, when this bill is committed to them, will be compelled to report to the Senate that it is impossible to deal intelligently and properly with this subject at the present session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. BENJAMIN BUTTERWORTH of Ohio, and Mr. JOSEPH C. S. BLACKBURN of Kentucky managers at the conference on its part.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

The message further announced that the House had passed the following bills:

A bill (S. 719) for the relief of the representatives of Sterling Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & R. Powers; and

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

The message also announced that the House had passed a bill (H. R. 5543) to confirm certain entries on the public lands; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. HILL. There are two bills from the Post-Office Committee which are of very great importance. One is a bill that will not require five minutes to consider, and the other is the post-route bill. The post-route bill requires a good deal of time for enrolling, and unless it is passed early it can not be enrolled, and so the bill will be lost.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The Senator from Colorado asks consent to take up at this time a certain bill.

Mr. HILL. I will say first the joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General.

The joint resolution was read.

Mr. INGALLS. How does that come before the Senate?

The PRESIDING OFFICER. The Chair does not know. The Senator from Colorado calls it up.

Mr. INGALLS. Is it reported to-day?

Mr. HILL. It is on the Calendar.

Mr. INGALLS. Does it come up under the order of the Senate?

Mr. HILL. No, sir.

Mr. INGALLS. Then I object.

Mr. HILL. It will not require five minutes.

Mr. INGALLS. There are a great many others that will not require five minutes.

Mr. HILL. It is very important to the Post-Office Department.

Mr. INGALLS. I think this matter has gone far enough. I have been waiting two hours to get at some District bills on the Calendar from the House. I propose from this time to oppose everything out of order.

Mr. MAXEY. I hope the Senate will go on with the post-route bill.

The PRESIDING OFFICER. It is not in order. Nothing is in order except the execution of the order passed on the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. HILL. Then I ask unanimous consent to take up the post-route bill.

Mr. INGALLS. I object.

Mr. HILL. Can it not be taken up by a vote of the Senate?

The PRESIDENT *pro tempore*. No, not while the order remains. You must get rid of the order first. The Senate will proceed to the consideration, under the regular order, of pension bills on the Calendar.

Mr. FRYE. Is it not in order to move to postpone the order of the Senate and to take up, for instance, the shipping bill?

The PRESIDENT *pro tempore*. No; this is a standing order of the Senate. The Senator can give notice. He can get it up to-morrow if he offers a resolution to-day, and it can be considered to-morrow; but this is the rule. That was understood at the time it was adopted. The Senator from Vermont so stated; he stated that the hands of the Senate would be tied.

Mr. FRYE. The shipping bill occupied a special committee during the whole vacation, and it has passed the House.

The PRESIDENT *pro tempore*. The Chair personally would be glad to see the shipping bill under consideration. The order is to proceed to the consideration of pension bills of any kind.

Mr. PLATT. If I could be heard I should like to have an understanding as to the construction of that order. There are on the Calendar fifty or sixty pension cases which have been reported adversely, some of them with the views of the minority and some without the views of the minority having been presented. There are perhaps eight or ten cases which have been reported favorably, in which there are minority reports. The order itself seems broad enough to consider every pension case on the Calendar. That I think would take a very long time. I desire to have a construction of the order at this time to know whether it necessitates the taking up of all cases on the Calendar, or what cases on the Calendar it does bring up.

The PRESIDENT *pro tempore*. The Chair does not think there is any reasonable doubt about the construction of the order. It was that the Senate should proceed to the consideration of the pending pension bills after the then unfinished business should be disposed of. That unfinished business has been disposed of. It was next that House bills reported favorably should be considered. It does not speak in the first order of any pension bills reported favorably, but orders that the House bills reported favorably shall be considered after going through with the pending pension bills. The Chair is of the opinion that the pending pension bills on the Calendar are to be considered under the order, whether they are reported favorably or unfavorably.

Mr. FRYE. The Calendar was not finished the other day?

The PRESIDENT *pro tempore*. No; the Senate will go on and finish the Calendar of pension bills and then go back to House bills reported favorably.

SUSAN BAYARD.

The bill (H. R. 5558) granting a pension to Mrs. Susan Bayard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Susan Bayard, widow of Anthony W. Bayard, a soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGERY NIGHTENGALE.

The bill (H. R. 5103) granting a pension to Margery Nightengale was considered as in Committee of the Whole. It provides for a pension of $8 a month to Margery Nightengale, widow of Michael Nightengale, late of Company D, Fifty-first Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR B. LAMPHIER.

The bill (H. R. 1443) granting a pension to Edgar B. Lamphier was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Edgar B. Lamphier, late a private in the Twenty-sixth Regiment New York Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. MORLEY.

The bill (H. R. 1860) granting a pension to Daniel M. Morley was considered as in Committee of the Whole. It places on the pension-roll the name of Daniel M. Morley, late a private in Company E, Twenty-ninth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA STOKES.

The bill (H. R. 3743) granting a pension to Miss Amanda Stokes was considered as in Committee of the Whole. It places on the pension-roll, at the rate of $15 per month, the name of Miss Amanda Stokes, of Lebanon, Warren County, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. THAYER.

The bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer, was considered as in Committee of the Whole. It places on the pension-roll the name of Mrs. Helen M. Thayer, widow of Charles H. Thayer, late a private in Company C, Tenth Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK HORAN.

The bill (H. R. 6501) granting a pension to Patrick Horan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

Mr. PLATT. I did not concur in that report. I ask for the reading of the report.

The Acting Secretary read the following report, submitted by Mr. MITCHELL February 27, 1883:

The Committee on Pensions, to whom was referred House bill 6501, granting a pension to Patrick Horan, have examined the same, and report:

The Committee of Invalid Pensions, in the consideration of the above bill, report as follows:

"The petitioner, Patrick Horan, of Joliet, Illinois, was enrolled on or about September 15, 1861, as a teamster of the Quartermaster's Department, by Captain G. E. D. Diamond, at Saint Louis, Missouri. He was never discharged, but paid last at Fort Riley, Kansas, and sent back to Saint Louis on the 28th of November, 1866.

"While serving as a teamster he was taken prisoner of war at the battle of Poisons Springs, and was confined at Camp Ford, Tyler, Texas, from about April, 1864, to about the middle of February, 1865. While a prisoner he was without shelter or covering of any kind, and in June, 1864, was exposed to a rain-storm of fourteen days' duration. During his confinement he dug a hole in the ground, in which he slept. In consequence of his exposure and suffering, he was stricken with paralysis, from which disease he has been suffering to the present time.

"His statement as to his imprisonment, exposure, and incurrence of paralysis in rebel prisons is corroborated by the testimony of Henry B. Clark, himself an inmate of said prisons, and by the testimony of John B. Arnold, of the Chicago Mercantile Battery.

"The evidence also shows that prior to and on his arrival at said prison he was in sound health. The testimony of neighbors, of Joliet, Illinois, shows that upon his return to Joliet, after the war, he was afflicted with paralysis, which has continued to the present time, making him completely unable to perform any physical labor.

"Dr. W. Dougall, of Will County, Illinois, states that since 1874 petitioner has been under his treatment; that he has carefully studied his case; that he is suffering from 'locomotor ataxia,' caused by exposure and sleeping upon damp ground; that it gradually grows worse; is incurable, and will soon render him entirely helpless. His claim was rejected by the Pension Office on the ground that petitioner was not in the military service of the United States, and therefore does not come under the general provisions of the pension law; but the Pension Bureau is of opinion that his claim is a meritorious one and should be allowed by 'special act;' and that, if such special act is granted, the pension should commence from the date of its passage, at such rate as the claimant, upon examination, may be found to be entitled to."

Your committee find the facts set forth in the above report substantially correct. There can be no doubt from the evidence on file that his disability originated while in the discharge of his duties as teamster in the Quartermaster's Department; in other words, he was performing actual service for the Government and while so engaged became permanently disabled, and, as is stated by examing surgeons, "he is incapacitated from obtaining his subsistence by manual labor," and "his disease is incurable."

Your committee believe this to be a meritorious case, and in justice the claimant should receive the relief asked for, and therefore recommend the passage of the bill.

Mr. PLATT. I only desire to state the circumstances of the case. This soldier was a teamster serving in the Quartermaster's Department. While so serving he undoubtedly contracted an illness of which he died. We have had several contests in the Senate as to whether by special act we should pension scouts and teamsters and employés of the Quartermaster's Department.

Mr. BLAIR. This is the man himself; he is living.

Mr. PLATT. I am much obliged to the Senator from New Hampshire. I thought it was on account of his widow, but I find I am mis-

taken. It is an application made by the soldier himself, and I should have said that the disability which he now suffers was undoubtedly contracted while he was a teamster in the employ of the Quartermaster's Department. We have pensioned scouts and teamsters for wounds actually received; we have never, so far as I know, pensioned any scout, any teamster, any employé of the Quartermaster's Department on account of illness contracted in the service. This goes one step beyond anything we have ever done, so far as my recollection serves me. If the Senate desires to pass the bill I have no further remarks to make.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was rejected.

FEES IN PENSION AND BOUNTY LAND CASES.

The bill (S. 2263) to amend the pension laws and for other purposes was announced as next in order.

Mr. INGALLS. How does that come up, Mr. President?

The PRESIDENT *pro tempore*. That was reported this morning and placed on the Calendar.

Mr. INGALLS. Therefore under the order it can not come up at this time.

The PRESIDENT *pro tempore*. It is a pension bill.

Mr. PLATT. All pension bills come up at this time.

Mr. INGALLS. All pension bills?

Mr. PLATT. So I understand.

Mr. INGALLS. The bill has not been read yet.

The PRESIDENT *pro tempore*. It was read this morning in full.

Mr. INGALLS. I should like to hear it read.

The PRESIDENT *pro tempore*. The substitute reported by the Committee on Pensions will be read.

The ACTING SECRETARY. The Committee on Pensions report to strike out all after the enacting clause of the bill and to insert:

That section 1 of the act entitled "An act relating to claim agents and attorneys in pension cases," approved the 20th day of June, in the year of our Lord 1878, be, and the same is hereby, made applicable to bounty-land cases and pension cases in which arrears of pension are or shall be claimed or granted.

SEC. 2. That the fee of $10 prescribed by law shall not be payable to nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise or in any bounty-land case, in whole or in part, until such claim shall be allowed. Upon allowance the Commissioner of Pensions shall direct that the same be paid by the proper pension agent in the manner provided for in sections 4768 and 4769 of the Revised Statutes.

SEC. 3. The provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate this act.

Mr. INGALLS. That is not a bill which comes within the order that has been adopted by the Senate. It never was contemplated that bills amending the pension laws should have a right of way. It was simply bills for pensioning soldiers; what are called private pension bills. I do not think the widest possible latitude could embrace that bill.

The PRESIDENT *pro tempore*. The order technically refers to "pending pension bills."

Mr. INGALLS. I withdraw my suggestion.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PLATT. Does the order require us to go to the commencement of the Calendar, or the point last reached?

The PRESIDENT *pro tempore*. To commence at the beginning of the Calendar is the quickest way, because the Senate can not consider certain bills.

Mr. FRYE. It is limited to House bills.

The PRESIDENT *pro tempore*. No; it covers all pension bills, Senate and House. The order reads as follows:

Resolved, That the Senate proceed to the consideration of the pending pension bill; secondly, to House bills reported favorably.

Mr. FRYE. The Chair is right.

The PRESIDENT *pro tempore*. The word "favorably" applies only to the second clause.

Mr. PLATT. I am bound to say that I do not think the Senate so understood the matter when the order was passed. A strict construction of the order now requires us to go back to the commencement of the Calendar and take the bills which have been reported adversely, some of them postponed and reconsidered and placed on the Calendar. There are probably fifty or sixty of them on the Calendar, every one of which, if considered, will of course incur the opposition of the committee or a majority of the committee.

Mr. FRYE. If that is done, the day is gone.

Mr. PLATT. I do not think that was what the Senate supposed they were ordering when they passed the order.

Mr. HARRISON. Will not the Senator from Connecticut ask unanimous consent that the contested cases be passed over?

Mr. JACKSON. I ask unanimous consent that the contested cases go over.

Mr. BLAIR. I object to it in that form. There are quite a number of cases where there are majority reports which have passed the House. I think those cases certainly should be disposed of. I do not think the contested cases should be made use of to waste the remainder of the session. They will not result in benefit to the pensioners or the applicants themselves, and will result only in great injury to the country. As soon as these few cases where there are majority reports in favor of the passage of the pension bills——

The PRESIDENT *pro tempore*. If the majority report is favorable, although there is a minorty report, it is a favorable report.

Mr. BLAIR. What I mean to say is that we should consider, first, the House and then the Senate bills, because such cases going to the House can be disposed of there during the remainder of the session.

Mr. PLATT. Allow me to suggest to the Senator from Tennessee that he ask to confine it to cases reported adversely.

Mr. JACKSON. Yes; that they go over.

Mr. BECK. I took part in endeavoring to reach the Calendar by voting for all the pension cases to have preference; but I supposed when I did that that it was the uncontested pension cases that were to be considered, and then that we should proceed with the House bills that had been reported favorably without amendment; so that something would become law. There are some ten or twelve of them. While I do not want to delay the contested pension cases, I hope we shall be allowed to pass them over temporarily until a few other cases than pension cases that have come from the House and are reported unanimously without amendment may be considered subject to objection.

Mr. BLAIR. I do not think the class of cases I now speak of can consume half an hour. Then the pension matters will all be out of the way.

Mr. BECK. The trouble of enrolling is very great now. There are a few House bills to which there is no objection that the Senator from New Hampshire can stop, if they give rise to debate, by a single objection.

Mr. BLAIR. It is exceedingly unpleasant to object, but in half an hour the pension bills will all be out of the way.

Mr. BECK. I know it is not a very pleasant thing to do. We thought we would go to the unobjected House bills reported favorably after we got through with the unobjected pension cases, so as to dispose of as much business as we could.

The PRESIDENT *pro tempore*. The Chair would suggest that unanimous consent be given to pass over all pension cases reported adversely.

Mr. JACKSON. That is right.

The PRESIDENT *pro tempore*. Evidently the author of the rule desired that all cases reported adversely should be passed over.

Mr. FRYE. There will be no objection to that.

The PRESIDENT *pro tempore*. Is there unanimous consent that all cases reported adversely be passed over?

Mr. BLAIR. I agree to it.

The PRESIDENT *pro tempore*. It is agreed, then, that the Secretary shall begin the call at the commencement of the Calendar and then the Senator from Kentucky will get at the House bills.

Mr. BECK. I am only endeavoring to obtain some action on unobjected cases.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. ANTHONY. I desire to interpose at this time a privileged resolution relating to the order of business.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The resolution will be received.

The resolution was considered by unanimous consent and agreed to, as follows:

Whereas the President *pro tempore* has signified his purpose to resign the chair at 12 o'clock to-morrow: Therefore,

Resolved, That at that hour the Senate will proceed to the election of a President *pro tempore*.

ANN CORNELIA LANMAN.

Mr. PLATT. The first case I see on the Calendar is the bill (S. 2133) granting an increase of pension to Ann Cornelia Lanman.

Mr. BLAIR. I suggest that these bills be taken up as we find them. We shall get rid of them quickest in that way.

The bill (S. 2133) granting a pension to Ann Cornelia Lanman was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Ann Cornelia Lanman, and proposes to pay her a pension of $50 a month in lieu of the pension now received by her.

Mr. JACKSON. The majorty and minority reports in that case had better be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL July 8, 1882:

The Committee on Pensions, to whom was referred the petition of Mrs. Ann Cornelia Lanman, widow of the late Rear-Admiral Joseph Lanman, praying for an increase of pension, having examined the facts in the case, respectfully submit the following report:

Admiral Lanman entered the naval service of the United States as a midshipman January 1, 1825, and passed through all the grades of the service up to rear-admiral. He served during the late war, and distinguished himself at the attack on Fort Fisher under Admiral Porter. Admiral Lanman was officially

recognized for gallant service throughout the war. In 1869 he was promoted to be a rear-admiral, and placed in command of the South Atlantic fleet, where he served three years. On his return from this command he was placed on the retired-list.

On the 20th of February, 1874, he received a telegram from Secretary of Navy Robeson to report at Washington, District of Columbia, as a witness. The order was received by him at 5 o'clock in the afternoon, and he left for Washington the same evening. On that journey he contracted a very severe cold, and when he reached home he was scarcely able to walk. He immediately took to his bed, and grew worse until the 13th of March, 1874, when he died. The physician who attended him in his last sickness swears that he died of pneumonia, contracted during his journey to Washington as above stated.

The evidence shows that Rear-Admiral Lanman left a widow, the present claimant, and two minor children, to wit, Alice Blanche and Rosalie Decatur, aged, respectively, 10 and 12 years.

A pension of $30 a month was granted to Mrs. Lanman by special act of Congress. This was the pension allowed by law at that time in the cases of the widows of admirals, so that the special act gave Mrs. Lanman the full benefit of the law at that time. Now she petitions Congress to increase the pension allowed her to $50 per month, on the ground that her present pension is inadequate to the support of herself and her children.

In connection with this petition for an increase of pension, it is pertinent to inquire into the equity which has governed the committee's action in similar cases.

By the pension law as it existed prior to the act of July 14, 1862, the pensions granted to officers of the Navy, and to their widows and minor children in case of death, were made equal to the half-monthly pay of such officers, such pay as existed in 1835, which forms the basis upon which such pensions were granted. These pensions were payable from the interest of the naval pension fund. By this law rear-admirals, their widows, &c., received a pension of $50 a month.

The act of July 14, 1862, established pensions for the Army and Navy according to rank, making Navy pensions correspond with Army pensions. By this act of July 14, 1862, the pension granted to rear-admirals was reduced to $30 a month. The act of July 14, 1862, was construed as affecting only pensions which should be granted after the passage of said act.

Section 3 of the act of July 25, 1866, provided—

"That the provisions of an act entitled 'An act to grant pensions,' approved July 14, 1862, and of the acts supplementary thereto and amendatory thereof, are hereby so far as applicable extended to the pensioners under previous laws, except Revolutionary pensions."

In applying this act no reduction of the naval pensions previously granted was made.

Section 13 of the act of July 27, 1868, provided—

"That the third section of an act entitled 'An act increasing the pensions of widows and orphans, and for other purposes,' approved July 25, 1866, shall be so construed as to place all pensioners whose right thereto accrued subsequently to the war of the Revolution and prior to the 4th of March, 1861, on the same footing as to rate of pension from and after the passage of said act as those who have been pensioned under acts passed since said 4th day of March, 1861, and the widows of Revolutionary soldiers and sailors now receiving a less sum shall hereafter be paid at the rate of $8 per month."

Under this act, upon the decision of the Secretary of the Interior, naval pensions already granted were reduced to the rates provided in the act of July 14, 1862, such reduction taking effect from the last half-yearly payment made prior to February 10, 1870, the date of the decision.

This decision gave rise to the passage of the act approved June 9, 1880, entitled "An act to restore pensions in certain cases," which provides—

"That section 3 of an act entitled 'An act increasing the pensions of widows and orphans and for other purposes,' approved July 25, 1866, and section 13 of an act entitled 'An act relating to pensions,' approved July 27, 1868, and section 4712 of the Revised Statutes shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy, or their widows or minor children prior to the 25th day of July, 1866; and the Secretary of the Interior is hereby directed to restore all such pensioners as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction."

Under this act such pensioners as had been reduced under the decision rendered by the Secretary of the Interior, February 10, 1870, were restored to their original rate of pension.

All those widows, &c., of rear-admirals who have applied for a pension since the rendering of the decision of the Secretary of the Interior, February 10, 1870, have only been granted a pension of $30 per month, which presents the inconsistency of a portion of rear-admirals' widows receiving $50, while the balance are pensioned at $30 a month, without difference of rank, merit, or long service. Since the restoration of this class of pensions to $50 per month by the act of June 9, 1880, the widows who are allowed but $30 per month at the Pension Office under the act of July 14, 1862, have from time to time applied to Congress for an increase of pension from $30 to $50, and for original pensions of $50 per month, and such increase, or original granting of pensions at $50 per month, has frequently occurred during the present session of Congress. (See Mr. Teller's report, Elizabeth Wirt Goldsborough; Mr. JACKSON's report, Louisa Bainbridge Hoff; Mr. PLATT's report, Rebecca Reynolds; Mr. PLATT's report, Elizabeth H. Spotts.)

Some of these cases are for long and meritorious services, and for original pension; others for an increase from the $30 allowed by the Pension Office to $50. In the report of the case of Admiral Goldsborough, where it is not alleged that he died of any disease contracted in the line of duty, or even in the service, the concluding clause in the Goldsborough case is as follows:

"Such a record of service, in the opinion of the committee, justifies the payment to his widow of the same pension allowed in other cases by special act of Congress to the widows of other officers of the Navy of similar rank. The committee therefore recommend that Senate bill 743 be passed."

That concluding clause is open to but one conclusion, to wit, that Mrs. Goldsborough's pension was a gratuity pension for the long and meritorious services of her husband.

Regarding any objection being raised to the granting of a pension to Rear-Admiral Lanman's widow on the ground that he was on the retired-list, it is proper to say that Admiral Goldsborough was retired in 1874 and died in 1879, and Admiral Hoff was retired in 1869 and died in 1878. Therefore they were both on the retired-list at the time of their death.

Now, the widow of Rear-Admiral Lanman is entitled to a pension to a greater extent than the widow of an admiral whose only claim was long and meritorious services, as her husband died directly from a malady contracted in obeying an order of the Secretary of the Navy, and within a few days after contracting the disease.

The $30 pension granted by special act was acceptable to Mrs. Lanman until others of no greater merit were increased to $50. The inconsistency of her receiving but $30 became apparent, and no reason prevailing why her case should be an exceptional one, she thought it proper to ask Congress by a special act to remove this inconsistency.

Inasmuch as the Forty-sixth Congress thought proper to increase certain cases of the widows of admirals to $50 (see Lelia E. McCauley, page 609 Statutes at Large, 1879–'81, and Ann M. Paulding, 608 Statutes at Large, 1879–'81), and have frequently seen fit in the present Congress to grant the same pension in similar cases, your committee can see no good reason why Mrs. Lanman should not receive a like pension, and therefore report a bill to that effect, and recommend its passage.

Mr. JACKSON. I ask that the views of the minority be incorporated in the RECORD, and I will state briefly the ground of objection to the allowance of this claim.

The views of the minority, submitted by Mr. JACKSON July 2, 1882, were ordered to be printed in the RECORD, as follows:

The undersigned, members of the Committee on Pensions, not concurring in the report of the majority upon the bill (H. R. 4795) granting an increase pension to Mrs. Ann Cornelia Lanman, respectfully submit the following views of the minority:

Rear-Admiral Joseph Lanman, whose career as a naval officer is fully set forth in the majority report, was placed upon the retired-list of the Navy in 1871 or 1872. On the 20th of February, 1874, he received a telegram from the Secretary of the Navy to come to Washington, District of Columbia, as a witness before a naval court-martial. He left for Washington on the same evening he received the notice. On the trip he contracted a severe cold and when he reached home he was quite unwell; immediately took to his bed and grew steadily worse until the 13th March, 1874, when he died. The physician who attended him in his last sickness states that he died of pneumonia contracted during his trip to Washington as above stated. He left a widow (the present applicant for increase of pension) and two minor children, aged respectively 10 and 12 years.

Under the general law Mrs. Lanman was not entitled to a pension, the disease of which her husband died not having originated in the service, and because contracted subsequent to the 27th day of July, 1868. The second section of the act of July 27, 1868 (now contained in section 4694 of the Revised Statutes), denies the right to pension in cases like that of Admiral Lanman, unless the officer was—

"At the time of contracting the disease, borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way by direction of competent authority to the United States or to some other vessel or naval station or hospital."

Mrs. Lanman accordingly applied to Congress for a pension, and by special act approved March 3, 1879, she was granted a pension of $30 per month in consideration of the long and distinguished service of her husband. She now asks Congress by another special act to increase her pension to $50 per month, resting her application upon the same considerations which induced its former action, together with the further averment in her petition that her present pension is not adequate for the support of herself and minor children. It does not appear what estate Admiral Lanman left, nor what are the present circumstances of his widow and children. It is not shown that they are in want or that the increased pension asked for is necessary for the widow's comfortable support. Nothing of the sort is alleged. But it is said in support of her application that she should be granted the same rate of pension allowed the widows of Rear-Admirals Goldsborough and Hoff at the present session of Congress. In the case of Rear-Admiral Hoff it clearly appeared that he died of disease contracted in the service and in the line of duty.

In the Goldsborough case the report does not show the facts and circumstances connected with his death. In neither of these cases was there a second application to Congress upon the same state of facts on which special relief had been granted. And in the cases referred to there were special considerations, such as the necessitous circumstances of the applicants. But whether these cases can or can not be distinguished from the present by any meritorious or special considerations, we think it would be establishing a mischievous precedent to pass the bill in question. Its effect will be to invite repeated applications and appeals for special acts, and Congress will find itself embarrassed in the effort to produce strict and exact equality in every case. If the widows of all rear-admirals are to be allowed a pension of $50 per month without reference to their pecuniary circumstances or necessities, then Congress should so declare by general law. Special legislation in the matter of pensions is steadily increasing, and at a rate which, if precedents are to be followed and control its action, will soon be exceedingly embarrassing to Congress. It should be assumed that when Congress, with all the facts before it now presented, fixed Mrs. Lanman's pension at $30 per month, it intended that as its final action in the mattter.

For these and other reasons that will readily suggest themselves, we think the bill should not be passed but be indefinitely postponed by the Senate.

HOWELL E. JACKSON.
JAS. H. SLATER.

Mr. JACKSON. Mrs. Lanman was not entitled to a pension by the general law. In the second section of the act of July 27, 1868, now incorporated in the Revised Statutes as section 4694, there is a provision that unless the officer was at the time of contracting the disease "borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital," he should not be entitled to a pension when on the retired-list.

Mrs. Lanman's case came within that provision of the law. She accordingly applied to Congress in 1879 for a special act placing her name upon the pension-roll. By a special act passed the 3d of March, 1879, she was granted a pension of $30 a month in consideration of the long and distinguished services of her husband. She now comes to Congress and asks for another special act raising her pension to $50 a month, based upon the same considerations exactly.

When Congress acted upon her application in 1879 and by a special act gave her a pension that she was not entitled to under the general law, it expressed its opinion and conclusion as to the merits of her case. She is here now asking for $50 a month upon the same state of facts exactly. It is stated in the report of the majority that the pension granted her by that special act was acceptable to her, and her only ground of making the application now is that others have been raised to $50.

This shows the danger and the mistake of these special bills increasing pensions, and in cases that are not strictly meritorious or needy. There is nothing in this case to show her need. I am opposed to the granting of pensions on these repeated special applications. I hope the Senate will disagree to the report of the majority.

The bill was reported to the Senate without amendment.

Mr. BLAIR. I did not make this report. I wish to remind the Senate that it is a majority report, however. We waived the consideration of the cases which are reported adversely. This woman is the widow of a rear-admiral. She is one of that class, forty or fifty, it may be perhaps nearly sixty, who are widows of officers of high rank who

are now being pensioned at the rate of $50 a month. She asks nothing but what we are doing for all other widows of officers of the same rank of her condition and of her necessities.

Mr. PLUMB. That illustrates, as the Senator from Tennessee well says, exactly what we are coming to. We took up the case of another widow, perhaps of an officer of similar rank, the other day, and having taken that up on one pretext we now come upon a case without the same pretext, and we are asked to put up this one.

Mr. JACKSON. Will the Senator from Kansas allow me to call his attention to the fact that in the case of Admiral Goldsborough, cited by the report of the majority, his widow was pensioned at the rate of $30 per month, the highest rate allowed by law. She got the increase from the fact of her husband having incurred disability in the service.

Mr. PLUMB. Now as before I protest against this as unjust and injurious in its discrimination.

The PRESIDING OFFICER. The question is on ordering the bill to a third reading. Shall the bill be read a third time? [Putting the question.] The noes appear to have it.

Mr. PLATT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GROOME. I desire to say before the roll is called, by way of explanation of my vote, that it is a gratuity pension which this lady is now receiving. Having appealed to Congress when the general law clearly did not entitle her to a pension, and having received a very large measure of relief, I do not think she ought to show a want of appreciation of the liberality with which she has already been treated by again appealing to Congress for additional relief. I think Congress should not encourage others to do the same thing by passing this bill.

Mr. PLATT. I do not see how any distinction can be made in this case and this lady discriminated against. I think there has been no case in which the widow of a rear-admiral has asked Congress to give her a pension at the rate of $50 that it has not been done. I do not think this is exactly a case to stop upon. It is a case which was reported favorably a long time ago. The case which the Senator from Kansas refers to was reported very recently, but was first reached under the order of the Senate and was taken up and passed.

It would be a very unjust discrimination against this lady, whose case was reported favorably a long while ago, not to extend the same relief to her which was extended in the case of the widow of Rear-Admiral Beaumont. A rear-admiral, if I mistake not, ranks with a major-general. It seems to me we can do no less, in view of the previous action of Congress, than to pension the widows of rear-admirals at $50 or to pass a law providing that henceforth they shall only be pensioned at $30 and that those who receive $50 shall be reduced to $30. But until Congress is ready to do that, I do not see how we can make a discrimination.

Mr. GROOME. The Senator from Connecticut states that a rear-admiral ranks with a major-general. Such is the fact, but it is also a fact, of which I remind the Senator from Connecticut, that there are numerous widows of major-generals who are only receiving $30 a month under the general law, and whose pensions have never been increased by special legislation. I am aware that there are other cases of major-generals who were killed in battle whose widows are receiving $50 a month in consequence of that fact; but as a general rule the widows of major-generals who died otherwise than in battle are only receiving to-day $30 a month. That rate of pension this lady is receiving, although under the general law she is not pensionable. Having once appealed to the liberality of Congress, and having received from it the measure of liberality which that tribunal, in view of all the circumstances upon which her application was based, saw fit to adopt, I feel that she comes here with a very bad grace when she asks Congress to review its action and increase the liberal allowance already made to her. I hope the bill will not pass.

Mr. PLATT. Of course I can not say that the Senator is absolutely mistaken when he says that there are widows of major-generals in the Army receiving $30 a month, but I did not suppose there were any such cases. If there are it is, I presume, because they have not made an application to Congress for an increase of pension. I know it has been done in every case where the increase has been asked.

Mr. GROOME. I will say to the Senator from Connecticut that I recollect very well a year or two ago, while I was upon the Committee on Pensions, a claim was made before that committee that the widow of every major-general was receiving $50 a month. Information was asked of the Pension Department, and it was ascertained that the claim was not correct, and that very few widows of major-generals were receiving that allowance unless their husbands had been killed in battle.

The PRESIDING OFFICER. The question is, Shall the bill be read a third time? upon which the yeas and nays have been ordered.

The Principal Legislative Clerk called the roll.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN]. I do not know how he would vote.

The result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Anthony,	Edmunds,	Ingalls,	Mahone,
Blair,	Frye,	Jones of Florida,	Miller of N. Y.,
Call,	Harrison,	Jones of Nevada,	Platt,
Conger,	Hawley,	McDill,	Sherman.
Dawes,	Hill,	McMillan,	

NAYS—22.

Barrow,	Davis of W. Va.,	Jackson,	Rollins,
Beck,	Fair,	Jonas,	Slater,
Brown,	Garland,	McPherson,	Vance,
Camden,	George,	Maxey,	Van Wyck.
Cameron of Wis.,	Groome,	Morgan,	
Coke,	Harris,	Plumb,	

ABSENT—35.

Aldrich,	Gorman,	Logan,	Sawyer,
Allison,	Grover,	Miller of Cal.,	Sewell,
Bayard,	Hale,	Mitchell,	Tabor,
Butler,	Hampton,	Morrill,	Vest,
Cameron of Pa.,	Hoar,	Pendleton,	Voorhees,
Cockrell,	Johnston,	Pugh,	Walker,
Davis of Ill.,	Kellogg,	Ransom,	Williams,
Farley,	Lamar,	Saulsbury,	Windom.
Ferry,	Lapham,	Saunders,	

So the bill was rejected.

DANIEL G. GEORGE.

The PRESIDING OFFICER. The next pension bill on the Calendar favorably reported will be announced.

The ACTING SECRETARY. A bill (H. R. 1011) granting an increase of pension to Daniel G. George.

Mr. BLAIR. I wish to call that bill up at another time, and will reserve the right to do so. I am not ready to discuss it now; let it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over if there be no objection.

PATRICK DRONEY.

Mr. DAWES. The next case on the Calendar is the bill (H. R. 718) granting a pension to Patrick Droney. I wish to ask unanimous consent that it may be considered. I was absent in the committee-room of appropriations when the order was passed this morning in reference to adverse reports. That is a question which was decided the other day on the passage of a bill like it in another case. I ask unanimous consent to take it up.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to proceed at this time to the consideration of the pension bill mentioned by him adversely reported.

Mr. JACKSON. I object.

The PRESIDING OFFICER. There is objection.

Mr. DAWES. I will state to the Senate that I only ask it because I was absent in the committee-room of the Committee on Appropriations; that is the only reason why I ask it. I do not want to have the rule set aside for me; I only ask it on that ground.

Mr. JACKSON. I will state to the Senator from Massachusetts that the Senate a few moments ago determined not to take up any of these adverse reports.

Mr. DAWES. I know they did.

Mr. JACKSON. I object to it. We want to get on to other cases.

The PRESIDING OFFICER. There is objection. The Secretary will report the first House bill favorably reported.

SUSAN SHEARER.

Mr. PLATT. If there is no objection, I should like to have House bill 3322, for the relief of Susan Shearer, indefinitely postponed. The report is adverse to it, but it appears on the Calendar as having been favorably reported. It is order of business No. 1193. There was an adverse report in the House and in the Senate also, and it may as well be disposed of. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair hears no objection, and the bill will be indefinitely postponed.

JOHN R. SMITH.

Mr. BLAIR. In the last print of the Calendar there is a disarrangement of cases. It will be found that cases 35 and 36 are in the index, and I call attention to No. 1221, a bill for the relief of John R. Smith. There is an adverse report, but I had before the action of the committee drawn a favorable report when the case was referred to me, but it was disapproved by the committee, and my report has in some way got among the papers, and it appears to be printed as the report of the committee. It is so on the files of the Senate. It is a mistake, and I ask that the document be withdrawn from the files.

The PRESIDING OFFICER. If there be no objection that order will be entered.

Mr. BECK. I do not know what it is. I object to everything but the regular order.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BLAIR] asks for the withdrawal of a favorable report not adopted by the committee. The Chair hears no objection, and the order is entered.

Mr. BLAIR. The Senator from Indiana [Mr. VOORHEES] is interested in the case, and I will say to him that my own opinion is favorable and so I drew the report; but the committee were adverse. My opinion has got among the papers and appears to be printed as a favorable report by the committee and has been so distributed. I only ask that entries showing how the mistake occurred be made, and I suppose the report as such ought to be withdrawn.

Mr. VOORHEES. There can be no objection to that; but I thought the case was being brought up for action, and I want to be heard on it.

The PRESIDING OFFICER. The correction desired by the Senator from New Hampshire [Mr. BLAIR] will be made.

LAURA C. P. HASKINS.

Mr. McMILLAN. I desire to call attention to order of business No. 1026, being the bill (S. 771) granting a pension to Laura C. P. Haskins. There is an adverse report, and the bill was postponed indefinitely and subsequently reconsidered. I ask now that the case may be passed for the session, as I may be absent in the Committee on Commerce for some time.

Mr. PLATT. That is the order of the Senate.

The PRESIDING OFFICER. Those pension bills reported adversely are not being considered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, and had receded from its disagreement to the amendments of the Senate numbered 2 and 3 to the said bill further insisted upon by the Senate.

ALABAMA MINERAL LANDS.

Mr. BECK. The first bill I can find on the Calendar reported favorably from the House is order of business 1022.

The PRESIDING OFFICER. The Secretary will read the first House bill favorably reported.

The ACTING SECRETARY. "A bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands."

Mr. EDMUNDS. Is that the first House bill beginning where we left off on the Calendar.

The PRESIDING OFFICER. The Secretary reports to the Chair that it was under consideration at the last time the Senate was proceeding with the Calendar.

Mr. EDMUNDS. That makes it right, then.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. INGALLS. Is there any report in that case, Mr. President?

The PRESIDING OFFICER. There is no printed report.

Mr. INGALLS. I should like to hear any communication from the General Land Office.

Mr. MORGAN. There is a printed report.

Mr. INGALLS. I should like to hear it read.

The PRESIDING OFFICER. The report will be read if there is one. The Chair is informed that there is a report on the Senate bill similar to this, but no written or printed report upon this particular bill.

Mr. INGALLS. Let us hear the report on the Senate bill.

The PRESIDING OFFICER. The Secretary will read the report on the Senate bill.

Mr. HOAR. Was the report favorable or adverse?

Mr. MORGAN. It is a unanimous favorable report of the committee.

The Acting Secretary read the following report, submitted by Mr. MORGAN April 20, 1882:

The Committee on Public Lands, to whom was referred Senate bill 140, have had the same under consideration and report the same back with a substitute therefor, entitled "A bill to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," and recommend its passage.

The General Land Office, acting on the report of F. Winter, a geologist and special agent, made in March, 1879, designated a section of country in Alabama, of coal lands, which covered an area of over 260 miles square, and known as the "Warrior coal-field," and the Coosa and Cahaba coal-fields, and the public lands in this entire region were thereafter held for his disposal under the act of March 3, 1873.

According to Mr. Winter's estimate the entire area (of which a considerable part had passed into private ownership) amounted to 1,537,280 acres of coal lands, and 224,000 acres of iron lands; nearly all of which was taken up before the date of the act of May, 1872, regulating the disposal of mineral lands. Mr. Winter's reports state that not more than one-third of the coal-land area would probably be of any value for mining purposes.

Upon these reports of Mr. Winter the Secretary of the Interior made the following order:

DEPARTMENT OF THE INTERIOR,
Washington, August 2, 1879.

SIR: I have received your letter of June 10, 1879, inclosing the reports and exhibits of Special Agent Winters, who was detailed in pursuance of instructions contained in my letter of September 11, 1878, to investigate the coal and iron lands of the State of Alabama.

From these reports and exhibits it appears that there is a large quantity of coal and iron lands in said State, some of which, in the opinion of Mr. Winters, are very valuable, and some of them of little or no value. The statute, however, fixes the value of coal, as well as other mineral lands, and without further legislation, I do not think that we are authorized to dispose of any of said lands at prices other than those established by law. Some of the lands are now considered valuable because of the means of transportation and other advantages. Others are not now considered valuable for the want of means of transportation, and because also of the expense of operating the mines. These difficulties in relation to the latter class of lands mentioned may be overcome in the future, but whether this be so or not, it can not change your duty nor mine.

So far as the lands are mineral they should be withheld from sale and disposal, no matter what their value at present may appear to be, until further legislation is had upon the subject. The lands not mineral in said district should be offered for sale and disposal in accordance with existing law.

I herewith return the papers transmitted in order that you may take such action in the premises as you may deem necessary.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

The necessity of legislation is clearly indicated in this order, to relieve this large area of country from the incubus of a law, to more than two-thirds of which it could not have been intended to apply.

If a third of this area may have any value as a mining region, it is clear that two-thirds of it is only fit for agricultural purposes.

All the public lands in this area were offered for entry at 12½ cents per acre, under the graduation acts of Congress, and only a small part of it was taken up. It was then known as a country in which there were valuable beds of coal and iron, but little was known, or is yet known, as to the localities in which mining could be done with profit.

No land has been taken up in Alabama under the act of March 3, 1873; nor has any land been disposed of under that law in any other States of the Union, except in Oregon, where 2,154 acres have been entered, and 185 acres in California.

The estimated area of coal lands in the land States is about 2,000,000 acres. So that this law is practically a failure as a means of disposing of coal lands. It has only retarded settlement and defeated commercial and manufacturing industry in the regions set apart as "coal lands."

The General Land Office, in order to prevent these evils, as far as possible, has permitted the entry of lands, under the homestead laws, within the "coal-land" limits, where persons would make oath that the lands claimed under the homestead laws were non-mineral in character. This practice has led to much abuse, and is a fruitful source of litigation and disquietude as to the validity of titles, even after patents have issued.

The bill reported herewith, as to its provisions, has the approval of the Department of the Interior, as will be seen from the letter of the Commissioner of the General Land Office, appended to this report.

Of the 1,683,280 acres in the areas that are included in the coal-land limits, in all the States and Territories, as already defined by the orders of the Interior Department, Alabama furnishes 1,573,280 acres, leaving only 146,000 acres as yet actually classified as "coal-lands" in all the other States and Territories.

In Michigan, Wisconsin, Minnesota, Missouri, and Kansas, Congress has repealed the acts of March 3, 1873, and May 10, 1872, as to coal and other mineral lands, leaving Alabama as the only land State that has any considerable area of coal and iron lands east of the Rocky Mountains under the restrictions of these laws.

Grants to railroad companies in Alabama, made prior to 1860, have given them a large quantity of coal and iron lands, which they sell at prices that prevent any sale of the public domain at the prices fixed by law for such lands. This gives to those railroad companies the practical monopoly of the coal lands in the State, which is an injury to the commerce of the State and a decided obstruction to its growth and prosperity, and the only relief seems to be that which is proposed in this bill.

DEPARTMENT OF THE INTERIOR, *Washington, February 28, 1882.*

SIR: I have the honor to transmit herewith copy of report on House bill 19, "to exclude the State of Alabama from the provisions of the act of Congress entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," by the Commissioner of the General Land Office, to whom you referred it for an expression of his opinion.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. JOHN VAN VOORHIS,
Chairman Committee on Mines and Mining, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1882.

SIR: I have received from Hon. JOHN VAN VOORHIS, chairman of House Committee on Mines and Mining, his letter of 8th instant, inclosing House bill No. 19, "A bill to exclude the State of Alabama from the provisions of the act of Congress entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," and asking whether in my opinion it ought to pass, and whether it is necessary to incorporate a proviso similar to one indorsed in pencil on said bill.

I have the honor, subject to your approval, to submit the following:

The lands in Alabama have been in market for many years, but until a comparatively recent date the lands were not probably considered of special value, because of their mineral character.

The main information officially brought to this office of the mineral character of these lands was derived from an examination made in the field by a special agent and geologist from this office in the years 1878 and 1879.

His examination extended over portions of the Montgomery and Huntsville land district.

He reported a considerable list of land as containing iron and coal, some as valuable and others as of little value. No entries of coal or iron have as yet been made in said State, although all the lands reported by him were withheld from disposition except under the laws applicable to the sale of coal and mineral lands.

It is probable that the coal and iron deposits are of considerable extent, as it is a matter of general notoriety that extensive iron-works and mining have during the last few years been established there. Probably such deposits are not more extensive than in Missouri, in which State, as well as in Kansas, by act of May 5, 1876, all lands were made subject to disposal as agricultural lands.

The policy of so disposing of the public lands that large areas will be owned by single individuals or corporations may well be doubted, or at least merits careful consideration. It is also to be borne in mind that a too restrictive policy is a substantial inducement to fraud, and at the best may postpone but briefly the acquisition of large titles by individuals who command the necessary capital and enterprise.

This result would be more likely to occur in a State like Alabama, where there is doubtless so much land which contains coal and iron, but the amount and value of the deposits in which are so uncertain.

The policy of the proposed law is one which it is the peculiar province of Congress to determine, and concerning which I prefer to make no recommendation.

If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

The proviso for a public sale of the lands supposed to be valuable for their mineral deposits I would think wise, because it will enable the Government to realize the largest possible price for the lands.

Said substitute, letter, and bill are herewith inclosed.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

COMMITTEE ON COMMERCE.

Mr. McMILLAN. I ask leave of the Senate that the Committee on Commerce be permitted to sit during the sessions of the Senate.

Mr. EDMUNDS. That can not be done. We shall lose you entirely. Is that motion in order pending a bill?

The PRESIDING OFFICER. Not strictly while a bill is being considered; but if there be no objection the Chair will entertain the motion, and unless there be objection the order will be made. The Chair hears no objection, and the order is made.

ALABAMA MINERAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. MORGAN. I ask now that the Secretary read a letter from the Secretary of the Interior, Mr. Teller, which I send to the desk.

The PRESIDING OFFICER. The letter will be read.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 10, 1882.

SIR: I have received your letter of the 7th instant, and the inclosed copy of Senate bill 140, "to regulate the disposal of coal lands in the State of Alabama," with the report of the Senate committee thereon. The report contains a letter from my immediate predecessor, transmitting a letter from the Commissioner of the General Land Office, who submitted draft of bill on the subject, which you state is embodied in Senate bill 140.

The bill meets my entire approval, and will, I hope, become a law.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. JOHN T. MORGAN, *U. S. Senate.*

Mr. MORGAN. I now ask the Secretary to read a joint resolution of the Legislature of Alabama, which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Acting Secretary read as follows:

[S. 131.]

Enrolled joint resolution of the senate and house of representatives of the General Assembly of Alabama.

Resolved by the senate (the house of representatives concurring), That the Senators from Alabama in the Congress of the United States are hereby requested to vote for, and procure, if possible, the passage of the act now pending in the Senate, providing for the disposal of mineral lands in Alabama.

GEO. P. HARRISON, JR.,
President of the Senate.
WILBER F. FOSTER,
Speaker of the House of Representatives.

Approved December 12, 1882.

E. A. O'NEAL, *Governor.*

I, Ellis Phelan, secretary of state, hereby certify that the foregoing is a true copy of the original joint resolution, in relation to mineral lands in Alabama, as the same is on file in my office.

Witness my hand and the great seal of the State, at Montgomery, Alabama, this 15th December, 1882.

[SEAL.] ELLIS PHELAN, *Secretary of State.*

Mr. MORGAN. I regret that I have any statement to make at all; but I do it more in justice to my colleague and myself than for the purpose of giving the Senate more full information, because the information in this report is about as full as it can be made, I believe, on this subject. Coal lands in Alabama have been known to exist there for a great many years, as far back as the territorial settlement of the country. Under the pre-emption laws and laws for the sale of public lands, and especially under the graduation act, these lands were brought into market, and many of them passed into private ownership, some as low as 12½ cents an acre. They were taken up by persons who emigrated to a rather poor country, on what is termed the sand mountain of Alabama. They were taken up for farming purposes. Little farmers came from Georgia, South Carolina, North Carolina, and poorer countries to settle there. They had no expectation that the minerals that were in this land would ever be of any value, though they were used in blacksmiths' shops and were known to exist. The country having become occupied in that way railroad companies pushed their enterprises along under land grants from the Government of the United States around the borders of this coal-field, the Memphis and Charleston road running on the north, the Mobile and Ohio road on the west, the Alabama and Great Southern road on the south, and the South and North Alabama road (now the Louisville and Nashville) on the east. Each of these was a land-grant road. The railroads took up large bodies of this coal land, having grants of alternate sections for fifteen miles wide on either side. I believe only one of these railroads was in operation and had been constructed before the war. That was the Memphis and Charleston road. I am not quite sure as to the Mobile and Ohio road; but that road has not taken any of the coal land, because it has just fringed along the coal measures, and has scarcely lapped over the border of the coal measure at all. The other two roads—the Alabama and Chattanooga and the North and South Alabama Railroads—have been built since. So this coal region has been circumvallated by these railway lines that have the outer boundary of the entire coal system there, and have a monopoly of the coal lands in that region of country. This fact prevents, of course, the development of that country, and has done so all the time.

These railway companies have not desired that the coal lands in the interior of this seam should come into competition with them, and so far no railway enterprises have been pushed into the interior of this region any more than seven or eight miles at the outside. The result is that Congress by making these grants to the railway companies has thrown the virtual control of the whole of this coal area into the power of these companies. The legislation of Congress, if nothing else, has made it impossible that the interior of it should be taken up in competition with companies that have received their land grants for nothing.

This matter of entering up the land by small settlers went on until the act of 1873 was passed, which provided that the coal lands of the United States undisposed of lying within fifteen miles of any completed railroad should not thereafter be sold at less than $20 an acre, and the coal land lying outside of the fifteen-mile limit of the railways should not be sold at less than $10 an acre, and providing a system of pre-emptions for corporations or companies or copartnerships and for individuals, by which they might settle up the lands and take them at those prices, gaining a pre-emption of certain parcels.

The taking up of this land in forty, eighty, and one hundred and twenty acres, and the like, under the different acts of Congress has broken the coal-field up, so that there is no very considerable body of lands to be found in any one place in juxtaposition. The result is that not one foot of that land has ever been taken up under this act of 1873. More than that, very little of the lands of the United States in all of our broad domain that have been segregated from the public domain as coal lands have been taken up at all.

The act of 1873 has become an incubus upon the disposal of these lands, the products of which are so absolutely essential for the progress and development of our civilization.

I am not here for the purpose, however, of asking that that law shall be repealed. I am only asking that Alabama shall have like privileges which Congress has granted to the States of Kansas, Missouri, Nebraska, Michigan, and other States, without hesitancy, relieving those States from the burdens of this law. All of the coal lands in these different States and all mineral lands of every description, including the finest of iron ore, have been, by act of Congress, relieved from the shackles of the act of 1873, and the people have been allowed to go on to take up the lands; to invite capital from other countries to go in there, start manufacturing industries, and to turn out coal and other minerals for the benefit of commerce at large.

There is no reason, I think, that can be stated why the State of Alabama should be kept beneath this law when the other States have been released from it. I know of no facts operating in behalf of the other States that Alabama may not equally claim the benefit of. Indeed, sir, the matter has gone so far down there, capital having settled itself around this margin in various places, that it has become more a matter of interest to people in other States who wish to go there and take up the lands and engage in these industries than it has to the people who immediately occupy that country; very much more so.

The only objection that I have heard urged at all to the passage of this bill has come from what I conceive to be an interested source. It is that certain frauds have been perpetrated there in the taking up of the public lands; that men have availed themselves of the homestead system and the pre-emption system for the purpose of taking up these lands by fraud and perjury and in contravention of the statute. Suppose I should admit that that has been done, and yet in making that admission I think I should go far beyond the facts. Suppose I should make that admission, yet we should find that not so much fraud has been perpetrated in that section of Alabama as the reports made to this session of Congress show have been perpetrated in almost every land district in the United States, especially in those places where public lands are valuable. I have before me now a report sent to us by the Secretary of the Interior, in which he goes into a detailed statement of the frauds perpetrated on the land system, and in comparing this statement with what is alleged to have taken place in Alabama I find that we become almost *tabula rasa* by comparison.

Now, sir, I wish to state to the Senate—and I feel called upon to do it because a person has sent a letter here impeaching my motives in this case and those of my colleague and those of Mr. FORNEY, in the House of Representatives from that State—I wish to state that nothing could induce me to put any cover whatever upon or over any fraud that has been or can be perpetrated against the Government of the United States. I have not lived this long to get my consent even to be inattentive to a question of this kind, whether it concerns the people of my own State or the people of other States.

I will further remark that the allegations which are made in this very report in respect to the frauds which have been committed in that State do not relate to men of my own party. They relate to individuals who are distinguished men and who I take great pleasure in saying are very honorable and high-toned men, who do not belong to the political party to which I belong; and if I could have any malevolence at all in connection with this subject it would be in propagating charges that are brought by other persons for the purpose of casting odium upon them, their motives, and their conduct.

The courts of the country stand open, fully equipped with all necessary statutes and regulations, for the punishment of any fraud that may have occurred. For more than two years a person directly interested in getting up litigation, out of which he is to make profits as attorney, has had the full opportunity of prosecuting these cases before the grand juries of the Federal courts in Alabama; he has brought witnesses from great distances; the Government of the United States, almost without stint, has supplied money to carry on that operation; and the result is,

according to the report of George Turner, who signs himself as special counsel for the United States, that the indictments found at Huntsville were, for conspiracy seven, for perjury five; at Montgomery, for conspiracy two, for perjury six. That is the result of two years of active and diligent search into this matter.

Mr. President, the Government of the United States is represented in that State by men who are reasonably well qualified to discharge the public duties that come before judicial tribunals, and these gentlemen have also been at work and they have had my hearty, earnest, faithful co-operation. If it can be shown that any man has been guilty in Alabama of a violation of these laws, I say in the name of justice and right let him be punished for it.

At the last Congress the Senate passed a bill upon this subject in the exact language of the statute passed in reference to Kansas, which was simply a bill that hereafter the public lands in Alabama should be disposed of as agricultural lands any law to the contrary notwithstanding.

Mr. EDMUNDS. That was not the language of the Kansas bill, I think.

Mr. MORGAN. That is about it. That is the substance of it, I think.

Mr. EDMUNDS. The phrase "agricultural" does not occur in the Kansas act, I think.

Mr. MORGAN. Yes; that occurs—"agricultural lands." I think so, at least.

Mr. EDMUNDS. Yes; I see by examining that the Senator is right. It does say so.

Mr. MORGAN. At this Congress I introduced that bill again. It went to the Committee on Public Lands, and received a very thorough consideration. In the mean time the same bill had been introduced in the House, referred to the Committee on Public Lands, and the Public Lands Committee sent that bill to the Interior Department.

Mr. EDMUNDS. Please do not state what took place in the House.

Mr. MORGAN. I am trying to state what took place outside of the House.

Mr. EDMUNDS. Oh, no.

Mr. MORGAN. I am not trying to influence the action of the Senate. I am trying to get at a statement of fact to show how the bill came to be in the state it is now.

Mr. EDMUNDS. But I beg the Senator not to allude to proceedings in the House of Representatives. I know we have been in the habit of doing it, but it is a very bad practice.

Mr. MORGAN. I am not referring to anything that took place in the House of Representatives except to a bill introduced there, and that the Public Lands Committee sent that bill to the Interior Department. Is there any harm in that?

Mr. EDMUNDS. It is contrary to parliamentary practice and ought not to be done.

Mr. MORGAN. I was not aware of it. I confess that there are some sensibilities on that subject which are so nice that they are entirely beyond me. I was stating nothing certainly with a view of influencing the action of the Senate except this: I wanted to show that the bill in its present form was a bill prepared at the Interior Department, not prepared by me—it was prepared by the Commissioner of the General Land Office; there is no harm in that statement—and that bill was prepared in full view of the fact that this investigation was going on in Alabama and that these indictments were pending there, and with a view that these indictments and the persons charged should have no mode of escape by the bill.

Mr. HAWLEY. May I ask a question for information?

Mr. MORGAN. Yes, sir.

Mr. HAWLEY. In that letter of Mr. McFarland, the Commissioner of the General Land Office, dated February 18, 1882, he says:

If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

Mr. MORGAN. That is this bill.

Mr. HAWLEY. That is what you speak of as being afterward substituted?

Mr. MORGAN. Yes, sir.

Mr. EDMUNDS. Mr. McFarland, the Commissioner, does not recommend it.

Mr. MORGAN. Mr. McFarland expresses no opinion on the policy; Mr. Kirkwood expressed no distinct opirion on the policy; but Mr. Teller followed with a very decided affirmative recommendation of the policy of the measure, and Mr. Teller has given the subject a most thorough and intelligent consideration.

When the Commissioner of the General Land Office under the direction of the Secretary of the Interior prepared a brief bill that the House has passed and sent here, I thought that all had been done that could be done—all that was necessary to be done to protect the Government. I can afford to state as a lawyer that there is not the slightest doubt, at least in my own mind, that the passage of this bill can not have the effect to relieve any person in the world from any crime that he has committed or to cover any crime that he may commit against the public land laws.

I have been long enough upon the Committee on Public Lands to know one fact. I have heard it stated very frequently by the Secretary of the Interior, by the Commissioner, and by other officers of the General Land Office, that our land system is assailed with fraud and contrivances every day and every hour. There is no doubt about that. It has been a matter that seems to be beyond the reach of human power absolutely to extirpate these frauds.

Suppose that five cases of perjury or seven of conspiracy, or suppose that fifty have occurred in this large area of country, can that be a reason why the Government of the United States should decline to allow the people who are acting honestly and faithfully in that State and elsewhere to have the benefit of this land? We see by experience that they will not get it. They will not take it. Never has one acre of land been sold in that way under the law of the United States rating it at from $10 to $20 an acre since the law was passed in 1873; and that being so, what is this statute but a mere embargo on the sale of the land, a regular lock-up of the resources of that great country against enterprise from all sections of the Union? Gentlemen from Pennsylvania and from other Northern States have gone down there and they have invested their money in various places. They desire to enlarge their possessions. This bill provides that this land shall be put up to public sale in 40-acre tracts according to the regulations of the law and the Department.

Mr. EDMUNDS. With the consent of my friend from Alabama I move that the Senate proceed to the consideration of executive business for a few minutes.

Mr. MORGAN. That will not displace this bill?

Mr. EDMUNDS. Not at all.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7115) to authorize the construction of a bridge across the Thames River near, New London, in the State of Connecticut, and declare it a post-route; and

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River, at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After 3 hours and 12 minutes spent in executive business the doors were reopened.

ALABAMA MINERAL LANDS.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands is before the Senate as in Committee of the Whole.

Mr. ALLISON. Mr. President——

Mr. MORGAN. I am entitled to the floor.

The PRESIDING OFFICER. The Senator from Alabama had the floor on the pending bill when the Senate went into executive session. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. MORGAN. If the Senator from Iowa can not do his business at any other time than this I shall yield the floor to him with the universal understanding that by doing so I do not yield the precedence of the bill which is now before the Senate. I want to say to the Senate that the Senator from Vermont came to me and asked me to yield the floor in order that he might move for an executive session. I did so understanding that the bill was not to be interrupted.

Mr. EDMUNDS. It is not. It stands just as it did. My friend is on the floor and he is entitled to go on.

The PRESIDING OFFICER. That is the state of the case.

Mr. PLUMB. Let me make a suggestion to the Senator from Alabama.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. PLUMB. The Senator knows that the time of the Senate is precious, and he knows that if his bill, in addition to whatever opposition it may encounter, encounters the feeling that it is obstructing the legislation of this body, it will undoubtedly come to an untimely end. I therefore beg to ask him if he is not willing to have a vote on this bill, which I think the Senate understand now as well as it will after three or four hours' debate.

Mr. MORGAN. I am willing to have a vote.

Mr. EDMUNDS. There will have to be something said about other aspects of the case.

Mr. MORGAN. If we can have a vote on the bill I am entirely willing to yield the floor.

Mr. EDMUNDS. There can not be a vote without discussion.

Mr. VAN WYCK. I may want to say a word on this bill, but I should prefer not to do it just now.

Mr. BLAIR. I appeal to the Senator from Alabama to allow a moment during which the resolution which provides for the printing of the regular annual report for the year 1881 of the Commissioner of Education may be taken from the table and passed. It is necessary it should go to the House, or the printing of the report for that year will entirely fail. It will not lead to debate, and it should pass now. I have been trying for several days to get the floor to call it up.

Mr. MORGAN. I would yield to the Senator from New Hampshire if I felt that I could do so in justice to myself personally; and I wish to say to him that I have been censured in Alabama very heavily because I have not asked the Senate to consider this bill.

Mr. BLAIR. Will the Senator then allow me to state that under the order of the Senate the pension bills would have consumed the entire residue of the session, but being appealed to by the honorable Senator from Kentucky I consented to the postponement, which is the destruction of the bills for this session of some twenty-five or thirty contested pension cases, in many of which I feel a very deep personal interest, and where I thought great injustice was being done by delay. I did it in the interest of the public service, and it was in consequence of that that the Senator is on the floor at this moment. I have been trying for a long time to get the opportunity simply of having this ordinary resolution passed providing for the printing of this annual report. I think under the circumstances the Senate and the Senator ought to grant this unanimous consent which I desire.

Mr. MORGAN. Any consent of that kind is death to this bill. It will displace the bill, and it will require unanimous consent to get it back.

Mr. BLAIR. I do not wish to take the Senator from the floor. I simply ask his indulgence to let this resolution be passed. It will not take five minutes, and I agree that there shall be no discussion.

Mr. MORGAN. If the Senate of the United States want to vote down this bill that I have been advocating to-day, let them do it. That will exonerate me to my own constituents. I have never asked a Senator in the middle of an argument on a case that was taken up by the Senate in regular order to yield the floor that I might pass a bill.

Now, I have stated to the Senator from New Hampshire that I have strong personal reasons why I can not do this, that I should be censured very greatly if I should permit an opportunity to have a vote on this bill pass. I would rather lose the bill than not do what my constituents and my own Legislature require of me in this respect.

Mr. BLAIR. I have stated this case to the Senator and to the Senate. As soon as he yields the floor I will once again, if I can get the floor, ask unanimous consent for action on the resolution.

Mr. VAN WYCK. I desire to say a few words after the Senator from Alabama concludes.

Mr. MORGAN. I wish the opportunity of saying a very few words on this bill. I yielded to the Senator from Vermont to go into executive session because I thought my duty to the country required it.

Now, I wish to say only a very few words further. When this bill was first introduced by me into this body, a bill copied from the statutes in reference to Kansas and Missouri, it provided:

> That the coal lands of the United States within the State of Alabama shall be hereafter subject to disposal as agricultural lands, any law to the contrary notwithstanding.

That was my preference. I desired that bill much before the one that I am now advocating. I have described to the Senate that the Interior Department were not satisfied with the bill. They said that these lands had become more valuable in consequence of improvements at Birmingham and in that vicinity and in consequence of the fact of railway communication having been opened all around the margin of these coal-fields. Consequently they said that the fair way to dispose of these lands was for the Government to get the most money out of them, and to do that at public sale, and thereupon they included all mineral lands—coal lands, and all—and proposed to expose them to public sale, by the following provision:

> That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands: *Provided, however*, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale: *And provided further*, That any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May 10, 1872, entitled "An act to promote the development of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

That is the bill of the Land Office. That is the method which they think is best for the disposal of these lands, open competition in open market where all persons who desire to purchase may come, and where the sales are to be conducted precisely as they have been in every other case of public-land sales in the United States.

It is said that that may lead to combinations, to a monopoly. I do not see how it is possible that it can do so; but if it does do so there is no other way you can dispose of the public lands by which you will prevent it. If you leave them alone and at the present price of $10 or $20 an acre according to the distance from a railway, we find that agents of the Government are reporting that frauds occur, the value of the lands tempting persons to make transfers. The department can not allow that to go on. It involves the whole country in litigation and in strife. A country that ought now to be the habitation of peaceful and prosperous industries is one that is covered all over with strife and litigation.

Therefore, the department has selected this as the best method of disposing of these lands. I have yielded my concurrence to that. The House has done so by voting this bill and sending it here. It is the best thing that can be done now. It is the only thing that can be wisely done at any time. Let the capital come from where it may, let men come from where they may, and attend the land sales and buy these lands.

Now, I wish to say that neither my political nor my personal friends, as it turns out in the South or elsewere, are men of large capital; on the contrary, the people who support me and who support my colleague are most of them people of very moderate means. We have no powers of combination among us, because we have not got the money. If combinations come into that area from any direction at all, they will come from abroad and not from Alabama. I would gladly prevent them. The only chance to sell the lands is in forty acres at a time, or in the subdivisions required by law, and let those go there and buy them who desire to do so, and who will pay the Government the most money. That is fair and that is right.

These lands, as I have stated, have been considerably entered upon, largely entered upon by men who have gone there for homesteading and other purposes long before the act of 1873 was passed. These men have their patents. The field is broken up in this way, and it is impossible that combinations should exist to any great extent for the reason that these intervening forty, eighty, and one hundred and twenty-acre tracts of land will prevent them from taking place. This is the only thing I know of that we can do for that section of country to bring these lands into market, and to prevent that which occurs every day now.

The railroad companies that have the monopoly of the coal lands within the limits we have granted to them for nothing have now got the demand for coal to such an exorbitant amount as that they are not supplying much more than half that the furnaces there need. They raise the prices at will and pleasure. When you keep land at $20 an acre within the fifteen-mile limit, it makes every acre of coal land that the railroad companies have got from the United States Government worth $20; it brings prices up and there is no chance to compete with them otherwise than to pay them their prices for their coal lands. The result of our own legislation is that by it we have put the monopoly of these coal lands into the hands of the railroad companies.

I have remarked to the Senate that I am not here advocating any friend at all, neither a personal friend nor a political friend, in respect to this bill. My Legislature have taken the thing into consideration. They have canvassed it; they have passed resolutions requesting my colleague and myself to vote for it. I have petitions and letters in great number from men who know the sentiment and wishes of the people of that country, and they all say "pass the bill." Opposed to it there are but two or three men and they are officers of the United States Government who are now making a living out of the strifes that exist in that country.

That is the case, Mr. President, and I regret very much that I have been compelled to occupy so much time.

Mr. ALLISON. I ask unanimous consent to lay this bill aside informally that I may ask for the passage of a joint resolution which passed the House several weeks ago relating to compensation of employés of the House. The Senate Committee on Appropriations reported the resolution with amendments. I ask to withdraw the amendments of the committee and have the resolution passed as it came from the House.

Mr. MORGAN. Will the Senator allow me to inquire of the Chair whether if that is yielded to it will displace the bill?

The PRESIDING OFFICER. Not if it is done by unanimous consent.

Mr. ALLISON. I asked unanimous consent.

Mr. EDMUNDS. I should like to hear this matter explained.

The PRESIDING OFFICER. The resolution will be read, subject to objection.

DEFICIENCIES IN HOUSE SALARIES.

Mr. ALLISON. Some time ago the House of Representatives passed a joint resolution for a deficiency in reference to their employés. We added to it an amendment providing for a deficiency for our employés.

Mr. EDMUNDS. Has the Senate voted in the amendment?

Mr. ALLISON. No, the Senate has taken no action. The Committee on Appropriations proposed an amendment. The Committee on Appropriations now intend to put this amendment on the regular deficiency bill and it is said to be important that this House resolution should pass. I ask that it may be passed without amendment.

Mr. EDMUNDS. Does the Senator ask unanimous consent to take it from the Calendar out of its order, being a House resolution?

Mr. ALLISON. I do.

Mr. EDMUNDS. I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

The amendment reported by the Committee on Appropriations was, to add to the joint resolution the following clause:

That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay necessary expenses of the Senate for the fiscal year ending June 30, 1883, namely: For salaries of officers, clerks, messengers, and others, $1,377.20; for clerks to committees, and pages, $9,523; for furniture and repairs of furniture, $1,200; for miscellaneous items, $4,000.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BECK. The Senator from Iowa [Mr. ALLISON] is not aware perhaps that the sundry civil bill is here, with a message asking for a committee of conference.

Mr. ALLISON. Then I ask that the bill be laid before the Senate, and that the Senate agree to the conference asked by the House.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. BECK, were appointed.

REPORT OF THE COMMISSIONER OF EDUCATION.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. BLAIR. I ask unanimous consent to take from the table the resolution relative to printing the annual report of the Commissioner of Education, that it may be disposed of at this time.

The PRESIDING OFFICER. If there be no objection the pending measure will be informally laid aside and the resolution referred to by the Senator from New Hampshire will be read for information.

The Acting Secretary read the resolution, as follows:

Be it resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Education for 1881 be printed, and 4,000 additional copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 13,000 copies for distribution by the commissioner.

Mr. BLAIR. This resolution passed the Senate with an amendment reducing the number of copies originally called for, which was 20,000, to 13,000. That was done after a very close vote in the Senate, and the resolution thus amended went to the House. Immediately after the resolution had gone to the House the honorable chairman of the Committee on Printing, the Senator from Rhode Island [Mr. ANTHONY], came to me and said that on further consideration he had no opposition to the full number, and should I call up the resolution again he would make no objection to its passing for the full 20,000, which the interests of the bureau and of the country require. I entered a motion to reconsider at the time, and I now ask that the vote whereby the resolution was amended to diminish the number from 20,000 to 13,000 be reconsidered, and the resolution put on its passage.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate. The question is on the resolution as introduced.

The resolution as agreed to is as follows:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That of the report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate; 8,000 copies for the use of the House of Representatives; and 20,000 copies for distribution by the Commissioner.

ARMY APPROPRIATION BILL.

Mr. LOGAN. I present the conference report on the Army appropriation bill.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) "making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 9, 18, 27, 30, 31, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 12, 13, 19, 21, 22, 23, 24, 26, 28, 29, 32, 33, 34, 35, and 38; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,750;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "thirty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "line" in said amendment, insert the following: "And no more than thirty aids-de-camp shall be paid as such in addition to their regular pay in the line."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$11,900,000;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"*Provided*, That vacancies that may hereafter occur in the Pay Corps of the Army in the grades of lieutenant-colonel and major by reason of death, resignation, dismissal, or retirement, shall not be filled by original appointment until the Pay Corps shall by such vacancies be reduced to forty paymasters, and the number of the Pay Corps shall then be established at forty and no more; and hereafter vacancies occurring in the Quartermaster's and Commissary's Departments of the Army may, in the discretion of the President, be filled from civil life."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the number stated in said amendment insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the number of rations as fixed by said amendment insert "10,125,000 rations;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,940,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the word "employés," where it occurs in said amendment, and in lieu thereof insert the word "clerks;" and the Senate agree to the same.

JOHN A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Will the Senate at this time consider the report of the committee of conference? The Chair hears no objection.

Mr. HARRISON. I should like to ask the Senator from Illinois briefly to explain to us what has been done with some of the principal points of difference, for instance the one as to the Signal Corps. What was done with that?

Mr. LOGAN. There was nothing done with that; it is left in.

Mr. HARRISON. We get no information from the report, because we can not identify the amendments by numbers.

Mr. LOGAN. The amendments as to sums were mostly reductions by the Senate on account of a recalculation of rations. Then in reference to contract surgeons the House fixed the number at fifty, the Senate agreed to eighty, the House insisted on fifty, and the conferees have fixed it at seventy-five. In reference to the Pay Corps, it is left just as the Senate committee and the Senate arranged it. The House insisted on their provision, but now have agreed to the amendment that the Senate proposed.

Mr. HARRISON. How about the matters of general legislation?

Mr. LOGAN. The House recede as to the railroad matter. That is all stricken out. The bill is left pretty much as the Senate agreed to it, with the exceptions I have stated.

Mr. EDMUNDS. There is no provision in it in respect to readjusting the rates of railroad companies?

Mr. LOGAN. None whatever. That was disagreed to by the Senate, and the conferees of the House have receded.

The report was concurred in.

ALABAMA MINERAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. VAN WYCK addressed the Senate. [See Appendix.]

Mr. LOGAN. I do not want to enter into this discussion at all, but this is so remarkable a proceeding, without any precedent whatever, that I must ask the Senator a question. Are these the original papers of the Attorney-General's office?

Mr. VAN WYCK. These are the papers which were sent from the Department.

Mr. LOGAN. That is not the question. I merely want to ask a question or two.

Mr. VAN WYCK. I will tell you as nearly as I can. The resolu-

tion required the Department to send copies of vouchers. It was a call on the Secretary of the Treasury, and the resolution required him to send vouchers, items, and how much he paid, and the reason why he paid them, under what authority of law the men were employed and paid; and he sends these papers as a reply to the resolution.

Mr. LOGAN. The Secretary of the Treasury?

Mr. VAN WYCK. Yes, sir.

Mr. LOGAN. The resolution called for these papers?

Mr. VAN WYCK. Copies of vouchers and items.

Mr. LOGAN. The resolution was introduced by the Senator.

Mr. VAN WYCK. Yes. I will read it to the Senator.

Mr. LOGAN. No; the Senator need not read it. These papers have not been referred to any committee?

Mr. VAN WYCK. They have not been referred to any committee.

Mr. LOGAN. They come to the possession of the Senator himself. Is that the idea?

Mr. VAN WYCK. They have come to the possession of the Senate. They are in the possession of the Senate.

Mr. LOGAN. I mean in the possession of the Senate. The Senator does not move to refer them to a committee to investigate the matter?

Mr. VAN WYCK. I intend to do so.

Mr. LOGAN. But he takes the opportunity of making a general attack upon the Attorney-General's Office, without reference to or any examination by a committee, without any report, without regard to anything whatever, except to get this harangue before the country, this attack on the Attorney-General. Is that it?

Mr. VAN WYCK. I will tell you what it is.

Mr. LOGAN. I want to know.

Mr. VAN WYCK. I will explain it.

Mr. LOGAN. I want to know, because this is, I will not say so undignified, but it is so far from the course that I have ever known pursued in the Senate of the United States. Without having anything to say, for I do not propose to enter into this discussion either to attack or defend any one, I must say that for a speech of this kind to be made without any investigation whatever, while this trial is going on here for the prosecution of men for robbing the Government of the United States—if a man outdoors had made the speech, the whole country would have understood that he was the attorney for the defendants.

Mr. VAN WYCK. I will explain it to my friend. I said before he appeared in the Senate this afternoon that on two occasions at the last session I felt it my duty to demand the same information that I have been seeking at this time, and I waited until an expiring day of the session to obtain the information. Matters had been stated as to the manner of conducting the Department of Justice in the payment of special assistants, and I felt it my duty to know the truth of these charges. If it were so that $100 was being paid every day to three or four attorneys I desired to know it, and when I called upon the Treasury Department and they sent their vouchers indorsed by the Attorney-General, it needs no report from any committee. Here are the facts under his own sign manual, and when they show that $150 was paid a day to two or more attorneys it became my duty to make this "harangue," as the Senator chooses to term it, which I proposed to do and have done.

The Senator says that if this harangue was made outside, persons would suppose that it was made by some one as an attorney for the defendant. Is it possible? Is that the way gentlemen would seek or that the Attorney-General would seek to meet the charges? If the statements I have read are true, and they are, because he signed them, if these charges which he admits the truth of affect his management of that department, then he must submit to the consequences. He must subject himself to any arraignment, whatever that arraignment may be. And must we sit by and see the Treasury plundered, as plundered it is, no matter whether by the conspiracy of star-route men or in any other mode, and not raise our voice, forsooth, until the whole thing is done?

I said in that connection that the payment of such a per diem was a temptation, an inducement, to protract the trial of a cause. I said further that in any country where justice was decently administered it could not possibly be that an ordinary criminal prosecution could protract itself as long as this one has done. I speak in no connection with that matter. The matter was brought out by the energy of a former Postmaster-General, and not by the money taken out by these fees of lawyers at $150 a day. That is my position, and I am ready and prepared to stand by it. I desire this matter of taking these extravagant charges from the Treasury to stop.

Look at it a moment. Do you suppose that the Attorney-General in his own private business would employ an attorney at $150 a day and then pay all his expenses? I say that any public officer who will not administer his trust with the same fidelity, with the same honesty, and the same diligence that he would his own private matters is subject to the charges that may follow from pursuing such a course. That is all there is in this matter.

I have not had time to have the papers in response to the resolution referred to a committee so as to have a report made on them. The only opportunity there was was to make just this explanation which has been made. I took occasion when the Senator from Illinois was not here to say that it was our boast that we had punished our own thieves, that we had stopped our own plunder, stopped our own peculation. This matter had ended, and then when it became known that these outrageous charges, these wasteful expenditures had been made, it would have been a good reason to arraign the Republican party, and men with an inquiring turn of mind would come with a microscope in their hands and try to ascertain the cause of Republican defeat.

I desire to call attention to this matter; and as the Senator from Pennsylvania and the Senator from Illinois made some question, I desire that my position shall be understood. What effect is this to have? The Senator from Illinois says that it would be supposed I was an attorney for the defendant; I should like to know what effect this will have? Will gentleman tell me, will any lawyer, will any judge, will any man of common comprehension tell me how this will affect the matter? Suffer this to go on, how will it affect the administration of justice in this city? I ask that these things shall stop. When the Attorney-General is willing to pay one lawyer for less than one year's service as much as he himself is getting for his whole term of service, does that affect the administration of justice? Can it be any worse by any possible means than it is already in this city under the influences which surround it?

Mr. President, if the Senate will excuse me for trespassing thus far on its attention, I ask that the letters of transmittal from the Treasury Department, together with the vouchers numbered 12 here, may be printed and referred to the Judiciary Committee.

Mr. EDMUNDS. Have they not already been printed?

Mr. VAN WYCK. No, sir.

The PRESIDING OFFICER. If there is no objection, the order to print will be made.

Mr. EDMUNDS. How came they here if they have not already been presented to the Senate?

Mr. VAN WYCK. They were presented to the Senate but not printed?

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. If there be no objection, the order to print and refer as suggested by the Senator from Nebraska will be entered.

Mr. HAWLEY. Mr. President, the casual spectator and auditor will be surprised to hear that the bill before the Senate is Senate bill No. 140, report No. 454, to regulate the disposal of coal lands in the State of Alabama. I desire to occupy the time of the Senate but a very few minutes. There are about forty hours left of this session and very great interests are at stake. I consider it a crime to spend time upon matters not before us.

The bill provides "that within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands." Those three lines of themselves show the very great changes made by this bill in the land policy of the United States.

Provided, however—

Says the bill—

That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale.

Those lands containing coal and iron in Alabama are of vast extent and enormous value. One comparatively small tract of them has lately been sold for a million dollars. It is evident, then, that the bill is concerned with great interests and with very serious changes in our land policy.

My residence in the East and my interests and connections have not made me very familiar with the land laws of the country, but certain papers were laid in my hands when this bill was first brought up which it seemed to me to be my duty to bring in a general way to the attention of the Senate. I have no feeling or interest whatever in this matter except as a Senator.

I have in my hands a copy of a report made to the General Land Office by one J. H. Perdue, who was a special agent. He noticed the introduction of this particular bill, or perhaps the original one for which this is a substitute, aiming at the same general purpose. The Senator from Alabama, whose motives I never thought of doubting, will excuse me if I read some of the expressions in this almost private letter, an official letter, however. Last May he wrote to Mr. Kirkwood, then Secretary of the Interior, as follows:

This is a fraud attempted to be practiced upon Congress, and for this reason: The lands classed mineral in the first place can never be made agricultural lands, because they are poor and mountainous and too broken and rough for such purposes, and if not so, there is not one out of one hundred acres of said mineral lands that have not at this time some kind of a claim upon it, either a homestead entry or a declaratory statement made fraudulently by and for the use and benefit of the great land sharks in this country. So you may see that the people will not be benefited by such a law, but a few capitalists who are already loaded down with wealth will secure the benefit, and I hope, sir, that you will use all the honorable means in your power to prevent the passage thereof.

If these lands could be put upon the market and give every one an equal chance to enter them, I for one would not object, but this would not be the case as you must know from the reports I have made to the honorable Commissioner of the General Land Office.

I have forwarded to-day to the Commissioner of the General Land Office the affidavit of R. C. Bradley, clerk of the circuit court of Jefferson County, Alabama, which will show that Peters & Co. have paid the fees in about one hundred and thirty-five cases with the agreement that they were to furnish all money to pay fees and to pay for the land at $1.25 per acre, and that they (Peters & Co.) were to have the mineral right to the same. Many of the tracts of land mentioned in the affidavit of the said Bradley have been commuted to cash entries and the mineral right conveyed to the said Peters & Co., and to others as shown by the

records in the office of the probate judge of Jefferson County. This is only one firm or corporation that I mention out of many. There are other corporations here that have done quite as large a business in this swindle as Peters & Co. I have twenty-three township plats covering nearly the entire county of Jefferson which show six hundred and twenty-four homestead entries made upon lands classed coal by the geologist. Besides this there are a great many entries of the same kind made upon iron-ore lands. I have investigated about one hundred of these entries and find that in every case they are fraudulent. I consider Jefferson County about a fair average of the mineral lands and of the fraudulent entries. I am fully satisfied that Shelby, Saint Clair, Walker, Tuscaloosa, and Bibb, and probably many other counties, have the same amount of fraudulent entries. The entries in Jefferson County alone will cover about 80,000 acres of coal land worth at the Government price one million and a half dollars, all of which has been wrongfully entered. In addition to this there are other valuable coal lands that are not so classed. For some unaccountable reason they have been overlooked by the geologist. The lands I speak of are in township 17 south, range 3 west, in Jefferson County, and not included in the list I have given before. In this township there is the largest coaling business in Alabama, known as the Pratt mines. From these mines which are situated near the line between sections 19 and 30 and on section 18 are two slopes or shafts sunk from which the coal is being taken out at the rate of 1,000 tons per day. This property has been recently sold, so I am informed, for the sum of $1,000,000; and notwithstanding these mines have been worked for the last three or four years the geologist now reports three hundred and twenty acres of land in this township as coal land, to wit: three forties in section 4; four forties in section 6, and one forty in section 8.

Here is another communication from the same agent:

I will state that the swindle in this section in the way of mineral lands is the greatest that has ever been perpetrated in the United States. Whisky rings and star-routes are small matters compared to this swindle. It will take time, energy, and expense to uncover what has already been done by the large capitalists and corporations in this section, but when accomplished will restore to the Government millions of dollars' worth of mineral land, such as can not be found in any other part of the United States.

He says in another report:

I will state for your information that I have no doubt but what there have been great frauds committed in every county in this State where there are coal or iron lands located, and there is both coal and iron land in every county named in your letter; and, upon investigation, if it is found that there have been fraudulent entries made in each one of these counties in proportion to those made in Saint Clair, Shelby, and Jefferson, the only counties that I have made investigations, it will be found that the fraud is one of great magnitude and of huge proportions, more gigantic than any ever perpetrated in any civilized country or recorded in history.

That is pretty strong, perhaps extravagant language. I do not mean to say that this bill is intended to cover up or assist those at all, but it proposes to throw open to unlimited public sale this whole tract of immensely valuable land. There are comparatively no restrictions in the bill itself. The lands are to be thrown open to private entry, and whether there be anything in the statute that regulates the details of sale I do not know. This changes the statute so, and then they are to be thrown open to public sale, and they shall be subject to disposal only as agricultural lands. How long they are to be thrown open to public sale and under what terms exactly I am sure I can not tell.

At present in Alabama agricultural lands can be obtained under homestead laws and by private purchase to any extent in lots of one hundred and sixty acres or less. Other or mineral lands in Alabama can be obtained under the coal and iron acts in lots of one hundred and sixty acres with the usual limitations. Coal lots of one hundred and sixty acres can be obtained by individuals, and corporations can obtain coal lands in lots of six hundred and forty acres, a whole section. The iron lands can be obtained at from $2 to $5 an acre, and coal lands at $10 to $20 an acre, according to their vicinity to railroads, &c.

There is apparently no difficulty in corporations obtaining whatever mineral lands they may need. There is no limitation more than prevails anywhere upon any person desiring to obtain lands for agricultural purposes.

I have paid more or less attention to the course of the Government in regard to its public lands for twenty-five years, and I have always supposed its generous, wise, careful policy was a matter of great national pride. Therefore my inquiry would naturally be, why in the world this extraordinary and sudden change, and why this throwing over these vast possessions to a sort of public sale that would seem to me to be only a great scramble. The inevitable result will be, I submit to the Senator from Alabama—he understands this and can perhaps explain—it seems to me the inevitable result will be that these inestimable treasures will fall directly into the hands of great wealthy corporations and speculators. Some of these will undoubtedly immediately build furnaces there and other improvements and bring in industrious people from abroad, and in that way the State will be benefited.

I hope those lands will be opened; I would gladly vote for anything that would facilitate their fair, impartial purchase; but it ought not to be a sudden opening to those great firms of wealthy people who are able to make the first grab and swoop up enormous profits. Perhaps by and by somebody will make a speech that will sound like that extraordinary harangue we heard this afternoon, in regard to the errors of the Senator from Alabama and others voting for this bill.

I can not find that the Interior Department is anxious to have this bill passed. I have an indistinct recollection that the Senator from Alabama referred to some letter from some Secretary of the Interior approving it, but certainly the following letter of Mr. Kirkwood, of a year ago, indicated no opinion whatever on his part:

DEPARTMENT OF THE INTERIOR,
Washington, February 28, 1882.

SIR: I have the honor to transmit herewith copy of report on House bill 19, "To exclude the State of Alabama from the provisions of the act of Congress, entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872," by the Commissioner of the General Land Office, to whom you referred it for an expression of his opinion.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. JOHN VAN VOORHIS,
Chairman Committee on Mines and Mining,
House of Representatives.

The report is by the Commissioner of the General Land Office, to which Mr. Kirkwood referred the bill for an expression of his opinion. Mr. Kirkwood expressed no opinion whatever. Now, I read an extract or two from the report of Commissioner McFarland:

The lands in Alabama have been in market for many years, but until a comparatively recent date the lands were not probably considered of special value, because of their mineral character.

The main information officially brought to this office of the mineral character of these lands was derived from an examination made in the field by a special agent and geologist from this office in the years 1873 and 1879.

Mr. McFarland therein refers to a valuable, but hasty and exceedingly imperfect, survey made by one Mr. Winter, a geologist of more or less qualifications. His work was rapidly done and very imperfectly. He did not designate all the coal lands by any means. Probably all that he did designate were really valuable coal lands, but he certainly omitted a large quantity.

Mr. McFarland continues to say:

It is probable that the coal and iron deposits are of considerable extent, as it is a matter of general notoriety that extensive iron-works and mining have during the last few years been established there. Probably such deposits are not more extensive than in Missouri, in which State, as well as in Kansas, by act of May 5, 1876, all lands were made subject to disposal as agricultural lands.

They surely are of greater extent and more value. I do not know, however, that the circumstances connected with that change in Missouri and Kanses were analogous to these circumstances. I do not know whether wealthy corporations were able under those changes to possess themselves suddenly of illimitable wealth. I proceed with the letter.

The policy—

I invite attention to this:

The policy of so disposing of the public lands that large areas will be owned by single individuals or corporations may well be doubted, or at least merits careful consideration. It is also to be borne in mind that a too restrictive policy—

That is a very safe expression, Mr. President, a wise, safe, conservative expression—

is a substantial inducement to fraud, and at the best may postpone but briefly the acquisition of large titles by individuals who command the necessary capital and enterprise.

This result will be more likely to occur in a State like Alabama, where there is doubtless so much land which contains coal and iron, but the amount and value of the deposits in which are so uncertain.

Observe that the Commissioner of the Land Office thinks that this enormous sweep in the hands of wealthy corporations would be much more likely to occur in that State:

The policy of the proposed law is one which it is the peculiar province of Congress to determine, and concerning which I prefer to make no recommendation. If, however, it should be deemed advisable to place Alabama on the same footing as Missouri and Kansas in the respect indicated, I would recommend the inclosed draft of a bill as a substitute.

Neither in the bare letter of transmission from Secretary Kirkwood nor in the comparatively brief statement by Mr. McFarland is there an intimation that either approve of the purpose of this bill. There is an intimation in Mr. McFarland's letter that he has very great doubts on the subject; but he expressly throws upon the legislative branch of the Government all responsibility for it.

That is all I care to say. It seems probable that the Senate will vote for the bill. I have cleared myself. I have shown that I had, what were to me, strong reasons for inviting a closer attention to this grave measure, and I leave it to the Senator from Alabama, in whom I have great confidence, to say whether these lands are to be so put on the market as to give a fair opportunity to people to purchase them and to bring to the Government that price which these lands ought to bring, and whether he is at the same time preserving the rights of the agriculturists who have gone upon the lands and reserved their rights—that is not a good expression in this case—whether he has had sufficient regard to those nominal farmers who have gone upon these mineral lands and located homestead entries when the sole purpose was to evade the law and get possession of mineral lands. They have done that to a vast extent. It is a gross, acknowledged, daring fraud by which wealthy men are seeking to get possession of mineral lands. Many who apply for homesteads there know that they do not intend or hope to farm them but wish to get the land in behalf of these wealthy men, to whom they turn over the title. Undoubtedly the matter needs regulation. Perhaps the Senator from Alabama has taken the wisest measure; I do not know; but it is a matter requiring great consideration and there are untold millions of dollars at stake. The bill seems to me very dangerous and I shall vote against it.

Mr. EDMUNDS rose.

Mr. MORGAN. Does the Senator from Vermont wish to speak to the bill?

Mr. EDMUNDS. Not now. I wish to move that the Senate take a recess until a quarter past 8, in order that we may get a little rest. On

account of the conference committee reports we shall have to stay late to-night. This will leave this bill on the *tapis*, just where it is.

Mr. MORGAN. I am not aware that any one wants to discuss it further.

Mr. EDMUNDS. We want to discuss it, but there is hardly anybody here. Everybody has gone to dinner except half a dozen who stay here; and I move that this half dozen take a recess until a quarter past 8.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont, that the Senate take a recess until 8 o'clock and 15 minutes. [Putting the question.] The noes seem to have it.

Several SENATORS. Let us take a division.

Mr. EDMUNDS. If we have a division we shall have to send for everybody.

Mr. HAWLEY. Let the question be stated again.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate take a recess till 15 minutes past 8 o'clock this evening. Those in favor of the motion will say "ay;" the contrary "no." [Putting the question.] The ayes seem to have it.

Mr. ROLLINS. I ask for a division. ["No!" "No!"]

The PRESIDING OFFICER. Does the Senator from New Hampshire demand a division?

Mr. ROLLINS. He does.

The question being put there were on a division—ayes 15, noes 2.

The PRESIDING OFFICER. The ayes have it, and the recess will be taken.

Mr. ROLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second to the demand? The Chair does not see a sufficient number seconding the call. The ayes have it.

The Senate accordingly (at 7 o'clock and 15 minutes p. m.) took a recess until 8 o'clock and 15 minutes p. m., at which hour it reassembled.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Navy, transmitting a report of the court of inquiry relating to the loss of the steamer Jeannette; which was referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and a joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7611) to adjust the salaries of postmasters; and

Joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2156) for the relief of certain owners of the steamer Jackson.

The message further announced that the House had passed the following bills:

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins, of the United States Army; and

A bill (S. 964) for the relief of Joseph C. Irwin.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I desire to give notice that I shall call up the report of the conference committee on the revenue bill probably at about 9 o'clock, when the other members of the committee have arrived. I desire also to give notice to Senators that they will find on their desks a copy of the report in print.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask leave now to make a report from the committee of conference on the legislative, executive, and judicial appropriation bill, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report? The Chair hearing no objection, the report will be considered. It will be read.

The Acting Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 57, 58, 59, 72, 73, 87, 88, 94, 96, 97, 98, 101, 102, 104, 106, 107, 109, 119, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 150, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 99, 103, 108, 110, 112, 113, 116, 118, 120, 121, 123, 124, 125, 141, 142, 143, and 144, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows: At the end of the amended paragraph insert the following:

"For clerk to Committee on Military Affairs for balance of current fiscal year, at the rate of $2,000 per annum, $666.67;" and in lieu of the sum stated in lines 10, 11, and 12, on page 7 of the bill, insert the sum of "$364,694.87."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out "twelve" and insert "ten;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the sum of "$112,350;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "fifty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$183,610;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert "one clerk of class 2, who shall be a stenographer;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$54,100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-three;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-seven;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-eight;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

Mr. EDMUNDS. Allow me to ask the Senator whether that is not possibly a mistake? The House bill had twenty-seven and the Senate put in thirty, and now it is proposed to make it forty-seven. What is that for?

Mr. ALLISON. That is one of a whole series of amendments relative to the General Land Office. The Senate inserted a provision known in the bill as amendment numbered 96, providing a lump sum of $50,000, the Senator will remember, which was to be used by the Secretary of the Interior in bringing up the accumulated work of the General Land Office. The Senate also added a considerable number of clerks. Now, amendment 96, being the amendment appropriating a lump sum, was disagreed to by the committee of conference, and the Senate recede from that amendment, but recede with the understanding that twenty clerks should be added at line 1792, being on amendment numbered 93.

Mr. EDMUNDS. That is to say you add twenty clerks and pay for them in the regular force.

Mr. ALLISON. In the regular force.

Mr. EDMUNDS. And added in the regular force they will be subject to the civil-service law?

Mr. ALLISON. They will be in every sense subject to the civil-service law which is now in force.

Mr. EDMUNDS. I think I understand that. Let the reading proceed.

Mr. ALLISON. I will say upon this point that the total increase in the General Land Office is thirty clerks proposed by the committee of conference.

Mr. EDMUNDS. What struck my attention in amendment No. 93 was that the House had provided for twenty-seven clerks and we had increased it three, making it thirty clerks, and then (the House disagreeing to thirty, having proposed twenty-seven) the conference committee made it forty-seven, which is rather an extraordinary thing for a conference committee to do, to go entirely above and beyond all the points of disagreement and to run it up; but I understand from the explanation of my friend from Iowa that it is to take the place of the discretionary force that the Secretary in one class was authorized to employ.

Mr. ALLISON. I will say to the Senator from Vermont that this whole question of clerical force in the Land Office was treated as one single question, and we made the adjustment as well as possible.

Mr. EDMUNDS. I do not mean to complain of it, but on the face of it it would appear as I stated. Let the reading proceed.

The Acting Secretary resumed the reading of the report, as follows:

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$417,650;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to

the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$88,620;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$37,230;" and the Senate agree to the same.

Mr. EDMUNDS. Will the Senator explain that? The text of the bill does not explain it on the face of it.

Mr. ALLISON. That amendment is a mere change of the totals to correspond with the changes made by amendments 103 and 104. The House recede from 103 and the Senate recede from 104.

Mr. EDMUNDS. It is one of the footings, one of the "in alls."

Mr. ALLISON. One of the footings.

Mr. EDMUNDS. Go ahead.

The Acting Secretary resumed the reading of the report, as follows:

Amendment numbered 111: That the House recede from its disagreement to amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Before the word "dollars" insert the words "five hundred;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Chief of salary and allowance division and chief of appointment division, at $2,000 each; one;" and on page 70 of the bill, in line 25, strike out the word "clerks" where it first occurs in said line, and insert the word "clerk;" and the Senate agree to the same.

Mr. EDMUNDS. Will the Senator explain that?

Mr. ALLISON. We raised one of the clerks of class 4 in the paragraph above and then struck out the word "two" and inserted "one" here.

Mr. EDMUNDS. Merely a change of the number of clerks in that class?

Mr. ALLISON. Simply a transposition in the number of clerks.

Mr. EDMUNDS. Go ahead.

The Acting Secretary resumed the reading, as follows:

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "sixteen;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,060;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$230,380;" and the Senate agree to the same.

Mr. EDMUNDS. That is a footing, I believe.

Mr. ALLISON. That is a footing.

The Acting Secretary resumed the reading, as follows:

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with amendments as follows: In lieu of the number proposed insert "four;" and on page 72 of the bill, in line 24, strike out the word "seven" and insert "eight;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,120;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$9,840;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,280;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay."

And the Senate agree to the same.

Mr. EDMUNDS. That was one of the legislative sections that the Senate struck out and here it reappears again in a little different form, probably better if it were a proper law for the public interest, but still clear, decisive, and exclusive legislation. It has nothing to do with an appropriation at all. I should be glad to ask the chairman of this conference committee upon what ground it was that the Senate conferees, following the will of the Senate in resisting legislation upon appropriation bills, agreed to this proposition.

Mr. HOAR. Should not the report be read as an entirety? It is one question, and I think the reading ought to be finished before there is any debate.

The PRESIDENT *pro tempore*. The Secretary will conclude the reading of the whole report.

Mr. EDMUNDS. Very well; let him read it through and we can take a rest by going over it section by section.

The PRESIDENT *pro tempore*. It has all been read except the signatures.

The Acting Secretary read the signatures as follows:

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

Mr. ALLISON. I would say that the conferees on the part of the Senate agreed to this last provision in a modified form as being the best arrangement that was practicable in order to secure the passage of this bill. The arrangement was considered a reasonable one and the provision a reasonable one regulating the hours of labor and the method of performing the duties required of the persons who are appropriated for in this bill.

Mr. EDMUNDS. It presents the old question. The Senate, I think, by a nearly unanimous vote, and I do not know but entirely so on this particular provision, determined, and on the score that it would not legislate on appropriation bills, struck this out. The conferees of the Senate, without asking the advice of the Senate, have agreed to put it in again in substance the same, but different and I dare say better in form, but in practice and substance exactly the same thing.

Now, then, if we are to be told that the House of Representatives will not agree to appropriate money to carry on this Government unless our conferees will agree to change existing laws relating to the duties of public officers and employés, I should like to know that, and I beg to ask my honorable friend if the House conferees set up any such pretension, because this happens to be one of the cases where we have a right to know what the pretensions of the other independent and equal branch of this Government are?

Mr. ALLISON. Mr. President, I do not say that the House conferees set up any pretension with reference to this matter. We are now taking the advice of the Senate; the Senate conferees make this report for the purpose of ascertaining the judgment of the Senate; we did not assume to do anything without the assent of the Senate. If the Senate does not like the provision as presented by the conferees, it has an easy method, and that is to vote it down. We exercised the best judgment we could looking toward an agreement. Now, if the Senate believe that it is not right to put the provision which we after deliberation and consideration finally agreed to put in this bill, there is an easy method to get rid of it by rejecting the conference report. We are taking the advice of the Senate now with reference to the new provision which the six gentlemen who comprised the committee of conference present to the Senate and to the House.

Mr. EDMUNDS. If my friend from Iowa had been an Italian a few hundred years ago and his name had been Machiavelli, I should have understood his observations.

Here we are: the Senate having decided—no matter whether by a great or a small majority—that it would not put this regulation upon this bill, we find that it is here without the House conferees having insisted, as they could not, that their House would not pass the appropriation bill unless we agreed to this thing, for if they had asserted that pretension it would destroy entirely the independence and equality of the two Houses. Our conferees in the face of our vote, without the House conferees asserting any such pretension, have concluded that they would reverse the action of the Senate and provide for the same thing in substance but in a better form.

I do not expect at this stage of the session to make a point that will amount to anything in practical effect upon this bill, and I do not wish to do so; but I do say that it appears to me that it would have been better, in view of the judgment of the Senate, that the conferees of the Senate should have insisted upon the negative of the Senate on this proposition, and then we should have been able to ascertain whether the House of Representatives asserts the pretension that it will not pass bills to carry out existing laws unless we will agree to legislation upon those bills that we do not like either in substance or because it is on those bills.

My friend says with an adroitness that is characteristic of people who live beyond the Mississippi River, that the conference is really asking the advice of the Senate. They have gone and traded away their client's case and come back to him and ask him whether he thinks he can get

a new trial! I only put in a protest. I do not expect to stop this bill in this stage of the session, but I do say in all candor that I think my friend from Iowa and his confrères are not right about this business.

The PRESIDENT *pro tempore*. The question is on the adoption of the report of the committee of conference.

The report was concurred in.

ORDER IN THE GALLERIES.

The PRESIDENT *pro tempore*. The Chair wishes to say a word to the galleries. Complaint is made that there is not sufficient order in the galleries; that there is too much talking and too much moving about. The Chair appeals to gentlemen and ladies occupying the galleries to preserve order. There is a great deal of important business to be done. When persons in the galleries move about or talk it interferes with the proper consideration of that business. The Chair hopes that the evening will pass away without his being compelled to make any further appeal to the galleries.

ALABAMA MINERAL LANDS.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Mr. EDMUNDS. I am very sorry, Mr. President, to feel obliged to say a few words about this matter when other matters of much wider public importance are waiting for consideration; but as my friend from Alabama feels it to be his duty to insist upon the disposition of this bill, of course it is right that we should consider it, unless the Senate wishes to do something else.

The first clause of this bill is like the clause about the States of Missouri and Kansas, but only the first three lines of it. The act of 1876 respecting mineral lands in those States, Missouri and Kansas, stops where the fifth line of this bill is. All the rest is additional and different legislation. Now if my friend from Alabama had desired to put the mineral lands in the State of Alabama upon an equal footing with the other States (as the old phrase is about admissions and so on) that would have been the thing to do; and the question on that would have been whether the situation of public affairs in respect of these lands in the State of Alabama is the same as in the two States named. I am very much afraid that that situation is different. The States of Missouri and Kansas have had their lands all taken up so far as it regards covering the whole surface of those States in various parts where there are minerals, by interspersed and separated entries, so that there are no great bodies of mineral land in those States that lie together, as I believe.

Mr. MORGAN. It is the same case in Alabama precisely.

Mr. EDMUNDS. My friend from Alabama says that it is the same case in Alabama. I was under the impression that the southern part of the State of Alabama was not a very large mineral section, but that its hilly and mountain country, if it might be called a mountain country, was the one in which the chief mineral resources lay.

Mr. MORGAN. I refer to the mineral country, the country covered by this bill, what are called the mineral or coal lands.

Mr. EDMUNDS. They lie in one particular section of the State chiefly, do they not?

Mr. MORGAN. Yes; but settlers are interspersed all through that section.

Mr. EDMUNDS. That is true; but this mineral region, this very heart of an enormous mineral deposit, undoubtedly lies close together. In that, to be sure, under existing law extensive operators and others have gotten possession, rightly I hope and rightly very likely in fact, in a large degree, of a very large part of the lands; and the only obstacle now is, as it appears, that whoever gets any more of these lands as mineral lands is to pay in certain cases $20 an acre and in other cases $10 an acre, depending on their distance from a railroad.

What is the difficulty, then, with the present law, stopping right there? Why should we put up all these lands and open them out as agricultural lands when they are now the property of the United States and are not agricultural lands? I can see the force of it in Missouri and particularly in Kansas, nearly every foot of which land is capable of cultivation whether a hundred feet or a thousand feet below the beautiful undulating surface there lies a coal mine or an iron mine; the corn will grow and the flocks will feed upon those places as agricultural lands; but in the State of Alabama, as we are told and as I believe, it it quite different. So the situation of the two cases is not at all alike, stopping on this first proposition, if this bill had been a bill merely to put these Alabama lands on the same footing that we put the lands in Missouri and Kansas.

Now, as I said before, what is the difficulty, stopping right there, in the disposition of these lands now? What public interest is imperiled by it? What interest of the noble State of Alabama is imperiled by it? If these be mineral lands—and if they are not they are open to pre-emption and homestead as agricultural lands now—every acre of them, instead of being worth $20, which is the minimum, and I do not know but the maximum of what anybody is obliged to pay, would be worth, many of those acres, a thousand or ten thousand dollars an acre; and they are the property of the United States. If any coal company or iron company or speculator—and I do not use the term "speculator" in the sense of reproach at all; every man has a right to be a speculator, to invest his money in real estate on the chance or probability of its rising—wishes to get these lands, let him pay his $20; but he buys it section by section separate, and everybody has an equal chance.

Now, this first clause proposes to turn all these, contrary to the fact, into agricultural lands for the purposes of the law, although in fact and in truth they are nothing but mineral lands and they are not in general suitable for agriculture at all. Why should we do that? Upon what ground is it that we should do it? Who is kept out now? Nobody except the man who is not willing to pay $20 an acre for a section of land that has a coal mine or an iron mine under it in a mountainous country not suitable for the general agricultural pursuits of a climate like that of Alabama. But this bill does not stop there. It provides next:

> That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale.

All that have not been heretofore reported are turned in without any public sale; but we have been so often told to-day and on other occasions of fraudulent homestead and pre-emption and timber-culture, and all the other sorts of entries which can be made, soldiers' and bounty entries, and so on, without being offered for public sale. It is only those that the local land offices have reported. Upon what grounds do they report them? Upon the amount of information, if they are honest, that they happen to have at that moment of time, and it may turn out the next day on a geological survey or a scientific observation by some competent person that three-fourths of all the lands in this region are mineral lands but have not been reported as such. The mine that is discovered in one section is found, as in most cases it does, to run for miles and miles, sometimes hundreds of miles through other sections, and none of the other sections but No. 1 in the case, I suppose, have been heretofore reported as mineral land. There is a curious phrase in this bill. "Then they shall be first offered at public sale." How? All the lands which have heretofore been reported shall be offered at public sale. In sections and half-sections and quarter-sections? Not at all; but they are all to be offered at public sale without any limitations as to whether they are to be offered in a lump, by counties, by the hundred sections, by ten sections, or by one section, and there is no reference to the general land laws of the United States as to how they are to be offered; but it leaves a wide margin on the construction of this phrase in this bill to some Commissioner of the General Land Office who will come in after the present one—of course he would not do any such thing, but some future Commissioner may—who will assume to say that the best way for the interests of the United States is to offer fifty sections at a time at public auction in order to get the greatest sum for the United States. What is the result of that? The result is that if I happen to be possessed of a capital of even $100,000, as I wish I were, or of $50,000, on which I can raise thirty or forty thousand dollars in cash, I can attend at a sale of that kind and just outbid and drive off every purchaser who wishes to purchase one section or two sections, because he has not money enough to go the whole figure. Is that right? Of course everybody will agree that it is not right. If these lands are to be offered at public auction, they should be offered according to divisions and subdivisions, sections and half-sections and quarter-sections, one at a time, in order that the farmer of Alabama, if it be really an agricultural piece of land, or anybody in Alabama, if he be what is called a speculator, or any other citizen who has his little $100 or $200 or $500 or $1,000 may have a chance to compete for that particular quarter or half or whole section with the means that he has, and not be swamped by a great combination.

This bill is very sleazy, I must say with great respect, on that point. It was stated that it was prepared at the General Land Office. I have no doubt from what has been stated by my friend from Alabama that it was, because we all know that he would be the last man in the world who would either misrepresent or conceal any truth about this matter. The Commissioner of the General Land Office has not time with all his affairs to prepare every bill himself, and as things go in these Departments, and must of necessity, I agree, the probability is—and that is all I know about it—that some one clerk made a draft of this bill. Whether he did it with the eye of some attorney of an iron or a coal corporation looking over his shoulder at the same time I do not know; such things have happened a great many times, and I suppose they will happen a great many times more; but here it is, and the fact that it is said that it comes from the General Land Office does not to my mind create any weight in its favor under the circumstances that we know to exist.

In the next place, as my friend from Connecticut [Mr. HAWLEY] stated a little while ago so well, when you look at the report of the Commissioner of the General Land Office on this subject he does not recommend the inauguration of this policy at all. He says, "If you are going to do it"—signing one of the official letters that is laid before him of the hundred that he signs a day—"this may be a good way to do it," and that is all. The result of that performance therefore is that it will be possible for some Commissioner of the General Land Office, some Secretary of the Interior, in a moment of inadvertence to be misled into signing an order to sell these lands in large lumps that nobody could bid for except the strong combination of capital, and all the small bidders would be "frozen out," as the phrase is.

My friend I know can turn to the general land laws about sales, &c., and find specific regulations that they shall be offered quarter-section by quarter-section, section by section, and so on, so that everybody, the small as well as the great, the poor as well as the rich, may have a fair chance; but this bill for some reason or other has forgotten to provide that the public sale shall be under the provisions and regulations relating to the public sales of other agricultural lands. There is nothing of that kind in it.

Then we come to the last part of the bill, which on the face says what to the unsophisticated mind of an honest man like my friend from Alabama would seem to be a very handsome and proper security for *bona fide* entries, "that any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to" the act of 1872 providing for the mining lands of the United States in cases where persons making application have complied with the laws in relation thereto.

We find, from what the Senator from Connecticut [Mr. HAWLEY] has read about the state of things down there now, that a vast number of entries have been made by contrivance which are now under dispute. The bill provides that all these entries shall be held valid if the Secretary of the Interior, not the courts of justice, thinks they are *bona fide*. If the Commissioner of the General Land Office, to whom the Secretary of the Interior would refer such a question, or the clerk in the General Land Office to whom the Commissioner refers such questions, charged with that particular branch of the business, says that all this mass of disputed entries are *bona fide*, then all these homesteads, &c., shall be considered as settled. What then? All a great coal or iron combination there, or a speculating combination or a railroad combination, has to do to get these lands is to have their employés, the men who dig in the mines, the men who run the trains, the men who keep up the road-bed, go out within these fifteen or twenty miles along the line of the railroad and establish their homestead cabins, which in that climate could be done by a good woodsman, as from experience I happen to know, in about an hour, and each one sets up his establishment as his homestead for the benefit of the corporation or whoever it may be who has employed him to do this thing at $2 a day or less. Here is the opportunity to consolidate and perfect all those entries.

I do hope (because I do not wish to spend the time of the Senate in going into this at length) that my friend from Alabama will consent to let this matter be postponed until the December session—this one summer will not do any harm—until we can more completely and thoroughly find out the true inwardness of this subject, because there is a great deal to be said, and a great deal of objection and complaint against the proposition, which I know perfectly well he is urging with perfect good faith, but which I fear if carried out will prove injurious to his State and its interests, as well as to those of the United States.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present a privileged report, a conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report?

The motion was agreed to.

The PRESIDENT *pro tempore*. The report will be read.

The Acting Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7314) "making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 20, 30, 35, 42, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 29, 31, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, and 75, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Hereafter only one-half of the vacancies in the various grades in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end of the amended paragraph insert the following:

"*And provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy."

And the Senate agree to the same.

Amendments numbered 26, 27, and 28: That the House recede from its disagreement to the amendments of the Senate numbered 26, 27, and 28, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following:

"For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo or of the right to manufacture the same until the same shall have been approved by the Secretary of the Navy after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 12, after the word "dollars," insert the words "of which sum $64,000 shall be immediately available;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following:

"But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars" insert the following:

"The execution of no contract shall be entered upon for the completion of the engines and machinery of either of these vessels until the terms thereof shall be approved by said board, who shall approve all contracts which may be to the best advantage of the Government, and fair and reasonable according to the lowest market price for similar work."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 18, strike out all after the word "report," in line 9, down to and including the word "under," in line 10 of the bill; and in lieu thereof insert the following:

"And in the event that such vessels or any of them shall be built by contract, such building shall be under."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with amendments as follows: On page 26, in line 12, before the word "ranges," insert the word "and;" and in the same line strike out the words "and so forth;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: On page 27, in line 22 of the bill, after the word "and," insert the word "he;" and the Senate agree to the same.

EUGENE HALE,
JOHN A. LOGAN,
H. E. DAVIS,
Managers on the part of the Senate.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

Mr. McPHERSON. I should like to have again read that clause of the report referring to the repair of wooden ships. I did not correctly understand the Secretary.

The ACTING SECRETARY. At the end of the amended paragraph insert:

But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material.

Mr. McPHERSON. May I now inquire of the Senator having the bill in charge whether there is anything in the bill that disturbs the status of navy officers as left by the bill as it passed the Senate?

Mr. HALE. The report of the conference committee is a substantial agreement with the provisions of the bill as amended by the Senate. To what particular point does the Senator direct his inquiry.

Mr. McPHERSON. I speak of all those points that referred to changing the status of naval officers. I believe that they were all struck out of the bill by a vote of the Senate. I desire to know whether any of them have been restored by the conference report.

Mr. HALE. Not one of them. All of those are left as the Senate amendments provided. The only change that is made is the provision, which is not a change so far as rank or pay goes, providing that hereafter masters in the Navy shall constitute a class of sub-lieutenants, with no change as to pay, and that midshipmen after certain service shall be reckoned and ranked as ensigns, with no additional pay. That is all.

Mr. INGALLS. The Senate differed with the House as to the amount that was to be appropriated for the completion and equipment of the Miantonomoh and its companions. The House, I believe, appropriated $450,000, and the Senate $1,000,000. May I ask the Senator to state how that amendment was left by the conferees?

Mr. HALE. The report of the conference leaves the sum and its application to the different ships, the ironclads, precisely as the Senate left it.

Mr. INGALLS. I inquired as to the amount.

Mr. HALE. The amount is the same as the Senate left it.

Mr. INGALLS. One million dollars?

Mr. HALE. One million dollars. No names of the ironclads are inserted, but it is left applicable to all. I think the only issue between the Senator and myself in that regard would be one of pronunciation as to the names.

Mr. BAYARD. I understand the Senator from Maine to say that the amendment of the Senate appropriating $1,000,000 to put the engines in the four unfinished monitors has been retained by the conference?

Mr. HALE. In the bill as reported by the conference committee we provide $1,000,000 for all the ironclads, not naming either, for the boilers and machinery, as inserted by the Senate amendments.

Mr. BAYARD. That had reference to the unfinished monitors we discussed the other day?

Mr. HALE. Certainly.

Mr. BAYARD. The amount to be appropriated to each is not specified?

Mr. HALE. By no means.

Mr. BAYARD. But $1,000,000 is the amount for them all, the four?

Mr. HALE. Yes.

Mr. BAYARD. There are but four, I believe, in an unfinished condition.

Mr. HALE. Let us have a vote, Mr. President.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

The report was concurred in.

CONDITION OF SIOUX INDIANS.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. LOGAN, Mr. CAMERON of Wisconsin, Mr. MORGAN, and Mr. VEST the committee to inquire into the condition of the Sioux Indians on their reservation, authorized to be appointed by resolution of the 2d instant.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I present the conference report on the revenue bill.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report on the revenue bill?

The motion was agreed to.

Mr. MORRILL. Mr. President, I am not about to make a speech, but as brief a statement as I can to explain each and every, or nearly every, important amendment that has been made by the conference committee.

I will say that in relation to the internal-revenue part of the bill it provides for the repeal of taxes on banks and bankers, whether State or national, except on the circulation of national banks. That remains as heretofore. The stamp tax on bank checks, drafts, and on matches, perfumery, and patent medicines, is also to be abolished. The tax on dealers in tobacco is largely reduced, and no change has been made in the provision that purchasers may sell tobacco at retail to an amount not exceeding $100 annually. The rates on tobacco it is proposed to reduce from 16 cents to 8 cents per pound, or one-half, and the same or one-half of the present tax on cigars and cigarettes. A change has been made providing that the act so far as tobacco is concerned shall go into effect on the 1st of May instead of July 1.

When we reach the amendments touching the tariff bill I may say that in Schedule A, on chemicals, there has been no essential change whatever. Upon earthen-ware the conferees on the part of the Senate accepted the proposition presented by the members of the House, and these are slightly raised.

Mr. BAYARD. Will the Senator state the amount of the advance on common earthen-ware?

Mr. MORRILL. The Senator has the bill before him. It is raised to 55 per cent. It stood in the bill when it left the Senate at 50 per cent., and it is raised 5 per cent more. We have also changed the classification so as to allow painted and gilded ware to pay the same rate of duty as China-ware. On green-glass bottles the rate has been changed from 30 per cent. ad valorem to 1 cent per pound. There was one class of window-glass that was not included at all in the Senate bill, or polished cylinder and crown glass and common window-glass, and that has been inserted precisely as the law stands now.

On Schedule C, metals, iron-ore has been placed at 75 cents per ton, pig-iron at three-tenths of 1 cent per pound, steel railway-bars at $17 per ton. Bar-iron in the first class is made to be a little less than the rate proposed by the Senate, and the second class 1 cent a pound instead of $20 per ton. Charcoal-iron was changed, instead of $3 per ton additional to the rates on other iron, to a specific rate of 1 cent per pound. Iron or steel T-rails are placed at nine-tenths of 1 cent per pound, and such rails when punched at eight-tenths, as they are now in the bill. Round iron in coils less than seven-sixteenths of an inch in diameter are to be 1.2 instead of 1.1 cents per pound. Armor plate-iron was struck out entirely, believing that none of it would be used except by the United States, and if used by the United States it would likely be imported free for the use of the Government. Sheet-iron thinner than No. 20 wire gauge is increased one-tenth of 1 cent per pound. Iron and steel plates galvanized is reduced from 1 cent per pound to three-fourths of a cent per pound. On polished sheet-iron the House conferees insisted upon 3 cents per pound, while the bill as it passed the Senate fixed it at 2 cents, and a compromise was finally made at 2½ cents a pound. Iron and steel cotton-ties are left precisely as fixed by the Senate.

In Schedule I, on cotton goods, no essential change was made, except that a proviso was added to the class of goods less than two hundred threads to the square inch, placing a similar proviso upon those below that rate, as already provided upon those above that rate.

In Schedule J, the list of jute goods, flax, and so on, jute butts was taken from the free-list and placed upon the dutiable list at $5 per ton. No other material change was made in that schedule.

In Schedule K, on wool and woolens, no change whatever was made except a provision is inserted that for ladies' cloaks, dolmans, and other outside garments of ladies that are often expensively trimmed with silk fringe, gimps, silk velvet, and so on, it is proposed that they shall be subject when imported to a higher duty than that which has been placed on cloth.

In Schedule L, silk and silk goods, no change has been made.

In Schedule M, books, papers, &c., the only material change made is on printed books, and on these the present duty is retained of 25 per cent. I think if the Senate committee had not consented to that we should hardly have been able to make a conference report.

In Schedule N no changes are made of any importance except that 2 cents per one hundred pounds have been added to the rates on salt. The proviso remains as to meats cured with imported salt. Gold watches are to remain subject to the present duty of 25 per cent.

In the free-list no change of importance beyond what I have already noticed has been made.

I omitted to say that on iron and steel railway fish-plates the duties were reduced from 1½ to 1¼ cents. On steel valued at 4 cents a pound or less 45 per cent. is placed, and valued above that rate the duties are made considerably below the amount of duties by the existing tariff. Steel wheels for railway purposes and parts thereof partly manufactured were separated, and instead of the whole being at 2½ cents the finished article was placed at 2½ cents and the partly finished article was placed at 2 cents a pound. Articles not enumerated composed of iron, steel, copper, gold, silver, or other metals, were placed at 45 per cent. instead of 35 per cent. ad valorem.

In Schedule D, wood and wooden-ware, no changes were made in the bill as it passed the Senate.

In Schedule E, sugar, the only change made was in relation to sugars between 13 and 16 Dutch standard, which have been placed at 2.75 instead of 2.50. This was done for the reason that this class, in value and saccharine strength, was found to be at a much lower proportionate rate than the lowest or cheapest grades of sugar, and even a much higher rate was asked for by the House conferees than ⅛ of a cent per pound.

In Schedule F, tobacco, no change was made.

Schedule G, provisions, is unchanged, except merely verbal amendments.

In Schedule H, liquors, there has been no change, except an addition of 20 per cent. duty, or something like that, on ginger ale, whether in bottles or casks.

As the time is very short for the consideration of this report I do not deem it proper for me to occupy longer the time of the Senate, as time is becoming precious. Every Senator will find the report upon his desk, and can see for himself exactly what has been done. I have endeavored to state it accurately so far as I know.

Mr. BROWN. Will the chairman of the committee permit me to ask him a question? Has the conference committee made any estimate as to the entire amount of the reduction of revenue that would result from the passage of the bill as modified by the conferees?

Mr. MORRILL. I may say that since the conclusion of the report there has been no time for any accurate calculation, but a rough estimate has been made that it is about $75,000,000. Of course on some of these articles where the duties have been reduced, as on woolen goods, there will be very likely an increase of importations, which may swell our revenue to some extent, but if there should be no greater importations than there were last year the reductions would probably exceed $75,000,000.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. BECK. I call for the yeas and nays. I want a little further time to look at it. I have had no chance to look at it. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. If no Senator rises to address the Senate the roll will be called.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & B. Powers;

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

A bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and for other purposes;

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 2156) for the relief of certain owners of the steamer Jackson;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard;
A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer;
A bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes;
A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883;
A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;
Joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883; and
Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board in behalf of the United States Executive Departments at the international exhibition of 1876.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the the conference report on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. BECK. Mr. President, if this important report is to pass by default in this way I wish to say a few words in opposition to it if I can. For the first time during this session I am suffering with such a cold that I can hardly speak above my breath. Indeed this morning I could not. But as the yeas and nays have been called for, if nobody desires to oppose it, while I am not able to do myself or the subject justice, I will do the best I can to furnish what I consider good reasons why it ought not to be concurred in.

With the slight examination I have been able to make of it, the report provides for large increases in taxation wherever they have attempted to touch it, in every paragraph, in every schedule, except one or two very unimportant ones, on the bill as it passed the Senate, and in many instances above what was even proposed by the most ultra protectionists in the House of Representatives.

I knew from the first that we would at last have a worse bill imposed upon the country than either the House or the Senate desired. I knew it would go by hook or crook, and it has gone by both, to a conference committee that would impose upon us just such class legislation as they pleased, in defiance of the will of both Houses, and make a tariff to suit themselves and their friends and force it upon the American people.

I will take up one item to illustrate what I mean. I select it from the few items I have been able to examine in the last few minutes. Iron ore, the base of all the iron industries, was reported by the Tariff Commission at 50 cents per ton, in these words:

> The commission recommends a specific rate of 50 cents per ton, instead of the present rate of 20 per cent. ad valorem. The reasons that have led to this conclusion are that there has been great difficulty in ascertaining the exact value of ores, particulary those exported from Spain and the Mediterranean.
> The importation of iron ores in large quantities commenced in the last half of the year 1879. The ad valorem rate of 20 per cent. during the past three years has on the average equaled a specific rate of 54 cents per ton.

They then proceeded to state the difficulty they had in getting the exact ad valorem, which was about 54 cents a ton. They assumed that 50 cents specific afforded better protection than that. I have read their professions to the Senate several times during this debate, and I thought I would not take time now to do so; but my voice may improve after a little, and I will venture to read again a portion of the report. The commission say:

> Excessive duties generally, or exceptionally high duties in particular cases, discredit our whole national economic system and furnish plausible arguments for its complete subversion. They serve to increase uncertainty on the part of industrial enterprise, whether it shall enlarge or contract its operations, and take from commerce, as well as production, the sense of stability required for extended undertakings. It would seem that the rates of duties under the existing tariff—fixed, for the most part, during the war under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted, through reduction, to the present condition of peace requiring no such extraordinary stimulus. And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years, and the high scale of productiveness which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.
> Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent. The reduction, slight in some cases, in others not attempted, is in many cases from 40 to 50 per cent.

I need not read more. As I said, I will speak of iron ore first, because it illustrates more prominently and plainly than anything else what I desire to prove as to the outrageous character of this report. When the Senate of the United States—I will begin with our own action—had this question under discussion, many of the most intelligent men of the country, notably Hon. ABRAM S. HEWITT, laid facts before the country and before Congress to show that it was indispensable to the great iron industries of this country, as imported iron ore had many qualities that iron ore found in this country does not possess, that it should be imported free of duty, as when so imported it is used for the purpose of mixing with our own native ore, the foreign ore being low in phosphorus and there being a great deal of phosphorus in our own. He proved to my satisfaction that it would extend and cheapen the manufacture of our iron products and increase the uses to which our native ores could be applied.

Earnest efforts were made on the part of some Senators, notably the Senator from Virginia [Mr. MAHONE], to increase the duty on ore above 50 cents, which the commission said was the true rate, which the Senate committee said was the true rate, which the Senate as in Committee of the Whole determined was the true rate, and voted down upon the yeas and nays by overwhelming majorities every effort to increase it. The House of Representatives, with Mr. KELLEY at its head, I suppose I may now speak of the action of the House, as their acts are freely discussed, and I suppose their action is under review, said 50 cents per ton was the true rate of taxation on iron ore. There was no disagreement between the House of Representatives and the Senate as to iron ore.

No committee of conference, dealing justly with both Houses and representing the expressed will of both Houses of Congress, could decently assume, when the two Houses had disagreed or had agreed, to change the rate of taxation upon which they had agreed. Yet this conference committee so called, acting, as I think, in defiance of the order of the Senate and in plain violation of their known duty, increased the duty on iron-ore, that both Houses had agreed should not be taxed more than 50 cents a ton to 75 cents a ton, or 50 per cent. increase on the tax agreed on; and what is the effect of that usurpation of unwarranted authority? One case illustrates the whole—577,118 tons of iron-ore were imported last year; by adding 25 cents a ton to the cost of it the conference have added to the tax on that raw material $144,279.50, assuming that the same quantity will be imported.

Why was this done? By what authority? Obeying whose orders? What disagreeing vote did they adjust? The House had voted 50 cents; the Senate had voted 50 cents; they had agreed. The conferees arbitrarily overthrew what both Houses had agreed upon, and added a tax upon the importations of this raw material of $144,279.50, and we are to be told that we must hurry this report through because of the late hour of the session and allow that outrage to be perpetrated without question, and without being even told by the chairman of the committee why it was done; indeed, he carefully concealed the fact, merely saying that there was no material increase of taxation in any of the changes they had made, when there is 50 per cent. increase of duty upon the leading article out of which the iron of this country is made, and that was done by him and his associates in defiance of the deliberate action of the House and of the still more deliberate action of the Senate, all of which was well known to the conferees.

I have the debate upon that subject before me. I turned to it when I saw the outrage sought to be imposed on the country. I may be a little tedious, but I propose to expose this. The motion was made in this body by the Senator from Virginia [Mr. MAHONE], one of the conferees, by the way, placed there at a late hour, to increase the duty upon iron ore to $2 instead of 50 cents a ton. That motion received one vote; that was the vote of the Senator from Virginia, I presume, because when the question was taken as to whether a division was necessary the following occurred:

> Mr. HOAR. May I inform my friend that the Chair has called for the ayes and one "ay" only responded? Is it worth while to have the yeas and nays?

An effort was next made to make the tax a dollar a ton. That was voted down; 85 cents was tried; 75 cents was tried; 60 cents was tried. At a dollar, if I mistake not, the vote was 11 in favor to 37 against it. Then the motion was made to make it 75 cents, and 15 voted in the affirmative and 34 in the negative upon a call of the yeas and nays. Sixty cents was tried, and the Senate persistently refused to increase it above 50 cents, and the House upon a vote refused to increase it above 50 cents a ton. The proposition to increase the tax was tried again on the 16th day of February in the Senate, on the motion of the Senator from Michigan [Mr. CONGER]; he sought to make the duty 85 cents. The propriety of the increase was reargued and every effort was made upon a call of the yeas and nays to tax iron ore higher than 50 cents a ton. It was again voted down by an overwhelming majority.

In view of all these undoubted facts I ask the Senate, and I intend to appeal to the country even from the Senate, what right had that body of men who were sitting in secret council, authorized only to act upon disagreeing votes between the two Houses and to sustain the action of the Senate by all honorable means, to consider the tax on iron ore, on which the House and Senate had agreed, and raise the duty on it 50 per cent. and then come here without even deigning to state the facts and tell us that we must adopt the report they have made, right or wrong—*fas et nefas*—or we are obstructors of public business?

Mr. HARRIS. Do I understand the Senator from Kentucky to state that the conference report proposes to impose a duty on iron ore greater than either the House or Senate has voted to impose on it?

Mr. BECK. I do, and I appeal to the members of the conference committee themselves now on this floor, or any one of them, to deny it or to contradict what I say if they can. They have wrongfully increased this tax 50 per cent. I ask the chairman of the Finance Committee if that is not true? I wait for an answer now. I have the House

bill, I have the report of the House committee, I have the action of the House, I have the double action of the Senate; and I aver that the conference committee has placed a tax on iron ore 50 per cent. higher than either the House or the Senate, and that the House and the Senate had agreed upon the same rate before the bill was sent to the conference committee.

Mr. MORRILL. The House had not acted on this bill but rejected our amendments in gross.

Mr. HARRIS. Did not the House have a bill upon which they acted on the iron schedule?

Mr. BECK. Yes, and voted upon it. Here is their bill fixing the rate at 50 cents per ton. If they had no bill, if they had no schedule to present to our conferees, where was the disagreeing vote between the House and the Senate, if this bill is not to be referred to as the proposition on which the House acted? If there was no bill of the House then where was the disagreement? What could any conferee on the part of the House say to the Senate that the House required, or that our conferees ought to abandon the vote of the Senate on any schedule and give it up unless there was something that the House had done?

I aver, and the silence of the four or the five or whatever the number who agreed to this report gives consent to the truth of my statement, that they have imposed an increased tax of 50 per cent. on all the iron ore that comes into the country beyond what either the House or the Senate had imposed, and when the House and Senate were agreed.

If these admitted facts do not condemn this whole report and stamp it as a thing absolutely unfit for the Senate to indorse I do not think any argument of mine will. There is not a Senate conferee who will venture to rise in his place and either justify it or excuse it. It stands confessed as a plain violation of their known duty.

Passing from that, though one illustrates all, look at the action of the conference committee relative to glass-ware, one of the first important things touched in the report. Let me examine their action in that regard.

This is the language of the present law:

Earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, not otherwise provided for, 40 per cent.

That of course relates to earthen, stone, and crockery ware. The plainest character of designs on paper can be painted and pasted on plain crockery, and when placed in the furnace the paper is burnt out and the paint or print remains. That is the whole process; there is no skill or intellect involved; it is done by the plainest, simplest process; the designs are painted by the hundred or thousand on pieces of paper and burnt in; the paper, as I said, burns off and leaves the paint or print. Yet the conference committee without any reason in the world that I can see, have taken that class of cheap goods out of the schedule where the Senate placed them at 50 per cent., which is 25 per cent. increase on the duty under the present law, because it was said we had given importers the benefit of a reduction of taxes, by taking the duty off the packages, which on the cheapest classes of goods amount to, say, 10 per cent. Our conferees have taken these goods from the schedule of 50 per cent. and placed them in the schedule of 60 per cent., an increase of 50 per cent. on the present rate, along with china, porcelain, parian, and bisque ware, and the other decorations that ornament the mantel-pieces of the rich.

Mr. MORRILL. I desire to give the Senator from Kentucky a further fact, so that he can make out the case as bad as he can.

Mr. BECK. What is it.

Mr. MORRILL. It is a little worse than he states it, because, as I have said, the conferees have accepted the House provision.

Mr. BECK. I thought the Senator said a while ago that there was no House provision—when I was speaking in reference to the action of the House in regard to iron ore.

Mr. MORRILL. I mean to say the provision presented by the House conferees. We have inserted that, and this is therefore not a correct print in the bill on the desks of Senators.

Mr. BECK. The earthen, stone, and crockery ware, painted and gilded, is taken out of the 50 per cent. schedule of the Senate by its conferees and placed in the 60 per cent. schedule, or else they have printed it wrong.

Mr. MORRILL. The Senator does not understand me now. I wish to notify him that we have made it even worse than that; that we have placed this other earthen and stone ware at 55 per cent., instead of 50 per cent. as it stands in the print on the table here.

Mr. BECK. I do not know how bad they have made it. I have no doubt they have made it as bad as they could for the people and as good as they could for the men who are here demanding still more excessive bounties. I have never heard the revenues of the Government spoken of as being worthy of consideration by any gentleman on the other side during this whole discussion. I have never heard the rights of the consumers of this country spoken of as being worthy of consideration while extravagant taxes were being imposed. The whole question has been, how much can the iron-men afford to take off; how much will the cotton schedule, how much will the woolen schedule bear reduction, or shall they be increased above present rates? And when Senators examine into the pretended reductions they will prove to be increases in nine cases out of ten, all assertions to the contrary notwithstanding. The swarms of lobbyists who are now here and have been for weeks are all begging for more bounty, more protection, or rather more taxation on the people to enrich themselves. These are the plates [exhibiting] that the conference committee have put up to a 60 per cent. tax after the Senate had peremptorily refused to consider all the propositions urged when we had these matters under consideration.

Yet the chairman tells us that they are making this increase of taxation in the interest of economy, carefully refraining from stating the facts, and frowning upon any attempt to expose their acts as improper and factious opposition. Of that plain crockery-ware, as you will observe by looking over the schedule that we have before us furnished by the Treasury Department, there were goods imported last year to the value of $4,400,000, at 40 per cent. The duty which the people paid on them was $1,775,294. By the provision now proposed on the same amount of importation at 60 per cent. they will have to pay $2,662,941, or an increase of $887,648 over the present high war tariff that everybody says ought to be reduced, and they will have to pay $443,824 by this change of rate on the same importations more than they would have to pay under the bill as it passed the Senate at 50 per cent. That is called a slight modification, a very slight increase, so insignificant that the chairman seemed to think that the report should be concurred in without a word. He did not even think that it was worth while to tell us what he and his co-conferees had done.

Turn to another change in the glass schedule and see what the autocrats of the conference have done. We struggled over the question of taxing bottles time and again, first in Committee of the Whole and next in the Senate; that question was brought up in season and out of season. We settled it at 30 per cent., and provided that bottles in which apollinaris and other natural mineral waters came should be free. No man ventured to make an argument worth calling such against that provision. It was admitted that when a bottle once reaches this country, whether it has apollinaris water in it or anything else, it competes when it reaches here with the domestic manufacture of bottles precisely to the same extent whether it comes free or pays a tax. We all agreed that if the people wanted these waters they had a right to have them.

We thought there were some things the people ought to have without being taxed to death, and that the water of the springs of the world that they might prefer as conducive to their health or their pleasure ought not to be taxed; all agreed that was right. Yet this conference committee, this secret conclave—they were in no proper sense conferees, yet I shall speak of them as such—not only imposed a heavy tax upon all the bottles in which apollinaris and other waters come, as you will see by turning over to the free-list, but they increased the tax upon all the other bottles used in this country from the present tax of 30 per cent. to about 100 per cent., although we had voted the proposition to do so down, as I have stated, every time it was offered, both in committee and in the Senate, until every advocate of the increased tax had given it up. Yet these gentlemen secretly and wrongfully bring it back with the tax of 100 per cent. on these things.

I regard their action as an outrage, in flagrant disregard of the known will of Congress. I read the other day (see page 91 of the RECORD for February 21), as Senators will recollect when I restate it, that we are only importing bottles valued at about $272,000 annually, even at 30 per cent. I showed then that the Representative from Milwaukee and the Representative from Saint Louis argued this question with great ability on the floor of the House. I read from their speeches; I will read from them again to show what an outrage has been perpetrated by the reimposition of this enormous and unnecessary tax. Mr. DEUSTER, from Milwaukee, said that he had talked to Mr. Bodine, the president of the National Glass Manufacturers' Association, and that Mr. Bodine told him that—

There were manufactured in the United States last year of quart bottles alone, used—*horribile dictu*—for bottling beer, 25,000 gross. I am informed that the quantity of pints is ten times as great, which would be 2,500,000 gross. Besides, there were many other kinds and sizes of green and colored bottles, vials, demijohns, carboys, pickle or preserve jars, and other plain, molded, or pressed green and colored bottles.

The importation of the very small amount, $220,000 worth, of glass-ware, embracing all these articles just enumerated, served to keep prices made by our manufacturers in somewhat reasonable bounds.

Even at 30 per cent. they manufactured all but that small quantity. Impose a duty of 100 per cent., and their prices will no longer be kept within reasonable bounds; it is not intended by the conferees that they shall be. The Senator from Vermont and his friends on the conference committee, in spite of the Senate, propose to give them a monopoly of this business. There will be no more importations of any sort, and the prices will be just whatever their protected pets see fit to ask; that is their favorite mode of reducing revenue, by trebling the burdens of taxation and putting the money of the people into the pockets of their friends instead of into the Treasury of the United States.

The Representative from whom I read put it well when he said:

That is exactly what these gentlemen of the National Glass Manufacturers' Association object to. They want the field all for themselves, so that their combination can dictate prices *ad libitum*. Of course they profess to have solely the interests of the poor workingman at heart; he is always pushed to the front when the interests of the capitalists require it. But these gentlemen knew that Congress would not consent to have the tariff increased.

True Congress would not, but this Representative had no idea of the

power, no idea of the audacity or mendacity of a conference committee. He said further:

So some sleight-of-hand performance, some hocus-pocus must be resorted to. The world wants to be deceived; *ergo*, *decipitur*. A change from an ad valorem to a specific duty in this case might accomplish the purpose. "Eureka!" cries the poor, down-trodden glass-king. Now, what will be the result of this change? A specific duty of 1¼ cents amounts to over 100 per cent. ad valorem. I could show it to the satisfaction of every gentleman on this floor had I the time. As I have not, you will have to take my word for it. I can assure you that I have investigated this subject fully, accurately, and dispassionately. This proposed specific whould raise the price of preserve-jars per dozen, costing the consumer now $1.50, to at least $1.75. A dozen of "Protector" preserve-jars weighs about nineteen pounds. The additional duty being 1 cent per pound, these jars would cost the dealer 19 cents more. He of course would charge the consumer at least 25 cents over present prices.

Again he adds:

The bottles which our brewers use weigh 1½ pounds each, or 216 pounds per gross. That makes the duty on the gross $3.24, instead of $1.11, as now, or 2½ cents per bottle instead of .77 cent. Add the $3.24 to the New York value of $3.17 per gross and we obtain $6.41 per gross instead of the present price of $4.28, a difference of $2.13 per gross. A brewer wants for every 6,000 barrels of beer bottled exactly 1,000,000 bottles, or 6,952 gross. Add to the price of the gross by putting to it the new proposed rate of increase of duty of $2.13 per gross, and we increase the expense of bottling for every 6,000 barrels $14,807.86. There are brewers who bottle over 100,000 barrels annually.

The Milwaukee brewer who bottles 100,000 barrels annually consumes almost as many bottles as are imported into the United States in a year. The Senate of the United States refused to increase the tax above 30 per cent. But our would-be masters, disregarding our will, have increased it to a cent a pound, or 100 per cent. upon all that class of bottles in the interest of the bottle-makers, adding to the tax paid by a single brewer who bottles 100,000 barrels of beer annually over $200,000, in order to put the money into the pockets of some of their friends. They have, I repeat, in plain violation of the orders of the Senate, placed the bottles in which apollinaris, vichy, and other natural waters are imported on the taxable list, and whether they will impose a charge on them of 1 cent a pound or whether they will be taxed at 30 per cent. ad valorem will depend upon a careful construction of the conflicting clauses contained in the conference report, which, if Senators will read, they will see were inserted, if not for the purpose, certainly with the effect of deceiving and of requiring the Treasury Department to give the manufacturer here the benefit of the doubt and thus force the officials to decide that they shall pay 100 per cent.; because after the long and apparently successful struggle that we made not to allow the highest duty to be imposed in doubtful cases, the conferees provide—and I believe that was the point at which the Senator from Delaware and myself left the conference, it being the first important change in our tariff amendment, as there was no question in regard to the internal-revenue taxes which both Houses had acted on, and as to which no difference of opinion was developed, I suppose the relief given there is relied on to carry through on the single vote to which we are now confined all the atrocities of the tariff amendments:

If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

They have one rate of 30 per cent. for bottles filled; that is, they shall pay 30 per cent. ad valorem in addition to the duties on the contents. Yet the conference committee insert another amendment in these words:

All glass bottles and decanters, and other like vessels of glass, shall, if filled, pay the same rates of duty, in addition to any duty chargeable on the contents, as if not filled, except as in this act otherwise specially provided for.

That is 1 cent a pound, or 100 per cent. ad valorem on common bottles. One of these conflicting provisions in regard to bottles makes them pay 30 per cent. if filled, and another provision makes them pay the same duty whether filled or not. By the general clause as to the highest rate in doubtful cases they will be required to pay 100 per cent., in my opinion. If that is not a trick I do not know what to call it. I do not intend to charge any Senator with trickery, but the provision they have made that whenever there is a doubt, or it can be construed that there are two or more rates applicable to the article it shall pay the highest, these two conflicting provisions will give the officials a chance to tax it at the highest rate.

Mr. MORRILL. I know the Senator from Kentucky does not wish to misinform the Senate. The glass bottles to which he referred last are of a very different kind from green-glass bottles. These are flint and lime glass bottles which are imported, a very different article.

Mr. BECK. It may be that the last provision as to glass bottles does not cover apollinaris bottles. I do not know how these provisions will be construed. I do not want to make any mistake as to the facts, and I feel that my voice will fail me if I dwell at any length on details. I have looked at some other things in this report during the short time I have had it. I will call attention to them.

I will speak next of pig-iron. The Senate of the United States had a long and earnest discussion as to the propriety of a general reduction of tax in the iron schedule, as all agreed that reasonably cheap pig-iron was indispensable to enable the people to obtain cheap finished products. We agreed upon $6 per ton as being the proper rate to charge on pig-iron, with a like rate on scrap-iron, both steel and cast. It was debated long and ably in all its aspects. I have the debate before me. I had expected to read part of it, but I find that I can not. We agreed upon a duty of $6 a ton. After a while, when we had gone through the bill in Committee of the Whole, the Senator from Ohio threatened to vote against the bill, and to defeat all our efforts at giving the people any relief in internal or tariff taxation unless we increased the tax on pig-iron and upon such articles in the iron schedule as he demanded. I will read from his speech before I close. He read telegrams from Hon. Henry B. Payne, of Cleveland, and others, telling him to vote against the bill, and he said he would obey their orders unless we obeyed his.

I repeat that the Senator from Ohio threatened the Senate with the defeat of the whole bill. After all sorts of efforts, and when he had drawn the party whip over the heads of his followers with an audacity I had never seen equaled in any public assembly, by threats and every other means that a great, bold parliamentary leader can assert over the men who look up to him, he finally succeeded in having $6.50 imposed as the tax upon pig-iron.

That was the last cent he could obtain by promises, flattery, or threats, but his resources were not exhausted. The conference committee met, and under the lead of the Senator from Ohio, I may safely assume, at his dictation, they have imposed a tax upon pig-iron of $6.72 per ton and insist that we must accept it. What is the effect of that? Of scrap and pig iron 763,761 tons were imported last year. Seventy-two cents increase over the $6 that the Senate had agreed upon until the Senator from Ohio drove his party up to an increase would be $549,905. Twenty-two cents per ton—being the difference between this report and $6.50, the highest point to which the Senator could induce the Senate to advance after all the coercion he could impose upon his followers—22 cents per ton on 763,761 tons is $169,027 additional tax that this conference committee has placed upon pig-iron; and we all know that we have to accept that report as a whole or reject it.

What next? Take railway-bars. I want the conferees on the part of the Senate to tell the Senate why they have imposed the tax they have in the report they present for our acceptance. Let me show what they have done. This is another undoubted usurpation of power by the conference committee. Steel railway-bars were put by the Senate at seven-tenths of 1 cent a pound when weighing more than twenty-five pounds to the yard. That is $15.68 per ton. The House voted on that question also; if we are to look to the House, it imposed a tax of $15 per ton on rails. The House voted for a tax of 68 cents a ton lower than the Senate on steel railway-bars, the House bill providing for a duty of $15 and the Senate bill $15.68 a ton. Bear these facts in mind.

What did the conferees do? They have imposed a tax upon steel railway-bars of $17 per ton. The Senate had imposed a tax of $15.68, the House $15. The conferees, purporting to meet for the purpose of reconciling the disagreeing votes between the two Houses, imposed a tax on that article of $17 per ton, or $2 more than the House had imposed upon it and $1.32 more than the Senate had imposed upon it. I again ask any of them to rise now and tell the Senate by what authority they seek to impose a higher tax on this important article than either House imposed. I charge them with a gross violation of their power and a usurpation of authority not granted to them in doing so.

The amount of importation of that class of steel rails during the last year was about 200,000 tons. The report of the conference as to the tax upon that article is an increase of $400,000 on last year's imports over what the House had agreed to impose upon it, and of $264,000 over what the Senate had imposed upon it; and yet under pretense of reconciling the disagreeing votes of the two Houses they imposed an additional tax upon the people of $400,000 more than the House of Representatives had demanded and $264,000 more than the Senate had said ought to be imposed. If that is not an outrage upon the rights of this people, if it is not a violation of the known duty of the committee, while pretending to reconcile the disagreeing or conflicting votes between the two Houses, by placing a tax higher than either House had suggested, then I do not understand what it is, and can hardly characterize it as I ought in parliamentary language.

Mr. HARRIS. I want to ask the Senator from Kentucky if, in respect to the matter that he is now referring to, this conference committee has exceeded the vote of each of the Houses in regard to the tax imposed?

Mr. BECK. It has increased it $2 per ton over what the House had imposed and $1.32 over what the Senate had imposed.

Mr. HARRIS. More than either House proposed.

Mr. BECK. More than either House, to the amount of $400,000 more than the House of Representatives proposed and $264,000 more than the Senate proposed, based upon the importations of last year.

Mr. MAXEY. I should like to ask the Senator from Kentucky a question on the point he is discussing. The Senate fixed the rate of tariff on iron or steel rails at $15.68 a ton and the House fixed it at $15. Now I ask the Senator from Kentucky, in his experience in the House and in the Senate and in conferences, whether there has ever fallen under his knowledge or experience one case where a conference committee have inserted provisions in the bill against the vote of the Senate and the House.

Mr. BECK. I never heard of such an instance, and I do not believe any other Senator ever heard of it before; but there never was a measure like this before; it was conceived in sin and is now brought forth in iniquity; everything that has been done in regard to it has been done without the slightest regard to the interest of the people or the reve-

nues of the country. Of course there is no parallel. I want some Senator to ask some one of these conferees, as none of them venture to answer my questions, why it was and by whose authority he imposed a tax of $2 per ton on all the steel rails for the railroads of this country above what the House had taxed them, and $1.32 a ton above what the Senate had imposed, unless it was to enrich some of the great monopolists of the country whose support and aid they look to as being worth more to them in their political ambitions than the welfare of the great mass of the tax-payers of America.

Mr. MAXEY. The object I had in view in asking the question was this: As the representatives of the people had fixed the tax at $15 a ton and the Senate at $15.68, these conferees, whoever they represent, fixed it higher than the representatives of the people or of the States fixed it. I want that fact placed before the people of the country.

Mr. BECK. Now, Mr. President, to proceed. I assume that I will be charged with trying to talk this bill to death as I have been before. That is not true, I only want to have the facts understood. Again, the Senate agreed upon a duty on bar-iron not less than three-quarters of an inch in diameter, and square iron not more than three-quarters of an inch square of $20 per ton, and upon round iron less than three-quarters of an inch square of $22 per ton the conferees have increased that tax from $20 per ton in the one instance to $22.40 per ton, and in the other from $22 a ton to $24.64 per ton; the original rates were fixed by the Senate with the aid and by the vote of the Senator from Ohio, one of the conferees. We had a right to suppose that he would adhere to his own votes, yet after so voting and advocating the lower rates, saying that his friend from Georgia [Mr. BROWN] was right in imposing these rates, he now turns round in secret conference and imposes upon all the iron rolled, hammered, or otherwise advanced an additional tax of $2.40 a ton upon one class and $2.64 upon the other.

Again, Mr. President, passing on to another clause, light steel rails, of which there is a very large importation, to wit, a class of rails used for street-railways, tramways, narrow-gauge roads, and inclined planes, in short all that class of rails generally used by the smaller and poorer corporations, by the municipal authorities, or by individuals, of which the importation last year was $2,658,997 in value and the revenue $1,414,910, the Senate of the United States imposed a duty of eight-tenths of a cent per pound upon all that class of goods, or $17.92 per ton. I have not had an opportunity of examining what the House did in that regard, if their bill is to be considered. It seems to be worthy of consideration according to the chairman's view whenever the conferees think they find some excuse for their conduct by referring to what the House has done, and claim that the House had no bill when they increase taxes beyond what either House imposed.

Mr. MAXEY. The committee reported that class of bars weighing less than twenty-five pounds to the yard at $21 per ton. On full deliberation and discussion in the Senate it was reduced to $17.92 per ton or eight-tenths of 1 cent per pound. That was reduced by the Senate after a discussion.

Mr. BECK. Under the present law iron bars for inclined planes, as the official statement in my hand shows, the rate is seven-tenths of a cent a pound or 53 per cent. ad valorem. The Tariff Commission proposed seven-tenths of a cent a pound and the Senate imposed a tax of eight-tenths of a cent a pound. This so-called conference committee taxed them above what the Tariff Commission reported, above the present law, above the action of the Senate. They have divided the paragraph into two parts and placed nine-tenths of a cent a pound upon a portion of them, increasing them from $17.92 per ton to $20.16, and upon the balance of them, where they are punched, to 1 cent a pound or $22.40 per ton.

Upon a portion of these goods they make an increase of $2.24 a ton and upon the balance there is an increase of $4.60; and this, though the Senate proposition for taxation upon all this class of articles was higher than the present law and higher than the Tariff Commission report. In this miserable sham conference, after all we have done, on articles that were imported last year to the value of $2,658,977, paying a revenue of $1,414,910, they make an increase of $2.24 a ton on half and of $4.60 upon the other half, without any reason that I can see unless it is to pile up burdens still higher upon every man or corporation that sees fit to build a street railway, a tramway, or anything of the sort. Yet we are asked to set aside the Senate bill and agree to a report full of such monstrosities, which they seek to pass, as though it was an improvement upon what we had done. We are told it makes slight modifications, that there is hardly anything increased, and the yeas and nays were about to be taken as a matter of course, as though it would be an obstruction of public business and would prevent the people from getting the benefit of the invaluable services of this conference if anybody dared to object to it. I suppose I shall be lectured by the distinguished Senators for having the audacity to expose the misdeeds of that august conclave.

That is not all. I have not had a chance to go through the report thoroughly, because we did not have it more than twenty minutes before we were called on to pass upon it at once, time was said to be so precious.

I will pass over a good many of the changes they have made without comment. They have increased the tax on boiler-iron, on line 569, $2.20 a ton. They have increased the tax upon polished, planished, or glanced sheet-iron or sheet-steel $11.20 a ton, although that matter was twice carefully considered; and the Senator from Massachusetts [Mr. HOAR] at last read documents to prove that that class of iron ought to be reduced to 2 cents per pound. It was reduced on his recommendation, and yet the conferees have put it up again, taxing it $11.20 a ton more, and inserting a proviso which I have not time to consider carefully, but it means mischief. Let me read it to the Senate. It is a new proviso inserted by them:

Provided, That plate or sheet or taggers iron, by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid, or by any other material or process, and which is cold-rolled, shall pay one-quarter cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron.

We struck that proviso out after deliberate consideration in the Senate, or in committee, because it was shown that all that iron had to be rolled, and the imposition of that additional tax was such a wrong that not one of these gentlemen dared to urge its adoption in the Senate; it was stricken out, as the debate will show, on proof by gentlemen on this floor that the proviso ought not to be retained. Yet when they get themselves in secret conclave, and with nobody to contradict or expose them, and their report has to be voted on as a whole, because a portion, however vicious or corrupt, if you please, can not be stricken out without defeating the whole measure, they make a bill to suit themselves and their friends. Knowing that there are so many things in the bill that so many men are interested in, they trust that the Senate can not afford to defeat their report.

Skipping a good many things, I come now to a matter that attracted my attention the moment my eye rested upon it, because it is a subject that the Senate thoroughly understands. The Senator from Ohio, as the Senate will remember, near the close of the discussion brought before us a new amendment to the iron schedule. He presented it on a Saturday morning. I rose to oppose it and said that I did not quite comprehend the full extent and effect of it, but I thought I could find out if I had time allowed me until Monday morning. There were funeral ceremonies to be held at 5 o'clock that day and it went over. I had examined it before it was called up on Monday, and when it was understood that the proposition of the Senator from Ohio was to increase the duties on all steel not otherwise enumerated from the present rate of 30 per cent. ad valorem to 45 per cent. ad valorem; that it sought to change the duties on all the classes of Bessemer steel however made, whether by the pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or any other process imposing a tax of 45 per cent. upon a certain grade, changing classifications and adding to the duties on them by indirect methods, the Senate refused to accept his amendments. Upon a full, fair, and free discussion in this body and an explanation of the effect of his propositions we defeated him in his efforts to tax steel 45 per cent. and held it at 30. We defeated the proposed increase to 45 per cent. duty upon Bessemer steel and made it 40. We kept him from raising the duty on crucible steel and changing the classification in the way he proposed, greatly to the disgust of the Senator from Ohio. Yet after that defeat, perhaps smarting under it, wanting to take revenge on the country and on the Senate, he goes into this so-called conference committee and has restored in this report every provision that the Senate had voted down after full debate when he sought to impose them upon us. In the amendments that I have exhibited from this conference report he has placed all the manufactures of steel at the points I have indicated. I say *he;* I speak of the Senator from Ohio, because he is the leader of this movement in courage and audacity and intellect. I know who drove the conference; I see the tracks though he does not sign the report; I know who had iron ore and pig-iron increased. It is a Sherman-Mahone tariff now, as to all the paragraphs in the iron schedule.

Senators will observe that in the report all our action in the Senate as to steel is overthrown and the defeated proposition of the Senator from Ohio is substituted. I never knew a more insolent, not to say insulting, proposition made by one member of a body to the body that has trusted him with power and ordered him to maintain its position. There was no House disagreeing vote to meet or combat the wishes of the Senate, and the rights of the people were simply disregarded and the private wishes and interests of the conferees consulted. Let me read from the report:

All of the above classes of steel not otherwise specially provided for in this act, valued at 4 cents a pound or less, 45 per cent. ad valorem; above 4 cents a pound and not above 7 cents per pound, 2 cents per pound; valued above 7 cents and not above 10 cents per pound, 2½ cents per pound; valued at above 10 cents per pound, 3½ cents per pound.

"Forty-five" is substituted for "40," "4 cents" for "5," "7" for "9"—in short all our work is disregarded. I explained the effects of the proposed amendments on the 20th of February, and can not better show the effect of the report than by reading now what I said then:

Now, the Senator from Ohio proposes upon all steel embraced in this class—"Above 4 cents a pound and not above 7 cents, 2 cents per pound."

Therefore his proposition is to add $22.40 a ton on all that class of steel valued at over 4 and not over 5 cents a pound. That, I expect, embraces a large class of steel used in this country, or why the proposed change in classification? Yet we were told on Friday night that there was to be no increase on the lower grades by the amendment. I have read the lines fixing 1 cent a pound on all these steels made by the Bessemer process as agreed to in Committee of the Whole and in the Senate. The Senator from Ohio has changed the classification. Why, I do not know, except to suit the iron-masters. He has changed it so as to put $22.40 a ton additional upon all that class of Bessemer steel that is

valued not above 5 cents and above 4. Why that was done perhaps he can explain.

What next does he do? The Senate bill in the lines that he last proposes to strike out as to crucible cast-steel ingots and these other matters, makes this provision:

"Crucible cast-steel ingots, cogged ingots, blooms, and slabs, &c., valued at 5 cents per pound or less, 1½ cents per pound."

The Senator from Ohio promises whenever it is valued at over 4 cents to make that crucible steel pay 2 cents per pound, so that on that class of goods he adds $11.20 per ton; and on all that is valued between 4 and 5 cents a pound by a change of classification, $22.40 per ton on the lower grades of Bessemer steel by striking out the lines he first proposed to strike out; and now by the lines he last proposes to strike out and the valuation that he puts and the tax he imposes $11.20 a ton on all crucible steel valued between 4 and 5 cents per pound. That is the next step.

What next does he do? The Senate provided that upon all crucible cast-steel valued at 5 cents and not above 9 cents per pound, the tax should be 2 cents per pound; valued at above 9 cents per pound, 2¼ cents per pound. That is the maximum with only two classifications above 5 cents. What does the Senator from Ohio propose? On steel valued at from 4 to 7 cents a pound, 2 cents a pound; from 7 to 11, 2¼ cents a pound; and from 11 up, 3½ cents a pound.

I have shown that he has put $22.40 a ton by the change of classification on the lower grades of Bessemer steel; that he has put $11.20 a ton on the grades of crucible steel valued between 4 and 5 cents, and he now proposes to change the duty on that valued from 4 to 7 cents to 2 cents a pound, the Senate having placed it from 5 to 9 at 2 cents a pound, he proposes from 7 to 11 to fix the rate at 2¼ cents a pound. In other words, he increases three-fourths of a cent a pound or $16.80 a ton upon all that grade of steel valued at from 7 and not more than 9 cents a pound, and there is where another large importation is made, as you will see if you look at the tables. Sixteen dollars and eighty cents per ton over the Senate bill is proposed upon all steel with from 7 to 9 cents a pound, and then he makes a classification we have not made at all, because from 9 up we made all at 2¼ cents, and he makes it from 7 to 11, 2¼ cents; and from 11 up, 3½ cents. So that upon all steel of all sorts valued at above 9 cents a pound he adds $16.80 per ton.

How many millions that adds to the taxes of this people I do not know. It is all done for the benefit of a very few establishments in Pittsburgh and elsewhere, whose owners confess that they drew this bill, and who are now seeking to urge Senators to defeat it unless they add to its already onerous taxation all they want.

I showed during that debate what would be the effect of an increase on steel from 30 to 45 per cent. I will again read from my speech of that date:

I have looked over it since Saturday, and I will state how I understand this amendment will leave the bill if adopted. The clause as to "steel not specially enumerated or provided for in this act" is to be delayed for a few minutes, but it is part of the amendment. Steel not otherwise provided for under the existing law now pays 30 per cent. ad valorem. Under that the importations for the year 1882 amounted in value to $5,742,512, and the duty paid was $1,723,352. The Senator from Ohio now proposes to increase this tax to 45 per cent.

Though we defeated all his propositions then, he has them in such a shape now that we can not even get a separate vote on them, though he could not insert them after discussion in the Senate. He can do it in secret, though defeated when Senators representing States and tax-payers could meet him face to face in fair debate.

I stated further in February:

If the same value of imports continue, the duty that he proposes to impose would be $2,584,930, or an increase of duties on the same value of goods of $761,578; and of course all the products of this country, which is perhaps six times as much as the imports, or perhaps ten times as much, will be increased in the same ratio. In other words, 50 per cent. is to be added to the duties now imposed by law, by the amendment of the Senator from Ohio, upon all steel not otherwise provided for in this act which is consumed in this country, whether made at home or abroad.

Substantially the same presentation was made by the Senator from Alabama and the Senator from Texas, and perhaps by other Senators, the Senator from North Carolina, I have no doubt, though I do not recollect that he participated in regard to that item, but he was always ready and able, and I assume he took part in it. I know the Senator from Delaware did; in short, the Senate rejected all the amendments of the Senator from Ohio which he has now put into this conference report. I say it requires an audacity that few men possess to insert into a conference report every defeated amendment after the exposure that was made as to the effect of the increased taxation upon the people, and ask us to accept it or tell the country that we shall be responsible for the defeat of this bill without even venturing a word of explanation or deigning to tell us that a majority of the House conferees even asked to have it done. I hardly think they did.

I shall vote against this report for this among other causes. It is made up against the interest of the people of this country, against the will of both Houses of Congress. I have shown that as to steel rails the taxation imposed is beyond what either House voted; I have shown that as to iron ore that the two Houses had agreed, and yet 50 per cent. more taxation is sought to be imposed and hundreds of thousands of dollars added by this conference committee to the burdens of the people. I propose to vote against it, and my word for it, if this report could be defeated we should tell the House of Representatives, as we truly can, that "we have sent you a better bill in our amendment than this conference report proposes. You had far better vote for the Senate amendments that your leaders would not allow you even a chance to concur with us in, believing that they would frame in secret a worse bill than the Senate had sent; they knew that they would satisfy the pig-iron men and the great manufacturing monopolists of the country better than the action of the Senate would if we reject this conference report as we ought to do because of the outrageous provisions in it," my word for it, the House to-morrow morning will demand a right to vote upon the question of concurring in the amendments originally sent them by the Senate which are now upon their table, and will say to their conferees as I now say to ours, "You have transcended your duty in seeking to impose taxes upon this people beyond what either House had demanded." That House will take up the Senate bill to-morrow morning and in spite of its defects and of the high-protective monopolists, will pass it before high noon to-morrow as an improvement upon this report and a bill infinitely better than this is.

If we force upon the House of Representatives by voting for this conference report a bill that is made worse wherever it has been touched, that is not improved anywhere, and deprive them of the right which they have never yet had of voting upon the amended bill we originally sent them, we are simply joining hands with these monopolists in forcing a worse bill upon the House of Representatives than is now upon their table, that they can vote for in half an hour after we reject this. I intend to be no party to any such coercion upon the House, and submit to no such dictation here as this report attempts.

Why, Mr. President, look for a moment at the sugar schedule. What have they done with it? If I were to take up this report in detail I could scarcely expose one-half of its enormities before Congress expired. The chairman said just now in his blandest way that a slight increase of tax had been imposed on sugar between No. 13 and No. 16; that the refiners wanted more than they had got, but he thought the committee of conference had done reasonably well for them. What do they do? Without touching any other item in the sugar schedule they provide:

All sugar above No. 13 and not above No. 16 Dutch standard, 2.75 cents per pound.

Or $2.75 per one hundred pounds. The Senate had made the duty on that 2.50 cents. The Senate indeed had voted for 2.40 by a vote taken by yeas and nays of nearly 40 to less than 20, according to my recollection. It was first reported before the change at 2.65. The sugar refiners never publicly asked for more than 2.65. They thought 2.50 was too low; they feared the low tariff on foreign sugars would destroy their monopoly. There might be competition from abroad at 2.50 and they begged for 2.65. The Senate voted for 2.40 on a call of the yeas and nays after full debate by an overwhelming majority. Recollect that the sugars between No. 13 and No. 16 Dutch standard are the table sugars of this country, the only sugars in which the mass of consumers have a direct interest. All the other grades go to the refiner. Thirteen to 16 are the sugars people can use in spite of the refiners and without his aid, and that the plain people do use. Two sixty-five one hundredths was all the refiners asked that ever I heard of, and I believe I have now in my pocket a dozen dispatches when they thought I was to be on the conference committee, begging for 2.65. I do not care to read the names of the men, but here they are; Senators can look at them. The conference committee have made it 2.75 cents per pound.

That is simply giving the sugar-refiners the monopoly of the sugar business of the country. If not done on purpose, it was done at the dictation of large sugar-refiners whom I can name. It is the worst outrage in this bill. No man can justify it. You will observe that under the existing law there are hardly any importations of sugar above No. 13. Turn to the schedule again and look at it; but I have looked at that so often that I may as well assume that the Senate understands it. If necessary I will hand the figures to the Reporter.

All the sugar that is imported substantially comes in under No. 13, and this increase from 2½ to 2¾ cents a pound gives to the sugar-refiner an absolute monopoly of the sugar in this country and imposes burdens upon the many who consume sugar all over America of millions upon millions of dollars. This is done exactly in the same spirit that the other high taxes were imposed, to build up great monopolies at the expense both of the revenue and of the consumers of the country.

The refiners desired an increase from 2.50 to 2.65. Of course they would ask for 3; they would ask for anything; but 2.75, an increase of 25 cents on the 100 pounds on that grade of sugar, is nothing more nor less than a proposition in the interest of the absolute monopoly of sugar-refiners. There is not a man on the conference committee who will venture to rise in his place and defend this action in the face of the debates we had, in the face of the votes we took, and he will not dare to say that he either did or would have ventured upon this floor to have proposed to impose a tax on sugar graded from No. 13 to No. 16 at 2.75 cents. The Senator from Vermont himself begged me to make it 2.50, declaring publicly that 2.50 was satisfactory to him after we had voted the tax at 2.40. Many of my friends on this side of the Chamber who had voted for 2.40 with me were quite annoyed when I begged them to yield to the urgent request of the Senator from Vermont, as perhaps we had put it a little too low at 2.40. I remember well that the Senator from Texas was not very much pleased at the change being consented to.

Now, sir, notwithstanding the Senator from Vermont did not venture to ask us to go above 2.50 and no sugar refiner ever pretended that he could decently ask us to go above 2.65, and all the telegrams I received when they thought I was to be a member of the committee said that 2.65 was all they would ask, the Senator from Vermont and his confrères on the committee give them 2.75, making their monopoly absolute, making them masters of the sugar business of America, and putting every sugar consumer absolutely at their mercy; yet the chairman of the conference calls with apparent confidence on the representatives of the people and the States to adopt and sanction that among other outrages. I propose to be as respectful as I can be consistent with truth, but if any milder word than robbery of the people to enrich already

gorged monopolists will express my opinion I do not at this moment recall it. The conferees give the refiners one-fourth of a cent a pound on all the sugar consumed in this country by excluding competition. The combination of refiners, of course, charge the people one-quarter of a cent more than they could under our bill. The sugar consumed annually exceeds 2,000,000,000 pounds, worth over $85,000,000. This robbery or rather sneaking larceny of one-quarter of a cent a pound from the people is a gift, in defiance of our often expressed will, of over $5,000,000. That alone ought to condemn this report and the men who seek to force it upon us if all else was right.

I can not follow the details of this miserable fraud further; my voice is gone and I am suffering; but I made a speech on the 25th of January in this presence. I have never been deceived about this bill. I then said I desired to make a record and place it where the people of this country should see it; that in the next presidential campaign, if you please, when the Senator from Ohio perhaps may be the opposing candidate to the Democratic nominees—I do not think the Senator from Vermont has any aspirations—I wanted to have a record made of what was done, as I knew we should at last have a worse bill imposed upon us than either House desired. I knew they would find some way, by hook or crook, in a secret conference where they would give way to each other in the interest of monopoly, and against the tax-payers of the country, to fix up secretly such a report as they have, and that we should be driven to just where we are now. It is said that the Senator from Ohio has not signed the report. That need not deceive anybody; he would not have it beaten for his right arm, even if he did not get all he wanted. On the 23d day of January I said—I desire to put it again upon record, if the Senator from North Carolina will be kind enough to read it for me.

Mr. VANCE read:

This bill, or rather some bill I fear a good deal worse than the bill which passes the Senate, will in all probability pass both Houses before the 4th of March; if so, the facts now placed upon the permanent records of the country will constitute this justification of those of us who vote against it, not only for our votes, but for any future effort we may make to obtain the relief which the country demands, but which I feel assured this Congress does not propose to give.

* * * * * * *

I have a very faint hope of success in making valuable or important reductions, and if we do I have still less of having them retained in the bill which will become a law. The protectionists are all looking to the all-powerful conference committee for the results they desire. Four men at last will frame the bill, and they will be sure to give the men who rely on legislation to enrich themselves all they can. On all provisions of importance to the monopolists which the Senate has increased or kept in better shape for the protected interests than the House has, the House conferees will concur in the provisions of the Senate amendments, and having done that much to oblige the Senate the Senate conferees will of course reciprocate their kindness by concurring in such increases and adjustments as the House conferees can show that their action has made in the same direction.

Thus the bill will be made more oppressive than either House would make it. I expect, in short, to be called upon to vote, as a whole, without the right to amend, alter, or even protest, for a worse bill than either House passes, and therefore propose to give my reasons for demanding reductions now while we can consider the items in detail. I propose to appeal from Congress to the country, and to make up the record now. Of course one of the three conferees of each House will be a Democrat and in favor of reduction of taxes, but he will not be heeded in the conference and need not even sign the report.

If we fail to vote for any bill, however oppressive and unjust, that the conference committee agree on, we will be denounced as opposing all reduction of taxes; and if it passes in spite of us, no matter how oppressive its provisions may be, and we venture hereafter to seek relief by legislation, we will be loudly denounced by the able and well-paid press of the monopolists as agitators and disturbers of the business of the country. We may as well make up our defense as we go on. We will be told that Congress was pledged by the appointment of the Tariff Commission to accept as a finality the bill passed on its recommendation, and every man and woman in the employ of the protected interests will be threatened with reduction of wages or dismissal from service if they do not join in the hue and cry that will be raised by those who seek to perpetuate their monopolies.

Mr. MAXEY. Suppose we have a conference committee, its majority being gentlemen whose theory is that the tariff should be laid for protection with revenue as an incident, what chance would the tax-payers have?

Mr. BECK. I want the Senator from Texas now to discuss this bill item by item, so that he can show to his people in the permanent records of the country what the facts are.

We may as well look the facts in the face and speak plainly. The ultimate decision is in the hands of the chairman of the Committee on Finance in the Senate and of the Committee on Ways and Means of the House, each with their most reliable supporter he can select from his committee to sustain him, in a secret committee of conference, where those four are omnipotent in regard to all questions of difference between the two Houses. Each of the chairmen regards himself as the father of the protective system, and each can establish about equal claims to its paternity.

The Senator from Delaware may be at the tail end of the Senate committee for form's sake, and Mr. CARLISLE, of Kentucky, may be on the House committee; they will both be powerless. The commission they obtained was selected because each member of it was interested in maintaining the highest protection and the greatest privileges for the monopolists he was chosen to advocate; each had to sustain all the others so as to secure his own, and the friends of each made up the schedules they were interested in, so as to obtain all possible; and when they were flung together into a bill, the combined forces of protected wealth and monopoly rushed to Washington and have night and day besieged Senators and Representatives, urging them under all sorts of pretenses, I was about to say by promises, flattery, and threats, to sustain what the commission had done for them.

Mr. BECK. That prediction did not quite come up to what we have before us now. I knew that they would make the worst bill they could whenever the two Houses had disagreed and gave them a decent chance to intervene; but it never entered into my mind that any set of men would have the audacity, when the House had agreed to tax iron ore at 50 cents a ton, and when the Senate had agreed to tax it at 50 cents a ton, and all the effort that could be made could not move either House, or any committee of either, to advance to a higher figure—I did not think that any body of men would have so little regard for themselves, for the opinions of both Houses, and for the rights of the people as to add 50 per cent. additional tax where the two Houses had absolutely agreed and there was nothing to confer about. That was an amount of subserviency to the great interest they seem to love so well, or fear so much, that I was not prepared for, nor was I prepared to believe that any set of men could be found who, when the House had voted the tax on steel rails at $15 a ton and the Senate at $15.68, would dare to come before either body with a proposition to tax steel rails $17 a ton; nor did I think that even the sugar-refiners had power enough over any body of men when the Senate had deliberately, by a majority of two to one upon a call of the yeas and nays, voted that on sugar from No. 13 to No. 16 the rate of tax should be 2.40, and after we had changed it to 2.50 at the request of the chairman of the committee and of the conference, and no refiner had publicly dared to say that he even wanted more than 2.65, these men would secretly fix it at 2.75 and then have the audacity to tell us that the refiners wanted more. We all know how this report was worked up. The Senator from Ohio developed the whole story. On the 18th day of February, on page 31 of the RECORD, will be found the following. The Senator from Ohio said:

A few words now in regard to what I intend to do. I—

We know what "I" meant; that meant the great advocate of the protectionists—

I am entirely dissatisfied with the metal schedule of this bill. I think it is wrong in principle and detail, not harmonious with itself or with anything else in heaven above or in the earth beneath; it is a compound of incongruities; and therefore I desire by meet and proper amendments to try to correct it if I can, and if not to reserve my right to oppose the whole of it, and if necessary the whole tariff clauses of the bill.

* * * * * * *

I have received to-day in regard to this schedule earnest appeals by men of all parties, by men who are known in the Senate and all over the country, to vote against this bill from top to bottom, because they say that as it now stands in the Senate it will utterly destroy great industries of this country unless it is amended in important particulars. To show Senators that I am not speaking for myself alone, but for those whom gentlemen on the other side as well as this ought to respect, I will read one telegram signed by J. H. Wade, Henry B. Payne, and Joseph Perkins, two of whom are prominent Democrats. They say:

"We deem it very important to our iron and steel interest that the Senate bill in its present form do not pass."

Here is another from a gentleman well known, though not so well known probably as those I have named:

"The prospect of the passage of the Senate tariff bill strikes our manufacturing community with consternation."

That is signed by Mr. C. B. Beach. One from Mr. Mathers says:

"I hope you will vote against passage of Senate tariff bill. It is better to let both Senate and House bills fail than to have such a tariff."

I might read from many other telegrams received from persons who are well known, especially in the manufacturing districts of Ohio.

To carry out that threat it was so arranged by disreputable combinations that the House could not even have a chance to vote to concur with the Senate bill, but a bogus conference had to be gotten up, a conference tied down by threats from the other House that in the Senate we were acting unconstitutionally and illegally in all we had done, reserving the right so to decide if the House conferees did not get all they demanded, which a majority of our conferees were only too glad to have a chance to yield. Now the Senator from Ohio has got the iron schedule to suit him; the sugar schedule is arranged to suit others to secure their support. Glass-ware ties on another set; cotton and woolen goods, books and grindstones are nicely adjusted to suit others. The whole is made as bad for the people and as good for the monopolists as even Mr. Mathers or Mr. Wade can ask. If the Senator from Ohio can get his conference report through the Senate and force the other House to vote for it, if they will adopt it, that will suit the protectionists and their friends. The whole struggle now is this: the monopolists are determined that the House shall not be allowed to vote on the Senate bill for fear they may pass it. I seek to vote down the conference report, so that the House can have a chance to vote on the Senate bill. If they adopt our bill, that ends it; if they do not, they can send us to-morrow morning untrammeled conferees, and we can in an hour have another report much better than this—certainly one stripped of the flagrant wrongs perpetrated in this. I agree that the reductions in internal revenue are mainly right, and will secure many votes for this vile report which it would not otherwise get. The conferees know that, and hence gamble on the chances of the internal-revenue relief carrying their other propositions.

Mr. MAXEY. If the Senator will permit me, I will state that the instruction to the conferees of the House was, "If pig-iron goes up, the amendment of the Senate will be constitutional; if pig-iron goes down, it will be unconstitutional." That is the true construction of the resolution.

Mr. BECK. I have not a doubt of it; make this bill so bad for the people and so strongly in the interest of the monopolists that the Senator from Ohio and his followers here and Judge KELLEY and his allies at the other end of the Capitol can vote for it, and there will be no constitutional objection as to our right to amend internal revenue with tariff taxation; but make it a decent bill in the interest of the people, one that substantially reduces present burdens, and every monopolist in the House will spring to his feet and denounce the Senate amendment and

the action of the Senate as unconstitutional. That is the game that is being played here now. I hope to make that fact plain to the country. Let me read again from what the Senator from Ohio said:

Sir, I wish if possible to call the attention of the Senate to the importance of making a review of this question. I shall not set a bad example. I simply say that the proposition I offer now is the proposition which has been adopted by the House after two or three weeks' deliberate consideration, after a very wise and careful consideration, and I intend to follow this proposition with other propositions, so as, in substance, to adopt the schedule of the House rather than the schedule of the Senate. Although some of the clauses of the House bill may be not free from objection—

I suppose iron ore was one of them and steel rails another—

and ought probably to be modified and changed, and may be modified and changed, either by the Senate or by a committee of conference—

He knew where the place was to accomplish his purposes—

yet I venture to say that the propositions made by the House in regard to metals are far wiser in every respect than the propositions made by the Senate. By the amendments I intend to offer—and I intend to be in order, too—I wish to present again to the Senate the opportunity of giving to this industry fair and reasonable protection.

I followed in my feeble way in a short speech in reply, which I will read:

Whatever else may be said about the Senator from Ohio and the measures he presents, the boldness of his statements and the courage with which he advocates them are certainly admirable; and the audacity with which he denounces the action of the Senate and the action of the committee of which he is a distinguished member, and in violation of all the rules of the Senate, as he well understands, lauds the action of the House of Representatives as wiser and better than the action of the Senate, and tells us defiantly that he will vote against this bill unless its provisions are at his dictation made to conform to the action of the House, certainly is worthy of admiration, at least for the boldness of the position he assumes. He tells us in substance that, unless this bill is amended to suit him now, or put in the shape he desires in conference (and he is of course to be a conferee and expects to manage it there), he will vote against it. He expects to dragoon his party by boldly asserting that he will not vote for the bill unless they obey him and undo all that has been twice done by this body.

I suppose he will succeed in securing all he demands. I like a bold man; I like a man who displays the audacity displayed by the Senator from Ohio, but I have never heard the lash of the party whip crack quite as loud as has been done by the Senator from Ohio to-night. It is the first time that I have heard in either House a bold avowal that the action of the House of Representatives, which the Senator has no right even to mention, is wiser and better than the action of this body. He demands that the Senate shall surrender its own judgment, reverse its own twice-recorded, deliberate action, and agree to the action of the House so that he can go into conference and settle it on their basis. That is the meaning of what he has told the Senate to-night in language not to be mistaken and in a way that is meant to drive his party into obedience to his demands, averring he would rebel against the action of the Senate and would have his way or else nothing should be done; if he is not obeyed the bill should be defeated. He read telegrams from interested men, assuring him that it ought to be defeated. Let him defeat it.

There will be a body of men here or at the other end of the Capitol after the 4th of March who will have a decent regard to interests outside of the great protected monopolies of this country. If he is determined to defeat this bill unless he is allowed to unite with Mr. KELLEY, whom he lauds on this floor as a wiser man than any in the United States Senate, in foisting upon the country just such a bill as they two, in secret conclave as conferees between the two Houses, may seek to fasten upon us, let him do so and take the responsibility.

Let him go before the country with that avowal and we will meet him there. I am glad he has taken that position. I knew he had been working up to it for a week; the air has been full of rumors that the House schedule had to be adopted by us and that the Senator from Ohio would force the Senate to reverse all its action or no bill should pass. I am glad he has taken it up now; I am glad he has avowed his purpose and I am glad he has done it with the courage he has and with the audacity that he has, for I believe in audacity. He is a stalwart on this question; there is no doubt about that.

Mr. President, I have gone over only a few of the most prominent wrongs in this report. I have no doubt there are others quite as bad as any I have been able to point out. As is well known, the Senator from Delaware [Mr. BAYARD] and myself withdrew from the conference under the order of the Senate that we should do so, when we believed from facts developed that the House conferees were not at liberty to act freely and without embarrassment. I think the Senate agreed with us after the House resolution was read denouncing the action of the Senate as unconstitutional and an invasion of their prerogative. Therefore I was not in this conference and had no means of knowing what they had done until the report was presented, less than half an hour ago.

True I had inquired about several items from a gentleman who was in the conference committee this afternoon, but knew nothing in detail until about twenty minutes before this debate began. I secured it while I was yet busy on the deficiency bill in the Committee on Appropriations. I was of course somewhat familiar with the subject, and knew what they would do if they dared. I made the calculations I have laid before the Senate as rapidly as I could under adverse circumstances, suffering, as I am, with a horrid cold, and therefore being, for the first time in twenty years, perhaps longer, in no condition to speak or work. So I was not in condition to learn all about this matter as well as I could if I were better; but I have presented enough, I think, in this disjointed way to show Senators that the whole scope of the action of the conference committee has been in the direction of unlimited protection, clearly in defiance of the will of the Senate; that it is an effort to prevent the House from having an opportunity of voting upon the amended bill that was sent to them by the Senate. They have never yet had an opportunity to say whether they would agree to it or not. They were deprived of that right by the power of the protectionists over their leaders for fear they would agree with us. And now hundreds of thousands of dollars, millions upon millions have been added to the taxation of the country; all has been given that the monopolists whom the Senator from Ohio represents desired; and when he has got now at his back all the sugar refiners, with the monopoly they have absolutely in their own hands beyond what they dared to ask, there will be such a lobby brought to bear upon the other end of the Capitol if we agree to this report that they will have to adopt it.

I will not detain the Senate longer except to say that there is very little in this tariff bill that approaches any true idea of revenue reform or any real relief to the people. Every maxim that was ever laid down by any of the great men who have studied economic questions looking to the welfare of the country and not to the enrichment by legislation of privileged classes, every principle laid down by impartial thinkers and philosophers has been ignored. I hold in my hand some of the principles laid down by Adam Smith, whose work is still looked to as high authority by men who love liberty and fair dealing. They are these:

I. The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue they enjoy under the protection of the state. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation.

II. The tax which each individual is bound to pay ought to be certain and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought to be clear and plain to the contributor and every other person.

III. Every tax should be levied at the time or in the manner which is most likely to be convenient to the contributor to pay it.

IV. Every tax ought to be so contrived as to take out and keep out of the pockets of the people as little as possible over and above what it brings into the treasury of the state.

V. The heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interests of the people.

The principles laid down there are true, yet they are all absolutely subverted by the provisions of this report. The whole struggle seems to have been how to take the most money out of the consumer on the things he needs the most, and put it into the pockets of men who have no right to take his earnings from him. Why should a man who works for his daily bread pay 50 per cent. more for the blanket that covers him or the coarse cloth that he wears than is paid under the specific rates of taxation by Mr. Vanderbilt and Mr. Astor, and the class of men who ought to contribute in proportion to their wealth? It is a cunningly-devised scheme how to reduce revenue by increasing burdens, how to give private men $10 for every dollar put into the Treasury, how to foster monopolies, how to disregard the rights of the mass of the people. The measure these gentlemen advocate so earnestly cares nothing for the people, and gives protection to everything but American labor. Proof was made here, and I have the papers before me to show it, that these monopolists send to Europe, they send to Canada, they send anywhere to import the cheapest labor they can, and drive out the American laborer and his family if they can get foreign labor for 5 cents a day cheaper than the American laborer can afford to work for. He competes with all the paupers of Europe. The capitalist with his machinery alone makes the consumers of this country pay 50 to 75 per cent. more than the goods they get are worth in the markets of the world, in order to enrich himself. Robert J. Walker made a great tariff once that worked well; he laid down these rules and adhered to them:

I. That no more money be collected than is necessary for the wants of the Government when economically administered.

II. That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

III. That below such a rate either a descending scale of discrimination may be made, or for imperative reasons the article may be placed in the free-list.

IV. That the maximum revenue duty be imposed on luxuries.

V. That specific duties be abolished and ad valorem duties substituted in their places where practicable, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty fairly and honestly upon the actual foreign market value.

VI. That the duty be so imposed as to operate as equally as possible throughout every part of the Union and not discriminate either for or against any class or section.

When the Democratic party met in convention in 1876 the plank in its platform that rang the loudest and struck the chords of this country in a way that vibrated from one end of the land to the other was in these words:

Reform is necessary in the sum and mode of Federal taxation to the end that capital may be set free from distrust and labor lightly burdened.

We denounce the present tariff, levied upon 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Every principle in these rules and declarations has been abandoned under a pretense of making this reform tariff. It is worse in many regards than even the bad system we are now living under. It is an increase, if this conference report is adopted, upon many of the manufactures of steel from 30 to 45 per cent., an increase upon the very raw material of which iron is made, the iron ore, of 50 per cent. above the present rate. Upon many of the schedules, upon many of the cotton goods of the country, it is a large increase, as I proved the other

day. On some things it is a reduction, some of the methods are improved. They were so bad they could not all be made worse. The Tariff Commission improved some of them; but they are infinitely worse by the conference report than they were when the bill left the Senate.

For these reasons it is, Mr. President, that I, if I vote alone, will vote against this conference report, and I will demand, if I can by so doing, that the bill as it passed the Senate after a full discussion shall be submitted to the House of Representatives, and that the iron-masters and that the cotton and woolen kings of the country shall not by their combinations deprive the people's representatives of the right to say whether they will concur with what the Senate did by trying to force upon them in the shape of a conference report a bill that is worse in every regard and more oppressive by millions of dollars than the propositions that went from this body to the House for concurrence.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, to report it back with sundry amendments. I give notice that I shall try to call it up in the morning directly after we meet.

The PRESIDENT *pro tempore*. The bill will be printed with the committee amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. BAYARD. Mr. President, I have but little to say at this late hour upon the adoption of this report of the committee of conference. As the Senate knows, it must be adopted as a whole; its features, good or bad, must be taken together. It is indeed a "most lame and impotent conclusion" of a winter spent in framing a tariff law, a petty outcome of the Tariff Commission, and an entire session of contemporary debate in both Houses of Congress.

When the bill was voted upon finally in the Senate an arrangement had been made, to which I was a willing party, to have no further debate in order to reach a vote, so that it was impossible to give the reasons for any vote cast on that occasion; and now I would merely say that I voted for the bill as it passed the Senate because I believed it justified in every respect, not only because the bill was in fact an improvement upon the present law, but it was a simplification and it did work a substantial reduction in duties, it did simplify the law; and further than that, I was satisfied the comparison was not to be made simply between the proposed law and the present tariff act, but *a fortiori* between the proposed law and such a scheme as I feared would result from a committee of conference. The Senator from Kentucky [Mr. BECK] prophesied most truly and accurately what would be the final action upon the subject, or rather the attempted action upon the subject of this measure, that after it was removed from open discussion in both Houses it would go to a conference committee from which it would emerge in a shape hardly recognizable by any who had taken part in its consideration; and that has been all borne out in the sequel.

Mr. President, there was an improvement under this bill in the free-list; and although the improvement was slight and in some respects doubtful, still it was an improvement, and as compared with the report now before the Senate it was Hyperion to a satyr. The rules of this body and general parliamentary law forbid me to refer to the action of the other House, but I have a right to refer to the action of the committee of conference from which this report came. I consider that there is no precedent for the action of that committee, and I trust it will not now receive the approval of the Senate.

When before, in the history of American legislation, was it known that a resolution to non-concur in Senate amendments to a House bill was made and a committee of conference asked for without having the bill itself before the House? And when ever before was a conference ordered which came into the committee-room with a halter around its neck and the end of the rope in the hands of the chairman of the House conferees? The conference on the part of the House was fettered from the beginning. It never was "full and free" in either the common or the common parliamentary sense.

The only option to the Senate in that conference committee was either to yield everything to the demands of certain potential protected classes of citizens, or failing the granting of these demands to allow the measure under consideration strangled by force of a House resolution adopted in advance for the purpose of fettering and controlling the action of the conference. The resolution of the 27th of February, 1883, compelled the House conferees to enter that chamber of conference with the edict of the House on their necks, declaring the action of the Senate in ingrafting a tariff amendment upon a bill to reduce internal-revenue taxation in conflict with the Constitution and void. The conferees on the part of the House claimed the right to pocket and suppress that resolution, or to waive it temporarily and to hold it *in terrorem* over the Senate conferees in case they should refuse to enact such a tariff measure as suited the House conferees and the parties at whose dictation they were acting. They were aware of the strong desire on the part of a large majority of this body to effect some tariff reform at this session. They were aware that this body desires to be responsive to the demand of the country for a cessation of agitation, for an end to uncertainty, for some repose, for some stability upon which business can be organized, energy can be expended, and enterprise be made safe for the owners of capital and the labor dependent thereon. They knew that, and they traded upon it by hampering their conferees with a resolution that should turn the action of the Senate into dust and ashes, provided it was not made to conform to the demands of those who had caused that resolution to be passed and who brought it, as I say, like a halter round the neck of the conference.

A conference upon the disagreeing votes of the two Houses! What disagreement has taken place? Wherein had the House disagreed with the Senate? Where was the vote upon which they disagreed? Where is the item upon which they disagreed? Has the House refused to concur in the Senate amendments? Certainly not. No vote has been taken, for none has been permitted. The fact stands before the country that a minority of the House by a subterfuge has prevented the majority of that body from having an opportunity to express their will upon this subject.

Mr. President, the House of Representatives has never voted upon any of the Senate amendments to this bill. The amended bill has never been before the House for agreement or disagreement. The measure that was used by the House conferees in the conference committee as a test of the judgment of the House of Representatives was a House bill that I hold in my hand, that never was acted upon in the House, but was simply the result of their action in Committee of the Whole. It was no conclusive expression of the will of that body, and yet that was adopted as the test of what the House would demand; that is to say in certain cases only, and under such irregularity did that conference proceed and upon it their report has been made. How can you describe such a conference as one upon the disagreeing votes of the two Houses, when one of the Houses had never voted upon any of these measures, and never upon the same bill or rather upon the amendments now objected to by the House conferees.

But, Mr. President, when before in the parliamentary history of the Senate and the House was it ever attempted, or rather where before was the attempt ever permitted to be successful of a committee of conference to amend a proposition upon which the two Houses were not in disagreement? Yet that was done in the present case almost upon the very forehead of this bill. The item of iron ore had been fixed by repeated votes of the Senate at the rate of 50 cents per ton. The House of Representatives, in the bill which I hold in my hand, acting in Committee of the Whole, had fixed the same rate of 50 cents, and yet when the House conferees, professing to represent the will of the House, and the Senate bill equally representing the will of the Senate, came into conference it was discarded; and what had the exact concurrence of the two Houses was amended by the committee of conference by advancing the duty from 50 to 75 cents per ton. At whose instance was this change made? What disagreeing vote was made the basis of such departure from the recorded sentiment of both Houses?

Now, wholly irrespective of the merits of that amendment, it is utterly unwarranted by parliamentary law and usage and never should be accepted by the Senate. *Ex uno disce omnes.* There would be no strengthening of this argument by repeating and multiplying similar illustrations, of which this bill is full.

But, sir, look at what is termed the similitude clause of this bill, which provides that—

> If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

Is there any precedent for this in any tariff law of the United States? It is a new departure. It not only is unprecedented, but dangerous, accompanying this tariff law like an evil principle throughout with all its multifarious schedules and items from first to last, but it is fraught with danger and renders it impossible for any man to say, with all the variety and all the novelty of invention of which this age is full, you can not tell, no man can tell what rate of duty shall be assigned to an article, except that, if there are two rates of duties, under either of which it may possibly be assigned, shall always be placed under the highest, no matter what would be the rational construction of the statute.

Mr. President, what becomes of the whole current and the meaning and principle of the decisions of the judicial branch of this subject? In 1881, at the October term, in the case of Vietor *vs.* Arthur, now the President, and then collector of the port of New York, the Supreme Court declared:

> It is also well settled that when Congress has designated an article by its specific name and imposed a duty on it by such name, general terms in a later act,

or other parts of the same act, although sufficiently broad to comprehend such article, are not applicable to it.

But under this new law wherever you can discover a higher duty that by any construction can be declared upon an article, that higher duty shall always be applied according to this new conference law. There are abundant illustrations of this. Turn to page 24 and observe the enormous advance upon earthen-ware, stone and crockery ware; an article not of luxury, an article of necessity in use by the mass of the people, and the poorest of the people, and essential for their comfort and decent living, has been advanced under this report from 50 to 60 per cent. ad valorem, and here you find on the same page two sections of the law imposing two distinct rates of duty upon the same article, and under the rule laid down by the Supreme Court a construction could have been applied that would have given the lower duty to this because it had been specifically described, and not put under the general enumeration; but under this proposed conference law the highest tax must be fixed in every case, and this, I say, is wholly without precedent in any tariff law ever passed by an American Congress.

I call the attention of Senators to this provision, on page 43 of the bill:

Manufactures, articles, or wares not specially enumerated or provided for in this act, composed wholly or in part of iron, steel, copper, lead, nickel, pewter, tin, zinc, gold, silver, platinum, or any other metal, and whether partly or wholly manufactured, 45 per cent. ad valorem.

The Senate fixed the rate at 35 per cent. ad valorem, and it has been advanced to 45 per cent. ad valorem, a difference of nearly 33 per cent., by the committee of conference in disregard of a vote repeated by the Senate after full debate.

Now, cast your eye over the two or three preceding pages and you will see articles composed in part of one metal and in part of another, articles composed partly of wood and partly of metal, all of which, if non-enumerated, would come under that clause; and now what will be the result? An article which might have been taxed 10 or 20 or 25 per cent. must, under this new-fangled and mandatory phrase, have the very highest tax anywhere discoverable in the law imposed upon it.

Mr. President, there was nothing else in this report than this general rule of taxation, which is to run throughout the entire law, which was the invention of the Tariff Commission, which will be found recommended in their report, which was considered by the Committee on Finance and disagreed to by that committee. They refused to place that in the bill reported to the Senate.

The House conferees chose to adopt it, and they have, as usual throughout this bill, forced their demand down the throat of the Senate conferees under compulsion of their House resolution threatening to declare all Senate amendments void and unconstitutional if they were not molded to suit the taste of the House conferees or the interests represented by them.

Now, sir, if there was no other feature in this report than that, I would not vote for it. I say it is sweeping, far-reaching, the effect not calculable, but the result of which, as a general fact, will be enormously to increase duties, because wherever there is a doubt, or wherever there is a construction that would have assigned a lower duty to an article, it is provided by this clause that the very highest duty must be imposed. I say it has wiped out and destroyed the whole force and current of judicial decision upon which the business of the country has rested and which the Supreme Court of the United States has declared to be the settled law of the land.

But beyond that what has been done? Salt, a necessary of life, has been increased 30 per cent.; iron ore has been increased 50 per cent.; steel rails have been increased 15 per cent.; steel in other forms, 10 to 12 per cent.; earthen-ware 20 per cent.; jute butts somewhere from 50 to 75 per cent.—I believe I am right in that statement; certainly jute butts were on the free-list, and $5 per ton has been affixed. It subjects them to a very high ad valorem duty, although I do not know that I can state it accurately. Books in a foreign language, none of which worthy of mention are published in this country, which are needed by the scholars and instructors of the country; which are not an article of manufacture in this country, which were placed by the Senate on the free-list, have been stricken out by this conference and subjected to a duty of 25 per cent. ad valorem. Books in the English language have been advanced from 15 to 25 per cent.

But, sir, I did not intend at this time to run through these schedules and show how in almost every case advance has been made and how serious the advance is, but the clause to which I have referred, which adopts a rule of construction that shall place the very highest possible tax upon every important article, is one utterly unprecedented in tariff legislation, and is fraught with results to which I will never give my consent. It is absurd to speak of reduction in the face of such a sweeping provision of advance.

What was the use of providing that the natural mineral waters of Europe, so conducive to the health of our people, waters which can not be found in the United States, should be admitted free, when you tax at an enormous ad valorem duty the bottles or the jugs which contain them? It was the distinct vote of the Senate that the incident of the grant should follow the principal, and that when you granted the right to import and use these waters free of duty you included necessarily all the incidents which accompany the grant, and that the means of their transportation, the bottles and jugs that contain them, should also come in free of duty; but that has been prevented, so that in affixing a heavy duty to the bottle or the jug you have virtually denied the freedom of the importation of these healthful waters.

Mr. President, I can not comment on all the features of this bill. I have referred to many. At page 38 there is an increase of 30 per cent. upon steel. At line 784, on "steel not specially enumerated or provided for in this act" the Senate fixed the duty of 30 per cent. and it is increased to 45 per cent., an increase of 50 per cent. in the taxation, which is accepted by the Senate conferees, and not mentioned when their action was recited here to the Senate by the chairman.

Mr. President, I will not profess that I am greatly surprised or disappointed in the result of the attempt this winter and at this session to procure a reform and a reduction of tariff taxation. I have not underrated nor do I now underrate the power of the organized manufacturers of this country, entrenched behind the forms of law, to defy the attempts to reform that law. I have regarded the formation of the Tariff Commission, for which I voted, I have regarded the attempt to frame this law for which I voted, as mere preliminary skirmishes in the struggle that is to come hereafter and of the ultimate result of which I have not a shadow of doubt. These favored interests are strong. They have grown strong and rich by the inequity and inequality of legislation. They have by means of privileges withheld from other classes of citizens become intrenched in wealth and power and in strength; but there is one thing stronger even than they, and that is the force of an intelligent and aroused public opinion. That is stronger and in the end will prevail. The day is sure to dawn, although this Congress has postponed it; their triumph is to-day, but the triumph of popular right and interest is as sure to come as the sun itself is to rise.

I regret the agitation that accompanies this change. I would wish it to end as speedily as possible. I hold that stability is essential for honest dealing and prosperity; and for that reason I regret all this delay and agitation and uncertainty upon this vast and important subject. I have done the best I could to lessen it; I have done the best I could to promote in this Chamber and out of this Chamber, privately and publicly, the passage of a law of moderate, conservative, just tariff reform, a reduction of the rates and the simplification of the methods both in collection and calculation; and, sir, I have been defeated and disappointed. The people of this country can not be always misled by a press that studiously suppresses or misrepresents; they can not be prevented from ultimately coming at the truth. It will break through the meshes of any net that may be spread to restrain it and that final perception of the truth is what we must await—I do so confidently. I believe that a reform to be safe must be gradual. I can not say that I regret the delay that has taken place. It has turned the mind of the American people to the consideration of the subject. They are comprehending gradually but justly and fairly the rights and principles involved in this question, and I believe them capable of a proper adjustment of the laws of this country, which shall produce equality of rights under the form of taxation.

It is, I say, much to be regretted that this attempt to pass a moderate measure of relief to the country, a reformation of taxation, such as I held the Senate bill to be, has been defeated. I do not stand here taking petty party advantage from it. I am perfectly aware that in the ranks of both parties there are decided differences of opinion upon the subject. I know men of the Republican party who share the views I hold, and I know gentlemen in the Democratic party who differ from me *toto cœlo* upon the subject of tariff taxation.

There must come an adjustment of this subject, and I am willing to approach it by well-advised, steady, and conservative action. That has been thwarted by the character of the Tariff Commission and the action of the present Congress. The people of this country must know that the powers of legislation have been seized and controlled in favor of private and against public interests, and this report and the result reached so far is the proof of what I now say. The amazing spectacle is now before the American people of the bold, strong hand of private and privileged interests seizing in its grasp the legislative powers of the nation and bending them to their will—the sovereign power of taxation made a mere tributary to private and class interests. I believe this bill and the very questionable methods taken to secure its passage will prove a valuable lesson to the American people, and prove a costly and short-lived triumph to its promoters. Sir, I shall vote against this report, and hope the Senate will not adopt it. I have a well-founded belief that when it is unfettered from the present abnormal rule the House of Representatives will be glad to accept the amendments of the Senate to the bill originally sent to us.

One good result of the defeat of this report of the committee of conference and the refusal to adopt it will be that, for the first time, a majority of the House of Representatives will have an opportunity to record its vote, yea or nay, upon this subject.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

SOLDIERS' HOME.

Mr. LOGAN. I ask leave to make a report at this time from the conference committee on the bill prescribing regulations for the Soldiers' Home located near Washington city.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Senate is already considering one conference report; and it requires unanimous consent.

Mr. LOGAN. I hope there will be no objection. It will take but a moment. It has been agreed to in the House.

The PRESIDING OFFICER. The Chair hears no objection, and the report will be read.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1821) entitled "An act prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10.

That the Senate recede from its disagreement to amendment numbered 9.

That the Senate recede from its disagreement to amendment numbered 8, with an amendment as follows:

"SEC. 7. That the governor and all other officers of the home shall be selected by the President of the United States, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty."

That the Senate recede from its disagreement to House amendment numbered 11, with an amendment as follows:

"SEC. 10. That the board of commissioners of the Soldiers' Home shall hereafter consist of the General-in-Chief commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the governor of the home; and the General-in-Chief shall be president of the board, and any four of them shall constitute a quorum for the transaction of business."

That the House recede from its amendment numbered 12, with an amendment as follows:

"SEC. 12. That the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be expended by the Secretary of the Treasury in the employment of additional clerical force to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home."

That the House agree to section 2 with an amendment:

"SEC. 2. That the Inspector-General of the Army shall in person once in each year further inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make."

And agree to the same.

JOHN A. LOGAN,
W. J. SEWELL,
WADE HAMPTON,
Managers on the part of the Senate.
THOMAS J. HENDERSON,
ANSON G. McCOOK,
EDWARD S. BRAGG,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on the adoption of the report.

The report was agreed to.

INTERNAL-REVENUE AND TARIFF DUTIES.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 5538) to reduce internal-revenue taxation.

Mr. VANCE. Mr. President, it is not with the hope of influencing the vote of any Senator on the passage of this conference report that I rise to say a word. I simply desire to assist my brother Senators on this floor in emphasizing the real measure which is now before the country. I desire to express my sympathy with the brethren on the other side of the Chamber in the trying circumstances in which they find themselves and in the difficult rôle which they have undertaken to perform. They have really a trying time of it. They have two masters to serve; and we are told in the sacred writings how difficult that is to do successfully. On one side they have the great capitalists of this country to placate, the chartered monopolies that furnish the sinews of war for campaigns, and to maintain the supremacy of their party. They have them to please. On the other hand they have undertaken to meet a great popular demand of the millions of people who inhabit this country and who are taxed for the benefit of these monopolists. How they are going to act so as to please both passes my comprehension. I do not believe that they can do it. But they set out in the only practicable way, and that is, to avoid the publicity which attends legislation in its ordinary course in this country and to resort to a secret conclave, a Venetian Council of Ten, a kind of political star-chamber, called a conference committee, whose proceedings are hidden, and where the light of publicity could not be poured in upon them.

It was evident to all of those who were versed in our proceedings and have served long in this Chamber that the attainment of a conference committee was the object from the very beginning. The manner in which these bills were started simultaneously in the two Houses, the manner in which the one House stopped its bill and the other House kept on, the manner in which the rules of one House were changed so as to enable this conference to be attained and the conference secured in the manner in which it was—all these things indicated very plainly that there was to be an attempt to meet these trying circumstances in a manner that the public would not have its usual insight into.

I want the country, so far as I can make it known, to understand how this thing has been done. I want the hundreds of thousands and millions of taxed people in this country, who have been trying to bring about a reduction of taxes, to know how this legislation has been conducted. I want them to know that which I know, and which you, Mr. President, know, and which all the Senators in this Chamber know, that at no time in this discussion has there been anything said or anything done looking to the interests of the revenues of this Government. Nor has there been at any time anything done or said, by the dominant party, I mean, of course, looking to the interests of the consumers, looking to the interests of the people who have the taxes to pay, looking to the interests of the poor and of the laboring men. I want that understood. There has been no attempt to reduce taxation, though there has been some attempt to reduce revenue by putting the duties so high that it will yield none. I want the country to know that in the course of our proceedings here for now nearly two months there has been nobody consulted but the capitalists of this country. There has been nothing consulted but the greed and the rapacity of these cormorants, who have fastened themselves upon the American people.

When this bill did get into the committee of conference, I did not have the honor of being a member of that committee and therefore I can not speak of it from personal knowledge, but I understand that the protected capital of this country thronged this city, and the hotels and the corridors and lobbies of the Capitol and besieged the doors of that committee-room, more resembling the scene of an assemblage of tramps and dead-beats around a free-lunch room than anything else that it could be compared to, while dispatches by the hundred came from over the country advising Senators and Representatives—not what would be for the public good, but what they would be satisfied with. I, myself, can bear witness that one clause inserted by the conference committee in the bill is in the precise language of a circular addressed to me—I reckon it came by mistake—by one of the manufacturers in this country. They took precisely his words and gave him just what he asked. They have vastly increased the items in the bill as adjudicated by the solemn sense of the United States Senate. They have, as shown by the Senator from Kentucky, increased those things wherein both Houses of Congress had agreed. They have increased things that nobody on the floor of the Senate had asked to be increased.

What they have done in the way of reducing the duties the Senator from Kentucky showed you, and it would only weary the Senate and weary me to go over the list. He did not nearly exhaust it. I might add a great many items of increase that he omitted, but he showed you wherein the conference committee had increased the burdens of the people and increased the taxation instead of diminishing it. What did they give us for all this increase? They increased the duty, for instance, on salt about 20 per cent. over what the Senate decided it should stand at. They increased it about 20 per cent. over what the Tariff Commission said they would be satisfied with. They restored the present duty in this bill, to wit, 8 cents for salt in bulk and 12 cents for salt in sacks, making the duty on salt as it now stands, ranging from 68 to 80 per cent. On cotton bagging they have increased the duty over and above what the Senate decided it should be about 150 per cent. They have taken jute butts, which was placed on the free-list in order to give the manufacturers of cotton bagging cheap raw material, and they have restored the duty of $5 a ton upon that. The Senate has made the duty on cotton bagging manufactured from the jute butts 20 per cent., and they have raised it now to about 50 per cent., which is 150 per cent. over what the Senate decided on, and is about three times what it should be if the due proportion between the raw material and the manufactured article was maintained. They have raised it on earthen-ware, the common earthen-ware of the poor people of the country, so that the very commonest article will be taxed, if it has a little paint on it, or any kind of ornamentation or Sunday doings, from 20 to 30 per cent. higher than the fine white unpainted china that sits upon the rich man's table. That is what this tariff conference committee has done.

They have raised the duties on women's and children's woolen goods, and they have inserted a new paragraph in the tariff schedule for the express purpose of taking a certain class of goods out of the residuary clause where it came in much cheaper, and they have imposed that duty for the benefit of woolen manufacturers upon all the women and children in this country. They have absolutely gone to the free-list and robbed it of an article used only by the cooks and old women of the

country for raising bread when the flour will not raise of itself, and they have taken the yeast-cakes off the free-list and put them on the dutiable list for the benefit of some struggling industry, not for some starving infant that would like to eat the cakes, but they have raised the duty on yeast for some starving, struggling infant industry. They have raised the duty on iron and steel, and they have raised it upon all goods manufactured of them. They have raised it upon knowledge; they have raised it upon the books and the literature of this country from 15 per cent. to 25 per cent.; 40 per cent. have they added to the price of knowledge in this country for our children.

What have they placed upon the free-list to compensate for all this? Mr. President, listen while I recount, while I tell the wondrous story of how the tariff conference committee in secret conclave have relieved the burdens of taxation upon the American people. They have absolutely put "hop-poles" upon the free-list; 150 per cent. increase on the bagging with which the farmer ties his cotton for market, and 40 per cent. increase upon the earthen-ware dish out of which he eats his dinner, 25 per cent. increase on the salt with which he seasons his food, or keeps his stock alive or salts his meat; and an increase in proportion upon woolen goods that clothes his wife and his child; upon the iron goods with which he pulls the plow and on the plow itself which makes his crop; in return for all that he shall absolutely have the privilege of buying his hop-poles free for the vines to climb on. That is everthing they have done upon the free-list.

Mr. President, what kind of a way is this to meet a grave issue? When the people of a great nation, 50,000,000 in number, say that the Treasury is overflowing with money that there is no need for, and that only breeds jobbery and corruption, and they want to preserve the purity of the country and to lower their taxes at the same time; and when the thunders of 1882 reverberated from Maine to the golden sands of the Pacific in tones that no wise politician would mistake, indicating that the people had determined to have this, and the Congress of the United States meets here and in pretended obedience to that demand undertakes to reform this great schedule of taxes, I say what sort of a poor, pitiable, and contemptible showing is this? And does any man suppose that the people of these United States are going to be deceived by it? Is there anybody in this country who can be deluded into the belief that the Republicans who have control of this Congress would have given us a better bill but for the obstruction thrown in their path by the minority? No, Mr. President, you may have all the conference committees in the world, and you may double-lock the doors, and you may prevent even a bird of the air from carrying the matter; you may cloud the question by all the protection newspapers that you can buy, and all the orators that you can hire, and you may obfusticate by all the means known to the demagogues, you can not fool the people of the United States. They will say to the party in power, "You had the power here; you had an opportunity and a fair chance; you knew our will; you knew our demands; you saw the lightning; you heard the thunders; you knew our will, and you obeyed it not;" and the balance of the instruction will follow.

I suppose perhaps there will be a pretense that there was some Democratic obstruction in that conference committee, when there were just barely enough Democrats there to see proceedings, as they say in court. You have had it all your own way, and as I say, the people will say to you, "You knew my will and you did it not, and he who knoweth my will and doeth it not shall be beaten with many stripes," and if I dared to pharaphrase it I would say "Shall be beaten by many votes and by a large majority."

You had a chance to reduce this great schedule of tax; you had the chance to do it without disturbing business; you had the chance to do it without destroying manufactures. The manufacturers had their own way in the Tariff Commission. The whole thing was gotten up for them, and they controlled it; their own men were upon it, and they tramped up and down the United States for many, many months and drunk many, many bottles of excellent champagne to inspire them for their work. They reported, and it may be considered the report of the manufacturers themselves, and yet they were not satisfied with their own report.

You can not fool the people and satisfy the manufacturers. You can not reduce tariff duties and keep them up at the same time. It is an impossibility. You will have to make your choice. You will have to say "we are in favor of the capitalist and opposed to the people," or you will have to abandon the capitalist and do something to reduce taxes upon the people. Whenever you do that, whenever you make that choice and make it openly, then the great work of this generation will be more than half completed.

Mr. President, this is all I have to say. I wished in this way merely to assist in emphasizing, as I said at the beginning of my remarks, the opposition that I have to this whole matter, and to aid in showing the people the true state of things in regard to this tariff legislation. I voted against the bill as it went from the Senate. Of course I can not vote for the report of the conference committee, which is so much worse than the bill as we sent it to them.

Mr. MORRILL. I merely want to say that the understanding of the Senator from Delaware [Mr. BAYARD] in relation to two or more rates of duty applicable to any imported article that the duty shall be classified under the highest of such rates is merely to prevent a mistake that may be made where an article may appear as equally included under one schedule as another. Had we not ascertained at the last moment that there was a mistake in the bill, it would have occurred in the report; an article like borax was included in the free-list and also in the taxable list. Under the rule adopted it will be taxable and not free.

I will add, as the Senator from North Carolina [Mr. VANCE] stated that we had raised the duty on cotton-bagging from what it was in the bill as it left the Senate, that we did not even touch it. We have not changed it in the least.

The PRESIDENT *pro tempore*. The roll will be called on concurring in the report of the conference committee.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I have been paired with the Senator from Pennsylvania [Mr. CAMERON], but having transferred that pair to my colleague [Mr. HAMPTON], I vote "nay."

Mr. SLATER (when Mr. FERRY's name was called). The Senator from Michigan [Mr. FERRY] is paired with my colleague [Mr. GROVER]. The pair between the Senator from Michigan [Mr. FERRY] and the Senator from Nevada [Mr. FAIR] has been transferred.

Mr. BECK (when Mr. HALE'S name was called). I voted "nay." I am paired upon this question and all others with the Senator from Maine [Mr. HALE], who is necessarily absent. I withdraw my vote. He would have voted "yea," I understand from his colleague.

Mr. WILLIAMS (when his name was called). I am generally paired with the Senator from Nebraska [Mr. SAUNDERS], but his colleague [Mr. VAN WYCK] tells me, and I know the fact, that he thinks if the Senator from Nebraska [Mr. SAUNDERS] were here, he would vote "nay." As I should vote nay——

Mr. ROLLINS. The Senator from Nebraska [Mr. SAUNDERS] notified me of his position on the tariff question, and he would vote "yea," if present.

Mr. WILLIAMS. I understand one thing. I do not go to the Senator from New Hampshire for instruction as to how I shall be governed in my pairs, but I go to the colleague of the Senator with whom I am paired.

Mr. ROLLINS. I have the authority from the Senator from Nebraska [Mr. SAUNDERS].

Mr. WILLIAMS. Show it to me and I will not vote.

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

Mr. ROLLINS. I think I have a telegram here from the Senator from Nebraska [Mr. SAUNDERS].

Mr. WILLIAMS. You are too officious in regard to pairs here.

The PRESIDENT *pro tempore*. The Senator has a right to vote if he wishes, but debate is not in order.

Mr. WILLIAMS. I vote "nay."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I have been paired with the Senator from South Carolina [Mr. HAMPTON], but as I am told by his colleague [Mr. BUTLER] that if present he would vote probably the same way with myself, I vote "nay."

Mr. BUTLER. I am satisfied that my colleague would vote that way.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky wish to have his vote recorded?

Mr. WILLIAMS. I have already voted "nay," and I do not go to the Senator from New Hampshire in reference to my pair.

Mr. EDMUNDS. Debate is not in order.

The PRESIDENT *pro tempore*. Debate is not in order. The Senator from New Hampshire has been out of order and so has the Senator from Kentucky. The Senator has the right to vote as he pleases.

Mr. WILLIAMS. I have voted.

Mr. VAN WYCK. I desire, in order to relieve the Senator from New Hampshire——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I desire to say that my colleague [Mr. SAUNDERS] is paired with the Senator from South Carolina [Mr. HAMPTON]. That enables the Senator from Kentucky to vote.

Mr. FRYE. The Senator from Pennsylvania [Mr. CAMERON] announces that he is paired with the Senator from South Carolina.

Mr. BUTLER. The Senator from Pennsylvania voted.

Mr. FRYE. He said he did that on the ground that the Senator from South Carolina, if present, would vote the same way.

Mr. DAVIS, of West Virginia. My colleague [Mr. CAMDEN] is paired with the Senator from Colorado [Mr. TABOR].

Mr. CONGER. I desire to announce that my colleague [Mr. FERRY] is paired, as I understand, with the Senator from Nevada [Mr. FAIR].

The PRESIDENT *pro tempore*. That pair was changed to the Senator from Oregon [Mr. GROVER].

Mr. CONGER. I was not aware of that change.

Mr. MITCHELL. I am paired with the Senator from Virginia [Mr. JOHNSTON].

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Aldrich,	Edmunds,	Kellogg,	Morrill,
Allison,	Frye,	Lapham,	Platt,
Anthony,	Harrison,	Logan,	Plumb,
Blair,	Hawley,	McDill,	Rollins,
Cameron of Wis.,	Hill,	McMillan,	Sawyer,
Conger,	Hoar,	McPherson,	Sewell,
Davis of Ill.,	Ingalls,	Mahone,	Sherman,
Dawes,	Jones of Nevada,	Miller of N. Y.,	Windom.

NAYS—31.

Barrow,	Fair,	Jones of Florida,	Slater,
Bayard,	Garland,	Lamar,	Vance,
Brown,	George,	Maxey,	Van Wyck,
Butler,	Gorman,	Morgan,	Vest,
Call,	Groome,	Pendleton,	Voorhees,
Cameron of Pa.,	Harris,	Pugh,	Walker,
Cockrell,	Jackson,	Ransom,	Williams.
Coke,	Jonas,	Saulsbury,	

ABSENT—13.

Beck,	Ferry,	Johnston,	Tabor.
Camden,	Grover,	Miller of Cal.,	
Davis of W. Va.,	Hale,	Mitchell,	
Farley,	Hampton,	Saunders,	

So the report was concurred in.

Mr. ROLLINS. I desire to put myself right upon the record. During the roll-call my authority to pair the Senator from Nebraska [Mr. SAUNDERS] was called in question by the Senator from Kentucky [Mr. WILLIAMS]. I had informed him and the Senate that I had authority in a telegram to act as umpire in such a case. This was denied and I was taken severely to task for presuming to say what I had said on the floor of the Senate. I do not purpose under any circumstances to usurp any authority in this matter, but in order that there might be no mistake about it I some time since telegraphed to the Senator from Nebraska and I have his reply which I will read. I asked him the simple and square question as to whether I had authority to act in such a case. This is his reply:

TREASURY DEPARTMENT,
Washington, D. C., February 14, 1883.

To Hon. E. H. ROLLINS:

Yes; except in the case of free lumber. I had instructed Senator VAN WYCK to attend to that.

A. SAUNDERS.

He instructed his colleague to attend to his pairs as far as free lumber was concerned, but in all other matters he authorized me to act for him.

Mr. WILLIAMS. In explanation of my own conduct in the matter I have to say——

Mr. ROLLINS. Allow me to get through. I trust the Senator from Kentucky will see from this that I have not been officious about the matter.

Mr. EDMUNDS. Mr. President——

Mr. WILLIAMS. I rise to a personal question.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. WILLIAMS. Allow me a moment in response to the Senator from New Hampshire. I have the floor.

Mr. EDMUNDS. I withdraw the motion for a moment.

Mr. WILLIAMS. In response to the Senator from New Hampshire I have to say that that telegram he reads now to make an impression upon the Senate is dated over two weeks ago. The Senator from Nebraska [Mr. SAUNDERS] and I have a general pair, and he and I have voted together in the reduction of the tariff from the beginning, and an examination of the records will show that I have never when I was in the Senate failed to vote. The Senator from Nebraska was here this morning himself, and told me it was perfectly indifferent to him, and I went to his own colleague and transferred my pair on this matter; and I call it officious in the Senator from New Hampshire upon an old telegram dated the 14th of last month to undertake to control my pair on this vote. The telegram is dated before the bill was passed by the Senate; it is dated nearly three weeks ago.

Mr. ROLLINS. That was the——

Mr. WILLIAMS. The Senator now excuses himself for an interference with me in the arrangement I had made with the colleague of the Senator from Nebraska himself. I thought it was officious upon his part, and therefore I resented it, and I do so now.

Mr. ROLLINS. Allow me one word. This simply had reference to the tariff bill which is now under consideration, and it never has been revoked at all.

HOUSE BILLS.

Mr. EDMUNDS. Mr. President, the unfinished business, the bill of my friend from Alabama [Mr. MORGAN], being before the Senate, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Before putting the motion it is desired to have some bills from the House of Representatives printed.

Mr. EDMUNDS. They may be read the first time, but the first time only.

The bill (H. R. 5543) to confirm certain entries of the public lands was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of the bill.

The joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made, was read the first time by its title.

The bill (H. R. 7611) to adjust the salaries of postmasters was read the first time by its title.

Mr. EDMUNDS. I renew the motion that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 34 minutes a. m., Saturday, March 3) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 2, 1883.

The House met at 11 o'clock a. m. Prayer by the Rev. H. D. CLARK, of Baltimore.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7595) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; in which amendments the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. WILLITS. I move to suspend the rules and take from the Committee of the Whole——

The SPEAKER. That motion would not be in order prior to the execution of the Pound rule. The Chair recognized the gentleman, understanding that he desired to ask unanimous consent.

Mr. WILLITS. I will make the motion then at a later hour in the day.

Mr. CALKINS. I demand the regular order.

CORRECTION.

Mr. NEAL. I wish to state that I was paired with the gentleman from Missouri [Mr. BLAND] on the river and harbor bill on yesterday as shown by the RECORD. Had it not been so I should have voted, as I have always done, against the bill.

Mr. COX, of New York. I wish to say the same thing. I should have voted against the bill had I been present.

ORDER OF BUSINESS.

Mr. CALKINS. Let us have the regular order.

The SPEAKER. The regular order is the proceeding under the Pound rule.

At the time that the hour expired when this rule was last under consideration by the House there was a bill which had been called up by the gentleman from Wisconsin [Mr. POUND] on behalf of the Committee on the Public Lands.

Mr. CALKINS. I desire to give notice that immediately after the expiration of this hour under the Pound rule I shall call up the contested-election cases. I give this notice so that members may be aware of the fact.

CONFIRMATION OF PUBLIC LAND ENTRIES.

The SPEAKER. The bill which had been called up by the Committee on the Public Lands under the Pound rule was the bill (H. R. 5543) to confirm certain entries on the public lands. This bill had been read and was printed in the RECORD.

Mr. ANDERSON. Can it be read again?

The SPEAKER. Only by unanimous consent. This hour can not be taken up in that manner.

Mr. ANDERSON. I would like to know what the bill is.

Mr. POUND. Let the title of the bill be read.

The SPEAKER. The title of the bill has been announced. It has been read and is printed in the RECORD of the proceedings of the 26th of February.

Is there objection to the present consideration of this bill?

There was no objection.

Mr. LACEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. I wish to know in what manner this proceeding will affect the standing of the postmaster's salary bill, which comes over as the unfinished business?

The SPEAKER. It has nothing to do with it.

Mr. HOLMAN. What is the bill to which the gentleman from Wisconsin refers?

The SPEAKER. The gentleman from Wisconsin is entitled to the floor and will explain the bill.

Mr. POUND. It will be remembered, Mr. Speaker, that the bill under consideration (H. R. 5543), a bill to confirm certain entries on the public lands, was called up by the Committee on the Public Lands on the 26th instant, was read, and, with the report, was also printed in the RECORD. At that time, and before the consideration of the bill had begun or before objection had been asked to its consideration, the hour

had expired and it comes up now in this hour as the unfinished business. I desire to say that it is unanimously reported by the Committee on the Public Lands of this House, and that a similar bill has been reported by the committee of the Senate with this exception, that the proviso is omitted in the Senate bill, and I wish to amend this bill as I have already given notice, by striking out the latter proviso. This bill simply confirms the title to certain lands wholly within my Congressional district. The money has been paid and the entries made in strict accordance with the law. I repeat that these lands were duly entered and paid for under instructions of the General Land Office. They are embraced in lands which were reduced from $2.50 to $1.25 an acre under the law of 1880, and they proceeded under instruction of the General Land Office to make these entries for nearly a year, when it was discovered that under some ruling of the Supreme Court they should have been reoffered. The entries are in due form; there are no contestants; there are no adverse claims, and certainly there can be no objection to the confirmation of these titles.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last proviso of the bill. The Clerk will read the proviso proposed to be stricken out.

Mr. HOLMAN. I rise to a question of order. We do not even know the title of the bill.

The SPEAKER. The bill was read in full, and was printed in the RECORD.

The Clerk read the proviso proposed to be stricken out, as follows:

And provided further, That where lands have been entered since the approval of said act, and a greater price paid therefor than said reduced price, such excess shall be refunded to the purchaser or his legal representatives in the same manner as repayments of excess purchase-money are made in other cases under existing law.

Mr. POUND. I would like to say to the gentleman from Indiana [Mr. HOLMAN] the Committee on Public Lands thought it well to make this reimbursement. But this amendment was made so as to make the bill conform to the bill of the Senate which does not provide for the reimbursement.

Mr. HOLMAN. I do not think bills of this character should be passed in this way. The exact effect of this measure is not understood. I suppose the original act reducing the price of land from $2.50 to $1.25 per acre passed on the theory that those railroads would not be built; that the grants had virtually lapsed, and that those lands were a portion of the public domain. I suppose that was the theory on which the original act passed. Now, instead of that being the case these very grants are now held to be operative.

Mr. POUND. Will the gentleman permit me to say these are not included in the railroad lands, but are alternate sections which had been offered for sale, were in the market, and which had been subject to private entry for twenty years. They were reduced in price because the sales after years of selections had been stopped entirely. The reduction of price stimulated purchasers of lands and home-seekers, and these lands were actually bought and paid for by innocent purchasers.

Mr. HOLMAN. This only operates on lands which had been in the market prior to 1861. Now, grants were made to certain railroad corporations away back in 1856, five years before the period named in this bill. If I understand the matter correctly the theory of it is this: By the operation of the land-grant system alternate sections were put on the market at $2.50 per acre, and afterward when this law passed, which is referred to here, it was passed on the theory that those lands were forfeited.

Mr. POUND. I beg leave to correct the gentleman. It was not passed on any such theory.

Mr. HOLMAN. Why should the price of such lands have been fixed at $2.50 an acre?

Mr. POUND. Because they were alternate sections within a railroad land grant and had been culled until no further sales at $2.50 per acre could be made.

Mr. HOLMAN. That is what I say.

Mr. POUND. But they did not belong and never have belonged to a railroad company.

Mr. HOLMAN. Not at all. But that law which reduced the price to $1.25 an acre passed on the theory that the grant was a forfeited grant; that the railroad was not to be built.

Mr. POUND. I again correct the gentleman. The road had been built within this grant. The lands had been opened to private entry until the remainder of the lands could not be sold at $2.50 per acre. Under this reduction, these lands which had been neglected were sold and these entries were made under the instructions of the General Land Office. The Commissioner of the General Land Office recommends the passage of the bill; the Secretary of the Interior recommends it; the Senate recommends it.

Mr. HOLMAN. I know everybody recommends any measure which will give the public lands to speculators. That is the universal policy.

Mr. POUND. Let me say this is not in the interest of speculators, but innocent purchasers and *bona fide* settlers. It is but just, and should pass.

Mr. HOLMAN. Will the gentleman from Wisconsin say this measure did not apply to all the lands prior to 1861—all of them? Take, for instance, such a grant as that to the Saint Croix and Bayfield Railroad; that magnificent grant which is to inure now to the benefit of a corporation recently organized; a grant made away back in 1856. When Congress refused to revive that grant in 1872, the lands were shown to be worth $20 an acre. They had been withheld from settlement under the policy of the Government with regard to these land grants.

Mr. BUCK. As I understand the matter it is this: The lands were granted in alternate sections, and because they were granted in alternate sections to the railroads the Government raised the price to $2.50 per acre on all the lands.

The SPEAKER. The time under the rule for debate on the bill has expired.

Mr. CONVERSE. If I can be allowed two or three minutes I can explain this.

The SPEAKER. But the debate is closed.

Mr. CONVERSE. I will ask unanimous consent.

The SPEAKER. Is there objection to allowing the gentleman from Ohio to make a statement?

Mr. HARRIS, of Massachusetts. I object, unless it is not to come out of the hour.

The SPEAKER. It must come out of the hour.

The amendment of Mr. POUND was agreed to.

The question was taken upon ordering the bill to be engrossed and read a third time; and upon a division there were—ayes 70, noes 7.

Mr. HOLMAN. No quorum has voted.

Tellers were ordered; and Mr. POUND and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 120, noes 21.

Mr. HOLMAN. I will not insist upon a further count.

So (no further count being called for) the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. POUND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

POWERS & NEWMAN.

The Committee on Indian Affairs was called.

Mr. SPAULDING. I am instructed by the Committee on Indian Affairs to call up from the Speaker's table for consideration at this time the bill (S. 826) for the relief of Powers & Newman and D. & B. Powers.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to pay, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne and Arapahoe Indians, to Powers & Newman the sum of $900, and to D. & B. Powers the sum of $11,300, which sums shall be in full satisfaction of claims against said Indians for property destroyed.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SAN ANTONIO, TEXAS.

The Committees on the Territories, Railways and Canals, Manufactures, and Mines and Mining were called without any response.

The Committee on Public Buildings and Grounds was then called.

Mr. HERBERT. I am directed by the Committee on Public Buildings and Grounds to ask that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 4465) providing for a public building in San Antonio, Texas, and that it be considered at this time.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of San Antonio, Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all

purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. HOLMAN. I ask for the reading of the report.

Mr. HERBERT. I can explain the bill.

The SPEAKER. The gentleman has the right to make an explanation for five minutes in place of the reading of the report.

Mr. HERBERT. This bill makes no appropriation at this time. It provides for a public building at San Antonio, Texas, the cost of which is limited to $100,000.

San Antonio is the largest judicial district in the United States. It contains nearly 100,000 square miles, larger in extent than the State of New York and as large as the whole of New England.

A court was established there in the fall of 1879. Within two years and a half there were eighty-three civil cases and four hundred and fourteen criminal cases brought there; and since the court was established there has been brought in all about six hundred cases. From three hundred to five hundred people are necessarily compelled to attend the terms of that court. There are no sufficient accommodations for the court there. The city of San Antonio is next to the largest, if it is not the largest, city in the State of Texas.

Mr. UPSON. It is the largest.

Mr. HERBERT. I am informed by one of the Representatives from that State that it is the largest city in the State. It is growing with wonderful rapidity. If anywhere in the United States there is a necessity for a public building, certainly San Antonio is the point.

Mr. HOLMAN. What is the population?

Mr. HERBERT. It is now about 30,000, and I am informed it is increasing at the rate of at least 5,000 a year.

I hope that under the circumstances there will be no objection to the passage of this bill. The court is now held in the upper story of a building totally unfitted by size of rooms for its accommodation, and there is now no suitable building to be obtained in the city for the purpose. This public building is needed to accommodate not only the court but the post-office and other public offices at San Antonio.

The SPEAKER. Is there objection to the present consideration of this bill? Those who object will rise. [Counting.] There are nine gentlemen rising, and the bill is not before the House.

The Committee on Pacific Railroads and the Committee on Levees and Improvements of the Mississippi River were called without responding.

AGRICULTURAL COLLEGES.

The Committee on Education and Labor was called.

Mr. CARPENTER. I am instructed by the Committee on Education and Labor to call up from the Speaker's table Senate bill No. 1829, to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks. Or the same may be invested by the States having no State stocks in any other manner, after the Legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than 5 per cent. upon the amount so invested, and the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may, respectively, prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. CARPENTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENTS.

The Committee on the Militia was called without responding.

The Committee on Patents was called.

Mr. VANCE. I am instructed by the Committee on Patents to call up for consideration at this time the bill (H. R. 7630) to amend section 4887 of the Revised Statutes, in relation to patents.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That section 4887 of the Revised Statutes shall be, and hereby is, amended so as to read as follows:

"SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application; but every patent hereafter granted for an invention which has, prior to the filing of the application for said patent, been patented in a foreign country, shall expire seventeen years from the date of the foreign patent, or, if there be more than one, seventeen years from the date of the earliest foreign patent, and in no case shall it remain in force more than seventeen years; but all applications hereafter made for patents for inventions previously patented in a foreign country, upon the invention of the same person, shall be made within two years from and after the date of such foreign patent, or, if there be more than one, from the date of the earliest foreign patent. No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term; but this act shall in no wise renew, revive, prolong, or extend any patent heretofore granted."

Mr. HOLMAN. I call for the reading of the report under the rule.

The SPEAKER. The report will be read, provided it does not take more than five minutes.

Mr. VANCE. It will not take that long.

The report was read, as follows:

The Committee on Patents, to whom was referred sundry bills to amend section 4887, Revised Statutes, relating to patents, report a substitute for all the bills.

The section provides that all patents first obtained in a foreign country shall be so limited in the United States as to expire at the same time with the foreign patent, or if there be more than one, with the earliest foreign patent. In consequence of this section a patent applied for in the United States, but not granted until it is patented in a foreign country, in some cases only lasts, as in Canada, five years or less. Many patents obtained abroad first, not having yet expired, are declared invalid by reason of not being limited on the face. The bill now reported proposes to allow the patent first obtained abroad to run seventeen years from the date of the foreign patent, or if there be more than one, from the date of the earliest foreign patent. It also seeks to make those patents valid which were first obtained in other countries; but does not extend the life of a patent now in existence nor revive one that has expired, but only affects patents to be issued hereafter. We recommend the passage of the substitute.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Before that question is put, I hope the gentleman from North Carolina [Mr. VANCE] will make an explanation of the bill.

The SPEAKER. The gentleman from North Carolina has two minutes remaining of the five, if he desires to make an explanation.

Mr. VANCE. Mr. Speaker, section 4887 of the Revised Statutes provides that patents first obtained in a foreign country for an invention subsequently patented in this country shall expire as to this country at the expiration of the foreign patent. This is the first point sought to be remedied in the bill. In many cases, an inventor, after having made application for a patent in this country, after having filed his papers in due form, applies for a patent in Canada; and the Canadian patent is issued before the United States patent. In some instances four years have elapsed before the American patent has been granted, and thus the American inventor has had in this country but one year's use of his patent. The present bill seeks to remedy this defect in the law by giving the inventor seventeen years from the date of his foreign patent.

The bill also seeks to remedy the defect in regard to patents not limited on their face, which Judge Nixon has recently decided are invalid, because not so limited. The bill does not extend the life of any patent that has already expired. It takes effect in the future. It has no relation to patents heretofore issued. It does not revive or have any effect whatever upon existing patents except in the particular I have described that it corrects the error in regard to patents not limited on their face.

Mr. MCMILLIN. Will the bill have the effect of making the life of any American patent longer than it has been heretofore?

Mr. VANCE. Not at all.

The question being put on taking up the bill, seven members objected.

The SPEAKER. The bill is not before the House.

OWNERS OF THE STEAMER JACKSON.

The Committee on Claims being called,

Mr. BUCHANAN addressed the Chair.

Mr. SMITH, of Illinois. On behalf of the Committee on Claims——

Mr. BUCHANAN. Mr. Speaker, I addressed the Chair when the Committee on Claims was called.

The SPEAKER. Gentlemen must settle these matters in their committees. The Chair can not determine them.

Mr. BUCHANAN. The bill which I desire to call up is one which the gentleman from Alabama [Mr. OATES] was instructed by the committee to call up prior to the authority given to the gentleman from Illinois.

Mr. SMITH, of Illinois. I am recognized, I believe?

The SPEAKER. The gentleman is not recognized to exercise a right not given to him by his committee. If the gentleman has the prior right, the Chair will recognize him; otherwise not.

Mr. BUCHANAN. The bill which I wish to call up is one which has already passed this House, and been amended by the Senate. I simply desire the concurrence of the House in the amendment.

The SPEAKER. This is a matter which gentlemen of the committee must settle among themselves.

Mr. HERBERT. My colleague [Mr. OATES] is sick to-day, and unable to be here.

Mr. SMITH, of Illinois. Is this the case which the gentleman from Alabama [Mr. OATES] was instructed to bring up?

Mr. BUCHANAN. Yes, sir.

Mr. SMITH, of Illinois. Very well; I concede the right of the gentleman.

Mr. BUCHANAN. I ask consent to take from the Speaker's table for concurrence in the amendment of the Senate the bill (H. R. 2156) for the relief of certain owners of the steamer Jackson.

The amendment of the Senate, which was read, was to strike out all of said bill and insert the following:

Whereas the United States, on the 18th day of June, 1865, chartered the steamboat Jackson to run on the Chattahoochee River in the service of the United States, and while so employed it was wholly destroyed by fire caused by unavoidable accident; and

Whereas the Secretary of the Treasury, on the application of Aaron Barnett and Daniel Fry for payment to them, as alleged owners of said steamboat of the value of the same, adjudged and decided "that the steamer Jackson was lost by unavoidable accident while in the military service of the United States by contract, and that the owners thereof were entitled to the payment of the value thereof under acts of March 3, 1849, and March 3, 1863;" and

Whereas the value of said steamer was duly ascertained by the Treasury Department to be $36,125, which was paid to the said Barnett and Fry, on the execution of the bond of said Barnett as principal and Louis G. Schiffer and Gabriel H. Schiffer as sureties, in the sum of $26,000, payable to the United States, and "conditioned that if the above-bounden obligors, their heirs, executors, administrators, or any of them, shall and do well and truly pay or cause to be paid unto any person or persons who shall establish a valid claim to any of the five-fourteenths of the steamer Jackson the full amounts as paid by the United States to the said Barnett and Fry, or shall pay or cause to be paid unto the United States, or their assigns, the full amounts paid by the United States on account of said five-fourteenths of the said steamer Jackson, with the legal costs and interest on such sum, without any defalcation or delay, then the said bond to be void," &c.; and

Whereas John R. Ely, John B. Lockey, A. R. Godwin, S. and J. Irwin, Thomas M. White, surviving partner of T. and J. M. White, and Ellison and Hughs, partners or joint owners, claim that they are the owners of said five-fourteenths of said steamer Jackson, in different number of shares, and entitled to their pro rata share of said $36,125, amounting to $12,901.78, and have demanded payment of the same from the United States; and

Whereas Barnett and Fry deny the ownership of said claimants of said five-fourteenths, and also claim that they (Barnett and Fry) have made payments and advances of large sums of money for and on account of repairs and materials for repairs of said steamer Jackson, which they are entitled to have deducted from any sum for which they may be liable on said bond, or on account of said payment to them of the said $12,901.78: Therefore, for the purpose of having the real owners of said five-fourteenths of said steamer Jackson legally ascertained, and to enable the said Barnett and Fry, in the event that said claimants, or any of them, shall establish their right to said five-fourteenths or any part thereof, to show by legal proof what, if any, advances or payments they, or either of them, have made for and on account of any repairs of the said steamer, and legally chargeable against all the owners thereof,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John R. Ely, John B. Lockey, A. R. Godwin, S. and J. Irwin, partners or joint owners, and Thomas M. White, surviving partner of T. and J. M. White, and Ellison and Hughs, partners or joint owners, be, and they are hereby, authorized within six months, and not thereafter, after the passage of this act, to bring suit in their joint names in the Court of Claims against the United States, and that said Court of Claims shall have jurisdiction of said suit to hear and determine the same for the purposes aforesaid, and to try all issues joined between the parties thereto in relation to the ownership of the five-fourteenths of the said steamer Jackson, and determine the right of the said plaintiffs, or any of them, thereto, and to the said $12,901.78, the value thereof, and also to try and determine all issues in relation to any payments or advances made by Barnett and Fry, or either of them, for and on account of any debt legally created against said steamer Jackson for repairs, material, clerk-hire, or work and labor, for which the said steamer was liable in law or equity; and should the said plaintiffs, or any of them, establish their right to said five-fourteenths, or the said value thereof, or any portion of the same, and should it be shown by legal proof that said Barnett and Fry, or either of them, have made payments or advances for repairs, materials, clerk-hire, or work and labor for which said steamer was chargeable in law or equity, the said court shall render judgment against the United States and in favor of each of said claimants for so much of said $12,901.78 as the proof may show each to be entitled, less the amount the proof may show the said Barnett and Fry, or either of them, have paid or advanced for and on account of said steamer as aforesaid; and the said court shall cause notice in writing to be served in person upon said Aaron Barnett and Daniel Fry, in which shall be stated the commencement of said suit by said plaintiffs, and the cause thereof, and requiring them to appear at said court and establish, if they can, by legal proof, their ownership of said five-fourteenths of said steamer Jackson, and also what payments or advances they, or either of them, have made, for and on account of repairs, material, or work and labor, for which said steamer was liable.

Mr. BUCHANAN. This bill was passed by the House and sent to the Senate and was returned with an amendment which has been read by the Clerk. I now move that that amendment of the Senate be concurred in.

The Senate amendment was concurred in.

Mr. BUCHANAN moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STERLING T. AUSTIN, DECEASED.

Mr. UPDEGRAFF. I am directed by the Committee on War Claims to call up for consideration at this time the bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased.

The bill was read, as follows:

Be it enacted, &c., That the claims of the successors in interest and legal representatives of Sterling T. Austin, deceased, late of the parish of Carroll, in the State of Louisiana, for cotton taken by the military and civil authorities of the United States, or by either of them, during the years 1863, 1864, and 1865, in the States of Louisiana and Texas, be, and the same are hereby, referred to the Court of Claims, with full jurisdiction and power in the said court to adjust and settle such claims, and to render a judgment in said cause for the net amount realized by the United States from the sale of such cotton as shall appear from the evidence to have been so taken by said authorities; and in such action the said representatives shall be entitled to recover as aforesaid, any statute of limitation to the contrary notwithstanding: *Provided, however*, That it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

Mr. HOLMAN. I ask for the reading of the report in the five minutes allowed under the rule.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2706) for the relief of the representatives of Sterling T. Austin, report as follows:

At the breaking out of the war of the rebellion Sterling T. Austin, sr., was the owner of a plantation in Carroll Parish, Louisiana, known as the "Three Bayou Place," situated three or four miles from Bunche's Bend, or Old River, containing 2,380 acres, of which 900 were cultivated. In the spring of 1863 there were on the place the cotton crops of the years 1861 and 1862, respectively, amounting to upward of 1,200 bales, averaging 440 pounds each, 82 mules, 100 head of cattle, 300 hogs, 10,000 bushels of corn, 8 yoke of work cattle, 6 wagons, carpenter and blacksmith tools, plantation tools, library of 300 volumes, family portraits, household and kitchen furniture—claimed to be worth $300,000. In the summer of 1862, Mr. Austin, for sanitary reasons, removed his family, consisting of his wife and three minor children—two daughters and a son—to Georgia, himself remaining in Louisiana. In the spring of 1863, procuring a pass through the Federal lines at Natchez, Mississippi, he went to Georgia for his family. During his absence all the movable property on his plantation, described above in general terms, was, by order of General J. B. McPherson, military commander of that district, seized and carried away by the military forces. The mules, forage, and supplies were applied to the use of the Army, and the cotton shipped north to Memphis, or invoiced over to the authorized officers of the Government by J. E. Jones, formerly lieutenant and quartermaster of the Sixteenth Wisconsin Volunteers, now of Carroll County, Iowa. The levee at Ashton was cut by the Army, and his whole plantation submerged. He came back, after the water had receded, to a scene of desolation and enforced desertion. In consequence of his well-known Union sentiments, and the absence of anything like legal protection, a residence among his old neighbors was both unpleasant and unsafe.

In the autumn of 1863, with his family and his negroes, of which he had a large number, he removed into Texas, remaining in San Antonio till after the close of the war, when he removed to Galveston. While at Galveston, in 1865, he went up the railroad during the summer and bought up scattered lots of cotton, all of which were seized by the agents of the United States Treasury. He then formed a partnership at Galveston, purchased the schooner Mary Lee, and entered the Mexican trade, removing to New Orleans in 1865. The annual overflow of his old plantation meanwhile rendered it untenantable. In 1867 the schooner was wrecked and became a total loss. In this year it appears that Mr. Austin placed his claim against the Government in the hands of Judge Lewis Dent for collection, and he seems to have relied implicitly upon this attorney. After the loss of the schooner Mr. Austin again turned his attention to planting and purchased another plantation in his old parish of Carroll. He became postmaster at Lake Providence, and in 1870 removed his family from New Orleans. Meanwhile the son, Sterling T. Austin, jr., had grown into manhood, been admitted to the bar, became prosecuting attorney and then parish judge. In 1871, according to General Negley's recollection, in 1872 or 1873, according to others, Mr. Austin was in Washington pushing his claim, surprised and indignant at Judge Dent's failure to prosecute it. It is quite certain he was at the capital in each of the years 1873, 1874, and 1875. In May, 1873, he made, with Charles E. Hooey, esq., an attorney of Washington, a contract to prosecute the claim, the original copy of which is among the papers before the committee. There is also another original contract for the same purpose among the papers, dated in February, 1875, signed by Mr. Austin and John A. Grow & Co., then a firm of attorneys or claim agents in Washington. In January, 1874, a petition for relief on account of these seizures was presented to the Congress, but no evidence of any action thereon has been found.

On the 9th day of July, 1879, Sterling T. Austin, sr., while still postmaster at Lake Providence, Louisiana, was shot dead in broad daylight in the open street of that village. The son, Sterling T. Austin, jr., still parish judge, hearing the shot and being informed that his father was the victim, went at once to the rescue and was met and shot down in the same place by the same person. The son lingered a few days and died of his wounds. After the burial of father and son the widow and daughters sought to collect and preserve the business papers of the deceased, but found their offices had been despoiled and all their private business papers had been carried away or destroyed, and have never since been recovered.

The widow and remaining children now ask that they be permitted to prosecute in the Court of Claims of the United States their demands against the United States, and that they be permitted to recover the reasonable value of such property as they can show to the satisfaction of the court was owned by and taken from Sterling T. Austin, sr., by the military or civil authorities of the United States, in the years 1863, 1864, and 1865, and applied to the use of any of the forces of the United States or consigned to any of its authorities for sale or otherwise and not restored to the owner, any statute of limitation to the contrary notwithstanding.

It is believed there never has been an officer or tribunal having jurisdiction to adjudicate the whole of this claim. No part of it seems to come within either of the four classes of claims to which the jurisdiction of the Court of Claims has been limited. As adjudications under the act of 1864 were in express terms confined to claims for quartermaster's stores and for subsistence "furnished" to the Army, it is very questionable, to say the least, whether or not they could have been extended to even the very small portion of this claim which was for stores and supplies "taken" and not "furnished." It seems that the act of March 3, 1871, establishing the Southern Claims Commission, did confer jurisdiction of that part of this claim which is for "stores or supplies taken or furnished" for the use of the Army; this part, however, is small. Under this act, moreover, the period for filing claims never extended beyond the two years between March 3, 1871, and March 3, 1873.

A portion of this claim, it seems, might have been prosecuted under the "captured and abandoned property act" of March 12, 1863. Under this act all claims not presented within two years after the suppression of the rebellion are barred. This bar must have taken effect at or near the time the claim was placed in the hands of Judge Dent. Under the "cotton-claims" act of May 8, 1872, it is certain but a small portion of the demand could have been adjudicated; and under this act six months only are allowed for filing claims. It therefore appears that no officer or tribunal ever had jurisdiction of the entire claim; and the period during which any part of it might have been presented did not exceed two years, and these two years are those immediately following the close of the war. To those who remember the confusion, doubt, distrust, and uncertainty of that period, and consider the distance and unfamiliarity at which Mr. Austin lived from the National Government, the delay will not seem strange. Doubtless if Mr. Austin or his son had survived, or even if their private papers could be examined, better reasons for delay could be furnished. Under all the circumstances, the committee think it would be a great hardship to require further explanation of laches, and believe the claim ought to be carefully and judicially examined.

From the evidence before the committee, the loyalty of the family seems to be well established; yet, in order that this question may not be foreclosed on tes-

timony merely *ex parte*, your committee recommend that the bill be amended by adding after the last words the following:

"*Provided, however*, That it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives, gave any aid or comfort to the late rebellion, but was throughout the war loyal to the Government of the United States."

With this amendment the committee report the bill back to the House, with the recommendation that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill.

Two members rose.

The SPEAKER. Not a sufficient number; and the bill is before the House for present consideration.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. HOLMAN. There are ten minutes of debate allowed on this bill.

The SPEAKER. Nobody has claimed it, and the bill is now on its passage.

The bill was passed.

Mr. UPDEGRAFF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of business under the Pound rule has expired. The Chair desires to state that the gentleman from South Carolina [Mr. RICHARDSON] was absent from his seat when the Committee on the Territories was called, and did not call up the bill which he intended. The Chair asks unanimous consent when the House again proceeds to the consideration of business under the Pound rule the gentleman from South Carolina may be allowed to call up that bill.

Mr. HOLMAN. What is the title of the bill?

The SPEAKER. The Chair is not informed of the title of the bill.

Mr. HOLMAN. It is impossible to give consent without knowing the title of the bill.

Mr. BURROWS, of Michigan. I hope there will be no objection.

Mr. RICHARDSON, of South Carolina. It is my intention to call up the bill to establish a civil government for Alaska, which has had eliminated from it everything that was objectionable.

Mr. HOLMAN. I object.

Mr. CALKINS. I desire to call up the contested-election case of Buchanan vs. Manning. I understand the gentleman from New York has a conference report which he desires to call up, and for that I will yield.

Mr. HISCOCK. I have not a conference report, but I desire——

Mr. CALKINS. I can not yield for anything else, but insist upon proceeding with the contested-election case.

Mr. HISCOCK. What I desire to do is to call up from the Speaker's table the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, for the purpose of moving non-concurrence therein and asking a committee of conference.

Mr. WILLIS. I demand the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. WILLIS. It requires unanimous consent to do that, and I object.

The SPEAKER. If objection be made, the Chair will recognize the gentleman from New York, to suspend the rules.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I move, then, Mr. Speaker, to suspend the rules and take from the Speaker's table the amendments of the Senate to the bill (H. R. 7595) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and that they be non-concurred in, and a committee of conference be asked on the disagreeing votes of the two Houses.

Mr. HOLMAN. I hope the amendments of the Senate will be read.

Mr. HISCOCK. I have no objection to that.

Mr. HOLMAN. Or the gentleman from New York can make a statement as to what they are.

Mr. HISCOCK. I can tell the gentleman from Indiana they are so numerous I can scarcely undertake to go over them all.

Mr. CALKINS. If the rules are to be suspended that dispenses with the reading of the amendments. If the rules are to be suspended I insist they shall be suspended entirely.

Mr. HISCOCK's motion was agreed to; and the rules were suspended, the Senate amendments non-concurred in, and a conference requested on the disagreeing votes of the two Houses.

CONTESTED-ELECTION CASE—BUCHANAN VS. MANNING.

Mr. CALKINS. I now call up the contested-election case of Buchanan vs. Manning. In that case I do not think there will be any debate, or at least I believe there will be very little. The majority of the committee have signed a report in favor of the sitting member.

Mr. BINGHAM. Mr. Speaker, I rise to a question of order. I desire to know, and would like to have a decision from the Chair upon the point as to what will be the standing of the bill which was determined upon last night as the unfinished business, the bill with reference to the salaries of postmasters?

Mr. CALKINS. I can not yield the floor for that purpose.

Mr. BINGHAM. I desire to know if I can raise the question of consideration?

Mr. CALKINS. I am making an argument now, and the gentleman has no right to attempt to take me off the floor.

Mr. WILLIS. I desire to object, if in order——

The SPEAKER. The gentleman from Indiana raises a question of high constitutional privilege.

Mr. BINGHAM. I am aware of that, but I desire to know what will be the status of the bill to which I refer. Will it still come over as the unfinished business after the conclusion of the election case which the gentleman from Indiana calls up?

The SPEAKER. Undoubtedly; it will be the unfinished business, and come up in its proper order.

Mr. HISCOCK. If the gentleman from Indiana will yield to me again, I wish to say that the gentleman from New York has a conference report on the District of Columbia appropriation bill which he wishes to submit at this time.

Mr. CALKINS. Not in the middle of my remarks. I can not yield now for that purpose.

As I have already stated, Mr. Speaker, a majority of the Committee on Elections have reported in favor of the sitting member. The minority of the committee have found in favor of declaring the seat vacant. My friend Colonel THOMPSON, of Iowa, was called home by reason of sickness, and is not present to be heard. I do not know whether he desired to press his views upon the House or not. Of this I am not informed, although he drew the minority report. But I may be allowed to make a brief statement with reference to the case, and I think that will practically close the debate, unless my colleague on the committee, Judge RANNEY, desires to be heard.

In the first place, Mr. Speaker, the contestant in the case, Mr. Buchanan, filed his notice of contest, specifying the several grounds on which he relies. The majority of the committee, following the precedents of election cases in this House, have found, and hold, that all of the specifications in the notice were too vague, general, and uncertain upon which to found a contest.

The SPEAKER. Will the gentleman indicate to the Chair what case is proposed to be called up?

Mr. CALKINS. There was so much confusion that the clerks are evidently excusable.

The SPEAKER. The Clerk has not been asked to read the resolution accompanying the report.

Mr. CALKINS. That will not be necessary, of course, until the close of the debate, when the House will be called to vote upon the resolution. But I referred, as I stated in the beginning of my remarks, to the case of Buchanan against Manning.

Mr. ROBINSON, of Massachusetts. Let me suggest to the gentleman from Indiana that he is proceeding to debate the conclusion to which the committee have arrived before the resolution submitted by the committee is read, a proceeding offering no member of the House an opportunity of raising the question of consideration, which some one may desire to do.

The SPEAKER. The Chair recognized that fact, and has therefore called the attention of the gentleman from Indiana to the omission.

Mr. ROBINSON, of Massachusetts. I think before the gentleman from Indiana assumes to take the floor for an argument upon the case we should have an opportunity of raising the question of consideration if it is desirable.

Mr. CALKINS. I ask the Clerk to read the resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

Mr. CALKINS. I suppose, Mr. Speaker, that the reading of that resolution may by unanimous consent be taken as having been called for before my remarks began.

Mr. HISCOCK. Now, Mr. Speaker, I ask that the gentleman from New York [Mr. KETCHAM] be recognized for the purpose of submitting a conference report upon the District of Columbia appropriation bill.

Mr. CALKINS. I can not yield the floor for that purpose. If the gentleman had not interrupted me I would probably have concluded what I had to say by this time. I will be through in a moment.

As I have said, the Committee on Elections have found that all of the allegations of the contestant are too vague, uncertain, and general upon which to found or base a contest, except one which refers to the exclusion of the United States supervisors from the polling-places and different ballot-boxes throughout the district. In drawing the report special reference was had to and the committee especially examined the testimony of the different United States supervisors, and to see how far the allegation was sustained by the proof. On page 10 of the report signed by the majority of the committee all the polling-places at which the United States supervisors were in any way interfered with——

Mr. HISCOCK. Is an argument upon the case in order?

The SPEAKER. Undoubtedly.

Mr. HISCOCK. Is it before the House has agreed to consider the contested-election case?

The SPEAKER. The gentleman from Indiana presents a question of high constitutional privilege.

Mr. HISCOCK. I raise the question of consideration with a conference report.

The SPEAKER. This is a question of high constitutional privilege.

Mr. HISCOCK. Can not the question of consideration be raised against it?

The SPEAKER. It can; but it has not been done.

Mr. HISCOCK. I do it now.

Mr. CALKINS. I do not yield the floor for that purpose.

The SPEAKER. The gentleman from New York has the right to raise the question of consideration. The only question for the Chair to consider is, did he raise it in time?

Mr. CALKINS. I had begun my argument.

Mr. HISCOCK. I did not understand that the resolution reported by the Committee on Elections was before the House for consideration until it was read.

The SPEAKER. The Chair caused the resolution to be read.

Mr. HISCOCK. And at the same time I asked that the gentleman from New York be recognized for the conference report.

Mr. STEELE. The gentleman from Kentucky also objected.

Mr. CALKINS. I will yield in a moment for that, and if the gentleman had not interrupted me I would have been through before this time and his report would have been in.

On page 10 of the report signed by the majority of the committee it will be found that the committee have excluded from the count all of the polling-places at which the supervisors of elections were interfered with, and one or two other places at which certain acts took place which the committee thought they could not and ought not to countenance. This, however, leaves the sitting member in his seat by a large majority, six or seven thousand, and without including these polling-places.

Now, I need not go further except to say that certainly the testimony of the supervisors appointed by the contestant himself shows clearly and conclusively that his allegations are unsustained and unsupported. That ought to end the case. I now yield to my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY], and I ask him to give way for the conference report.

DISTRICT APPROPRIATION BILL.

Mr. KETCHAM. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the District of Columbia appropriation bill.

The conference report was as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 25, 27, 32, 34, 35, 37, 38, 47, 55, 69, 70, 71, 72, 76, 81, 82, 98, 101, 113, and 114.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 30, 31, 36, 39, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 57, 59, 60, 61, 62, 63, 65, 66, 67, 68, 73, 74, 75, 77, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 96, 97, 100, 102, 103, 104, 105, 106, 107, 108, 109, 111, and 112, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert $1,900; on page 4 in line 9 of the bill strike out "two" and insert "three;" and in line 10 strike out "two clerks" and insert "one clerk;" and in line 11 strike out the word "each;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,450;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out all after the word "full," in line 3, down to and including line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "building," insert "by the commissioners of the District;" and in line 2 after the word "be," insert "prepared by the inspector of buildings and;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$10,000, $5,000 of which shall be used for building a house on the premises, under the direction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for, and shall require an itemized report of receipts and expenditures to be made to them to be transmitted with their annual report to Congress."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following:

"And in case a contract can not be made at that rate the commissioners of the District of Columbia are hereby authorized to substitute other illuminating material for the same or less price and to use so much of the sum hereby appropriated as may be necessary for that purpose."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000," and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "eighty;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$301,560;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$543,675;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with amendments as follows: In lieu of the sum proposed by said amendment, insert "$1,000;" and on page 17, in line 15 of the bill, before the word "dollars," insert "and fifty;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "two" and insert the word "three;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "four" and insert the word "five;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$6,000," and add the following as a new paragraph:

"For new heating apparatus for the John F. Cook school building, $2,500; for the Randall school building, $2,400; for the Miner school building, $3,900; for the Abbott school building, $3,200; in all, $12,000."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out, insert the following:

"And the time allowed for filing claims in the Court of Claims under an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880, be, and the same is hereby, extended thirty days from and after the approval of this act; and all claims not so presented shall be forever barred."

And the Senate agree to the same.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

P. B. PLUMB,
F. M. COCKRELL,
H. S. DAWES,
Managers on the part of the Senate.

The accompanying statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the District of Columbia appropriation bill submit the following written statement in explanation of the accompanying report:

As agreed upon in conference the bill is not materially changed in its general provisions from what it was as it passed the House; it appropriates in the aggregate $1,699,867.23, being an increase of $32,465 over the amount as it passed the House, and $4,769.19 in excess of the law for the current year, and $22,056.31 less than the estimates for 1884.

J. H. KETCHAM,
FRANK HISCOCK,
WM. H. FORNEY,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. KETCHAM moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair announces as the conferees on the part of the House on the disagreeing votes of the two Houses on the sundry civil appropriation bill Mr. HISCOCK of New York, Mr. BUTTERWORTH of Ohio, and Mr. BLACKBURN of Kentucky.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I submit a report of the committee of conference on the Post-Office appropriation bill. I ask that the report and the accompanying statement be read.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes, having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the word "July" in said amendment and in lieu thereof insert the word "October;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government and the adjustment of rates of compensation for

the service required, and he is authorized to expend not to exceed $10,000 out of the appropriation for the transportation of mails for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific service rendered, which sum shall be immediately available."

And the Senate agree to the same.

Upon amendments numbered 2 and 3 the conference committee are unable to agree.

L. B. CASWELL,
GEO. M. ROBESON,
E. JOHN ELLIS,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

The accompanying statement was read, as follows:

The managers of the conference on the part of the House on the disagreeing votes of the two Houses on the Post-Office appropriation bill submit the following written statement in explanation of the effect of the report, which is herewith submitted, if adopted:

On amendments numbered 2 and 3 there is no agreement.

On amendments numbered 5 and 6: Provides that the reduction of rate of postage shall go into effect on and after October 1, 1883.

On amendment numbered 11: Makes section 3 of the act read as follows:

"SEC. 3. That the Postmaster-General is hereby directed to make a thorough investigation into the railway mail service of the United States and report to Congress in December next, with the data upon which it is based, a more complete system of gauging the rates of pay for carrying the mails on railroad routes, if practicable, in order to secure the better protection of the interests of the Government, and the adjustment of rates of compensation for the service required; and he is authorized to expend not to exceed $10,000, out of the appropriation for the transportation of mails, for actual and necessary expenses involved, including such extra compensation as he may deem just and reasonable to officers of the Department for specific services rendered; which sum shall be immediately available."

L. B. CASWELL,
GEO. M. ROBESON,
E. JOHN ELLIS,
Managers on the part of the House.

Mr. DUNN. I want to ask the gentleman from Wisconsin what has been the action of the conference as to the two items in relation to the fund for the special mail facilities and the regulation of the compensation of the bond-subsidy railroads for carrying the mails?

Mr. CASWELL. I propose to give an explanation of the report.

An agreement is reported on all the points on which there were disagreeing votes between the two Houses except that relating to the special mail facilities, $185,000, and the amendment relating to fixing the rate of transportation on railways.

As to these two the committee, or a majority of the committee on the part of the House, I think, could easily have agreed with the committee on the part of the Senate and have yielded to the amendments of the Senate, but they were bound by the action of the House in its recent vote, when they submitted a report that they were unable to agree. They have felt it their duty to refer these questions back to the House. I move that the House agree to the conference report. I yield for a moment to the gentleman from New Jersey [Mr. ROBESON].

Mr. ROBESON. The condition of this report is just this: the conferees on the part of the House and on the part of the Senate agree as to all the questions of difference between the two Houses, except the two questions of the fixing of the rate of compensation for carrying the mails by the land-grant and bonded railways, and the $180,000 item of special facilities. Upon this the Senate insist and do not yield. The House conferees, acting under the instruction of the House by its last vote upon that subject, disagree and report their disagreement to the House. That is about all there is of it.

It is not worth while to discuss the question; it has been thoroughly discussed here over and over again. Every gentleman knows all about it. My own views are thoroughly known, and I do not care to re-express them.

Mr. DUNN. That gives the information I desire.

Mr. HISCOCK. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Is a motion to disagree to the conference report in order?

The SPEAKER. That is a motion that would be in order; but the motion of the gentleman from Wisconsin is to agree. The first question is on agreeing to the conference report.

The question being taken, there were—ayes 71, noes 48.

So (no further count being called for) the report was agreed to.

Mr. CASWELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CASWELL. I now desire to inquire what is the status of the bill?

The SPEAKER. As the Chair understands the conference report, there are two of the Senate amendments upon which there is still a disagreement, and they are subject to a further conference.

Mr. ROBESON. Then I move that a new conference be asked.

Mr. ROBINSON, of Massachusetts. Would it be in order to move that the House recede from its disagreement to one of the amendments and agree to the same?

The SPEAKER. The Chair thinks so.

Mr. HISCOCK. I submit that the motion better be made to include both amendments.

Mr. ROBINSON, of Massachusetts. Very well; then I move that the House recede from its disagreement to the two amendments of the Senate still disagreed to and agree to the same.

Mr. ROBESON. Which motion takes precedence; the motion to insist or the motion to recede?

The SPEAKER. The motion to recede.

The question was taken on the motion of Mr. ROBINSON, of Massachusetts; and upon a division there were—ayes 78, noes 69.

Mr. HOLMAN. That is not a quorum, I believe.

The SPEAKER. It is just a quorum.

Mr. HOLMAN. Then I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 37 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. HOLMAN. I ask that the motion be now stated distinctly, so that it can be understood by members of the House.

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. ROBINSON] is, that the House recede from its disagreement to the two amendments of the Senate which were reported as disagreed to by the committee of conference.

Mr. ROBINSON, of Massachusetts. And agree to the same.

The SPEAKER. Recede from its disagreement to those two amendments and agree to the same.

Mr. ANDERSON. I call for a division of the question, and ask that a vote be taken upon each amendment.

The SPEAKER. The Chair thinks it is too late.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it not be in order to ask for a division of the vote on the two amendments, so that the one in regard to special facilities can be voted on separately from the one on the railroad question?

The SPEAKER. The gentleman's inquiry is simply an abstract question. The House has ordered the yeas and nays on receding from both amendments.

Mr. HOLMAN. Let the vote be taken on both; let each support the other.

Mr. ANDERSON. Very well, I withdraw my point.

Mr. MCMILLIN. I ask unanimous consent that the question upon which we are to vote be again stated.

Mr. CASWELL. I can state in a few words what it is. One of the propositions upon which there is still a disagreement between the two Houses is that relating to the appropriation of $185,000 for the fast-mail service; for what is called special mail facilities. The other is the amendment of the Senate in relation to the proposition to limit the rate of compensation for transportation of mails over subsidized railroads to the same rate which is allowed to land-grant railroad companies. Those are the two amendments still pending between the two Houses, and the question is now upon receding from a disagreement of the House to both those amendments.

The question was taken; and there were—yeas 125, nays 117, not voting 49; as follows:

YEAS—125.

Aiken,	Ellis,	McCold,	Shultz,
Aldrich,	Errett,	McCook,	Smalls,
Barr,	Evins,	McLean, Jas. H.	Smith, A. Herr
Bayne,	Farwell, Chas. B.	Miles,	Smith, J. Hyatt
Belford,	Farwell, Sewell S.	Miller,	Spaulding,
Bingham,	Fisher,	Money,	Speer,
Bisbee,	Gibson,	Moore,	Spooner,
Bliss,	Grout,	Morey,	Stone,
Bowman,	Guenther,	Morse,	Strait,
Briggs,	Hall,	Norcross,	Taylor, Ezra B.
Browne,	Hammond, John	O'Neill,	Taylor, Joseph D.
Brumm,	Harmer,	Page,	Townsend, Amos
Buck,	Harris, Benj. W.	Parker,	Tyler,
Buckner,	Hazelton,	Pettibone,	Valentine,
Burrows, Julius C.	Heilman,	Phelps,	Van Aernam,
Butterworth,	Henderson,	Pound,	Van Horn,
Camp,	Hill,	Prescott,	Van Voorhis,
Candler,	Hiscock,	Ranney,	Wadsworth,
Cannon,	Horr,	Ray,	Wait,
Carpenter,	Houk,	Reed,	Walker,
Cassidy,	Hubbell,	Rice, John B.	Ward,
Caswell,	Humphrey,	Rich,	Washburn,
Chace,	Jacobs,	Richardson, D. P.	Watson,
Crapo,	Jadwin,	Richardson, J. S.	Webber,
Crowley,	Jones, Phineas	Robinson, Geo. D.	White,
Cutts,	Kasson,	Robinson, Jas. S.	Williams, Chas. G.
Dawes,	Ketcham,	Rosecrans,	Willits,
Deering,	Lacey,	Russell,	Wise, Morgan R.
Dezendorf,	Lindsey,	Scranton,	Wood, Walter A.
Dingley,	Mackey,	Shallenberger,	
Dunnell,	Marsh,	Shelley,	
Dwight,	Mason,	Sherwin,	

NAYS—117.

Anderson,	Blount,	Clardy,	Cravens,
Armfield,	Brewer,	Clark,	Culberson,
Atherton,	Buchanan,	Clements,	Curtin,
Atkins,	Burrows, Jos. H.	Cobb,	Davidson,
Barbour,	Cabell,	Colerick,	Davis, George R.
Beach,	Caldwell,	Converse,	De Motte,
Belmont,	Calkins,	Cook,	Deuster,
Beltzhoover,	Campbell,	Covington,	Dibrell,
Berry,	Carlisle,	Cox, Samuel S.	Doxey,
Bland	Chapman,	Cox, William R.	Dunn,

Ermentrout,	Jones, James K.	Mutchler,	Springer,
Ford,	Kenna,	Neal,	Steele,
Forney,	King,	Paul,	Stockslager,
Frost,	Klotz,	Payson,	Talbott,
Fulkerson,	Knott,	Peelle,	Townshend, R. W.
Garrison,	Ladd,	Peirce,	Tucker,
Godshalk,	Latham,	Randall,	Turner, Henry G.
Gunter,	Le Fevre,	Reese,	Turner, Oscar
Hammond, N. J.	Lewis,	Rice, Theron M.	Urner,
Hardy,	Lynch,	Ritchie,	Vance,
Harris, Henry S.	Manning,	Robertson,	Warner,
Haselline,	Martin,	Robeson,	Wellborn,
Hatch,	Matson,	Ryan,	Wheeler,
Hepburn,	McLane, Robt. M.	Scales,	Williams, Thomas
Herbert,	McMillin,	Scoville,	Willis,
Hewitt, G. W.	Mills,	Simonton,	Wilson,
Hitt,	Morrison,	Singleton, Jas. W.	Wise, George D.
Holman,	Moulton,	Singleton, Otho R.	
House,	Muldrow,	Smith, Dietrich C.	
Jones, Geo. W.	Murch,	Sparks,	

NOT VOTING—49.

Black,	Hardenbergh,	Lord,	Skinner,
Blackburn,	Haskell,	McClure,	Thomas,
Blanchard,	Herndon,	McKenzie,	Thompson, P. B.
Bragg,	Hewitt, Abram S.	McKinley,	Thompson, Wm. G.
Cornell,	Hoblitzell,	Mosgrove,	Updegraff,
Cullen,	Hoge,	Nolan,	Upson,
Darrall,	Hooker,	Oates,	West,
Davis, Lowndes H.	Hubbs,	Pacheco,	Whitthorne,
Dowd,	Hutchins,	Phister,	Wood, Benjamin
Dugro,	Jorgensen,	Reagan,	Young.
Flower,	Joyce,	Rice, Wm. W.	
Geddes,	Kelley,	Robinson, Wm. E.	
George,	Leedom,	Ross,	

So the motion of Mr. ROBINSON, of Massachusetts, to recede was agreed to.

The following pairs were announced:

Mr. SKINNER with Mr. HEWITT of New York.

Mr. CORNELL with Mr. HERNDON.

Mr. THOMPSON, of Iowa, with Mr. DUGRO.

Mr. THOMAS with Mr. REAGAN.

Mr. CULLEN with Mr. UPSON.

The result of the vote was announced as above stated.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBESON. I rise to a parliamentary question. Does not the action just taken pass the bill?

The SPEAKER. The Chair so understands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted a resolution for printing 10,000 additional copies of the proceedings of the Yorktown centennial celebration; and a resolution for printing the report of the National Academy of Sciences on sorghum sugar; in which the concurrence of the House was requested.

The message also announced that the Senate had concurred in the resolution of the House for printing the report of the Director of the Mint on the annual production of gold and silver in the United States, and the resolution for printing the report of the Smithsonian Institution for 1882.

The message also announced that the Senate had passed and requested the concurrence of the House in a joint resolution:

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports.

The message further announced that the Senate had passed, without amendment, House bills and joint resolutions of the following titles:

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876;

A bill (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route;

A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;

A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883; and

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the post-office appropriation bill; further insisted on its amendments numbered 2 and 3, disagreed to by the House; asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

MISSISSIPPI ELECTION CONTEST—BUCHANAN VS. MANNING.

The House resumed the consideration of the report of the Committee on Elections on the contested-election case of Buchanan vs. Manning, from the second Congressional district of Mississippi.

Mr. CALKINS. I yield to my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY].

Mr. RANNEY. Mr. Speaker, in the case now under consideration there are two reports—one signed by a bare majority of the committee, and the other submitted in behalf of a minority by one member of the minority. As a member of the committee I believe members of the committee were agreed that there was no evidence in this case on which the contestant Buchanan could be declared entitled to the seat. The only question raised was whether the fraud and irregularity attending the election were such as to vitiate the whole election; and on this question the committee divided in opinion.

I have not examined with very great care or minuteness either the majority or the minority report. I do not agree with either; I do not disagree with either. The gentleman who was to present this case to the House on behalf of the minority, the gentleman from Iowa [Mr. THOMPSON] has gone home on account of sickness. He has submitted a report which in justice to him I desire to publish with my remarks. This report presents fully the case of the contestant.

I feel bound to say, from such examination of the evidence as I have made, that this case discloses a very large amount of fraud and irregularity. I think any one reading the report of the facts could very well come to the conclusion—that is the inclination of my own mind, although I have not studied the case sufficiently to come to a decided conclusion—that the evidence discloses so much fraud and irregularity as to prove a general scheme entered into by one party to defeat the one having a fair majority. Upon this point I do not wish to be understood as stating a definite conclusion; but such seems to be the tendency of the evidence; and such is the finding of the minority report, which I take the liberty of appending to my remarks.

Mr. W. G. THOMPSON, from the Committee on Elections, submitted the following report:

The second Congressional district is composed of the counties of De Soto, Marshall, Tate, Panola, La Fayette, Tallahatchie, Yalobusha, Benton, Tippah, and Union.

The election for member of Congress was held on the 2d day of November, 1880 and the candidates for Congress were Thomas W. Harris (Greenbacker), George M. Buchanan (Republican), and Van H. Manning (Democrat).

The motion of contestant, in which he set out his grounds of contest, and the reply of contestee thereto, are as follows, to wit:

"*Notice of contest.*

"HOLLY SPRINGS, MISS., *November* 23, 1880.

"Colonel VAN H. MANNING:

"You will take notice that it is my intention to contest your election as a member of Congress from the second district of Mississippi, as a result of the election held for the election of a member of Congress on Tuesday, November 2, 1880, in said district, and on the following grounds:

"1st. That in a portion of the counties comprising said district such persons were not appointed, neither was such representation given to the different political parties in said counties in the appointments of county commissioners of election as was designed and required by law.

"2d. That in a portion of the counties comprising said district election districts are abolished and other election districts established without complying with and in violation of law.

"3d. That in a portion of the counties comprising said district the registration of voters was not conducted as required by law, thereby depriving a large number of persons (of lawful right) of the privilege of registering and voting.

"4th. That at a large number of voting-places in said district, in the appointment of inspectors of election, such persons were not appointed, nor was such representation given (in making said appointments) to the different political parties, as was designed and required by law.

"5th. That in several of the counties comprising said district a large number of persons lawfully entitled to register were refused registration, and that the registration and transferring of votes was *discontinued* many days prior to the time contemplated by law, thereby depriving a large number of persons lawfully entitled to register (or transfer) from the right of registering or transferring and voting; and that in a portion of said counties the registration books were for a time removed from the place designated by law for their keeping, thereby depriving a large number of persons (of lawful right) of the privilege of registering (or transferring) and voting.

"6th. That at a large number of *voting-places* in said district many lawful voters were not permitted to vote, their votes having been tendered and rejected by the inspectors of election; that such unlawful interference and hinderance was permitted and practiced (such as is specially forbidden by law) as to obstruct and confuse the voters in the act of voting, or to deceive and prevent a large number of voters from delivering their ballots at the proper voting-places; that a large number of persons were permitted to vote for you who had no legal right to vote.

"7th. That at many of the voting-places United States supervisors of election were not permitted to exercise the duties of their office, being prevented therefrom by the unlawful interference of other officers of election, or from other sources, in violation of law, and to such an extent as to prevent their ascertaining the result of the election and from performing other duties required of them by law; that no separate lists of the names of voters were kept by the clerks of election, as was required by law; that the polls were not opened at the time required by law; were not kept open continuously from 9 a. m. till 6 p. m., as required by law, and that upon the closing of the polls the counting of the vote and making up of returns was not done at the voting-places, nor at the time required by law.

"8th. That at many of the voting-places ballots were received and counted that were not lawful ballots in form and print; that inspectors of election rejected and refused to count ballots that were lawful after the same had been lawfully deposited in the ballot-boxes; that inspectors of election (with knowledge of the fact at the time) permitted ballots to be voted that were not lawful ballots; that during the hours prescribed by law for voting voters were harassed and disturbed in such a manner as to prevent their voting in a free, fair, untrammeled, and peaceable manner.

"9th. That the names of a large number of legally registered voters were not placed upon the poll-books (by the officers whose duty it was to place said names on said books) used at many of the voting-places, and that in consequence thereof said legally registered voters were not permitted to vote, their votes being refused by the inspectors of elections; said inspectors giving as a reason for such refusal to receive such votes that the names or the parties applying to vote were not on the poll-books.

"10th. That the entire vote polled and counted and returned as a part of said voting-places was unlawfully rejected and thrown out (and not counted) by the

county commissioners of election on making up their returns of the total vote of the county.

"11th. That at a portion of the voting-places the ballot-boxes were not opened in public when the polls closed, nor was the vote counted in public, nor at the time required by law to be counted; that in making up the returns a large number of ballots were counted as having been cast for you, when in truth and in fact such ballots were cast for other persons, or were ballots placed in the boxes in a manner not authorized by law.

"12th. That at many of the voting-places a much larger number of votes were returned as having been polled than were actually polled at said voting-places; that at many of the voting-places the poll-books for said places unlawfully contained the names of a large number of voters, which voters had no right to a vote at such voting-places, but resided in other election districts, and that the names of said voters also appeared on the poll-books of the voting-places of election districts to which said voters of right belonged.

"13th. That at many voting-places the election was conducted in many respects in utter disregard of law and the rights of voters; that the registration-books and the poll-books of a portion of the counties and election districts in said district were at divers and sundry times not in the custody and keeping of the proper lawfully constituted officers, but were on divers and sundry occasions in the care and possession of persons not lawfully entitled to such care and possession; that at a portion of the voting-places lawful ballots that were cast for me were not counted for me, but were (unlawfully) counted as having been cast for you, and were so returned by the officers of election; that there were a greater number of legal voters of said district who voted (or who offered to register and vote) and who were unlawfully prevented therefrom, who desired me as their representative in Congress, than there were who desired you as their representative in Congress from said district.

"Very respectfully,

"GEO. M. BUCHANAN."

"*Contestee's answer.*

"Captain GEO. M. BUCHANAN:

"SIR: I am in receipt of a notice from you dated November 23, 1880, of your intention to contest my election as a member of Congress of the 2d district of Mississippi as a result of the election held on the 2d of November last.

"To said notice I make the following answers, to wit:

"First answer. Protesting against the truth of the allegations in said notice, I object and say that said notice is so insufficient and defective that I need not deny or admit the allegations thereof, for the reasons, to wit, said notice does not specify particularly the grounds upon which you rely, and gives no reason for failing so to do.

"2d. The allegations are only conclusions of law and general averments of wrong-doing in some undefined portions of the district by unnamed election officials of precincts not specified, in unnamed counties, or by persons not named or described, and in places and by means not specified, and in violation of laws and the rights of others not designated.

"3d. Your allegations are so vague and uncertain that I am not informed as to the persons or officials whom you accuse of crime, nor where committed, nor do you aver that such wrong-doings were not instigated by you or that they were known to or acquiesced in by me, or that the result of the election was changed by reason of the matters set forth.

"Second answer. Without waiving any objection to the manifold vital defects of said notice, but reserving all benefit and advantage thereof, I deny each and every ground of contest set forth in said notice, and deny each and every allegation therein contained, and aver that throughout said Congressional district a free and fair election was held in all respects, except that in the county of Marshall and other counties at every precinct divers colored voters who wished to vote for me for member of Congress were deterred and prevented from doing so by reason of the threats of personal violence and other means of intimidation used and employed by other colored people, the neighbors of such voters, (the names of all of whom are unknown to me,) being instigated thereto by those that advocated your election, whereby I received less votes by one thousand or more than I otherwise would, and all such voters by means of such intimidations were induced contrary to their wishes not to vote at all, or to vote for you, and thereby the great majority of votes that I should have received more than you at said election was reduced to the number of about five thousand two hundred and fifty.

"Third answer. I charge and aver that you have made the wholesale charges of all kinds of crimes and irregularities contained in your said notice without specifications of persons or places, not because you had reason to believe that any one of them had been committed to your injury, but with the deliberate purpose to evade the limitation of the statute, and to speculate upon any future discoveries of evidence, and so you have made unlawful, vexatious, and fraudulent use of the notice and process authorized by statute, and the same should be quashed and dismissed.

"Respectfully, yours,

"VAN H. MANNING.

"WASHINGTON, *December* 20, 1880."

It will be observed that in the beginning the contestee claimed that the notice of contest was insufficient, and has insisted, for that cause, that the case should be dismissed.

In whatever manner any failure of proper notice might affect the right of contestant in this case (for insufficiency of pleading), if upon examination of the facts in the case it appear that the sitting member is not entitled to a seat, it is the duty of the committee to so report.

It appears that the race in this district was strongly contested by three candidates, representatives of the three political parties of the country.

ORGANIZATION OF PARTIES.

We will first notice the evidence bearing on the organization of each of the parties in the district at the time of this election.

We would prefer to eliminate from our report all reference to the organization of voters by *colors*, but, as this question is fully developed by evidence, we cannot well avoid it.

The contestee in his answer evidently relies upon the support of a large number of colored voters to bear out his right to a seat, and it is in his answer to notice of contest that the division of electors by colors is first referred to in the case.

We have in evidence conflicting statements as to the number of voters in the district.

On page 393 of record the contestee places in evidence a recent State census of Mississippi, and on page 199 is found the United States census for 1880, placed in evidence by the contestant.

Taking the *latter*, and applying the general rule of one voter to every five inhabitants, there are 19,743 colored voters and 17,155 white voters in the district, showing a majority of colored voters of some 2,600; while the *former* shows that there are 19,780 white voters and 18,998 colored voters in the district. We have examined the facts and comparisons made in contestant's brief (page 50) in relation to the State census, and are disposed to be governed by the United States census. As to manner and spirit of the canvass, it is the universal testimony that each party was active and zealous in its efforts to obtain a full vote, and that the canvass was conducted with an industry on the part of all three parties seldom developed in election cases. That each party made most extraordinary efforts to bring every possible voter to the polls is shown all through the evidence. And for that reason we do not deem it necessary to refer to it in detail. Nor is the manner in which the voters were organized and came to the polls less fully shown. Especially is it developed in the evidence of witnesses introduced by contestant upon this point.

We are disposed to give more than ordinary weight to the evidence of witnesses who (politically) are not supposed to have any special interest in the result of this controversy. We therefore submit the evidence as follows, which is fully corroborated throughout the testimony. See record, p. 19, q. 9; p. 22, q. 6 and q. 7; p. 26, q. 8; p. 23, q. 3; p. 35, q. 3; p. 40, q. 3; p. 464, q. 16; p. 445, q. 405; p. 474, witness Settle; p. 476, witness Matthews; p. 51, q. 3; p. 210, witness Nunnally; p. 189, q. 1; p. 185, q. 5; p. 193, q. 8; p. 56, q. 10.

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"JOHN S. BURTON, being sworn according to law, testifies as follows:

"Question 1. You have been heretofore examined in this case, have you not?

"Answer. I have.

"Q. 2. State what your personal relations are to Mr. George M. Buchanan, the contestant in this case, and what they were during the canvass of 1880; also state your connection with the canvass of that period, and the position that you occupied then to Mr. Buchanan in the canvass.

"A. I am a close friend to Mr. Buchanan. At the commencement of the campaign I agreed to take charge of his Congressional candidacy, in which I employed speakers in the district, and employed speakers out of the district to come in this district, to make speeches for him. And I attended to the organization of clubs and to all campaign matters in which he was interested.

"Q. 3. State, as well as you can, the manner in which the campaign was conducted throughout the district on the part of the Republicans, giving the names or numbers of speakers and number of speeches made, as near as you can. State time of commencement of canvass; also state character of Democratic and Greenback canvass.

A. Our campaign was conducted very actively. The canvass commenced about the 15th of July, 1880. Capt. William Spears, one of the electors of the State at large, accompanied by Captain Buchanan, spoke at the principal county seats in the western part of the district. Our meetings were extensively advertised and largely attended. They spoke in Tallahatchie, Panola, Tate, De Soto, and Benton Counties. About the same time Col. R. W. Flourney, one of the State electors at large, commenced the canvass in the eastern part of the district, speaking at New Albany. The Republican convention was held at Oxford August 15, when Captain Buchanan was nominated. It was a very largely attended convention; every county was represented with but one exception. On or about the first of September the canvass was renewed. Colonel Mister, elector for fifth district, J. T. Settle, elector for second district, and W. F. Frazee, alternate elector for first district, all came into this district and kept up the canvass incessantly until the election. In addition to the prominent speakers mentioned, Hon. James Hill, chairman State executive committee, Col. Thomas Hunt, United States marshal, and Maj. W. H. Gibbs, all of the very best order of Republican speakers, spent some two weeks in canvassing the district; and, in addition, Captain Buchanan made speeches night and day for the entire time, commencing about the 15th of September, and including a day or so before the election. In addition to these speakers there were local speakers constantly engaged in the canvass at the time in prominent precincts in the district, and the canvass was conducted with the same activity and industry on which campaigns were conducted while the Republican party were in power in the State. No effort was spared by myself or Captain Buchanan, or his friends, to see that every vote in the district was brought out. The Democrats did not open their campaign for some weeks after the Republicans commenced, and so far as my observation went their campaign was not conducted with as much as usual activity until toward the close of the canvass. The Greenbackers also made a thorough and active canvass of every part of the district. As near as I can approximate, there were from two hundred and fifty to three hundred Republican speeches made in the district. I estimate this by the number of speeches and the time they occupied."

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"W. S. FEATHERSTON, having been duly sworn, testified as follows, to wit:

"Interrogatory 1. How long have you lived in the State of Mississippi and the county of Marshall? What official positions have you held, if any?

"Answer. Forty years in the State of Mississippi and twenty-three in the county of Marshall. I have been a member of the Legislature and a member of Congress in the House of Representatives.

"Int. 2. What is your acquaintance with the people of Marshall County; extensive or otherwise?

"A. My acquaintance with the people of Marshall County has been pretty extensive, and is now.

"Int. 3. What is your profession; to which political party do you belong, and what is your official position in your party, and what was it during the political campaign of 1880?

"A. I am a lawyer by profession. I am a member of the Democratic party. I am now, and was during the campaign of 1880, chairman of the Democratic executive committee of Marshall County.

"Int. 4. What was the character of the political contest of 1880 in this Congressional district; was it one in which little interest was manifested by both Republican and Democratic parties, or otherwise?

"A. It was an interesting campaign, and one in which both the Republican and Democratic and also the Greenback party took considerable interest, especially in Democratic and Republican parties.

Int. 5. What was the character of the Democratic campaign of 1880 in Marshall County, active or otherwise; was, or not, the Democratic party of the county thoroughly organized? Which party made the most active campaign?

A. The Democratic campaign in Marshall County in 1880 was active and enthusiastic. I thought the party was well organized. The Democratic party made the most active campaign. I am certain that it did; and in every neighborhood in the county we had every local committee appointed that we thought was necessary to organize the party thoroughly and to bring out its full vote—such a campaign as we have been in the habit of inaugurating in this county for several years past."

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"DR. R. J. LYLES, being duly sworn according to law, testified as follows:

"Question 1. Where do you reside? How long have you resided in Marshall County? State your occupation. Of what party are you a member, and to what extent were you engaged in the interest of your party in campaign of 1880? State to what extent the Greenback party of this county is composed of white or colored people, from which party it drew the most votes at last election (Democratic or Republican party), and to what extent from either.

"(Objected to by the contestee upon the ground that it is not rebutting testimony, but original.)

"Answer. I reside at Watson P. O., Marshall County, Miss.; lived in this county about eleven years; am a physician by occupation. I belong to the National Greenback party. I took part in the canvass, actively canvassing, making speeches in this county. The Greenback party in this county, to my best information, is composed principally of the white people—at least four-fifths of the Greenback party.

"Q. 2. Were you not a close personal friend of Col. T. W. Harris, the Greenback

candidate for Congress; and did you or not manage the canvass in this county for him, or did you not do it chiefly?

"(Objected to on same ground as to No. 1.)

"A. I am a close personal friend of said Col. T. W. Harris. I took an active part in his behalf, and managed his interest in the western part of the county, particularly that section where I reside.

"Q. 3. At or about the close of the canvass did anything occur to induce you to advise Colonel Harris, the Greenback candidate, to withdraw from the canvass; and did you or not so advise him? And, if so, state freely and particularly the reasons for so advising him, and from what source you received your information inducing you to give such advice.

"A. Something did occur. A short while before the election, perhaps a week, I had a conversation with Col. Van H. Manning, the candidate of the Democratic party for Congress, in which he assured me the colored voters of the district were solid for Buchanan, the Republican candidate for Congress. He requested me to write to Col. T. W. Harris, the Greenback candidate for Congress, that he (Colonel Harris) was 'gone up,' and to come home. I assured Colonel Manning that if his statement was correct, I would prefer that Harris would withdraw from the canvass. Colonel Manning said that, according to his best knowledge and judgment, his statement was correct. On that assurance, together with my personal knowledge of the fact that the colored voters in my neighborhood were solid for Buchanan, I telegraphed Col. T. W. Harris at Batesville, Miss., that his chances here were compromised; that the colored voters were solid for Buchanan. Colonel Manning brought said telegram to Holly Springs for me. He afterwards assured me that he sent the telegram to Colonel Harris.

"Q. 4. Was it or was it not a fact, at the time that Colonel Manning made the foregoing statement to you, that he had canvassed the entire ten counties comprising this Congressional district, and that the canvass absolutely closed within a few days after said conversation referred to?

"(Same objections as before.)

"A. He stated to me that he had made an entire canvass of the district, and that the statement made to me was founded on his information that he had gained during the canvass. This was but a few days before the election.

"Q. 5. In your reply to question three, do you mean to refer exclusively to the colored race or otherwise?

"A. I mean the colored vote exclusively.

"Q. 6. State to what extent, if you know, the colored vote that voted was cast for Buchanan, or other candidates (as applied to precincts in the western part of the county), at the last election.

"A. From all information I have, it was a solid Republican vote for George M. Buchanan for Congress in the precincts referred to. So far as my personal knowledge goes, it only refers to my own box.

"Q. 7. To what extent is the negro vote in the district referred to Republican?

"A. Pretty unanimous."

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"Col. THOS. W. HARRIS, being sworn according to law, testifies as follows:

"Question 1. State where you reside; how long you have there resided; your occupation; how long you have pursued said occupation, and to what extent in the second Congressional district of Mississippi.

"Answer. I reside in Holly Springs, Miss., and have resided there since about the year 1850; I am a lawyer; have been upwards of thirty years, and engaged in the duties of my profession in several of the counties of the second Congressional district since I have lived in Holly Springs; my practice has been general and quite extensive.

"Q. 2. With what political party have you been identified prior to the year 1879? State also what official position you held in said party during the year 1876, and since that time.

"A. I was a member of the State executive committee of the Democratic party in 1877 and 1878; and also chairman of the executive committee of that party for the county of Marshall; and was a member of and acted with the Democratic party until 1879; since which time I have been acting with the National Greenback Labor party.

"Q. 3. Were you a candidate for office at the election November 2, 1880? If so, state for what office; if you made a canvass of the second Congressional district, to what extent; also state the extent of your acquaintance with the politics of the voters of said second Congressional district.

"A. I was the candidate of the National Greenback Labor party for Congress for the second Congressional district at the election in November, 1880, and as such canvassed the district generally; my knowledge of the politics of the voters of said district is such as such a canvass would give, in connection with my long residence in the same, engaged in my profession, and having taken a general interest in politics since I attained my majority.

"Q. 4. What class of persons constitute the three political parties in this district? State the different divisions as near as you can as to color.

"A. A very great majority of the colored voters of the district belong to the Republican party; the white voters are divided generally between the Democratic and Greenback parties; colored voters who act and vote with the Democratic party are in my opinion very few in number; in the election of last year my observation and information led me to believe that out of the thirty-five hundred and eighty-five votes reported to have been cast for the Greenback candidate for Congress in the said district there could not have been more than about one thousand of them colored, most of whom live in Yalabusha County; the white voters who act with the Republican party in said district I don't think are at all numerous.

"Q. 5. Have or have you not, since the election, fully and particularly informed yourself as to the number of votes you received at said election at each of the various counties and precincts in said district?

"A. I have seen statements purporting to be authentic as to the number of votes reported to have been cast for me, and have heard statements from friends upon the same subject.

"Q. 6. Did you witness just preceding the election a conversation between Colonel Manning, candidate for Congress, and Dr. A. M. Lyle on the subject as to how and for whom the colored voters of this district were going to vote? If so, state what was said between them on the subject.

("Objected to on the ground that the question is original and should have been asked, if at all, during the time allowed to take testimony-in-chief.)

"A. In a discussion between Colonel Manning and myself at Watson, in this county, I think the night preceding the day of the election, the question arose as to a report that Dr. Lyle had abandoned me and intended to support Colonel Manning, and that Lyle had sent me a dispatch suggesting my withdrawal from the canvass because the colored vote of the district had concentrated upon Captain Buchanan, the Republican candidate for Congress. Dr. Lyle was present and stated to the audience, in my presence and Colonel Manning's, that he (Lyle) had met with Colonel Manning and was told by him to write or telegraph me that I had better withdraw, as the colored vote was all going for Buchanan; that he (Lyle) replied such was the condition of things in his neighborhood, and that upon the statement made to him by Colonel Manning he had accordingly telegraphed me at Batesville, in Panola County, that the negroes were all going for Buchanan, or words to that effect; that he sent me the dispatch based alone upon what Manning had told him, except as to the condition of things in his own neighborhood; that he did not profess to know what was the condition of affairs beyond his own neighborhood. I never received the foregoing dispatch at Batesville, having left before it was received. The foregoing is substantially what occurred as I remember it.

"Q. 7. What proportion of the white vote of this Congressional district are opposed to the Democratic party, and what proportion of said vote would vote against the candidates of said party at an open, fair election, and upon full assurance that their votes would be counted as cast?

"(Objected to as irrelevant, incompetent, and illegal.)

"A. I can only answer as a matter of opinion. It would depend very much upon the questions involved and what parties were engaged in the contest. I think, however, that one-fourth or one-fifth of the white voters of the district are opposed to the present policy and management of the Democratic party, and would cast their votes against it.

"Re-examined:

"Q. 1. State what proportion of the colored vote in this district voted the Democratic ticket, and what proportion of the white vote voted the Republican ticket, as near as you can, in numbers as to each party, as estimated from your information gained during the canvass. State fully.

"(Objected to on ground that it is original, and not in rebuttal of anything drawn out on cross-examination, and as incompetent.)

"A. I can only give an opinion in answer to this question. From all the information in my possession, my opinion is that there were fully as many, and I think more, white votes cast for the Republican candidate for Congress than there were colored votes for the Democratic candidate. When the extraordinary efforts made by the Republican party had succeeded in reorganizing the colored vote, my opinion is that the work done by that party was pretty thoroughly successful. I know of no county in the district in which the Greenback party succeeded in maintaining its control over the colored vote, except Yalabusha. In addition, I am satisfied that some white Greenbackers had become so much incensed in consequence of the warfare waged against them and their party by the Democratic party that, despairing of the success of their own candidate, they voted for the Republican candidate; and further than this deponent saith not.

"Q. 2. What is the standing of the contestant, George M. Buchanan, in his party and as a citizen?

"A. I think his position in his party is a prominent and controlling one, certainly in his section of the State. As a citizen, he is kind, charitable, generous, and public-spirited, and I know nothing to his detriment except that he belongs to what is known here as the Radical party, and that he became a candidate for Congress in the last election to my detriment. As a candidate for office, I am satisfied that he is considerably stronger than his party, in this county particularly. As a neighbor he is equal to any man.

"X Q. 4. You have been asked as to the standing and character of George M. Buchanan as a politician and as a gentleman. Please state as to the character and standing of Van H. Manning in both respects?

"A. Having been three times nominated by his party as a candidate for Congress, and returned as elected, is a sufficient answer as to the character and standing of Van H. Manning with his party. In all the elements of kindness, generosity, and charity he is the equal of any—infinitely too much so for his own good."

Witness Mahon (p. 106, record):

"Q. 7. Do you know of a newspaper published in Holly Springs known as the Holly Springs 'South'? If so, state the political party that that paper advocates.

"(Question objected to and ruled out.)

"Q. 8. Did you or not read in the Holly Springs 'South,' a Democratic newspaper published in Holly Springs, and published on December 8, 1880, the following language:

"[The South, Holly Springs, Miss., December 8, 1880.]

"BUCHANAN TO CONTEST.

"It seems to be generally believed by our exchanges that Buchanan will contest for Manning's seat. If he ever gets it it will be by an utterly unscrupulous partisan decision by the House of Representatives. Never was there a fairer election in any district of the State than that of this, when Manning was elected. *The negroes generally voted for Buchanan. The whites divided between Manning and Harris.* Every man of the three parties voted as he pleased, except those who voted for Buchanan, *and they went as a flock*, under instructions, by which they were easily fooled into voting for him. The ballots were printed in accordance with the law of the State and counted. Buchanan was beaten by not getting votes enough—that is all. He will have to be elected at Washington, if he ever is. It will not be by votes of the people of Mississippi. And when Congress seats Buchanan the second Congressional district of Mississippi will have no representative.

"(Question objected to and ruled out as before, and question not permitted to be answered.)

"Q. State whether or not you know the editor of the Holly Springs 'South,' and his character for political intelligence; if so, state his character for political intelligence?

"A. I know Mr. Tyler when I meet him, and his character for intelligence is good.

"Q. 9. State, if you know, in what party interest that newspaper, the Holly Springs 'South,' acted during the campaign of 1880, and what candidate for Congress it advocated.

"(Objected to by counsel for contestee as being irrelevant, and objection sustained and question not permitted to be answered.)"

For reasons which will hereafter appear apparent, we have briefly referred to the evidence of the voting strength of each of the political parties; the class of voters from which each party was organized, the canvass made by each, and the manner in which each party's vote turned out and came to the polls.

INTIMIDATION OF COLORED VOTERS BY CONTESTANT'S FRIENDS.

We have very carefully examined the evidence relating to the intimidation of colored voters by contestant's friends (as is alleged by contestee, in his reply to notice of contest), and do not find that the evidence discloses a single instance where a colored voter was deprived of voting for *contestee* by reason of threats or intimidation from any source. The evidence discloses the fact to be that contestee received but few of the votes of colored voters, and that there was by far a larger number of white voters who voted for contestant than there were colored voters who voted for contestee. The vote as returned is stated as follows, upon page 393 of the record:

Harris, Greenbacker	3,585
Buchanan, Republican	9,096
Manning, Democrat	15,255

The evidence shows there to be about 19,700 colored voters and about 17,100 white voters in the district, with some 2,600 more colored voters than whites; that the colored voters are Republicans, with few exceptions, and so voted (or made the effort to vote), as is shown to be the case also with quite a number of white voters; and that the white voters generally were divided (in a measure) between the Democratic and Greenback candidates. Granting that the canvass was equally thorough and active on the part of all parties, and that the voters generally came to the polls, we cannot resist the conclusion that on the day of the election the voting strength of *contestee's* party was in a minority to the extent of 5,000 to 6,000 voters.

Yet notwithstanding this evident condition of the two parties on the day of the election, we are confronted with a return, heretofore referred to, giving the contestee a majority of some 5,300 voters. Were we to take the *State* census as evidence in reaching a conclusion on this point, contestee's party would still be in a large minority.

There are only 17,155 white voters in the district. The proof is clear that Harris, the Greenback candidate, received 3,585 votes, of which (not exceeding) 1,000 were colored, leaving him 2,585 white votes.

It is further clearly proven that quite a number of white voters did not go to the polls. (See evidence, Howze, p. 19; Newsom, p. 22.)

It is further proven that contestant received a number of white votes, and yet, according to the returns, the contestee is credited with 15,215 votes, which is manifestly impossible under the circumstances.

On the other hand, the contestant is credited with only 9,996 votes, while there are 19,800 colored voters in the district, who, according to the proof of contestee's own friends, were all solid for contestant, and came to the polls and voted or offered to vote.

This again is a manifest impossibility. This at once throws suspicion on the fairness of the count, and when the whole of the election machinery was in the hands of contestee's friends the burden of showing the fairness of the count should be upon him when a reasonable doubt of fairness has been established by the proof. This brings us to a consideration of the evidence tending to show how this result was brought about (after first examining the election laws of Mississippi bearing on the points in controversy).

"ELECTION LAWS, CODE OF 1880.

"SEC. 105. The books of registration of the electors of the several election districts in each county and the poll-books as heretofore made out shall be delivered by the county board of registration in each county, if not already done, to the clerk of the circuit court of the county, who shall carefully preserve them as records of his office, and the poll-books shall be delivered in time for every election to the commissioners of election, and after the election shall be returned to said clerk.

"The clerk of the circuit court of each county shall register on the registration book of the election district of the residence of such person any one entitled to be registered as an elector, on his appearing before him, and taking and subscribing the oath required by article seven and section three of the constitution of this State, and printed at the top of the pages of the registration books, which subscription of the oath aforesaid shall be by the person writing his name or mark in the proper column of said book."

Section 121 of the Mississippi Code of 1880 is as follows:

"Two months before any general election and any election of Representatives in Congress, and any election of elector of President and Vice-President of the United States, the governor and lieutenant-governor, or president of the senate if the lieutenant-governor is performing the duties of governor, or if there is no lieutenant-governor, and the secretary of state, or a majority of such officers, shall appoint in each county in this State 'commissioners of election,' to consist of *three competent and suitable men, who shall not all be of the same political party*, if such men of different political parties can conveniently be had in the county, and who, for good cause, may be removed in the same manner as they are appointed. Before acting the said commissioners shall severally take the oath of office prescribed by the constitution and file it in the office of chancery clerk of the county, who shall preserve such oaths. While engaged in their duties the said commissioners shall be conservators of the peace, with all the powers and duties of such, in the county in which they are acting. They shall continue in office for one year unless removed and until successors are appointed."

Section 124 of the Mississippi Code of 1880 is as follows:

"On the last Monday of October preceding a general election, and five days before any other, the commissioners of election shall meet at the office of the clerk of the circuit court of the county, and carefully revise the registration-books of the county and the poll-books of registration of the several precincts, and shall erase therefrom the names of all persons improperly thereon, or who have died, removed, or become disqualified as electors from any cause, and shall register the names of all persons illegally denied. All complaints of a denial of registration may be made to and be heard and decided by the commissioners of elections, who shall cause the books of registration to *be corrected, if necessary, so as to show the names of all qualified electors in the county*, and such books shall be *prima facie* evidence of the names and number of the qualified electors of the county.

"SEC. 125. The clerk of the circuit court shall attend such commissioners, if so requested, and shall furnish them the books of registration and the poll-books, and shall render them all needed assistance of which he is capable in the performance of the duties in revising their lists of qualified electors."

Section 133 is as follows:

"Prior to any election the said commissioners of elections shall appoint *three persons for each election precinct to be inspectors of the election, who shall not all be of the same political party, if suitable persons of different parties are to be had in the election district*, and if any person appointed shall fail to attend and serve, the inspectors present, if any, may designate one to fill his place, and if such commissioners of election shall fail to make such appointment, and in case of failure of all those appointed to attend, any three qualified electors present when the polls shall be opened may act as inspectors."

Section 136 is in the following words:

"All elections by the people of this State shall be by ballot. The poll shall be *opened at nine o'clock in the morning and be kept open until six o'clock in the evening, and no longer;* and every person entitled to vote shall deliver to one of the inspectors, in the presence of the others, a ticket or scroll of paper on which shall be written or printed the names of the persons for whom he intends to vote, which ticket shall be put in the ballot-box, and *at the same time the clerks shall take down on separate lists the name of every person voting; and when the election shall be closed the inspectors shall publicly open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by said clerks in the presence of the inspectors;* and if there should be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted."

In brief, the circuit clerk of each county is the sole registrar of all the voters. The registration-books are records, and are required to be kept in his office. The registrar is required to register voters any day in the year that the voter may choose to apply for registration, and every person desiring to register is required to come to the county seat for that purpose, and must make oath and sign the registration-books.

The State board, consisting of the governor, lieutenant-governor, and secretary of state, appoint three election commissioners for each county, who are to be selected for their competency and suitableness to discharge the duties required of them. They must not all be chosen from the same political party.

These county commissioners are required to meet at the office of the registrar immediately preceding every election and correct the registration and poll books, "*so as to show the names of all qualified electors in the county.*" The registrar is required to assist them in the discharge of the latter duty. These commissioners appoint three inspectors to each voting-place in the county, *who must be selected from electors suitable and competent to perform the duties of inspectors* (count the vote, make out, certify the returns, &c.), and these inspectors are to be selected from different political parties.

The election commissioners hold in their hands the entire election machinery of their counties; they establish and abolish election precincts at will; they revise the registration and poll books, erasing names therefrom as occasion demands; they sit as a court to decide appeals from the circuit clerk when complaint is made that registration is improperly refused; they appoint all election officers in their counties, including peace officers to preserve order at the voting-places; they receive, compute, and return the whole vote of their counties; and to exercise these great powers and delicate trusts the concurrence of only two of the three commissioners is required. Will it be pretended that men who are utterly illiterate are "*competent and suitable*" for so important an office, or that their appointment is a compliance with the law in any respect?

Before proceeding to review the acts of the election officers, it is well enough to call attention to a circular issued by General Featherstone at an early day of the canvass. The importance of this circular is in the fact that General Featherston is contestee's own witness, and is a man of national character, having been a Representative in Congress before the war, and now circuit judge in the State of Mississippi. (See his evidence, record, p. 331.)

Page 334:

"X Int. 13. Did you as chairman of the Democratic committee, and by authority of the committee, issue and cause to be published the following call, which I here append as part of this question, marked G. M. B.?

"'MASS CONVENTION.

"'There will be a mass convention of the Democrats of Marshall County at the court-house in Holly Springs, at 11 o'clock a. m., on Saturday, the 24th day of July, 1880, for the purpose of electing delegates to attend a district convention in Water Valley, Miss., on the 11th day of August, 1880, to nominate a candidate for Congress.

"'Let everybody come.

"'*Let the enemy know in the beginning that in this campaign the Democracy will win at all hazards.*

"'By order of the executive committee.

"'W. S. FEATHERSTON, *Chairman.*

"'ARTHUR FANT, *Secretary.*

"'(Indorsed:) G. M. B.'

"A. The executive committee instructed the secretary to prepare and publish a call for the meeting indicated in the card, and the call was prepared and published by the secretary."

The foregoing may very properly be considered the initial step on the part of contestee's friends towards carrying the election in the manner indicated by the circular.

As we have said in another Mississippi case—Lynch *vs.* Chalmers—decided in this Congress—

"The general doctrine in construing election statutes is, that they are to be construed liberally as to the elector, and strictly as to the officers who have duties to perform under them. A statute directing certain things to be done by election officers ought to be followed by them with a high degree of strictness, but duties to be performed by the electors, as declared by statute, are directions merely."

We do not propose to discuss the great and vital importance of an impartial registration of voters where it is made a condition precedent to the exercise of the elective franchise, as is the case under the constitution and laws of Mississippi.

APPOINTMENT OF ELECTION OFFICERS.

The evidence is very full that both the Republicans and Greenbackers of the counties challenged made every effort by petition and otherwise to secure the appointment of such (reasonable) number of both county commissioners and also precinct inspectors as they were fairly entitled to under the law, and it is no less clear that their wishes were almost entirely disregarded, especially in counties having large Republican majorities *prima facie*. We submit the following brief of evidence on this point:

"DE SOTO COUNTY.

"J. F. Pratt, on page 24, testifies that 'the county board of election commissioners was composed of two well-known Democrats and one colored man, neither of whom were identified with the Republican party—the colored man can neither write nor read writing—and that the Republican county committee endeavored to secure the appointment of Newson, a well-known and competent Republican, as commissioner, and failed.'

"See also testimony of Nelson, on page 37, showing 'that an ignorant colored man was appointed commissioner over protest of Republicans of the county,' and testimony of Anthony Mathews, the commissioner appointed, on page 28, showing that he could not write or read writing, and knew nothing of the correctness of the returns, except what was told him by the other commissioners.

"LA FAYETTE COUNTY.

"B. P. Scrugga, an intelligent white Republican, was recommended for commissioner by his party friends, and a negro, 'Thomas Jefferson, who has very limited education, if any, was appointed' (see page 51). Testimony of Jefferson, the colored man appointed commissioner, page 71, shows that no Republican recommended his appointment, and that he was appointed on recommendation of the chancery clerk, county treasurer, and other prominent Democrats; and that he was not consulted by his co-commissioners in the appointment of election officers; and his evidence will show his utter unfitness for the position. The testimony of Beauland, page 311, shows that he and one R. S. McGowan were the two Democratic commissioners; and the testimony of E. Nunnally, page 211, shows the unscrupulous character of McGowan, that he said to witness that he would 'stuff ballot-boxes to beat the Republicans,' and this witness testifies that he would not believe McGowan on oath.

"TALLAHATCHIE COUNTY.

"The testimony of T. W. Turner, pages 186-7, shows that no regard was paid to the wishes of Republicans in appointing commissioners; that two Democrats and one incompetent colored man were appointed. The Republicans desired the appointment of Littlewort, whose character for intelligence will be shown by his evidence on pages 194-5. The want of educational qualifications for the position of commissioner is shown by the evidence of the colored commissioner himself, on pages 195-6, which discloses the fact that he could not read the manuscript of his evidence then being given.

"TATE COUNTY.

"In this county, as will be seen in the evidence of Wright, on pages 172 to 174, two of the commissioners appointed were Democrats, and the other a Greenbacker, and that when Jones, the Greenback commissioner, failed to secure the appointment of the election officers he proposed, left the board, saying he would have nothing more to do with it, and that only four of the election officers for the county recommended by the Republicans were appointed, and only two of them served. (See testimony of Shands, page 402.)

"MARSHALL COUNTY.

"In this county, as will be shown by the evidence of McCorkle, on pages 123 to 125, two Democrats and one competent colored Republican were appointed commissioners, and that the Republican commissioner resigned on account of the disregard of his rights as a commissioner by his colleagues, in abolishing election precincts, and in transferring others without his presence or consent, and in sign-

ing his name to notices of the same, thus leaving the election to be managed by the two Democratic commissioners; and on pages 336 to 339, in the testimony of Mr. Wallace, one of the Democratic commissioners, and a brother-in-law of the Democratic candidate for Congress, it is shown that some time in October, *after serving as commissioner nearly the entire canvass, and after the work of abolishing and transferring election precincts* had been accomplished, Mr. Wallace also resigned his office out of considerations of delicacy, and his successor was afterwards appointed, but it does not appear that any successor was appointed to the Republican commissionership."

The manner in which these county commissioners performed their duty in appointing the inspectors of election, especially in counties that were manifestly largely Republican, is very fairly stated by contestant's counsel as follows:

"As will be seen from the evidence of Johnson, page 231, the Greenbackers were not recognized as a party, and there was no pretense of appointing their men as election officers; and the one inspector pretendedly accorded to the Republicans was not always appointed, and when appointed was almost universally so utterly incompetent as to render the appointment worse than a mockery. Take for illustration the county of De Soto, where there are several thousand voters, sixteen voting-places, and as a consequence ninety-nine election officers; and of these one inspector appears to have been a Greenbacker (see page 244), and of the others not more than *sixteen* belonging to the parties opposing the party of contestee, and *fourteen* of them testify that they cannot read or write. Incredible as this statement may appear, it will be fully verified by the evidence on pages 10, 12, 13, 15, 28, 32, 43, 45, 46, and 47, this being the testimony of the officers themselves. That *suitable* Republicans and Greenbackers could be had in the election districts, and that efforts were made in writing and in person by representatives of both the opposing parties to have these *suitable* and competent men appointed, will be fully shown on pages 25, 27, and 231. That the appointment of intelligent Democrats, even when recommended by Republicans, was refused, will be seen in the evidence of Scruggs at the top of page 52.

"Not to dwell tediously upon it, the two counties of La Fayette and Marshall have about the same number of election officers, belonging to the different parties in about the same proportion, and *eleven* of these in *each* county testify that they cannot either read or write. (See pages 57, 60, 65, 66, 67, 68, 69, 72, 73, 74, 92, 95, 108, 109, 114, 116, 117, 119, 121, 125.) That *suitable* persons of the opposition parties could be found in the election districts of these counties, and that earnest efforts were made to secure their appointment, see pages 51, 105, and 203. For other appointments of election officers of the same character in other counties, read pages 170, 185, 190, 193, 178, 187, and 174. In the five counties of Marshall, La Fayette, Tate, De Soto, and Tallahatchie, out of the small number of election officers appointed from the opposition parties, over *forty* of them could not read or write, and the three or four of them who claimed to be able to read print, upon being tested, were found to be deficient in that. As specimens of these officers thus arbitrarily appointed, read the testimony of Cezar Pegues, on page 69, where he testifies that he is 'about sixty-five years of age. One of my eyes is entirely out; the other I cannot see good out of, and I cannot read or write'; and of Seaborn Clark, on page 114, where he says, 'I can neither read or write; I cannot hear good out of one ear at all; I got a pin stuck in the drum of my ear.'"

REGISTRATION OF VOTERS.

The evidence shows that in the four counties of Marshall, De Soto, Panola, and Tallahatchie (all confessedly largely Republican counties), the county commissioners did assemble at the registrar's office some ten days prior to the election, but manifestly not for the purpose of correcting the books "so as to show the names of all the qualified electors of the county," as is the plain language of the statute, but they met there and deliberately stopped the registration of voters in the counties mentioned, and, not satisfied with this, went deliberately to work (for what cause it is not stated) and erased from the poll and registration books the names of nearly 1,000 Republican voters, *who had previously registered*, many of whom swear that they had been voting for years at the precincts where they offered to vote at this election, and the fact that their names had been erased from the books was not developed until they came to the polls to vote. This is shown to be the case at some forty precincts in the district. (See pages record 19, 23, 24, 27, 30, 52, 76, 80, 123, 167, 196, as to closing of registration.)

For evidence of Republicans' names being erased from registration and poll-books, and not being permitted to vote in consequence thereof, see record, page 83, Q. 21; pp. 112, 91, 97, 94, 108, 119, 109, 111, 117, 60, 100, 28, 19, 31, 34, 12, 13, 35, 44, 25, 40, 41, 168, 157, 178, 438, 439, 440, 447, 448, 450, 452, 453, 454, 455, 456, 462, 463, 464.

Record, p. 24, Q. 5: Witness "Pratt" says, State board appointed an ignorant colored man to represent the Republicans "who is totally ignorant," and not identified with the party, as one of the county election commissioners.

Record, p. 28, Q. 2 and 3: This commissioner says he cannot write or read writing, and knew nothing of the compiling of the returns save what the Democratic members of the board told him.

Record, p. 20, Q. 15: "Howze," Greenbacker, proves that "Johnson," one of the Democratic commissioners, *forged a poll-book and caused it to be substituted for holding the election at Depot Box*, instead of the poll-book belonging to that precinct (at Hernando).

Record, p. 29, Q. 2: "Dr. W. M. Johnson" says that this election commissioner admitted to him that *he did make the book*.

Record, p. 233, Q. 25: This commissioner says he *has no information (except hearsay)* as to whether or not he and others *are under indictment* in the Federal court for the infraction of election laws.

Record, p. 458, Q. 6 and 7: "Howze" says he was present in court, and that *this commissioner was present*, when *his case was continued* till July term, 1880.

Record, p. 457, Q. 3: Election commissioners abolish Plumb Point precinct.

Record, p. 21, Q. 19; p. 23, Q. 8; p. 24, Q. 7; p. 27, Q. 6: Ten days prior to the election, the registrar refuses to register any more voters, and the books are closed against them for the season. "Nelson" says voters were coming in every day and refused registration.

Record, p. 21, Q. 19: "Howze" says (estimates) that he saw as many as 150 *Republicans* during that time who told him that they had applied for registration and were refused.

Record, p. 23, Q. 8: "Newsom" says, the closing of the registration at that time was a source of general complaint among Republicans from all over the country, who came for that purpose. That there are a large number of voters who generally neglect to register till just prior to election. Witness heard no *Democrat* complain.

MARSHALL COUNTY.

Record, Q. 3 and 4, p. 336: *State board* appoints "Wallace," Manning's brother-in-law, as one of the *county commissioners*.

Record, Q. 4 and 5, p. 338: "Wallace" is shown to have been in the habit of officiating at elections. Claims to have acted but for a short time, but on being pressed (p. 338, last question) admits that he was such *all the campaign*.

Record, Q. 7 to 10, p. 123: "McCorkle," Republican commissioner, shows that Wallace and Hardin, the two Democratic commissioners, held a meeting without advising him of it and *forged his name to a circular, under which they abolished two precincts*, and changed the location of two others, which was done without his knowledge or consent.

Record, Q. 1 and 2, p. 125: McCorkle shows that he was never out of Holly Springs more than one day at a time at that period. (See circular referred to, p. 124.)

Record, p. 76, Q. 7; p. 80, Q. 5: The county registrar closes the registration-books ten days before the election and no voters are permitted to register after that time.

Record, p. 123, Q. 4 and 5: "McCorkle," county commissioner, says that they were *always crowded* with applications for registration papers during the last few days prior to elections that 500 or 600 voters generally applied for registration within that period.

Record, p. 80, Q. 7: "Cunningham," on Wednesday before election, says he took down *the names of about one hundred* who were refused registration, many of whom he accompanied to the registrar for that purpose (that he staid at the court-house all day for that purpose), at request of Buchanan.

LA FAYETTE COUNTY.

Record, p. 51, Q. 4: "Scruggs" says *State board* appointed ignorant man as Republican representative on board county commissioners over protest of Republicans.

Record, p. 71; Re-examination Q. 1, 2, and 3: Republican commissioner shows that he was appointed at solicitation of Democrats only and that no Republican recommended him.

Record, p. 211, Q. 9: Shows McGowan to be a man *utterly devoid of character*. McGowan was one of the Democratic commissioners of that county.

Record, p. 60, Q. 1, 2, 3, and 4: McGowan presided as associate notary (deputy chancery clerk) in taking this testimony, *where his own acts was directly the subject of investigation*.

Record, p. 210: "Nunnally" says he would not believe "McGowan" on oath.

Record, p. 70, Q. 2, 3, 4 and 5: "Jefferson," Republican *commissioner*, says the Democratic commission appointed the inspectors without consulting him, and refused to appoint any one recommended by Republicans. Registration of Republicans *avoided* by taking registration-books to Democratic meetings and other places. Code Miss., Secs. 11 and 12, *requires registration-books to be kept at office of circuit clerk and requires all electors desiring to register to come to the court-house (clerk's office)*. The books are part of the records of his office, and are made in a statutory *form, one for each district in the county*, and all persons registering are *required to sign this book*.

Record, p. 52, Q. 6: "Scruggs" says registration-books were taken to Democratic speaking at Stoner's Mill *the day that the Republicans had speaking at Oxford*.

Record, p. 307, Q. 10: Contestee's witness "Andrews" says books were taken to Abbeville, College Hill, Alexander's Store, and Free Springs, on more than one occasion.

TALLAHATCHIE COUNTY.

Record, p. 187, Q. 5, 6, and 7: "Turner" says *State board* appoints an ignorant man as the Republican representative as county commissioner over protest of Republicans.

Record, pp. 196 and 197; re-examination, Q. 1, cross-examination, Q. 1: "Downy," the Republican commissioner, shows his utter ignorance, and that *he cannot read writing*.

Record, pp. 421 and 422, cross-examination: "Sanders" shows that "McAfee," one of the Democratic commissioners, while acting as such *in 1879 sent the wrong poll-books* to several precincts *by the Democratic candidates*, and in consequence thereof they held no election at these precincts.

NOTE.—No *Republican* vote was cast in this county for President or Congressman *in* 1876, by reason of wholesale destruction of Republican tickets:

Record, p. 414: "London," cross-examination, Q. 1 and 2, on this subject.

Record, p. 421, Q. 2: "Sanders," county registrar, closes the registration of voters five days before the election.

PANOLA COUNTY.

Record, p. 167, Q. 4: "Brown," commissioner, says registrar turned over the registration books to commissioners, for revision, *ten* days before the election, and (Q. 6) says the registrar did no more registering after that time. See Q. 1, cross-examination: Says the commissioners did some registering during that time, but they were only *revising* registration. X Q. 6: Election laws, section 124, only authorize commissioners to register persons *on appeal* (where the *registrar* has refused them registration).

Record, p. 142, Q. 11: "Pipkin" says books were turned over to commissioners ten days before the election, and (p. 143, Q. 12) the board were *transferring names* during that time; that *registrar* helped them register one day.

Record, p. 157, Q. 3, 4, and 5: "Small" says Brown and Ruffin, the *election commissioners*, acted as *inspectors*, and held the election at Sardis precinct; *that neither of them were sworn as inspectors*; that *Ruffin* was a voter at another precinct. (This is not denied by any witness.)

TATE COUNTY.

Record, p. 173, Q. 3: Republicans have no representative on board of election commissioners, but "Jones," Greenbacker, is appointed.

Registration closed as against Republicans.

Record, p. 398, Q. 1 and 2, cross-examination: Contestee's witness Clifton says he sent registration-books to country precincts by one "Medders," who is editor of the Democratic paper. This was just prior to the election.

Record, p. 401, Q. 2 and 3: "Medders" accompanies "Shands," *Democratic "elector,"* to his appointments all over the county the week preceding the election, thus closing out all persons applying at the *registrar's office* for registration, where the law required the books to be kept and registration to be done, and where the law required all persons to come who desired to register, from all parts of the county.

It is in evidence that "Johnson," one of the Democratic election commissioners for "De Soto" County was convicted at the last term of the Federal court held at Oxford, Miss., and fined $500 for fraudulently erasing the names of voters from the registration and poll books of that county (at this election) (see *transcript* court record filed in case); that all three of the election commissioners for (Panola) county were indicted and *plead guilty* at the December term, 1880, of the same Federal court, to the charge of refusing to register voters at this election (see transcript court record filed in case); that the two Democratic election commissioners for "Marshall County" were indicted and *plead guilty* at the December term of the same court (1880) to the charge of fraudulently erasing names of voters from the poll-books of that county. (See printed record, page 6.)

That C. S. Bowen, an election inspector, was tried and convicted at the same term of this court for ejecting a United States supervisor from the polls in Marshall County; and

That Seaborn Clark and N. Mims, inspectors of election, *plead guilty* to charge of ejecting United States supervisor from the poll in Marshall County at the same term of court. (See printed record, page 6.)

That "Maxwell," the registrar for "De Soto County," is now under indictment in the same court for *registering* voters by *proxy and* for denying registration to one class of voters. (See record transcript filed.)

We here give the evidence of G. C. Chandler, the district attorney for the northern district of Mississippi, showing what seems to your committee a *prevailing* sentiment (in the second Mississippi district and adjoining districts) as to the right of parties to interfere with poll-books, election officers, and ballot-boxes. *The record filed with the committee* shows that a part of these election officers were permitted to plead guilty "*nolo contendere*." We can well imagine why a humane judge should be so considerate as to permit *such a plea* to be entered in view of a Mississippi statute affixing the penalty of *disfranchisement* for offenses of this kind.

The record, pages 382 and 387, shows that the parties from "Marshall" County were defended by *volunteer* and able counsel, who testify that they defended these men *without fee or reward*, because they saw they thought they were being *persecuted*. It is shown that three law firms of the city of Holly Springs tendered their services in the defense of these cases.

Page 5:

"G. C. CHANDLER, being sworn according to law, testifies as follows:

"Question 1. Where do you reside, and how long have you resided in the State of Mississippi?

"Answer. I reside at Corinth, Miss., and I have resided constantly in the State the last forty-five years.

"Q. 2. What official position do you now hold under the laws of the United States?

"A. I am United States attorney for the northern district of Mississippi.

"Q. 3. In your official capacity as district attorney of the United States for the court of the northern district of Mississippi, if to your knowledge there were any indictments found by the grand jury at the December term, 1880, of said court for violations of the election laws of the United States, state how many, for what particular offense, in what counties, and disposition (if any) was made of such cases, together with the names of parties indicted. State fully and particularly.

"A. For want of money, and on account of the failure to co-operate with the court on the part of some persons who should have felt an interest in enforcing the law, there was only a very partial investigation of the last Congressional election; but so far as the investigation was carried it showed almost every conceivable crime against the purity of the election. A number of indictments were returned by the grand jury, and I hand you the following account of those where arrests have been made; the others are for the present private.

"Q. 4. State, if you know, from your information as district attorney, whether or not there were other violations of the election laws of the United States, and laws of the State of Mississippi, in said district, committed at the election in November, 1880; and if yea, state why the grand jury failed to institute further proceedings. State fully and particularly your knowledge on the subject.

"A. The grand jury did not return all the indictments the evidence before them warranted. They examined witnesses only from eight or nine counties, and they were adjourned when the funds to pay witnesses and jurors were exhausted. In many counties the election was conducted fairly, and in others all election laws, State and Federal, were violated. Men of one class were registered illegally, and of another class refused registration. Under the State statute that authorized the revision of the poll-books the names of many legal voters were crossed from the poll-books, and intimidation and obstructing of voters, expelling United States supervisors, false counting, and ballot-box stuffing were all shown by the evidence before the grand jury to have been committed.

"*List of election cases originated at December term, 1880, of the United States district court of the northern district of Mississippi, where arrests have been made, with disposition of the same.*

"No. 1795. United States *vs.* M. B. Collins, Warner Matthews, Joseph E. Monroe, commissioners of election for Coahoma County.

"*Charge.*—Failing to return vote of the county; returning the vote of one precinct as the entire vote of the county.

"Plea of guilty by each defendant.

"1802. Alonzo Gorman, A. G. Hockroeder, William Pounds, Lee County.

"*Charge.*—Obstructing voters at the polls.

"Dismissed as to Hockroeder, and jury and verdict of guilty as to Gorman, and not guilty as to Pounds.

"1788. E. L. Sykes, sheriff of Monroe County.

"*Charge.*—Threatening witness in election cases.

"Jury, and not guilty on plea of guilty in case No. 1790, and as the Government had a single witness to the threats.

"1789. Jas. Evans, Jack Gathings, Paul Strong, Monroe County.

"Obstructing voters at the polls.

"Plea of guilty as to Evans and Gathings, and dismissed as to Strong.

"1790. E. L. Sykes, sheriff, Monroe County, Ben. Halliday, Jas. E. Sanders, J. Sandy Watkins, Woodson Watson, Jas. Evans, Ben. Bradford, Jack Gathings, Dr. Strewell, inspectors and clerks.

"For ejecting United States supervisor from polling-place.

"Plea of guilty as to Sykes, Jas. Evans, and Jack Gathings, and dismissed as to the others.

"1794. G. C. Myers, registrar, Marshall County, M. G. Hordin, J. C. Boxley, commissioners, Marshall County.

"*Charge.*—Refusing to register voters.

"Jury, and verdict of not guilty on entering plea of guilty in case 1795, by Hordin and Boxley, and not guilty as to Myers.

"1795. M. G. Hordin, J. C. Boxley, commissioners of election, Marshall County.

"*Charge.*—Fraudulently erasing names of voters from poll-books.

"Plea of guilty by each defendant.

"1771. C. S. Bowen, jr., Seaborn Clark, Nat. Muris, Dr. Dean, Marshall County election inspectors and clerk.

"*Charge.*—Ejecting from polls United States supervisor.

"Jury, and verdict as to Bowen; plea of guilty as to Clark and Muris, and not guilty as to Dean.

"1786. George Askew, Dorsey Outlaw, Green Davis, commissioners, Oktibbeha County.

"*Charge.*—Refusing to keep polls open as required by law.

"Pending.

"1772. C. S. Bowen, jr., Seaborn Clark, Marshall County inspectors of election.

"For failure to keep polls open as required by law.

"Jury, and verdict of not guilty on their entering a plea of guilty in No. 1771.

"1773. T. R. Maxwell, registrar of De Soto County.

"Fraudulently refusing to register voters.

"Pending.

"1775. W. H. Johnston, T. A. Dodson, Anthony Matthews, De Soto County, commissioners of election for De Soto County.

"For fraudulently making false poll-book.

"Jury, and verdict not guilty.

"1774. W. H. Johnson, T. A. Dodson, Anthony Matthews, De Soto County, commissioners of election for De Soto County.

"For fraudulently erasing the names of voters from the poll-books.

"Pending.

"1776. Jas. Brooks, N. Dodds, inspectors of elections at Horn Lake, De Soto County.

"Stuffing ballot-box.

"Pending.

"1777. Jas. Brooks, N. Dodds, inspectors of election at Horn Lake, De Soto County.

"Refusal to keep polls open.

"Pending.

"1785. Geo. Askew, Dorsey Outlaw, Green Davis, Jno. Gillmore, Isaac Sessions, Oktibbeha County inspectors and clerks.

"Stuffing ballot-box.

"Pending."

Having stated the general principles that govern our opinion, we now proceed to give the number of votes cast at the various precincts where frauds are shown to have been committed, and where the election officers were either so corruptly or illegally appointed, or where their acts while holding the election causes such suspicion in our minds as to destroy confidence in the returns. The number of votes there found to be tainted with fraud is so great as to justify the conclusion that the election in this case must be set aside. (For returns see record, pages 391 and 392.)

MARSHALL COUNTY.

Chulahoma		512
Byhalia		514
West Holly Springs		507
East Holly Springs		512
Wall Hill		340
Mount Pleasant		396
Waterford		102
Hudsonville		273
		3,246

DE SOTO COUNTY.

Horn Lake	235	
Hernando Court-House	166	
Olive Branch	188	
Oak Grove	229	
Hernando Depot	299	
Lauderdale	145	
Pleasant Hill	244	
Love Station	233	
Nesbitt Station	247	
Lewisberg	158	
Endorn	240	
Lake Cormorant	192	
Cochran Precinct	211	
		2,885

LA FAYETTE COUNTY.

College Hill	410	
Oxford	1,110	
Taylor's Depot	349	
Abbeville	351	
		2,220

PANOLA COUNTY.

Sardis	624	
Como	748	
Longtown	265	
Pleasant Grove	323	
Springport	133	
		2,093

TATE COUNTY.

Arkabutla	183	
Independence	326	
Senatobia	462	
		971

TALLAHATCHIE COUNTY.

Charleston* (county seat), estimated	300	
		300
Total		11,715

In making the foregoing statement we have not included the vote of many precincts where good grounds exist for their rejection, and where the election might be declared void upon the evidence, as at Law's Hill, Oak Grove, Bainsville, Evans's School-House, in Marshall County; Springdale, Sanders's Store, Free Springs, and Dallas precincts, in La Fayette County; Stewart's, Reynolds's, and Ingram's Mill, in De Soto County; Rosa Mill and Brooklyn, in Tallahatchie County. The evidence of witnesses in relation to these precincts shows such irregularities as, when considered in connection with the evidence generally, leads to the belief that there was unfairness intended, if not openly practiced.

Were we to adopt the rule laid down in Donnelly *vs.* Washburn we would reject them all.

We have selected the precincts (where the figures are given) because at every one of them some transparent fraud is directly proven, or the conduct of the election officers has been such as to so becloud them with suspicion that they are, in our judgment (when considered in connection with the conduct of this whole election), unworthy to be considered as election returns.

YALOBUSHA COUNTY.

As to the condition of affairs that prevailed in this county, we here submit the evidence of A. T. Wimberly, chairman of the Greenback State executive committee. The returns from this county (page 392) gives contestant only 81 votes, while contestee has 1,120 votes, while the census (p. 293) shows there to be some 1,540 *colored* voters in the county. It does not seem, from this evidence, that those who deemed it necessary to carry the election "*at all hazards*" were either respecters *of persons or political parties*, or were at all choice in their methods of bringing about the result, and we can easily conceive how timid colored voters would shrink from contact with such a state of *war*, and either stay away from the polls or seek refuge in the *protection* afforded by the Greenbackers and vote their ticket, if necessary to that end.

"A. T. WIMBERLY, being legally sworn, testified:

"Question 1. Where do you now reside; where on the 2d November, 1880; how long have you resided where you now reside, and what are your politics?

"Answer. On 2d November, 1880, I resided in Coffeeville, Yalobusha County, Miss., and have resided there since 1868. I am a Greenbacker in politics, and have lived in this district all my life.

"Q. 2. What official position do you hold in your party in Mississippi, and what in the political canvass of 1880, and what is the extent of your acquaintance with the Greenback organization in this second Congressional district?

"A. I am chairman of the Greenback State executive committee, and was in 1880. From my correspondence as such chairman, and my association with the party in convention and otherwise, I am very well acquainted with my party organization in the district.

"Q. 3. What part did you take in the interests of T. W. Harris, your Greenback candidate for Congress, in 1880?

"A. I not only canvassed Yalobusha County in his behalf, but also La Fayette,

*The vote of this county is not returned by precincts.

and personally spent my time in the canvass of those counties and by correspondence with Greenbackers all over the district during the canvass; worked in his behalf. I spent my time, my money, and run the risk of losing my life in that canvass for him.

"Q. 4. What sort of canvass did the Greenbackers make as to vigor and aggressiveness in this the second Congressional district in the Congressional election of 1880?

"A. From my personal observation and correspondence in the district, I think they could not have made a more thorough canvass than they did. They directed their time and energy and what little money they had for the success of their candidates. T. W. Harris, our candidate for Congress, made a thorough canvass of the entire district.

"Q. 5. What was the character of your canvass in person for peaceableness and quietness? If any violence was done toward you or the members of your party, state fully and particularly all you may know on this point.

"A. The canvass was anything else but a peaceable one, from the beginning to the end. At every political meeting held in Yalobusha County, where there was a joint discussion between the Greenbackers and Democrats, the Democrats never failed to go armed not only on their own persons, but there was a committee of boys appointed to carry arms in saddle-bags, to be used should it be necessary. That forced us to carry ours to defend ourselves with, and we were not inclined to be bulldozed and run off the track by the Democratic mob. In Coffeeville, some time in the month of July or August, the Democrats advertised to have a ratification meeting. We were invited by one of their committee to have a joint discussion. We accepted the invitation, and after we had sent out runners for our crowd to come to the speaking on the following Saturday, the chairman of the Democratic committee, late Friday evening, about sunset, notified me, as a member of our committee, that they would not permit any discussion on the following Saturday, when it was too late for our committee to give notice to our people. On Saturday morning, after the crowd had gathered in on both sides, I went to the chairman of the Democratic committee and said to him that as there was a misunderstanding, or rather a refusal on their part to grant a division of time, we would have a speaking of our own, but that as it was their appointment we would let them take choice between the grove and the court-house as to where they should hold their meeting. He notified me that they would hold their meeting in the grove. I at once started a little negro boy up the street ringing a bell to notify the Greenbackers that we would hold our meeting in the court-house. Two or three Democrats stopped him and forbid him ringing the bell. Just after our meeting adjourned I discovered the Democratic crowd from the grove making way up the street leading to the court-house using very insulting language against the Greenbackers. We passed them, and when we dispersed at the depot five or six of the Democrats commenced firing on Mr. Pierson, a Greenbacker, and other Greenbackers, swearing that if they couldn't beat us voting they would kill us. This shooting resulted in the wounding of Mr. Pierson and some half dozen others, both Greenbackers and Democrats. On the following Monday a mob of some 300 Democrats came to Coffeeville and sent a committee to me a second time to say that unless I renounced my political principles I would be a dead man before midnight. I did not comply with their demand, nor did they put their threat into execution.

"Q. 6. State the character for intelligence of the Greenback white voters of the district.

"A. They are of the very best material of the merchants and farmers of the district; also lawyers and doctors.

"Q. 7. What is the Greenback white vote of Yalobusha County? State as near as you can estimate.

"A. The Greenback white vote of Yalobusha County is between 500 and 700 voters.

"Q. 8. From what counties did Colonel Harris, candidate for Congress, chiefly receive his vote from among the colored voters given at that election?

"A. Colonel Harris received what colored votes he did receive at last election from among the colored voters in Yalobusha and Panola Counties.

"Cross-examined:

"X Q. 1. Did not nearly all of the colored people of Yalobusha County vote for T. W. Harris, November 2, 1880, for Congressman?

"A. Between five and seven hundred voted for him.

"X Q. 2. Did he not receive a considerable colored vote in Panola County?

"A. From the returns and all the information I have, he did.

"X Q. 3. Did you not have a fair election and a fair count in Yalobusha County?

"A. So far as I know we did; we made them give it to us.

"X Q. 4. Do you know T. J. Settle, of Panola County; and is he not a prominent and leading Republican politician, and is he not of the colored race?

"A. Yes, sir.

"X Q. 5. Are you not chancery clerk of Yalobusha County?

"A. I am.

"A. T. WIMBERLY."

Your committee would hesitate to reject the vote of any one county upon the evidence of a single witness, but the exceptionally high character of the witness, and the most extraordinary state of affairs, shown to have existed by his proof, and as is shown by his *returns* on page 329, strongly incline us to the opinion that it should be rejected.

FAILURE OF CLERKS OF ELECTION TO KEEP LISTS OF VOTERS.

The willful refusal of the clerks of election to make two lists of the voters by name, as they voted (and as is required by section 136, Miss. Laws), after having been shown the law by supervisors (Evidence, pp. 38, 40, 42, 63, 110, 135, 159, 163, 165, 166, 170, and 374), is a very suspicious circumstance in connection with this election. It is through these lists that stuffing ballot-boxes can be easily detected; or if persons are permitted to vote who are not entitled to vote, it will appear by these lists; and your committee does not forget that in the case of Lynch *vs.* Chalmers the evidence shows that at some of the precincts in the 6th Mississippi district the county canvassing board rejected the returns and refused to count the vote *because the clerks had failed to return the lists of voters* with the ballot-boxes.

CHANGE OF POLLING-PLACES.

There is evidence tending to establish the fact that some of the voting-places were changed just prior to the election, and that much confusion was thereby caused among the voters. Many of them were not aware of the change, and in some instances they did not know where the new polling-places were established. Just how far this affected the result of the election we are unable to tell from the evidence. We can, however, readily imagine how a resort to changing the polling-places just before an election in a county would cause such confusion and unfairness as would defeat the popular expression of the will of the people through the ballot-box. (P. 123, Q. 7 to 10; p. 457, Q. 3 to 5; p. 231, X-Q. 12.)

The report made by the chairman of this committee in the case under consideration uses the following language:

"ILLITERATE ELECTION OFFICERS.

"There is no doubt in our minds, from the evidence in this case, that many of the Republican precinct inspectors were appointed as such because they could neither read nor write. This is, in our judgment, a clear abuse of the law, and without the supervisors law, which enables the opposing party to have men of their own selection to guard the polls as supervisors, we would be strongly inclined to apply a corrective for this manifest abuse of power.

"With tickets exactly similar in all respects, or as nearly so as they can be printed, and on the same kind of paper, it would not be a hard task for election officers, if they were so disposed, to cheat an illiterate man, who could neither read nor write, both in the vote and in the count. All good people ought to discountenance and cry down evil practices of this kind. We indulge the hope that it will not be repeated in the future."

We concur with the chairman in his opinion of the abuse, but we differ from him in believing that the presence of the United States supervisors in any way palliated the offense, or took away the necessity for the application of the proper correction, and while we join in his *hope* "that it will not be repeated in future," we think the best method of securing the fulfillment of that hope is to take from the conspirators the fruits of their ungodly work, and we cannot agree with him in the statement of the report as follows:

"DONNELLY-WASHBURN CASE.

"We are not willing to go as far in this case as the majority of the committee did in the Forty-sixth Congress in the case of Donnelly *vs.* Washburn. It was there held—

"'The very fact that in these *seven* precincts Mr. Donnelly had been *deprived* by the city council of Minneapolis *of all representation among the officers conducting the election* is, in itself, a *very strong proof of conspiracy* and *fraud*.'"

We *concur* in opinion with the majority in this case *upon this point*, because in the case before us there is so much *additional* evidence of like character, shown at some forty precincts, to justify the opinion that a conspiracy existed.

In Donnelly *vs.* Washburn, Forty-sixth Congress, report No. 1791, page 25, the committee reject the vote of a whole county because the vote of the county was canvassed *by the county auditor, one justice of the peace, and judge of probate*, while the law required the vote to be canvassed by the *county auditor and two justices of the peace*.

Held, that the probate judge being *ineligible* under the law, the vote must be rejected.

Authorities cited: Howard *vs.* Cooper, Thirty-sixth Congress; Jackson *vs.* Wayne (Clark & Hall's Reports, p. 41); Easton *vs.* Scott, p. 272; Sloan *vs.* Rawls, cases 1871 to 1876, p. 144; Delano *vs.* Morgan, 2 Bartlett, p. 171; Howard *vs.* Cooper, cases 1864 to 1865, p. 282; Morgan *vs.* Delano. In Donnelly *vs.* Washburn the committee say:

"It must be remembered that in the cases cited, as decided by former Congresses, the votes of townships were cast out, *because the boards of election, judges, or the clerks thereof, were not constituted according to law*. This being the law as to mere *present officers*, how much more strongly does the principle apply to the case of a canvassing board of a county where the votes (not of one precinct alone) but of all the precincts of the county are involved. * * * How important, then, does it become that the county board of canvassers shall be constituted *in strict conformity with law*, and that no *usurpers* shall be permitted to intrude into and control its deliberations."

We only refer to the foregoing cases to show the action of former Congresses, and not for the purpose of deciding this case on rule laid down.

We think the evidence in this case so clearly establishes a *conspiracy* to defraud the electors of that district of their votes, and through which, as the proof shows, very many thousands were so defrauded, that we are entirely safe in basing our conclusions upon *this ground* alone. In addition to the figures we have already presented by precincts, there can be no doubt from the evidence that the registration was *designedly* stopped by contestee's friends, and for the purpose of preventing the friends of contestant from registering just prior to the election, and that thousands of contestant's friends were thereby deprived from registering, and the proof also shows that hundreds of (Republican) voters *who had previously registered* were not permitted to vote because their names had been arbitrarily or fraudulently erased from the poll-books of their respective precincts by the commissioners of elections, which fact was not discovered until these voters came to the polls to vote.

In brief submitted by counsel for contestee it is argued in justification of the numerous adjournments and carrying away of the ballot-boxes, that such conduct was authorized by the following clause in the law of Mississippi, revised code 1880, section 126:

"If an adjournment shall take place after the opening of the polls, and before all the votes shall be counted, the box shall be securely closed and locked, so as to prevent the admission of anything into it during the term of adjournment, and the box shall be kept by one of the inspectors, and the key by another; and the inspector having the box shall carefully keep it, and neither unlock it nor open it himself, nor permit it to be done, nor permit any person to have access to it during the time of such adjournment."

It is very evident to the minds of your committee that the lawmakers of Mississippi intended that *when the election opened at nine o'clock it should be kept open until six o'clock in the evening, and that the vote should be immediately counted and returns made*, as is plainly set out in the language of the statute, section 136, embraced in this report. We can easily imagine a necessity for the adjournment of an election in case of riot, storm, or other abnormal conditions, which would be justified by section 126, but not otherwise.

VOTE OF THE DISTRICT AT FORMER ELECTIONS.

There is but little evidence on this point. All the records filed with the committee tend to show that the second district is a *Republican* district; they show that General Grant carried the counties comprising this district by a majority of 2,625 votes in the Presidential election of 1872.

That in 1873 the regular Republican candidate for governor carried the counties comprising this district by a majority of 1,570.

That in 1873 the CONTESTANT in this case carried the county of *Marshall* by a majority of 1,304, while returns filed in this contest *from this county give a majority for contestee*.

It is developed by the proof in this case that a great majority of the votes cast for *Harris*, the *Greenback candidate for Congress at this* election, were cast by *white* voters who, in the years 1872, 1873, and 1874, *belonged to the Democratic party*, and we are unable to conceive how (under ordinary circumstances) it was possible for the district to be Democratic in the last (*Presidential*) election, and we can only account for it by the methods so clearly proven and heretofore set out.

We hold it to be true that when public officers are shown to be corrupt *men* their acts as officers are not entitled to the same presumption of fairness extended to officers of unimpeached character, and to show the character of many of the Democratic county *commissioners of election* and the *ignorance* of the Republican commissioners we have given extensive quotations from the evidence.

Having pointed to the proof of, and which we consider the strongest possible circumstantial evidence of, a conspiracy to stuff the ballot-boxes in this district, we now call attention to the conduct of the officers *holding the election itself*, and we submit herewith a brief summary of the testimony, with references to the pages of the record where it is to be found, showing frauds as barefaced as ever disgraced the election of any State.

From the open and defiant firing of cannon into Republican voters at Oxford to drive timid voters from the polls, the bullying of gray-haired men who were United States supervisors, as at Horn Lake, by youthful desperadoes with five shooters, down to the substitution of ballots as they were put into the box, as at Byhalia, and the fraudulent tally-list, as at Holly Springs, every possible scheme and device by which ballots can be stolen or falsely counted is found to have been practiced.

Section 136, Code of Mississippi, 1880, is in the following words:

"All elections by the people of this State shall be by ballot. The poll shall be opened at *nine o'clock in the morning, and be kept open until six o'clock in the evening*, and no longer; and every person entitled to vote shall deliver to one of the inspectors, in the presence of the others, a ticket or scroll of paper, on which shall be written or printed the names of the persons for whom he intends to vote, which ticket shall be put in the ballot-box, and *at the same time the clerks shall take down on separate lists the name of every person voting; and when the election shall be closed, the inspector shall publicly open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by said clerks in the presence of the inspectors*, and if there should be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted."

The law clearly required that when the election begins in the morning the work shall go continuously on until the votes are all counted, and the returns made out and signed.

BRIEF OF EVIDENCE BY PRECINCTS.

MARSHALL COUNTY.

Chulahoma precinct.

"Cunningham," page 79: Was appointed United States supervisor, and was not permitted to act, and compelled to leave the room; remained outside and kept tally of Republican votes, they voting open tickets. Three hundred and thirty-six Republicans offered to vote, of whom 35 were rejected because their names were not on the poll-book. Witness knew most all of them personally, and they lived in that voting precinct. Witness kept number of white voters, there being one hundred and sixty.

Polls adjourned one hour for dinner, leaving the box in the room—no one in charge. Also adjourned when polls closed for supper, leaving no one with the box. Vote counted in secret. Witness was raised in that neighborhood. (See diagram, page 82.) Returns on page 391 show Democratic vote 241; Republican vote 271.

"Wilkins," p. 118: Corroborates above, as far as he goes.

"Clark," p. 114: Corroborates above, as far as he goes.

Contestee's witnesses.—"Hancock," p. 369: Was invited in to witness the count after fifty tallies had been counted. Did not see anything wrong after that time.

"Mimes," p. 339, and "McKee," p. 343, saw nothing wrong at the polling and count of votes, and say election was fair.

Byhalia precinct.

"Hardy," supervisor, p. 97: Was supervisor; when vote was being *polled* detected Inspector Flow exchanging ticket.

When vote was being *counted* detected same officer several times taking tickets out of the box, and putting in other tickets. Twenty-nine persons were refused a vote, nearly all Republicans, most of whom witness personally knew as living in that precinct. Witness files list of these, page 98. Republicans spoken of voted open tickets. Polls adjourned for supper.

Contestee's witness.—"Watson," p. 370: Supervisor; did not discover anything wrong.

West Holly Springs.

"Benton," p. 75: Was United States supervisor. Polls were opened and voting continued till 6 p. m. Witness then desired the vote counted, but inspectors refused, and adjourned for supper. Democratic inspector, McKinney, went out and came back, stating that he had consulted Colonel Manning (contestee) and General Featherston (chairman Democratic executive committee), and upon their advice they adjourned for supper. After supper the count was proceeded with, the door being locked, and no one admitted save the election officers. Ballots were all passed to witness, which he counted carefully, and also kept tally of same. Witness's tally-list showed that there were 50 *more votes cast for Buchanan* than the clerks had put on their tally-list, and called attention to the fact, but they failed to take any measures to correct it. Republican inspector refused to sign the returns. There were 40 or 50 colored Republicans refused a vote, chiefly because their names were not on poll-book. No white man was so refused on any account. These men claim to have been duly registered. Witness knew most of them as citizens of that election district.

"Guyton," Republican inspector, p. 121: Corroborates foregoing witness as far as he goes, and was importuned and threatened to sign the returns, but never did sign them. Republican inspector at this precinct could *neither read nor write.*

Contestee's witnesses.—"Walters," p. 357: Says witness Benton did call the attention of election officers to the discrepancy mentioned in his testimony.

"McKinney": Democratic inspector referred to in witness Burton's testimony is examined, and *does not deny* that Manning and Featherston advised them that they could adjourn for supper, but saw nothing wrong.

"McGowan," p. 352: Thinks the election was entirely fair.

"Williamson," p. 356: Concurs in the opinion of witness McGowan.

East Holly Springs.

"Wilkinson," p. 91: Was supervisor. Kept tally-list of all persons voting that day; tally-list was tampered with just as polls closed. Two of election officers were brothers-in-law to contestee, one of whom had been one of the *county election commissioners* till a short time before; door was locked and public excluded when vote was counted; no one permitted present except election officers. About 30 persons, mostly colored (most of whom were known to witness as belonging to that election district), were refused a vote; all claimed to have been registered, but names were not on poll-book. There were sixty more ballots counted out of the box than there were persons voting; witness watched polling and counting of votes "as close as hawk ever watched a chicken." See diagram, p. 94; Republican inspector at this precinct could neither read nor write.

"Harris," p. 222: As to high character of witness Wilkinson.

Contestee's witnesses.—J. R. Wallace, p. 335; M. F. Wallace, p. 336; McGowan, p. 350; McCarroll, p. 344: Two of the foregoing officers at this precinct were brothers-in-law to the contestee. None of these witnesses discovered anything wrong, and say the election was fair.

Wall Hill precinct.

"Jameson," supervisor, p. 94: "No list of voters was kept;" adjourned three-quarters of an hour for dinner; 27 colored Republicans applied to and could not vote, names not being on poll-book; witness knew some 15 of them; Republican inspector could not read and write.

Contestee introduces no witnesses as to this precinct.

Lane's Hill precinct.

"Austin," p. 126: Twelve persons were refused vote because names were not on poll-book. All colored but two. Witness knew that some of them resided in that election district.

"McGhee," p. 108: About the same as the above. Republican inspector could not read and write.

No witnesses for contestee at this box.

Oak Grove precinct.

"Wells," p. 109: Five Republicans (voters of this district) refused vote because their names were not on poll-book. Republican inspector could not read or write.

Mount Pleasant precinct.

"Mull," p. 109: Was supervisor. Was tax-collector that district for ten years. Clerks *refused* to keep list of voters, after witness showed them the law requiring it to be kept. Some fifteen whites were permitted to vote whom witness did not know. Fourteen blacks and three whites were not permitted to vote; they were registered voters, but names did not appear on the poll-book.

"Albright," p. 119: Witness was inspector, and came to Holly Springs after box and poll-book; box was delivered to him, but no poll-book was in it; poll-book was brought to precinct morning of election by one Walker, a prominent Democratic politician of that precinct; 17 persons were refused a vote; Republican inspector *could not read* and write.

Contestee's witnesses.—"Bassett," p. 375; "Howse," p. 373; "House," p. 372: Thought the election was fair.

Early Grove.

"Briggs," p. 111: Supervisor; seven Republicans refused vote; names not on book.

Contestee no witness at this box.

Waterford precinct.

"Lacey," p. 112: Was supervisor; twenty-nine persons refused a vote; names not on poll-book; witness knew them all as residents of that election district; some nine of them went to Holly Springs and procured certificates of their having been registered from the county registrar, and came back and presented them to the officers of election, but were not then permitted to vote.

"McKenney," p. 125: Adjourned for dinner and box left in room; no one with it; Republican inspector could not read and write.

Contestee has no witness at this precinct.

Hudsonville precinct.

"Boxley," p. 115: Inspector. When polls closed all persons were ordered out of room save election officers; Gray and Selby, intelligent Republicans, asked permission to remain, but were ordered out, and the vote counted in secret. It will be observed that this inspector was the only person opposed to Democrats who was permitted to be there, and he could neither read nor write.

Contestee's witnesses:—"Gibbons," p. 348; "Mahon," p. 388: Discovered nothing wrong at this precinct, and say election was fair.

Evans's School-House precinct.

"Pegues," p. 116: Some five Republicans were refused a vote who claimed to be registered; their names not on poll-book; was a general turn-out; Republican inspector could neither read nor write.

Contestee no witnesses at this box.

Bainesville precinct.

"Carrington," p. 117: Fourteen Republicans and two Democrats were refused a vote; names not on poll-book; all claim to be registered, many of whom witnesses knew as citizens of that election district; Republican inspector could neither read nor write.

No witnesses for contestee.

DE SOTO COUNTY.

Horn Lake precinct.

"Davis," p. 31: Supervisor. Polls opened one-quarter before 10 o'clock. Adjourned from one-quarter before 1 till 2 o'clock. After closing of polls box was taken by "Brooks," Democratic inspector. Witness "don't know where to." Brooks remarking, "By God, this belongs to me to-night." "It was dark and rainy." Witness went to the residence of one Holliday, and in about three quarters of an hour saw Brooks and Dodge, Democratic inspectors, come in with the box. When box was opened *all the tickets on top appeared to be Democratic tickets* except five. There was much confusion, officers and bystanders preventing witness from seeing the box. Two Greenback tickets thrown out and not counted. About 35 Republicans were refused a vote because their names were not on the poll-book. From time-wasting questions, closing polls at noon, and other delays, between 75 and 100 Republicans went home without voting. There were also 32 Republicans waiting to vote when polls closed, and did not get to vote. Witness was cursed and abused, and threatened with pistol by one Douglass during count of vote. There was a large turn-out of voters.

"Turner," p. 33: Inspector. Corroborates much of "Davis's" testimony; says box was not sealed when Brooks took charge of it. Witness could not read or write.

"McCain," p. 464: Says adjourned about one hour. Corroborates last witness.

Contestee's witnesses for this precinct are "Bowie," p. 248; "Clinton," p. 249; "Foster," p. 256; "Shaw," p. 259; "Halbert," p. 276; "Wooldridge," p. 280. These witnesses contradict contestant's witness (Davis), and testify that they saw nothing wrong at the election or count.

Hernando Court-House.

"Dockery," p. 28: Republican inspector. Could neither read nor write. Knows nothing of result of election save what others told him. Polls adjourned for dinner, and one hour for supper. During adjournment box was placed in room, and no one with it. Witness wanted to stay with box, but officers insisted that no one should remain. Box was not sealed. A number of *voters of long standing* at the box did not get to vote, names not being on the poll-book. Large turnout of Republicans.

"Pratt," p. 25, Q. 9: A large number of Republicans could not vote at the box because their names were not on book. They were voters of long standing at the box. A large turn-out.

"Bell," p. 29, Qs. 5 and 6: Distributed Republican tickets at the box; thinks thirty-five or forty Republicans were refused a vote; names not on the poll-book. Q. 4: Was a general turn-out of voters. Republican inspector could neither read nor write.

Contestee's only witness at the box, "Dockery," p. 287, corroborates *much of above* statement.

Olive Branch precinct.

"Hayne," p. 35: Was inspector. Between sixty and seventy Republicans were refused a vote because their names were not on the poll-book; also, quite a number of others left, saying, "It was no use trying to vote, as so many had been refused." Was a general and full turn-out.

"Haynie" (Greenbacker), p. 34: Was supervisor; says there were 56 Republicans who applied and were refused a vote, their names not being on the book.

"Wood," p. 445, Qs. 4-5-6: Was president of the Republican club. Republicans more interested than they had been for five or six years. Saw Republicans refused a vote all day. Witness was refused there, *and voted there ever since he was free*, but could not vote; name not on book this election.

Contestee's witnesses.—"Pleasants," p. 267; "Blecker," p. 264: Does not contradict evidence of contestant's witnesses.

Oak Grove.

"Clay," p. 25: Supervisor; polls adjourned one hour for dinner. When polls closed, Nall, Democratic inspector, took the box to his house, 1½ miles off, being accompanied by one Kirkland. When witness found box it was in possession of one Weiswaer, none of whom were election inspectors, in a room with the door locked. They refused on first application to let witness in room, but finally let him in. The vote was not counted till about ten o'clock. Seventeen Republicans did not get to vote; names not on book. General turn-out of voters.

"Harris," p. 45: Inspector; same testimony, and adds, the vote was counted in

private. A number of Republicans did not get to vote. General turn-out. Republican inspector could not read or write.

Contestee's witnesses.—"Jones," p. 274; "Kirkland," p. 246: Admit the box was not sealed, but a piece of paper *tacked* over the hole. That Clay, supervisor, objected to taking box to Nall's house; but neither of them thinks that there was any unfairness in the election.

Hernando Depot precinct.

"Howze," p. 20, Qs. 13 to 16: Supervisor; polls opened 20 minutes before 10 o'clock. Poll-book used *was a forgery, made by Johnson, Democratic commissioner;* 28 colored Republicans were refused a vote, names not on books. Vote not counted in public. Officers only permitted to be present.

"Newson," p. 230, Q. 9; "Boone," p. 36, Q. 3: Same.

"Watson," p. 440: Could not vote; *marked dead* on poll-book.

Contestee's witnesses.—"Johnson," p. 253; "Payne," p. 283: Think election fair.

Reynolds's Store.

"Jones" (Greenbacker), p. 35: Knows every voter in the district; turn-out of voters larger than usual; kept list of 9 Republicans not permitted to vote; adjourned one hour for dinner; has full and particular list of every man who voted Democratic ticket, and only 38 so voted; but returns show 57 Democratic voters.

"Durham," inspector, p. 43: Eleven persons refused a *vote;* witness did not get to vote, names not being on poll-book; *witness never saw or signed any returns;* Republican inspector could not read nor write.

Contestee's witnesses.—"Boyce," p. 238; "Myers," p. 288: Says, X Q. 11, that Durham, Republican, signed returns by making his mark, and X Q. 12, "I saw all the officers sign the returns," while Durham testifies he never did sign them.

Lauderdale precinct.

"Boggan," Greenbacker, p. 36: Supervisor. Polls were closed one hour for dinner. Box not sealed, and left in room with no one present, and same was done at adjournment for supper. General vote turned out.

"Williams," p. 46: Same testimony, and that some voters' names could not be found on book; was a full turn-out of Republican voters. Republican inspector could not read or write.

Contestee's witnesses.—"Laughter," p. 234: Corroborates above (substantially). Knows of no colored men voting Democratic ticket at his box, and that none but officers of election were present at count of vote.

Pleasant Hill precinct.

"Todd," Greenbacker, p. 37: Supervisor. Was appointed supervisor, but did not serve on account of threats and exhibition of *brass knucks.* Democratic friends advised him to leave; was busy all day distributing tickets.

"Dockery," p. 44: Says there were at least 75 colored voters who tendered Republican tickets, and were not allowed to vote, their names not being on the poll-book.

"Laughlin," p. 455: Was president of Republican club. Knew the Republican voters who were refused a vote; could not see the box, nor votes put in box; might have seen them "*if I had had a ladder about six feet high.*" Witness was there all day; shows that Dr. Gray permitted only one man to vote by making affidavit, and refused balance. Republican inspector could not read or write.

Contestee's witnesses.—"Dr. Gray," p. 268: Admits that many Republicans did not get to vote; knows of two colored men voting Democratic tickets, but thinks the election was fair.

Stewart's precinct.

"Albritton," p. 39: Supervisor. No list of voters was kept; about ten persons did not get to vote—names not on books—and ten *other* Republicans who did not say (whether or not) they had duly registered and were not permitted to vote. No white man was refused a vote.

"Scott," p. 12: Republican inspector; could not read or write, and does *not know* anything about the result.

No witnesses examined by contestee for this box.

Love's Station precinct.

"East," p. 40: Greenback supervisor. Adjourned one hour for dinner. Box carried to Love's residence, some distance from polling place; he did not go with it; no list of voters was kept. Fifteen persons (mostly colored) refused to vote; names not on book.

"Thomas," p. 13: Does not know whether returns were correct or not.

"East," p. 432, X Q. 13: Thinks keyhole to box was not sealed at adjournment for dinner.

Contestee's witnesses.—"Henderson," p. 263: Corroborates Witness East to some extent, and does not think the box was tampered with.

Nesbitt's Station.

"Bullard," p. 40: Thirty-four persons, including one white man, did not get to vote, names not being on poll-book. There was a general turn-out.

"Robinson," p. 43: Adjourned one hour for dinner and two hours for supper. Box at dinner was placed in care of one Bullard, not an officer of election. Box at supper was given in charge to Bullard and taken to dwelling for supper. Twenty-five or thirty Republicans who did not get to vote, names not being on poll-book. Republican inspector could not read or write.

Contestee's witnesses.—"Bullard," p. 295: Was not an officer of election. Box left in his charge at dinner for about an hour. Only knew of three colored men who did not go out to vote. Adjourned two hours for supper, when he took box, unsealed, to Marron's residence; left box in room, no one with it (in room adjoining dining-room), while eating supper. Witness *helped the officers to count the vote.*

Louisberg precinct.

"Bailey," Greenbacker, p. 41: Supervisor. Polls opened about 20 minutes after 9 o'clock; adjourned one hour for dinner and one hour for supper. Witness objected to these adjournments, but was overruled. About 12 persons could not vote because their names were not on poll-book.

"Clifton," Greenbacker, p. 42: No list of voters was kept. Was a pretty full turn-out of voters. Adjourned for about an hour at noon and also an hour at supper.

"Clayton," p. 47: Corroborates above witness, and adds: At noon adjourned. Box was taken to the residence of one Lauderdale, and at supper by Democratic Supervisor Bailey to Louis's residence. Was good turnout of Republicans. Only officers of elections were admitted at the count of the vote.

Contestee's witness.—"S. S. Dickey," p. 236: Republican inspector could not write or read.

Eudora precinct.

"Buchanan," p. 46: Polls were adjourned one hour for dinner, and box was abandoned in room near polling place, none of the officers remaining with it; adjourned for supper, officers taking box with them, and counted vote near where the election was held. Republican inspector could not read or write.

Contestee's witness.—"Harral," p. 248: Corroborates above witness generally, but thinks election was fair.

Ingram's Mills.

"Morton," Democratic inspector, p. 41: No list of voters kept; adjourned one hour at noon, and also at close of poll; box being left at adjournment in keeping of one of the clerks and one supervisor. None of the election officers were Republican.

Contestee's witness.—"Morton," p. 283; "Kerby," p. 243.

Lake Cormorant precinct.

"McDowell," p. 10: Adjourned for supper, and box was taken to Wither's residence, *about a mile* off, and vote there counted.

"Butler," p. 11: Got to Wither's house before six o'clock: got our suppers and then counted the vote. There were some names, Republicans, on the poll-book *marked moved from the district,* but they were allowed to vote; Republican inspector could not read or write.

Cockrum precinct.

"Gray," p. 15: Adjourned for dinner one hour; adjourned for supper an hour; box during these adjournments was taken to residence of one Baker, and there left in bed-room with no one in charge of it. No person was allowed to witness the count except election officers. Republican inspector could not read or write.

Contestee introduced no witnesses from this box.

LA FAYETTE COUNTY.

College Hill Precinct.

"Stockard:" supervisor. No list of voters kept. Adjourned for one hour when polls closed, which was opposed by witness. The ballot-box during the time was left in the room where the election was held and no one was left with it. The door was locked by one Quarles (not an election officer), who took the key. There were two doors to the election-room (of store-house). The candle was left burning when they left the room. Quarles came back and requested witness to go back into the election-room with him, which he did, and Quarles *blew the light out as they came out.* In about ten minutes witness observed *another light burning in the election-room, which burned but a short time.* There was a large turnout of Republican voters—is a large Republican box. The witness could not see in room where box was during adjournment. The key-hole to box *was not sealed during this adjournment.* Nine or ten persons were refused a vote; names not on the poll-book (one white man among them).

"Buford," p. 65: Corroborates the above as far as he goes. The Republican inspector could not read or write.

Contestee's witness.—"Matthews," p. 316; "Luckie," p. 318: All say the election was fairly conducted.

North Oxford precinct.

The Republican inspector could not read or write.

"Lolt," p. 57: There was a large turn-out of Republicans. The cannon shooting bursted the plastering over our heads, and it fell on witness, cutting his face. The election was in consequence temporarily suspended, and the Republican supervisor was greatly alarmed.

Witnesses Scraggs, p. 51, and Fitzhugh, p. 55, as to the terrible effect of cannon shooting into voters; also Nunnally, p. 210, who met crowds of voters going home.

Contestee's witness.—"Butler," p. 303.

South Oxford precinct.

"Kenneday," p. 59: There was an adjournment for about a half hour at the close of polls, and the box was placed in chancery clerk's office.

"Hamblet," supervisor, p. 60: Adjourned at 6 o'clock for an hour, and the box was put in the vault in chancery clerk's office, and Brown, chancery clerk, had key to office. About 30 persons were refused a vote, their names not being on books. They were mostly Republicans. Witness protested against adjournment. Republican inspector could not read or write.

Taylor's Depot precinct.

"Tyson," p. 66, Republican inspector: Adjourned for one hour at dinner, and along in the evening adjourned again for an hour, then opened the polls again for 30 or 40 minutes, when polls were closed, it being then 6 o'clock. The box remained in possession of witness during the adjournment; vote was counted with closed doors, and no one was allowed to be present except the election officers.

The Republican inspector could not read or write.

Springdale precinct.

"Weathersby," p. 67: Adjourned one hour for dinner, when Shipp, Democratic inspector, took box to his house. The Republican inspector could not read or write. Contestee introduced no witness.

ABBEVILLE.

"Porter," supervisor, p. 100: Kept tally of Republican vote; witness also kept list of 36 Republicans who were not permitted to vote, names not being on poll-book; also, 3 whites. The night was dark and rainy. Adjourned for supper at 6 o'clock; the box, being locked and sealed, was left in the room where election was held, in charge of no one. There were two rooms and one window to the house. Witness says Republicans polled 207 votes; could distinguish Republican tickets from Democratic tickets; box was locked but not sealed when they returned to count the votes; Crosby, Democratic inspector, admitted he had been in there; there was a general turn-out of the Republican vote.

"McDuff," inspector, p. 69: Says they were counting vote when he returned, and that box was left as stated by witness.

Porter, Republican inspector, could not read or write.

Contestee's witnesses.—"Porter," p. 320; "McGowan," p. 321; "Houston," p. 322; "Graham," p. 323: Corroborate above, and add there were 307 Republican votes cast and only 145 Democratic. Returns, p. 391, show 216 Democratic, and only 135 Republican, votes returned.

"Stoners," p. 324; "Burkley," p. 325: None of contestee's witnesses discovered anything wrong. McGowan thinks everything was "fair and square," and he is the witness who told witness personally that he "would stuff a ballot box if necessary to seat Republicans."

Sander's Store precinct.

"Cezar Pegnes," p. 69: Republican inspector. Witness is nearly blind. Polls adjourned one hour for dinner. Mentions other competent and suitable Republicans being there who were intelligent. Republican inspector could *not* read or write.

Free Springs precinct.

"Caldwell," p. 72: Polls adjourned one hour for dinner. Democratic inspector taking box to residence of one "Houston," and witness took poll-books. Neither party turned out full vote. Republican inspector could not read or write.

Dallas precinct.

"Watt," p. 74: Polls adjourned one hour for dinner. Democratic inspector taking box to residence of one Langford. Box was not sealed. Vote was counted with closed doors. Republican inspector could not read or write.

PANOLA COUNTY.

Sardis precinct.

"Small," p. 157: Was supervisor. The two county election commissioners held the election and *are not sworn* (this is nowhere contradicted). Adjourned one hour or more for supper, over protest of supervisor. Box is placed in vault of clerk's office, and who has the key is not stated. There were nineteen more tickets in the box than there were persons who voted, as shown by list kept by clerks

"Hibernia" precinct.

"Greene," p. 191, supervisor: Witness remained until 5½ o'clock; 69 votes had been counted up to that time; all Republicans. Mr. Ray, Democratic inspector, held the election.

"Downey," p 195: Shows that box was thrown out and not counted by county commissioners, and that Ray took out all books and box to hold election.

Contestee's witness.—"McAfee," p. 418: Testifies that blank forms for making returns were sent out in all the boxes.

Ross's Mill Precinct.

"King," p. 191, inspector: Polls adjourned one hour for dinner, and box was taken by Democratic officers to Ross's residence. Witness did not go with it. Contestee introduced not any witnesses at this box.

A part of the committee find that the evidence does not satisfy their minds that a conspiracy exiated for the purpose of defeating contestant; but to the minds of the majority this proposition is quite certainly established, and as proof of this we briefly call attention to a few facts shown by the evidence. By the census of 1880 (see record, p. 199) it is shown that the six counties of Marshall, De Soto, Panola, La Fayette, Tallahatchie, and Tate contained a population in the aggregate as follows:

Colored	79,204
White	52,744

Taking the rule that one in five are voters, we have—

Colored voters	15,840
White voters	10,544
Colored majority	5,296

And it is shown beyond a doubt that five of these counties had and have large Republican majorities, and only one (La Fayette) which has a small Democratic majority; yet in these counties we find that the Republican majority is, *prima facie*, 5,296.

The evidence shows very conclusively that there are at least as many white Republicans in these counties as there are black Democrats. The returns from these counties and others composing the district (record, page 392) show that Harris, the Greenback candidate, received 3,585 votes, and that most of these were cast by white voters, and no part of these votes were cast in either of these six counties except in the county of Panola, where he received about 400 votes. The white votes received by him in these six counties are as follows (record, page 392):

De Soto County	83
La Fayette County	301
Marshall County	313
Tallahatchie County	17
Tate County	299
Panola County	487
Total	1,500
Colored majority as stated in these six counties being	5,296
Deduct colored vote in Panola County	400
	4,896
Add white vote for Harris in these six counties	1,500
	6,396

By this it appears that contestee was in the minority in these six counties, 6,396; yet in the face of this the returns (see record, page 393) give the contestee a majority of 2,153 votes. This state of affairs cannot but create suspicion, and engender a belief that the Mississippi plan succeeded.

And your committee would state that the above is based on the evidence of contestee (record, page 215) and the witness Wimberly (page 470 of record, question 1 on cross-examination).

It would extend this report to an unprecedented length to give in detail all the evidence tending strongly to prove a conspiracy to do just what was done, to wit, to count in the contestee at all hazards. But we briefly state that the evidence shows that in over fifty places the ballot-boxes were taken away, and out of the view of the supervisor, either at noon or after the polls were closed, and carried to private residences and locked in rooms and left unguarded, and the supervisors not even allowed to remain with them. All this against the earnest protest of the supervisors. All of these things were in direct and flagrant violation of law; and the evidence shows that in several instances the vote was counted in secret, and not in public as the law requires. And we quote the language of our honorable chairman in his report: "The election was conducted without regard to fairness or common decency." In this the majority sincerely concur. That all kinds of illegal and fraudulent practices were resorted to by the friends of the contestee in these six counties, knowing that a full vote and fair count would, as he himself stated to the witness Harris, be almost solid against; and in fact the votes were so cast, but not so counted or returned.

It is evident contestee and his friends had the *power* if they had the votes to carry the election honestly, and if honestly convinced that they had a majority of the votes, they certainly would never have resorted to the shameful frauds they did to count contestant out in these counties known to have large Republican majorities. Why did they, as the evidence shows they did, close the registration of voters ten days before the election in these counties of De Soto, Panola, and Marshall, each with very large Republican majorities, and five days before the election in the Republican county of Tallahatchie; and why, in violation of law, close the registration of voters in the counties of La Fayette and Tate from a week to ten days before the election by sending the books away from the clerk's office to be carried around through the counties to Democratic meetings, so that Republicans could not register when they came to the office for that purpose, and then were refused afterwards because, as they were informed, the time for so doing had passed?

Why did the governor and State board select men in these counties as commissioners to act in behalf of the Republicans who could neither read nor write (and the evidence shows that this class of men were selected in forty-two precincts in these counties), and refused to select any man designated by the Republicans, and also refused to appoint a Greenbacker for the false and groundless reason that there was no such political organization, when the evidence shows that there was a well organized Greenback party in each of these counties, and numbered amongst its adherents as intelligent men as could be found in the State? But why at the same time did this same board select as commissioners for the counties named, to act for La Fayette, and Tallahatchie, men who have been indicted and convicted of the crimes committed at this election, and as stated in the evidence taken in this contest? And we can but conclude that these things were done in pursuance of a conspiracy to unite in a common purpose to cheat and defraud the contestant out of his election.

To all that the evidence discloses there is but one answer, and that is, that there was a conspiracy to do these things, and that the purpose was accomplished by a universal disregard of all laws, and a high-handed and reckless debauching of the and supervisors. Thirteen Republicans, registered voters, who could not vote, names not on poll-book. Neal and Russin, two Democrats living at another precinct, are allowed to vote.

Contestee's witness.—"Balch," p. 147.

Como precinct.

"Jackson," inspector, p. 168: Polls adjourned for supper. Box taken to Breckenridge's (whisky shop), and no one left with it (see diagram, p. 168) during supper. Witness was first officer to return from supper, and is let into the room (where box was left) by one "Spears," who was not an election officer. Witness cannot read writing. Some thirty-six persons, chiefly Republicans, could not vote; name not on poll-book.

"Jones," p. 159: Confirms foregoing witness as to adjournment and box; clerks kept no list of voters; witness saw twenty-three persons refused a vote, mostly Republicans; names not on books; a number of Democrats, *planters and merchants*, are permitted to remain in the room all day; Republican inspectors could not read or write.

"Crary," p. 134, contestee's witness: Was officer of election, but was not present when count was commenced.

Longtown precinct.

"As. Kerv," p. 163, supervisor: Polls adjourned for supper. Box taken off by Fowler, Democratic inspector. Witness does not know where box was taken. Witness and Republican inspector protest against box being removed, but are overruled. No list of voters was kept. Parties could not vote on account of adjournment. Election was held at saloon of one Baily. Rough words were used because witness and Republican inspector insisted that box should not be removed. Vote was counted in a different house from where the election was held.

"Littlejohn," p. 164: Witness corroborates foregoing witness as to all material points.

Contestee's witness.—"Mitchell," p. 150.

Pleasant Grove precinct.

"Jones," p. 162, supervisor: Polls adjourned one hour for dinner, and box locked up in room and no one left with it. Witness protests against this adjournment.

Polls adjourned for supper one hour, and box taken by Taylor, Democratic inspector, to supper.

Contestee's witnesses.—"Floyd," p. 145, "Carter," p. 144: Say election was fair.

Springport precinct.

"Loiret," supervisor, p. 166: When polls closed adjourned for supper. Box not sealed, but deposited in room adjoining where election was held, and no one left with it. No list of voters was kept.

Contestee's witness.—"Keaton," p. 135.

TATE COUNTY.

Arkabutla precinct.

"Dangerfield," p. 180: Polls were closed one hour at noon, and box taken to Eason's dwelling and locked up in a room, no one remaining with it. Also adjourned one hour for supper. Box taken to same place and left unguarded. Contestee has no witnesses.

Independence precinct.

"Walker," p. 180: Polls closed one hour for dinner. Box taken to dinner by Morrison, Democratic inspector. Also adjourned one and a half hours for supper, and box taken to supper by Powers, Democratic inspector. The inspectors at this precinct were all Democrats.

Contestee has no witnesses at this precinct.

Senatobia precinct.

"Carrington," p. 176: Polls adjourned for one hour for dinner, and box taken by Waits, Democratic inspector, who *carries it to his residence over protest of witness.*

Contestee introduced no witness at this precinct.

Sherrod precinct.

"Wright," p. 182: Was clerk of election, and testifies he was not sworn. Polls adjourned one hour for dinner; box remaining in the hands of supervisor and one inspector. Twenty Republicans refused to vote; names not on poll-book.

Contestee has no witness at this precinct.

Soozahoma precinct.

"Briggs," p. 179: Says polls adjourned three-quarters of an hour for dinner, and box remained in room where election was held; witness and others remaining with it, thinking election was fair. Witness thinks election was fair.

Taylor's precinct.

"Haynes," p. 175: Supervisor. Testifies to the plan laid by the Democratic inspector to break up the election by refusing to hold an election or permitting any one else holding it, and that it was frustrated by the *persistent efforts* of this intelligent supervisor. This is the largest Republican box *in the county*. (See returns, p. 392.)

We have not thought it necessary to make reference to evidence by precincts where the election seems to have been fairly conducted, and where the election is not challenged by contestant, and where he introduces no witnesses.

TALLAHATCHIE COUNTY.

Charleston precinct.

"Pollard," p. 193: Polls opened at usual hour; adjourned for dinner for one hour. Box was taken by Democratic inspector to residence of one Polk; during this time vote was counted privately and admission refused to every one; 29 "Buchanans" tickets thrown out as being too narrow.

Contestee's witnesses.—"Betts," p. 419; "Leigh," p. 415; "Wynn," p. 409; "Borvoy," p. 407: Say election and count was fair.

Brooklyn precinct.

"Crawford," p. 192: Was inspector; adjourned one hour for dinner and box taken by Democratic inspector to his boarding-house; witness did not go with it.

Contestee's witness.—"Lafrine," p. 415: Says that the count was made with closed doors.

Jenning's Store precinct.

Contestee's witness.—"Houston," p. 406: Polls opened between seven and eight o'clock, and adjourned three-quarters of an hour for dinner, Phelps, Democratic inspector, taking charge of box. Vote was counted with closed doors.

Leverett's Store.

Contestee's witness.—"Bloodworth," p. 410: Polls opened as "near six o'clock as we could." Count was made with closed doors. Witness says that Republicans usually carry this box by some 65 or 70 majority; that there was a good turn-out, and that there were only 15 or 20 white voters at box.

Dog Moor Flat precinct.

Contestee's witness.—"Demnan," p. 412: Polls opened about seven o'clock and closed about sundown. It was a Republican box.

Record, p. 392: The county canvassers fail to make any return of the vote of this county by precincts.

ballot-boxes, and a treacherous and inhuman trampling down of the rights of the citizen who dared to vote his honest convictions, if those convictions led him to vote any other ticket except the Democratic ticket. And the evidence shows that these outrages are not the result of prejudice to color, but only because of the disposition on the part of the Democrats of that district to carry their election against all opposition, and by any means that will accomplish that object.

SUMMING UP.

First. The appointment of illiterate officers of election is such a manifest disregard of duty and violation of statute law as to render void the whole appointment of election officers. One of the essential duties of county commissioners and precinct inspectors is to sign and certify the returns, and their duty cannot be performed by a person who cannot read and write. Where three persons are named in a statute as necessary to perform an official duty all must be appointed and all must act, though a majority may control (see Ballard *vs.* Davis, 2 George's Miss. Reports; also authorities heretofore cited). Hence, the appointment of *illiterate* inspectors and commissioners of election would vitiate the whole appointment and destroy the election.

Second. But we do not wish to rest our report on so *technical* a ground, and hence we hold that the appointment of illiterate inspectors and commissioners takes away from the return of the election officers that presumption of truth which otherwise it would have, and a party claiming a seat on the return of such officers must show the utmost good faith in the election.

Third. In the case before us: 1st, the action of the governor and State board, their refusal to allow the opposition party to name any of the election commissioners; 2d, the same action on the part of the county commissioners, in appointing the precinct inspectors; 3d, the appointment of corrupt and illiterate officers; 4th, the systematic adjournments of the election without sufficient cause; 5th, the premature closing of the registration books, and refusal to register Republican voters, the erasing of names of Republican voters already registered, and the forgery of poll-books; 6th, the failure to *openly* count the vote at the closing of the polls; 7th, the changing of polling-places; 8th, the abandonment of ballot-boxes during adjournment, and their carrying off to private houses during adjournment; the interference with and exclusion of United States supervisors; 9th, the fact that these practices were in counties having large Republican majorities are conclusive evidence of a conspiracy to defraud.

This being a conspiracy to defraud, there being proof of fraud at a number of precincts, and the illiterate inspectors leaving the door open to unlimited fraud, and there being no proof by contestee of good faith in the election, it must be set aside.

Among all the cases passed upon or now under consideration by your committee, we do not find such a condition of affairs as is presented in this case.

One of the principal arguments urged in behalf of *contestees* in other cases from the South is, that the Republican party in that section is largely composed of illiterate colored voters, and that the ascendency to power of such a class would be not only offensive but oppressive; and that therefore the frauds committed were either justifiable or excusable for the protection of the intelligent and property-holding classes of society; and such argument has been used with great force.

In this district, however, while it appears that the colored voters are almost universally Republicans, there is no insignificant portion of the party made up of white voters, men of wealth and intelligence. And those who constitute the Greenback party of the district (they polling about 3,600 votes at this election) are chiefly white voters, lawyers, physicians, and owners of large landed estates, many of whom, as the proof shows, were formerly leaders and held controlling positions in the Democratic party of the district. Yet it is shown that the hostility towards the Greenbakers on the part of the Democratic party is just as bitter as against the Republicans of the district, and that they are pursued with the same vindictiveness; and their complaints that they are practically disfranchised are just as loud as are the complaints of Republicans.

In reaching a decision in this case we have not been compelled to rely on the evidence of the partisan friends of contestee or contestant alone, but largely upon the testimony of the *Greenbackers*, who are men of intelligence and high standing, as appears by their evidence.

In conclusion, while we are morally certain, from the general tenor of the evidence before us, that the contestant was grossly defrauded in the election, and while we have no doubt but that he could have proved a clear title to a seat in Congress, we are compelled to say that he has not made out that proof by proper legal evidence. We know the labor, expense, and experience required to disclose frauds carefully concealed, but we do not feel justified in departing from the rules of evidence so far as to seat the contestant. We are, however, fully satisfied that there was no legal election in the second district of Mississippi, and that the contestee should not longer be permitted to retain a seat which is covered over with fraud. Therefore, we recommend the adoption of the following resolutions:

Resolved, That George M. Buchanan is not entitled to a seat in the Forty-seventh Congress.

Resolved, That Van H. Manning is not entitled to a seat in the Forty-seventh Congress from the second Congressional district of Mississippi.

WM. G. THOMPSON.

Mr. CALKINS. I also ask to print the report of the majority as a part of my remarks, and then I propose to demand the previous question.

The SPEAKER. The Chair hears no objection, and the majority report will be printed in the RECORD.

The report is as follows:

Mr. CALKINS, from the Committee on Elections, submitted the following report:

A majority of your committee, to whom was referred the above entitled contested election case of the second Congressional district of Mississippi, having had the same under consideration, beg leave to report:

There were three candidates voted for at the November election, 1880, in this district. The returned vote from the various counties composing the district was as follows: Manning, 15,255; Buchanan, 9,996; Harris, 3,585.

The district is composed of Union, Tippah, Benton, Marshall, La Fayette, Yalobusha, Panola, De Soto, Tate, and Tallahatchie Counties.

This contest was begun by the contestant, George M. Buchanan, against the sitting member, Van H. Manning, and in his notice of contest he alleges the following grounds:

"1st. That in a portion of the counties comprising said district such persons were not appointed, neither was such representation given to the different political parties in said counties, in the appointment of county commissioners of election, as was designed and required by law.

"2d. That in a portion of the counties comprising said district, election districts were abolished and other election districts established, without complying with and in violation of law.

"3d. That in a portion of the counties comprising said district the registration of voters was not conducted as required by law, thereby depriving a large number of persons (of lawful right) of the privilege of registering and voting.

"4th. That at a large number of voting places in said district, in the appointment of inspectors of election, such persons were not appointed, nor was such representation given (in making said appointments) to the different political parties as was designed and required by law.

"5th. That in several of the counties comprising said district a large number of persons lawfully entitled to register were refused registration, and that the registration and transferring of voters was discontinued many days prior to the time contemplated by law, thereby depriving a large number of persons, lawfully entitled to register (or to transfer), from the right of registering, and transferring and voting; and that in a portion of said counties the registration books were for a time removed from the place designated by law for their keeping, thereby depriving a large number of persons (of lawful right) of the privilege of registering (or transferring) and voting.

"6th. That at a large number of *voting places* in said district many lawful voters were not permitted to vote, their votes having been tendered and rejected by the inspectors of election; that such unlawful interference and hinderance was permitted and practiced (such as is specially forbidden by law) as to obstruct and confuse the voters in the act of voting, or to deceive and prevent a large number of voters from delivering their ballots at the proper voting places; that a large number of persons were permitted to vote for you who had no legal right to vote.

"7th. That at many of the voting places United States supervisors of election were not permitted to exercise the duties of their office, being prevented therefrom by the unlawful interference of other officers of election, or from other sources, in violation of law, and to such an extent as to prevent their ascertaining the result of the election and from performing other duties required of them by law; that no separate lists of the names of voters were kept by the clerks of election as was required by law; that the polls were not opened at the time required by law, were not kept open continuously from 9 a. m. to 6 p. m. as required by law, and that upon the closing of the polls the counting of the vote and making up of returns was not done at the voting places, nor at the time required by law.

"8th. That at many of the voting places ballots were received and counted that were not lawful ballots in form and print; that inspectors of election rejected and refused to count ballots that were lawful after the same had been lawfully deposited in the ballot-boxes; that inspectors of election (with knowledge of the fact at the time) permitted ballots to be voted that were not lawful ballots; that during the hours prescribed by law for voting voters were harassed and disturbed in such manner as to prevent their voting in a free, fair, untrammeled, and peaceable manner.

"9th. That the names of a large number of legally registered voters were not placed upon the poll-books (by the officers whose duty it was to place said names on said books) used at many of the voting-places, and that in consequence thereof said legally registered voters were not permitted to vote, their votes being refused by the inspectors of election; said inspectors giving as a reason for such refusal to receive such votes that the names of the parties applying to vote were not on the poll-books.

"10th. That the entire vote polled and counted and returned, at a part of said voting places, was unlawfully rejected and thrown out (and not counted) by the county commissioners of election on making up their returns of the total vote of the county.

"11th. That at a portion of the voting places the ballot-boxes were not opened in public when the polls closed, nor was the vote counted in public, nor at the time required by law to be counted; that in making up the returns a large number of ballots were counted as having been cast for you, when in truth and in fact such ballots were cast for other persons, or were ballots placed in the boxes in a manner not authorized by law.

"12th. That at many of the voting places a much larger number of votes were returned as having been polled than were actually polled at said voting places; that at many of the voting places the poll-books for said places unlawfully contained the names of a large number of voters, which voters had no right to a vote at such voting places, but resided in other election districts, and that the names of said voters also appeared on the poll-books of the voting-places of election districts to which said voters of right belonged.

"13th. That at many voting places the election was conducted in many respects in utter disregard of law and the rights of voters; that the registration-books and the poll-books of a portion of the counties and election districts, in said district, were at divers and sundry times not in the custody and keeping of the proper lawfully constituted officers, but were on divers and sundry occasions in the care and possession of persons not lawfully entitled to such care and possession; that at a portion of the voting places lawful ballots that were cast for me were not counted for me, but were (unlawfully) counted as having been cast for you, and were so returned by the officers of election; that there were a greater number of legal voters of said district who voted (or who offered to register and vote), and who were unlawfully prevented therefrom, who desired me as their Representative in Congress, than there were who wanted you as their Representative in Congress from said district."

To this notice of contest the sitting member files exceptions and answer as follows, to wit:

"To said notice I make the following answer, to wit:

"First answer. 1st. Protesting against the truth of the allegations in said notice, I object and say that said notice is so insufficient and defective that I need not deny or admit the allegation therefor, for the reasons, to wit, said notice does not specify particularly the grounds upon which you rely and gives no reasons for failing to do so.

"2d. The allegations are only conclusions of law and general averment of wrong doing in some undefined portions of the district, by unnamed election officials of precincts not specified in unnamed counties, or by persons not named or described, and in places and by means not specified, and in violation of laws and the rights of others not designated.

"3d. Your allegations are so vague and uncertain that I am not informed as to the persons or officials whom you accuse of crimes, nor where committed, nor do you aver that such wrong doings were not instigated by you, or that they were known to or acquiesced in by me, or that the result of the election was changed by reason of the matter set forth.

"Second answer. 1st. Without waiving any objection to the manifold and vital defects of said notice, but reserving all benefit and advantage thereof, I deny each and every ground of contest set forth in said notice, and deny each and every allegation therein contained, and aver that throughout said Congressional district a free and fair election was held in all respects, except that in the county of Marshall, and in other counties, at every precinct divers colored voters who wished to vote for me for member of Congress were deterred and prevented from doing so by reason of the threats of personal violence and other means of intimidation used and employed by other colored people, the neighbors of such voters, the names of all of whom are unknown to me, being instigated thereto by those who advocated your election, whereby I received less votes by one thousand or more than I otherwise would, and all such voters by means of such intimidation were induced contrary to their wishes not to vote at all or vote for you, and thereby the great majority of votes that I should have received more than you, at said election, was reduced to the number of about five thousand two hundred and fifty.

"Third answer. I charge and aver that you have made the wholesale charges of all kinds of crime and irregularities, contained in your said notice, without specifications of persons or places, not because you had reason to believe that any one of them had been committed to your injury, but with the deliberate purpose to evade the limitation of the statute and to speculate upon any future discoveries of

evidence, and so you have made unlawful, vexatious, and fraudulent use of the notice and process authorized by statute, and the same should be quashed and dismissed."

It will be noticed that the sufficiency of the contestant's allegations in his notice of contest were challenged by the contestee in the beginning, and have not been waived; on the contrary, the contestee has insisted that the allegations in the notice of contest were entirely insufficient, and that the same ought to be dismissed for that reason.

It becomes necessary, in the first place, to pass upon the sufficiency of the contestant's notice. The first specification relative to the representation of the different political parties on the board of county commissioners of election calls in question the acts of the governor of the State in his appointment of the commissioners of election.

The machinery of elections by the Mississippi code is placed in the hands of the governor. He appoints the county commissioners of election, who in turn appoint the precinct election officers. The precinct officers make return of the vote cast in the different precincts to the county board, who in turn make their report to the secretary of state.

By section —— of the Mississippi election law the different political parties are to have representation on said board. It ought to be carried out in good faith, and the different political parties ought to be represented on the election board. It is a duty incumbent upon the executive to see that this provision of law is carried out. It has been found in many of the States of the Union that a provision in the election laws similar to this is a safeguard against frauds and ballot-box stuffing.

The second ground alleged by the contestant is that certain election districts were abolished and others established without complying with and in violation of the law.

This allegation is clearly insufficient, as being too vague and general. It would have been an easy matter to have named the precincts, and pointed out how the acts complained of tended to prevent a fair election.

The third allegation is that in a portion of the counties comprising the Congressional district the registration of voters was not conducted as required by law; that large numbers of them were deprived of the privilege of registration.

This allegation is likewise uncertain and vague, and wholly insufficient.

The fourth allegation is a repetition of the first, except that it applies to the precincts or voting places, and not to the counties, and need not be further noticed.

The allegation in the fifth ground of contest is that in several of the counties comprising the district persons entitled to register were refused registration; that the registration was discontinued prior to the time contemplated by law; and that in some of the counties the books were removed from the place designated by law during the registration; that in consequence thereof persons were deprived of the right to register.

This allegation is too general. The particular places and the acts complained of should have been specifically set out. The same may be said with reference to the sixth allegation in the notice of contest.

The eighth ground of contest challenges the form and print of the tickets, but it is not pointed out specifically in what the illegality consisted. And the ninth, tenth, eleventh, twelfth, and thirteenth grounds of contest are open to the same objections.

The seventh ground of contest alleges that at many of the voting places United States supervisors of election were not permitted to exercise the duties of their office, and were prevented therefrom by unlawful interference by the other officers of election (we presume, State officers). This charge is general, and it does not specify any particular voting place in the district where these acts occurred; but, perhaps, if any such unlawful interference is shown to have existed at any of the voting places, the committee would be justified in considering the allegation amended so as to make it conform to the proof, unless it were shown that thereby an injustice, because of the insufficiency, had accrued to the contestee.

This disposes of each of the allegations of contest, and with the single exception stated, under the uniform rulings of this committee and the House, the notice of contest would be held clearly insufficient. See Duffy *vs.* Mason, Forty-sixth Congress, and cases there cited.

We prefer, however, not to rest our decision of this case upon the sufficiency of the pleadings, for if the testimony taken in the case develops the fact that the sitting member was not elected, it would be our duty to so report, although the contestant might not be entitled to his seat, having failed to comply with the law with respect to the sufficiency of his notice.

If it be shown that there was an unlawful interference with the United States supervisors of election whereby they were prevented from discharging duties which are committed to their hands by the law of Congress, it would undoubtedly be our duty to set aside the election at such precincts. The law of Congress in respect to Congressional elections must be obeyed by the people, and nothing will tend so much to bring this government into disgrace as to allow its will to be nullified and its officers overawed and prevented from performing their duty. One of the most sacred duties which this House owes to the people is to see to it that its laws are enforced and obeyed. The supervisors of election are the eyes of this House. Through them it can scrutinize every general election. Fraud of all kinds can be detected, and ballot-box stuffing can be stamped out.

This government is founded upon the will of the majority. A majority is one more than half. When this is ascertained it is just as binding as if maintained by a larger preponderating popular expression, and for the purpose of maintaining the right of the majority to rule, the supervisors' law ought to be obeyed and enforced with scrupulous care. We now proceed to examine the supervisors of election appointed in this Congressional district.

DE SOTO COUNTY.

W. J. Butler was examined as a witness and testifies that he was a United States supervisor of elections for Lake Cormorant voting-place in said county. His testimony is found at pages 11 and 12 of the record. We have examined his testimony and find no charge of fraud, intimidation, or ballot-box stuffing.

Charles Scott, one of the inspectors at that precinct, testifies that everything was peaceful and quiet on the day of election. (Page 13 of the record.)

L. C. Clay, United States supervisor of Oak Grove precinct, De Soto County, testifies to but one fact which is material, and that is, that there were seventeen colored men and one white man refused the right of voting because they were not registered. (See page 26 of the record.)

Felix Davis, another supervisor of election for Horne Lake precinct, De Soto County, testifies to but one material fact, which is that one James Brooks, a Democratic inspector, took the ballot-box, after the ballots were closed, away with him and had it three-quarters of an hour out of the sight of the supervisor, when it turned up at Mr. Holliday's residence, some distance from the balloting place, and after supper proceeded to count the ballots; that the tickets on top of the box when opened all seemed to be Democratic tickets. During the counting, considerable confusion ensued in consequence of suspicious acts on the part of the Democratic inspectors, and while the box was opened a good many bystanders gathered around it and prevented its being scrutinized by this officer. They then proceeded to count the tickets, five at a time; at the close of the counting it appeared that there were 205 Democratic tickets, 130 Republican, and no Greenback. Witness testifies that during the counting he saw two Greenback tickets, which were taken from the box by a Democratic inspector and again put back in the box, but were not counted. He also testifies that there were 35 or 36 persons who offered to vote and were refused because they were not registered, and that there were about 75 or 100 Republicans left the polling-place without voting because of the tardiness with which the officers discharged their duty, and the vexatious manner in which the time was wasted in asking questions and the like. He also testifies that he was abused by one H. M. Douglass, one of the officers of election, for being a radical, and threats were made against him. That there were four or five men continually around the box during the count; that they were swearing and exhibited their pistols in a threatening manner. (See pages 31 and 32 of the record.)

Silas Turner, one of the inspectors, in a measure corroborates the testimony of Mr. Davis. (See page 33 of the record.)

C. M. Haynie, supervisor for Olive Branch precinct, De Soto County, testifies that 62 Republican voters were refused the right to vote because they were not registered, and that three Democrats and three Greenbackers were likewise denied the right to vote for the same reason at that precinct. (See record, page 34.)

J. S. B. Boone, United States supervisor at Depot box, testifies that there were 30 voters at that precinct deprived of the right of voting because they were not registered. (See record, page 36.)

E. A. Albritton, United States supervisor at Stewart's voting place, De Soto County, testifies that there were 15 persons refused the right to vote at that precinct because of non-registration; about three-fourths were colored, one fourth white; that the ballot-box was taken at dinner time out of his sight to Mr. Love's house, 250 yards away from the voting place. (See record, page 40.)

B. F. Bailey, United States supervisor for Louisburg precinct, De Soto County, testified that the board adjourned at noon for an hour, and about an hour after the polls closed. He objected to the adjournment, but they overruled him; that there were 12 persons refused the right to vote because they were not registered; that he is a Greenbacker in politics. (See record, page 42.)

LA FAYETTE COUNTY.

C. E. Porter, United States supervisor at Abbeville precinct, testifies that 36 persons were refused the right to vote; they were all Republicans. (See record, page 100.)

B. P. Scruggs testifies that he was United States deputy marshal on the 2d of November, 1880; that he lives in Oxford, State of Mississippi; that he was present at the election held there on that day; that within twenty steps from the entrance of the court-house, where the voting was being carried on, Mr. Keyes, a prominent Democrat of that place, and a member of the board of aldermen, was in charge of a cannon which was being fired, and that the witness protested against the firing of it; that he was told by Mr. Keyes that he had orders to fire it; that it was none of his business who gave him such orders; that they continued to fire the cannon until late in the afternoon; that the cannon was a regular six-pound field-piece. Witness also testifies that the Republicans were prevented from celebrating the victory gained by them because they were told by two prominent Democrats, Mr. Crawford and Mr. Skipwith, in the presence of Mr. Baker, chairman of the Democratic county central committee, that "they might have the right to do so, but they did not have the might," and to prevent a bloody collision they abandoned it. (See record, pages 51, 52, 53, 54, 55.)

MARSHALL COUNTY.

Robert Cunningham, supervisor of election for Chulahoma precinct, testifies that the inspectors of election refused to let him act as United States supervisor at that poll, and excluded him from the box. (See record, pages 80 to 91, inclusive.)

John S. Benton testifies that he was acting United States supervisor of election at Holly Springs box; that he canvassed and kept a complete list of the voters as they voted, and that it did not agree within 50 with the list kept by the clerks of election, his count giving to Buchanan 119 majority, while the count of the clerk of election gave to Buchanan but 69 majority. (See record, pages 75-79.)

Mr. E. J. Wilkerson testifies that he was United States supervisor of election at East Holly Springs box; that about 6 o'clock he stepped out of the hall for a moment where the voting was being done, and when he returned he found that 10 or 15 ballots had been added to his list that he was keeping by some one; that there were 60 more ballots counted out of the box than there were persons on his tally-list; that the door was locked and no one was permitted to be present during the count, and he was not permitted to be in the room; that there were about 30 persons refused the right to vote because they were not registered; that he did not see anything wrong during the voting, and is not able to account for the discrepancy; that he watched the election as close as a hawk ever watched a chicken. (See record, pages 91 to 93.)

Benjamin J. Jameson was United States supervisor of election at Wall Hill precinct. He testifies that there were 27 voters refused the right to vote because they were not registered. (See record, pages 94-95.)

Charles B. Hardy, United States supervisor of election at Byhalia precinct, testifies that there were 29 persons refused the right to vote, 27 of whom were colored persons; were refused for the reason that their names were not on the poll-book. He knew personally 23 of them; they were Republicans. He testifies further that one Mr. Flow, who was a Democratic inspector, was guilty of stuffing the ballot-box by refusing to put a ballot into the box offered by one man, taking one out of his pocket and substituting it for it, and in various other ways tampering with the ballots. (See his testimony on pages 94 to 99, inclusive.)

Thomas Mull, who was United States supervisor of election at Mount Pleasant precinct, Marshall County, testifies that there were 17 persons who offered to vote whose votes were refused—14 blacks and 3 whites. (See record, page 109.)

Thomas F. Briggs, United States supervisor of election at Early Grove precinct, testifies that there were seven who offered to vote and were refused because their names could not be found on the poll-book; they were colored men and Republicans who claimed to have registered. He is a Greenbacker in politics. (See record, page 111.)

J. A. Austin, United States supervisor of election at Lane's Hill precinct, Marshall county, tastifies that there were 12 persons refused the right to vote; that they were all black but two. Mr. Austin was a Greenbacker. (See record, page 126.)

PANOLA COUNTY.

John Fowler, United States supervisor of election at Benson's Hill, testifies that the election was fairly held. (See record, page 139.)

W. W. Perkins, United States supervisor of election at Batesville precinct, testifies that the voting was free, fair, and undisturbed; that the counting was fair and correct. (See record, page 140.)

D. F. Floyd, United States supervisor of election at Pleasant Grove precinct, testifies that the election was fairly held. (See record, page 145.)

P. Lanier, United States supervisor of election at Pleasant Mount precinct, Panola County, testifies that the election was conducted fairly. (See record, page 151.)

J. A. Small, United States supervisor of election at Sardis precinct, Panola County, testifies that there were 13 persons who were refused the right to vote on account of their not having registered. These were all Republicans. (See record, page 157.)

W. A. Jones, United States supervisor of elections at Como precinct, Panola County, testifies that there were 23 refused the right to vote because their names were not registered. Most of these said they were Republicans. (See record, page 158.)

P. H. Lanier, United States supervisor of elections at Pleasant Mount precinct, Panola County, testifies that there were 51 Republican tickets, 17 Democratic tickets, and two Greenback tickets thrown out on the ground that they were defaced so that they could be distinguished from the others. Some of them were torn on the end, some on the side; some were blotted; some had little white specks on them, some little black specks. They were put into a small box and nailed up, and put into a ballot-box; the ballot-box was sealed, and both boxes sent to the court-house. (See record, page 170.)

G. P. Carrington, United States supervisor of elections at Senetobia precinct, testifies that the election was fairly conducted. (See record, page 176.)

TATE COUNTY.

R. P. Powell, United States supervisor of elections at Cold Water precinct, testifies that there were about 21 persons who were refused the right to vote because their names did not appear on the poll-book. About 16 of them were Republicans, and he thinks two were Greenbackers. (See record, page 177.)

W. C. Briggs, United States supervisor of elections at Looxahoma precinct, Tate County, testifies that the election was fairly conducted. (See record, page 179.)

TALLAHATCHIE COUNTY.

R. J. Littlewort, United States supervisor of elections at New Hope precinct, testifies that the election was fairly conducted. (See record, pages 194–195.)

We have given an epitome of the testimony of the United States supervisors of elections. These men were appointed at the request of the prominent Republicans and Greenbackers of the district. It is fair to presume that all of the active frauds committed in the district would come under their notice, and that they would be able in their testimony to expose all crimes committed. The labor imposed upon the committee may have caused it to overlook a few of the other active frauds complained of; but it is believed that the foregoing summary embraces all that is important to be noticed. It is evident from the testimony that some of the precincts before alluded to must be thrown out. Those that we decide to throw out will be found at another place in this report.

CONSPIRACY.

It has been strenuously contended that there is some evidence uncontradicted and which tends to establish a conspiracy among the Democrats of the district, which resulted in the returning of the vote as heretofore given for Manning, and the suppression of the true vote given for the contestant and Mr. Harris, the Greenback candidate. This is founded upon the fact that the colored vote in the district exceeded the white vote, and that it was solidly Republican, and that it was cast, or ought to have been cast, for Mr. Buchanan; that the white vote was divided between the sitting member and the Greenback candidate, Mr. Harris. To establish this, the census tables have been resorted to, and other evidence has been introduced tending to show that there was a general turn-out of Republicans at the election, while there was much indifference on the part of Democratic voters.

The case of Spencer *vs.* Morey, decided in Forty-fourth Congress, Miscellaneous Cases, vol. V, p. 438, adverted to by contestant in his brief, cannot be regarded by us as an authority in this or any other case. So far as we have been able to study it, it stands alone in the line of contested-election cases. We do not believe that proof of one corrupted vote going into a ballot-box is like "a drop of poison in a bowl of water, which contaminates the whole of it, and cannot be separated from that which remains pure."

The duty of the House is to separate the honest from the dishonest vote; to purge all ballot-boxes of illegal votes; to administer a rebuke to the voters of any precinct who permit the voice of the people to be stifled or suppressed; and to enable the House to do this a contestant should produce testimony of specific acts in order to show the wrong which he complains of. It cannot be done by general, vague, and uncertain allegations and charges. There is some proof introduced to establish these various points, but it is very general, and consists largely of the opinion of witnesses, and is not of such a character that the committee feel justified in finding that a general conspiracy against the ballot-box was practiced. It seems to your committee, that, if any such practice prevailed, the United States supervisors appointed for the purpose of preventing such frauds could and would have given information whereby they could have been specifically proven.

Your committee have not hesitated to recommend to the House the throwing out of all the boxes where frauds, intimidation, or ballot-box stuffing have been proven, but it would be unsafe to assume from the testimony in this case that other frauds had been committed by the election officers not specifically shown or proven in any tangible or definite manner.

ILLITERATE ELECTION OFFICERS.

There is no doubt in our minds, from the evidence in this case, that many of the Republican precinct inspectors were appointed as such because they could neither read nor write. This is, in our judgment, a clear abuse of the law, and without the supervisors' law, which enables the opposing party to have men of their own selection to guard the polls as supervisors, we would be strongly inclined to apply a corrective for this manifest abuse of power.

With tickets exactly similar in all respects, or as nearly so as they can be printed, and on the same kind of paper, it would not be a hard task for election officers, if they were so disposed, to cheat an illiterate man who could neither read nor write both in the vote and in the count. All good people ought to discountenance and cry down evil practices of this kind. We indulge the hope that it will not be repeated in the future.

REGISTRATION LAW.

It appears in the evidence that very many electors in the various counties of this district were deprived of the right of voting because they were not registered. The registry law of Mississippi provides the manner in which registration shall be made. An unlawful refusal on the part of the registration officers to register a qualified elector is a good ground for contest; but, in order to make it available, the proof should clearly show the name of the elector who offered to register; that he was a duly qualified voter, and the reason why the officer refused to register him, and, under the statutes of the United State, if he offered to perform all that was necessary to be done by him to register, and was refused, and afterwards presented himself at the proper voting-place and offered to vote and again offered to perform everything required of him under the law, and his vote was still refused, it would be the duty of this House to see to it that he is not deprived of his right to participate in the choice of his officers.

Unfortunately in this case the proof falls far short of that which is required to enable the House to apply the proper remedy. That there were many instances in which the officers of registration arbitrarily refused to do their duty is apparent. That many electors were deprived of their right to vote in consequence of this action is also apparent; but in going through the testimony in this case, the number thus refused registration, and refused the right to vote, if added to contestant's vote, would not elect him. Neither is it shown sufficiently for whom the non-registered voters would have voted had they been allowed that right.

CHANGE OF POLLING-PLACES.

There is some evidence tending to establish the fact that many of the voting places were changed just prior to the election, and that much confusion was thereby caused among the voters. Many of them were not aware of the change, and in some instances they did not know where the new polling-places were established. Just how far this affected the result of the election we are unable to tell from the evidence. We can, however, readily imagine how a resort to changing the polling-places just before an election in a county would cause such confusion and unfairness as would defeat the popular expression of the will of the people through the ballot-box. The evidence in this case fails to establish the existence of such a state of affairs that we feel justified in interfering with the election for this cause.

REJECTED POLLS.

	Manning.	Buchanan.
De Soto County.		
Horn Lake precinct	205	130
Pleasant Hill precinct	169	75
Oak Grove precinct	131	98
Marshall County.		
Chulahoma precinct	241	271
East Holly Springs precinct	292	220
Byhalia precinct	218	289
La Fayette County.		
North Oxford precinct { Box No. 1	403	223
North Oxford precinct { Box No. 2	335	149
	1,994	1,455

The above precincts are rejected because of specific acts of fraud, violence, and intimidation having been proven.

At North Oxford precinct the contestee's party friends, on the day of election, fired a cannon in close proximity to the polls, and kept it up at intervals for quite a while. At Byhalia precinct the ballot-box was stuffed. At the other precincts there were irregularities of various kinds, chief among which was the exclusion of the United States supervisor from the polls and the counting of the votes.

DONNELLY–WASHBURN CASE.

We are not willing to go as far in this case as the majority of the committee did in the Forty-sixth Congress in the case of Donnelly vs. Washburn. It was there held—

"The very fact that in these *seven* precincts Mr. Donnelly had been *deprived* by the city council of Minneapolis *of all representation among the officers conducting the election* is, in itself, a *very strong proof of conspiracy* and *fraud*."

We may remark that there is abundance of testimony in this case showing that nearly one-half of the polls in some of the counties were under the exclusive control of the party friends of the contestee; and it is stoutly maintained by the contestant that the refusal to register qualified Republican voters, and that the appointment of incompetent Republican election precinct officers at other polling places, and various other acts and omissions on the part of the partisan friends of the contestee, taken in connection with the fact that at many of the precincts only Democrats were appointed election officers, afford a strong reason why the rule laid down in the Washburn-Donnelly case should apply in this.

The appointment of managers of election, in fairness and common decency, should be made from opposite political parties. A refusal to do so in the face of a statute directing it to be done may in some instances be evidence of fraud, and it might form an important link in the chain of circumstances tending to establish a conspiracy.

We are not satisfied that the evidence in this case establishes such a conspiracy.

A word of explanation. When the Committee on Elections decided this case in committee there were several members absent, as the record of the committee will show. When the report was signed a majority of the committee agreed to the minority report.

We therefore recommend the adoption of the following resolution:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

We concur in the conclusion reached by this report.

W. H. CALKINS.
GEO. C. HAZELTON.
JNO. T. WAIT.
S. H. MILLER.
F. E. BELTZHOOVER.
G. ATHERTON.
S. W. MOULTON.
L. H. DAVIS.

Mr. MOULTON. I desire to make a request.

Mr. CALKINS. I will withdraw the previous question for the present.

Mr. MOULTON. I will not occupy the attention of the House, but in reply to the gentleman from Massachusetts [Mr. RANNEY] I ask leave to print some views which I have here.

The SPEAKER. The Chair hears no objection, and the minority views of the gentleman from Illinois [Mr. MOULTON] will be printed in the RECORD.

The minority views are as follows:

The notice of contest comprises thirteen charges of illegality or irregularity, each and all of so general and vague a character as not to comply with the statute nor enable the respondent to know what particular grounds are relied upon for the contest. No voter or official is named in the notice. No precinct, town, or county is specified, and no numbers are given, but merely general charges are made, such as "in a portion of the county there was not a proper representation given to the different political parties;" that "in a portion of the counties election districts were established or abolished without complying with the law;" that "in a portion of the counties the registration of voters was not conducted as required by law," or "in a large number of voting places in the district many lawful voters were not permitted to vote." These and similar vague and uncertain charges constitute the notice of contest.

An election contest without notice should be treated as an absolute nullify. (McCrary's Law of Elections, sec. 341.) The form of the notice and its essentials are the proper subjects of legislation under the Constitution, and are as binding upon the House in judging of an election contest as laws in regard to practice are upon the courts. This does not, of course, interfere with the right of the House to institute independent inquiry upon its own resolution, but relates solely to a statutory contest, such as this case is.

The statute provides that the notice must particularly set forth the grounds of complaint. Under this statute notices so vague or general have been uniformly held insufficient to maintain a contest upon. See Duffy and Mason, Forty-sixth Congress; Wright and Fuller, 1 Bartlett, 152.

The reason and necessity for a notice that will give the respondent full and precise information and enable him to meet the charge are the same that require particularity in pleading, whether civil or criminal, concerning which the rules are well known. A decision that the notice in question is sufficient would be to hold that we are at liberty to disregard the statute and allow the contestant to withhold the information that would enable the respondent to know upon what ground the contest is based. It would be a rule to promote contests unfairly by allowing vague and broad assertions to supersede particular grounds.

Unless the House is willing to overrule the statute and its prior decisions, it must hold that there is no sufficient notice of contest in this case.

We have, however, looked carefully into the evidence, whether taken according to the statute or not, and conclude there is nothing to impeach the validity of the election of the sitting member by a majority of 5,000 or upward.

The district comprises ten counties in Northern Mississippi, containing a population, according to the census of 1880, of about 184,000. In six of the counties it seems that a majority of the voters are white. In four counties a majority are colored. In three of the counties (Benton, Marshall, and Panola) the votes received by Manning and Buchanan were nearly the same. In the county (Yalabusha) Harris, the Greenback candidate, received more votes than Manning—nearly all the votes being divided between them. In the other six counties Manning received majorities ranging from 300 to 900 in each. Altogether Manning received 15,255; Buchanan received 9,996; Harris received 3,585.

The statutes of Mississippi provide that the governor and State officials shall appoint for each county three commissioners of election, not all of whom shall be of the same party; and they shall appoint judges of election, not all of the same party.

The evidence shows this was done, but the objection is made that in some instances these appointments of Republican judges of election were not according to the dictates of the local partisan committees.

As the law requires the appointments to be made in the discretion of the officials, we see no irregularity in their declining to be governed by partisan suggestions.

Perhaps the most urgent of these objections were made as to appointments of judges in Marshall, Tate, Tallahatchie, and La Fayette Counties. In these counties it is urged that some of the judges could not read and write. This would seem to be a necessity if colored voters are to be represented by the elder and most substantial of that class. This is testified to not only by white men, but by colored witnesses as well, called by Buchanan. (See pp. 13, 14, 16, and 311.)

In La Fayette County those appointments were really made upon the suggestion of the colored Republican commissioner (pages 70, 71, 311). In Tallahatchie County the objection was that some Greenbackers were appointed instead of Republicans (pages 173, 174).

In Marshall County the Republican commissioner seems to have resigned his office to escape censure from the local committee of his party (page 123). These complaints, according to the evidence, are therefore not of violated law, but objections that the county officials, irrespective of party, disregarded the dictates of local committees.

Objection is also made that many persons offering to vote were not allowed to do so because their names did not appear on the registry list. To have allowed such people to vote would have been contrary to law.

The law provides that all persons claiming the right to vote must register.

These registry books must be ready some time before election, and on the last Monday in October, before any general election, there is a meeting of the county commissioners and circuit clerk to rectify the registry—to hear any complaints and add or take from the poll-lists, according as the law and facts require. (See Code of Mississippi, sections 124, 125.)

There is no evidence to show this was not fairly done, but much that it was. See, for example, the testimony of Johnson, commissioner for De Soto County (page 229); Beanland, for La Fayette County (page 311); McAfee and Lawedey, for Tallahatchie County (pages 416, 421); and Clifton, clerk of Tate County (page 398).

As there is no evidence of a refusal to register any legal voter, and as no one duly registered was refused a vote, the complaint that unregistered voters were not allowed to vote is a complaint that the law was obeyed. Judges of election could do no different even had they reason to suppose that thereby they refused the vote of those entitled to vote had their names been registered. (See Edmonds *vs.* Banbury, 28 Iowa Rep., 267.)

If, as assumed in one part of contestant's argument, many colored voters are too ignorant to be a judge of election, it is quite possible they are too ignorant or indifferent to attend to registration.

It is remarkable in a case where so much assertion is made of votes refused that no voter is called as a witness and no name ever is given of a voter who was unlawfully denied registry or who, having registered, was refused a vote. Yet at every precinct in the district was a Republican supervisor appointed by a Republican United States judge, as suggested by Buchanan and friends, and in all the precincts was a Republican judge, with a few exceptional cases where Greenbackers were appointed. Nearly all these persons testify and nearly all concur that so far as they saw the election was fair and the count honest. In the very few cases where doubt is raised by the testimony of some witness it is put to rest by other evidence that carries conviction. For example, one witness, Felix Davis, thought there was some irregularity at the precinct of Horn Lake (pp. 31, 32).

But not only is he not supported by the Republican supervisor (p. 33), but a relative pronounces Davis an unreliable monomaniac in political matters (p. 248), and several witnesses contradict his testimony. See testimony of Clinton (pp. 249, 253), Foster (p. 256), Shaw (p. 259), Halbert (p. 276), Wooldridge (p. 281).

At several precincts, as Oak Grove and Pleasant Hill, it seems a number of persons were not allowed to vote because they were not registered, but none of them came forward to say they were entitled to be registered, or were refused registry, or for whom they wished to vote; nor are their names given.

At North Oxford four men, two white and two colored, who had charge of a field-piece belonging to the Democratic club, fired it on the green near the voting place. This seems to have been done on other election days, and a number of witnesses testify that all regarded it as noisy play. One witness thinks it frightened away some voters, but Lott, the Republican supervisor, says he only heard such a rumor, but that so far as he knows there was a full, free, fair vote and an honest count (p. 57). This is corroborated by so many witnesses (see pp. 313 to 319) we can not doubt its truth.

At East Holly Springs it seems that Sigman was appointed judge upon recommendation of the Republican committee (p. 106), but he declined to serve, and a colored Republican succeeded him. Wilkerson, the Greenback supervisor at that precinct, thought a mistake was made in the tally-list in counting, but four witnesses show that he frequently absented himself during the count, and five testify that the count was correct. (See pages 337, 338, 344, 350, 351, 355, 363, 364.)

At Chulahoma the Republican supervisor, not being a voter, was disqualified to act as such, but was allowed to watch all the proceedings. By him a fair poll is shown, but he thought there was a mistake in the tally of about thirty votes. But Clark, the Republican inspector, testifies that he called in a Republican justice of the peace to witness the count, and that it was honest, and there was no dispute about it (page 114). Hancock, the justice, corroborates it (page 369), as well as Nims, the Democratic judge. To discredit this evidence would seem impossible, even for partisan purposes.

At Byhalia, Hardy (brother-in-law to Buchanan) thought he saw one or two tickets changed by a judge. His brother, a Republican, and judge at that precinct, was not called to corroborate the story, and Watson, one of the judges, positively denies it, and says he was present and watched all the time (pages 370, 371). Hardy admits that the man he accuses bears an excellent reputation. We think there was no unfairness at that poll. We see no reason to exclude the precincts we have named, yet they are the ones where irregularities or fraud are supposed to be proven, if anywhere. We think it is shown nowhere. Counsel for Buchanan, who is United States attorney for Northern Mississippi, and witness for contestant, testifies to several indictments procured against officials for violations of election laws. Bowen was found guilty for ejecting a supervisor, and fined a nominal sum. Johnson was acquitted of charge against him, and then some others were induced to submit to a plea of *nolo contendere* and a fine of $1 to $10 each, as less expensive even than an acquittal. The United States district attorney and judge agreed to allow this, as defendants refused to plead guilty (see Strickland's evidence, pages 347, 348), which is substantially admitted by Chandler (attorney and witness for contestant, pages 8, 9), and corroborated by the record evidence. The most that can be urged in such case is that there were possible technical mistakes, or irregularities, but no criminal intent. If this be not so, the attorney for the United States, as well as judge, committed grave crimes. It is more probable the attorney strained the law to make a seeming point for his client.

Much in the argument for contestant has assumed that all colored voters are of one party. It is mere assumption and contrary to strong proof. A score or more of white witnesses testify to the contrary. Several colored voters testify to the same. Near Holly Springs, where all the candidates reside and are well known to the colored people, the latter seem to be well divided in politics. Nelson Hunt, a colored farmer residing upon his own farm, aged 64 years, and a resident of that county for forty-six years, says his acquaintance with colored people in the county is general, and that colored Democrats are numerous; that he knew thirty-two colored men in West Holly Springs, outside of the limits of the town, who voted for Manning, and upon being asked gave the names of many of them (pages 361–363). A half dozen other colored farmers give similar testimony (see pages 368–369, 377–378, 380).

In Yalabusha County, where Harris and Manning each had over 1,200 votes, Buchanan was repudiated almost unanimously by both black and white, receiving only 71 votes in the county.

It is therefore demonstrated by the witnesses, and of all shades of politics and color on both sides, that a very large proportion of the white voters and very many colored ones preferred Colonel Manning to Buchanan as their Representative in Congress, and there is no reason to doubt that he was fairly elected by a large majority, as certified by the State officials; and to deny his right to a seat in Congress would be not to protect the right of suffrage, but to grossly abuse it under the pretense of judging. We therefore recommend the following resolution, namely:

Resolved, That Van H. Manning was duly elected to the Forty-seventh Congress from the second Mississippi district.

Mr. CALKINS. I now demand the previous question on the resolution of the Committee on Elections, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the contestant have leave to withdraw his papers without prejudice.

The previous question was ordered, and the resolution was adopted.

Mr. CALKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION CASE—SESSINGHAUS VS. FROST.

Mr. CALKINS. I now call up the contested-election case of Sessinghaus *vs.* Frost.

Mr. BINGHAM. I raise the question of consideration.

Mr. CALKINS. I ask the Clerk to read the resolution.

Mr. ROBINSON, of Massachusetts. The gentleman has not the floor for debate.

The SPEAKER. The Chair will take care of that. The Clerk will read the resolution.

The Clerk read as follows:

1. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

2. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

The SPEAKER. The gentleman from Indiana, chairman of the Committee on Elections, calls up the contested-election case of Sessinghaus *vs.* Frost. The gentleman from Pennsylvania [Mr. BINGHAM] raises the question of consideration. The question is, Will the House proceed with the consideration of this election case?

Mr. CALKINS. I call for a division. I ask unanimous consent, Mr. Speaker, to make a statement.

Mr. MOULTON. I object, unless I have an opportunity to reply.

Mr. CALKINS. I was going to suggest that by unanimous consent I may be heard for a few moments, and then the gentleman may be heard in reply.

Mr. CLARDY. I object, unless some time is accorded to the other side.

Mr. CALKINS. Of course time will be allowed to the other side.

Mr. COX, of New York. I understand the objection has been withdrawn.

Mr. CALKINS. I am exceedingly anxious to have these two cases of Sessinghaus *vs.* Frost and Cook *vs.* Cutts taken up and disposed of right away. There is a bill from the Post-Office Committee in reference to the adjustment of the salaries of postmasters which comes over as the unfinished business, and which I am told will take but twenty minutes to pass it. I do not know how long it will take. It is now said it will not take over an hour to pass it. There is also another bill about some pension matters which the gentleman from Pennsylvania [Mr. CURTIN] wants to get in that probably would take about the same length of time. If the House will consent to take up those two cases and decide them, then it is the highest duty——

Mr. ROBINSON, of Massachusetts. I object.

Mr. RANNEY. The gentleman has mentioned two cases, but there

is another case still standing in the same line, that of Lee against Richardson, of South Carolina.

Mr. CALKINS. I do not mean to except that case.

Mr. RANNEY. I wish to know if he proposes to call up two of the cases and not the third?

Mr. CALKINS. I do mean to call up that case.

Mr. MOULTON. I desire to say but a word. I do not wish when these cases are taken up that they shall be disposed of without fair opportunity for discussion. If this side as well as the other side shall be allowed that opportunity, I shall make no objection.

Mr. CALKINS. Of course we all concede that.

The SPEAKER. The question is whether the House will proceed with the election case of Sessinghaus against Frost.

The House divided; and there were—ayes 44, noes 83.

Mr. CALKINS demanded tellers.

Tellers were refused.

So the House refused to proceed with the consideration of the contested-election case.

SALARIES OF POSTMASTERS.

Mr. BINGHAM. I now call up the unfinished business coming over from last night.

The SPEAKER. The pending question is to suspend the rules and pass the bill (H. R. 7611) to adjust the salaries of postmasters, as reported from the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. I demand a second on the motion to suspend the rules.

The House divided; and the tellers reported—ayes 140, noes 8.

So there was a second.

Mr. HOLMAN. I call for the reading of the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] will be recognized to control the time in favor of and the gentleman from Indiana [Mr. HOLMAN] the time in opposition to the bill.

The SPEAKER. This bill has been ordered to be printed, and appears in the RECORD of the proceedings of yesterday.

Mr. HOLMAN. It is a very important bill, and the House was very thin last night. There was no quorum present, only a handful of members. I hope, therefore, there will be no objection to reading the bill.

Mr. VALENTINE. It is not necessary to consume time; it has been printed in the RECORD, where members have had an opportunity of examining it.

Mr. HOLMAN. I ask unanimous consent for the reading of the bill.

Mr. PEELLE. I object to taking up the time of the House in that way.

Mr. HOLMAN. I am surprised to find the gentleman willing to increase salaries without reading the bill.

Mr. BINGHAM. Mr. Speaker, I recognize the importance of expedition in the discussion of this question; and as the bill has been printed for the information of this House in the RECORD of this morning, I will assume that gentlemen either have examined it or will hereafter examine it before the vote is taken, and therefore I need not now go into an elaborate explanation of the details of the proposed legislation. It is known to this House by its action during the past fifteen minutes that the conference committee on the part of the House and the Senate have agreed to the date of the 2-cent rate of postage for domestic letters, going into effect under the law on the 1st day of the coming October. The House in the passage of the bill fixed this date originally on the 1st day of January next. The Senate fixed the date on the 1st day of July. The conference committee made an agreement dividing the time fixed by each House, and establishing the date on which it should go into effect as the 1st day of October of the present year. Had it gone into effect, in accordance with the date fixed by this House, I assume now, as I assumed and asserted during the discussion of the question reducing postage, that for the next fiscal year under the 2-cent rate there would be no deficiency on the part of the Post-Office Department, and therefore no demand upon the Treasury to make up the deficiency for the administration of that Department for the fiscal year ending June 30, 1884. It is to carry out that law taking effect on the 1st day of October next that this bill is submitted for the consideration of this House, adjusting the salaries of 47,000 postmasters, all of whom are largely dependent either upon the amount of stamps canceled in their respective offices or upon the amount of stamps sold and canceled.

I would submit for the information of the House that many plans, suggestions, and bills drafted were presented to the Post-Office Department, not only by those outside, but by officials of the Department thoroughly familiar with the subject, covering the question of readjustment of compensation, and this bill now submitted to the House has been deemed not only by the Department but by the Committee on the Post-Office and Post-Roads as being the fairest and most equitable not only to this large body of subordinate officials but also to the Government. It is proper right here for me to state that the report of the Postmaster-General, as submitted to this Congress, called attention, independently of the reduction of the rate of postage, to the necessity of the revision of the salaries of the postmasters, and he used these words, which I shall read for the information of the House.

These recommendations and the suggestions commended to Congress, clearly and with great force, exhibit the cumbrous and complex system of compensating postmasters now in practice under existing law and explain the necessity for change and simplification of method and system:

The very able report of the First Assistant Postmaster-General calls attention to the great difficulty experienced in adjusting salaries to postmasters of the first three classes, and in making allowances for expenses to those of the first two classes.

He does not exaggerate those difficulties. It may well be doubted if he could exaggerate them. It would be easy to frame a law more unjust than that under which the salaries of postmasters are now settled, but it is quite unnecessary to do so—the existing law is sufficiently unjust. But necessity herself, though admitted to be the mother of invention, could not invent a more cumbrous or complex method of adjusting salaries. Postmasters at the smallest offices are paid alike. Their pay is apportioned in part upon the revenues of their offices and in part according to the labor performed in them. So far as revenue is derived from the rent of boxes, postmasters take the whole. So far as it is derived from the sale of "waste paper, dead newspapers, printed matter, and twine," they receive 60 per cent. So far as it is derived from the sale of money-orders, they receive one-third. So far as it is derived from the sale of stamps, envelopes, and postal-cards, they receive nothing. They may sell thousands in value, but they get no share of the proceeds. If, however, they cancel a stamp on matter mailed at their offices, no matter where the stamp is sold, they get 60 per cent. of its value. If they pay a money-order they receive a quarter of 1 per cent. of its amount.

This rule is sufficiently cumbrous, but sufficiently equal. Postmasters continue to be so paid until their sales and cancellations, exclusive of money orders, reach $400 per year. At that point a new rule is introduced. They still get the whole of the box rents; they still get the same commission on the sale and payment of money-orders; but, upon the proceeds from the sale of waste paper, dead newspapers, printed matter, and twine, and upon the cancellation of stamps they get 50 per cent. instead of 60 on the excess over $400.

This new rule controls until such sales and cancellations, exclusive of money-orders, reach $1,200 a year. Then a new rule obtains. It is difficult to see why, but thereafter, on the surplus received from the sales of waste paper, dead newspapers, printed matter, and twine, the postmaster receives, not 60 per cent., nor 50 per cent., but 40 per cent., and the same percentage on the value of stamps canceled.

When, however, the box rents and these various commissions, exclusive of the money-order business, shall aggregate $1,000, the office is advanced from the fourth to the third class. Then there is a new and most curious rule for compensation. Then the postmaster receives a salary in lieu of the box rents and commissions before assigned to him.

To determine the amount of the salary in a given case a fund is set apart. That fund is composed of all the box-rents, if the postmaster owns the boxes and the rents do not exceed $1,350 per annum. It is composed of two-thirds of the box-rents if the Government owns the boxes and the rents do not exceed $1,000. To those sums, respectively, is added commissions on all other postal revenues of the office in different proportions, to wit, 60 per cent. on the first $400, 50 per cent. on the next $800, 40 per cent. on the next $1,600, and 30 per cent. on the excess until the commissions amount to $1,350.

That sum, so curiously compounded, does not constitute the salary of the postmaster, but out of it is dipped, so to speak, as many even hundreds of dollars as can be found. That is the salary for all postmasters, unless the gross revenues exceed $4,000 per annum. When the revenues exceed $4,000 the postmaster receives a percentage on the excess. That percentage constantly varies. It is 1 per cent. on all sums between $4,000 and $10,000. So often as the revenues double the percentage is reduced one-tenth of 1 per cent. until the revenues reach the aggregate of $1,200,000. On all revenues above that maximum the postmaster receives one-tenth of 1 per cent.; and still, when a salary reaches $4,000, all these streams are turned off, except in the single case of the office at New York. There they continue to flow until the salary is swollen to $8,000.

The partnership now existing between the Government and the postmaster in the use of letter-boxes should be dissolved. Whenever the Government owns the boxes or hires them with the building, the whole of the rental paid by patrons, and not two-thirds of it, belongs to the revenues of the Department as much as the postage does. Where, on the contrary, the postmaster supplies the boxes and the Government does not, the latter should no more share in the proceeds from their rent than in the rent of any other property belonging to the officer. In all cases, therefore, in adjusting the pay of postmasters I think box rents should be wholly eliminated from the calculation; and I am strongly inclined to the opinion that the whole system of regulating the compensation of postmasters should be radically changed. I know of but two reasons for paying postmasters at all. One is, he incurs responsibility; and the other, he performs labor. Both the responsibility and the labor are accurately measured by the business transacted at the several offices. The business transacted at each office is measured with sufficient accuracy by its revenues. The two marked exceptions to this rule are the offices at New York and at Washington. The former office should be excepted because of the large amount of foreign mail handled at that office.

* * * * * * *

The office at Washington should be excepted because of the large percentage of matter handled there emanating from Congress or from the Departments, and which yields no revenue to the office. It is estimated that not less than 70 per cent. of all the matter at that office emanates from those two sources.

In concluding his long recommendation upon this subject he emphasized this language:

I know of but two reasons for paying postmasters at all. One is, he incurs responsibility, and the other he performs labor. Both the responsibility and the labor are accurately measured by the business transacted at the several offices. The business transacted at each office is measured with sufficient accuracy by its revenue.

I would state that upon this proposition, and upon this basis of labor performed and responsibility incurred the present bill is submitted for the consideration of the House. In this bill all that is deserving of retention in existing statutes is retained; all that is complex and cumbrous is wiped out and ignored.

The classification of postmasters under existing statutes is retained in this bill—other concurrent laws having effect upon allowances for clerk-hire, rent, fuel, light, and incidental expenses.

Permit me to refer you to report of Ex-Postmaster-General James, with reference to the claims of the postmasters of the several large post-offices, where labor, responsibility and bonded obligation entitle them to special consideration. I read from his report of June 30, 1881:

Table showing the gross revenue, bond, and compensation of postmasters and money-order business of seven of the principal cities of the United States.

Office.	Ordinary gross revenue.	Bond of postmaster.	Compensation of postmaster.	Money-order business.	
				Value of orders issued.	Value of orders paid.
Chicago, Illinois	$1,440,072 94	$300,000 00	$4,000 00	$1,764,259 15	$7,020,602 86
Philadelphia, Pennsylvania	1,294,713 58	150,000 00	4,000 00	1,000,041 42	2,637,577 30
Boston, Massachusetts	1,221,374 73	150,000 00	4,000 00	1,038,441 21	2,643,550 48
Saint Louis, Missouri	675,680 13	150,000 00	4,000 00	904,384 46	4,529,022 57
Cincinnati, Ohio	540,186 78	300,000 00	4,000 00	507,116 59	2,337,039 67
San Francisco, California	468,741 27	350,000 00	4,000 00	988,492 75	2,146,289 33
Baltimore, Maryland	444,302 61	200,000 00	4,000 00	433,216 31	1,515,272 97
Total	6,085,072 04	1,600,000 00	28,000 00	6,635,951 89	22,819,445 18
Total of all offices in the United States	36,785,397 97	.....	8,298,742 79	109,750,695 73	106,178,092 80

In view of the facts thus presented, I recommend that the compensation of the postmasters at Chicago, Philadelphia, Boston, and Saint Louis be increased to $7,000, and that of the postmasters at Cincinnati, San Francisco, New Orleans, and Baltimore to $6,000 per annum.

It is as essential to the interests of the Government as to those of private enterprise that its business be transacted by men equipped for their work by natural qualification and special training. Surely, the Government can not expect to secure the services of the men best qualified to do its work when it offers a salary affording little more than a bare support to officials who are clothed with the largest responsibilities.

The marked increase of business in these several large offices may well receive the attention of the House, and when the vast amount of money handled and responsibility incurred is clearly understood and appreciated I do not think any gentleman upon this floor can object to the $12,000 increase of compensation which this bill carries for the eight largest offices in the country. I read the exhibit or statement of business in accordance with the latest official returns:

ORDINARY GROSS REVENUES.

Chicago	$1,681,602
Philadelphia	1,432,145
Boston	1,371,419
Saint Louis	750,013
Cincinnati	581,761
San Francisco	498,704
Baltimore	493,100

I also read to the House the statement of the business transacted in these several large offices in the money-order division:

Statement showing the value of the money-orders issued and paid during the fiscal year ended June 30, 1882, at the cities named.

Office.	Domestic.		International.		Total value of orders issued.	Total value of orders paid.	Grand total issued and paid.
	Value of orders issued.	Value of orders paid.	Value of orders issued.	Value of orders paid.			
Chicago	$1,638,248 14	$7,266,787 04	$568,877 99	$143,871 88	$2,207,126	$7,410,658	$9,617,785
Boston	913,044 53	2,731,333 01	245,913 19	121,230 20	1,158,957	2,852,563	4,011,521
Saint Louis	873,356 24	4,443,895 76	116,796 24	48,526 82	990,152	4,492,422	5,482,575
Cincinnati	458,382 54	2,358,816 45	58,586 13	27,279 04	516,968	2,386,095	2,903,064
San Francisco	983,187 42	2,437,515 20	144,565 07	65,035 10	1,127,752	2,502,550	3,630,313
Baltimore	951,336 74	1,828,716 10	70,411 40	27,309 56	1,021,750	1,856,025	2,877,776
Philadelphia	927,698 79	2,747,483 80	217,545 58	88,275 18	1,145,244	2,825,758	3,971,003
Washington	504,212 83	765,045 05	30,202 60	13,799 68	534,414	779,744	1,314,159

J. H. ELA, *Auditor.*

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 28, 1883.

The $12,000 additional compensation which the bill carries for the said large offices will be:

Boston, $2,000, making total annual compensation	$6,000
Philadelphia, $2,000, making total annual compensation	6,000
Saint Louis, $2,000, making total annual compensation	6,000
Chicago, $2,000, making total annual compensation	6,000
Cincinnati, $1,000, making total annual compensation	5,000
San Francisco, $1,000, making total annual compensation	5,000
Washington, $1,000, making total annual compensation	5,000
Baltimore, $1,000, making total annual compensation	5,000

In view of the millions of dollars annually handled, no one certainly can object to the reasonably fair salaries when added to all the obligations and responsibilities there is required from the postmaster a bond of from $150,000 to $300,000.

I read to the House the details of the bill covering the first, second, and third class offices, and make the declaration that they will not increase or allow, other than in the eight offices before mentioned, additional compensation, save that which is due to natural growth and increase in work. The officers will receive the following specified compensation where their offices exhibit the specified gross receipts:

FIRST CLASS.

	Salary.
$40,000 and not exceeding $45,000	$3,000
$45,000 and not exceeding $60,000	3,100
$60,000 and not exceeding $80,000	3,200
$80,000 and not exceeding $110,000	3,300
$110,000 and not exceeding $150,000	3,400
$150,000 and not exceeding $200,000	3,500
$200,000 and not exceeding $260,000	3,600
$260,000 and not exceeding $330,000	3,700
$330,000 and not exceeding $400,000	3,800
$400,000 and not exceeding $450,000	3,900
$450,000 and not exceeding $500,000	4,000
$500,000 and not exceeding $600,000	5,000
$600,000 and upward	6,000

SECOND CLASS.

$8,000 and not exceeding $9,000	2,000
$9,000 and not exceeding $10,000	2,100
$10,000 and not exceeding $11,000	2,200
$11,000 and not exceeding $13,000	2,300
$13,000 and not exceeding $16,000	2,400
$16,000 and not exceeding $20,000	2,500
$20,000 and not exceeding $24,000	2,600
$24,000 and not exceeding $30,000	2,700
$30,000 and not exceeding $35,000	2,800
$35,000 and not exceeding $40,000	2,900

THIRD CLASS.

	Salary.
$1,900 and not exceeding $2,100	$1,000
$2,100 and not exceeding $2,400	1,100
$2,400 and not exceeding $2,700	1,200
$2,700 and not exceeding $3,000	1,300
$3,000 and not exceeding $3,500	1,400
$3,500 and not exceeding $4,200	1,500
$4,200 and not exceeding $5,000	1,600
$5,000 and not exceeding $6,000	1,700
$6,000 and not exceeding $7,000	1,800
$7,000 and not exceeding $8,000	1,900

Mr. McMILLIN. It increases, however, the salaries in the largest offices.

Mr. BINGHAM. It increases the salaries in the eight largest offices in the country—the offices that handle from six to almost twelve million dollars.

Mr. McMILLIN. And these officers now receive the largest salary?

Mr. BINGHAM. They receive now the largest salaries; but only to the extent of one, two, three, and four hundred dollars greater than first-class offices, where the postmaster handles limited amounts of money and where the responsibility is not great.

The rates fixed for the several classes to which I have referred have been determined after careful examination of the present salaries and gross receipts, as shown by the last biennial adjustment, which went into effect July 1, 1882, and I have no hesitation in saying that an adjustment made on this basis will be fair and impartial, and will cause less friction than any other plan which has been proposed. By less friction I mean that practically the present salaries will not be materially changed, and any increase of salaries will be due to a healthy increase of revenue. The reduction of letter postage will fall heaviest upon the legion (45,000) of fourth-class postmasters, as their compensation is largely made up from commissions on mail matter actually mailed at their offices—literally upon stamps canceled.

Mr. McMILLIN. Before the gentleman from Pennsylvania comes to the fourth-class offices I wish to ask him what effect does the change in salary have upon the second and third classes?

Mr. BINGHAM. I will state to the gentleman that the bill holds the second and third classes, after careful and critical examination, just where they are now.

Mr. MORSE. And large bonds are required.

Mr. BINGHAM. Yes, large bonds are required.

There are members on this floor more familiar with the details of the fourth-class offices than I am. They know that in each of their districts they number a hundred and more. They are the class of offices which do not receive, as the larger offices receive, reasonable, fair compensation for stamps sold and for work done. In the fourth-class office the compensation allowed is a percentage on canceled stamps. The stamps must be canceled in the office, not sold, but canceled in the office, before the commission is allowed.

In that connection let me state the fourth class of postmasters are paid on the return to the Department of their quarterly accounts. They will immediately feel the effect on the rate of commission, if the present law stands, of the difference between the commission allowed for the cancellation of a 3-cent stamp and a 2-cent stamp. Gentlemen need but to hear that proposition to thoroughly understand it.

The law so far as that class of postmasters are concerned will take effect immediately; and in making the estimates and in changing the rate of commission your committee have determined to recommend such a rate and change in the commission as would give to the fourth-class postmaster the same amount of compensation that he now receives for a line of work identical, at the 2-cent rate, for exactly the same amount of work done; with this one addition, and the committee believe that in view of the fourth-class officers receiving no compensation for rent, fuel, light, clerk-hire, &c., some small increase of compensation should be given that class of officers, 45,000 in number.

I feel that I represent the entire Committee on the Post-Office and Post-Roads, and I know that I represent the Department, when I submit that the basis we have drafted the bill upon will give to these fourth-class postmasters, from $100 up to $1,000 per annum, between 9 and 10 per cent. increase. But the largest average of increase will be in the class of offices that run up to between $400 and $500 per annum. That is the class that will more largely receive this percentage of increase than the postmasters whose compensation exceeds $500 per annum.

I will briefly illustrate by some tables I have the difference between the old law and the bill now under consideration.

These commissions under existing law are per quarter as follows:

On the first $100, 60 per cent., or	$60
On the next $200, 50 per cent., or	100
On the next $400, 40 per cent., or	160

limited, however, including box-rents and all other revenue except money-order commission, to $250 per quarter.

The proposed plan reduced to figures gives the fourth-class postmaster compensation at the following rates per quarter, namely:

On the first $50, 100 per cent., or	$50
On the next $100, 60 per cent., or	60
On the next $200, 50 per cent.. or	100

and 40 per cent. on all the balance, limited to $250 per quarter, exclusive of money-order commissions.

I also submit a table showing the present and the proposed compensation of fourth-class postmasters, giving the relative and average increase of salary on revenue of $50 to $1,000, under the old and new law:

	Per annum.	Compensation of postmaster.			
		Under old law.	Under new law.	Increase.	Per cent. increase.
On revenue of	$50 00	$30 00	$50 00	$20 00	66.70
On revenue of	100 00	60 00	100 00	40 00	66.70
On revenue of	200 00	120 00	200 00	80 00	66.70
On revenue of	300 00	180 00	260 00	80 00	44.40
On revenue of	400 00	240 00	320 00	80 00	33.30
On revenue of	500 00	290 00	380 00	90 00	31.00
On revenue of	600 00	340 00	440 00	100 00	29.40
On revenue of	700 00	390 00	490 00	100 00	25.60
On revenue of	800 00	440 00	540 00	100 00	22.70
On revenue of	900 00	490 00	590 00	100 00	20.40
On revenue of	1 000 00	540 00	640 00	100 00	18.50
Averages	504 56	283 64	364 56	80 91	38.67

Also, table showing compensation of fourth-class postmasters under old and new law per quarter:

OLD LAW.

On first	$100, 60 per cent., or	$60
On next	200, 50 per cent., or	100
On next	225, 40 per cent., or	90
Totals	525	250=maximum amount allowed per quarter.

NEW LAW.

On first	$50, 100 per cent., or	$50
On next	100, 60 per cent., or	60
On next	200, 50 per cent., or	100
On next	100, 40 per cent., or	40
Totals	450	250=maximum amount allowed per quarter.

SUMMARY.

Old law	$525	gives postmaster $250
New law	450	gives postmaster 250
Difference in favor of new law per quarter	75	

I ask the House to pass the bill. It will simplify the adjustment of the salary of every postmaster in the country. They will be paid in accordance with the gross receipts of their offices and responsibility for money obligations, as well as labor performed. It will increase to a reasonable and just extent the allowances of the fourth-class officers, whose pay is small, yet at the same time have duties that are exacting and important.

The bill is in the direction of good legislation, and should receive the support of every member of this House.

I shall append to my remarks several exhibits that may be useful to gentleman who may desire to examine more carefully into the bill under consideration:

EXHIBIT A.

January 1, 1883:	
Number of post-offices	46,893
Number of Presidential post-offices	2,092
Number of fourth-class post-offices	44,801
June 30, 1882:	
Number of post-offices	46,231
Number of Presidential post-offices	1,951
Number of fourth-class post-offices	44,280
Total compensation paid to postmasters fiscal year ended June 30, 1882	$8,964,676 72
Total salaries of Presidential postmasters fiscal year ended June 30, 1882	3,263,400 00
Total compensation of fourth-class postmasters fiscal year ended June 30, 1882	5,701,276 72
Average salary of postmasters of the fourth class	128 72
Receipts of the Post-Office Department for the fiscal year ended June 30, 1882	41,876,410 00
Gross receipts of Presidential post-offices (1,951 in number) for the fiscal year ended June 30, 1882	29,541,458 00
Gross receipts of Presidential post-offices (44,280 in number) for the fiscal year ended June 30, 1882	12,334,952 00

EXHIBIT B.

Statement showing the number of Presidential post-offices, aggregate salaries of postmasters, and gross receipts, arranged alphabetically by States and Territories.

States.	No. of offices.	Salaries.	Receipts.
Alabama	20	$34,900	$156,511
Arizona	5	10,100	35,735
Arkansas	15	25,900	101,028
California	57	107,700	856,820
Colorado	38	74,200	377,507
Connecticut	50	93,900	623,744
Dakota	19	31,600	162,303
Delaware	6	9,600	62,979
District of Columbia	1	4,000	242,175
Florida	11	18,600	69,094
Georgia	27	50,700	320,074
Idaho	2	3,500	8,265
Illinois	178	256,100	2,591,502
Indiana	86	158,900	719,962
Iowa	117	156,100	637,579
Kansas	75	127,300	420,098
Kentucky	34	59,200	404,422
Louisiana	14	22,800	308,874
Maine	31	57,600	374,315
Maryland	20	32,300	584,635
Massachusetts	116	220,400	2,402,871
Michigan	104	190,600	949,393
Minnesota	51	82,500	486,865
Mississippi	21	34,300	101,495
Missouri	65	111,500	1,268,469
Montana	9	18,200	55,500
Nebraska	37	60,900	249,459
Nevada	11	20,400	52,170
New Hampshire	29	49,700	200,716
New Jersey	58	105,200	623,378
New Mexico	6	10,500	36,494
New York	206	365,900	6,541,235
North Carolina	18	29,800	120,959
Ohio	130	243,200	1,978,330
Oregon	11	19,300	91,822
Pennsylvania	150	260,600	3,070,546
Rhode Island	11	24,000	272,163
South Carolina	16	26,200	139,386
Tennessee	19	34,300	280,380
Texas	57	102,000	456,167
Utah	7	11,500	56,355
Vermont	27	42,800	152,484
Virginia	27	49,200	327,148
Washington	8	13,500	32,977
West Virginia	12	19,500	92,077
Wisconsin	76	131,100	709,136
Wyoming	4	8,000	26,070
	2,092	3,620,100	29,831,698

Grand total gross receipts	$29,831,698
Grand total postmasters' salaries	$3,620,100
Percentage	12.11

Mr. HOLMAN. I yield five minutes to the gentleman from Tennessee, Mr. MCMILLIN.

Mr. MCMILLIN. I feel that there is a necessity for legislation in behalf of the fourth-class postmasters of the country in view of the change that was made in the law during this session concerning the rate of postage; and while that is true I desire to enter my protest against a scheme for the purpose of making that class of officers the scape-goat through which the best paid postmasters of the country are to have their salaries increased.

The very first part of the bill pertains to that class of postmasters

who already receive the largest salaries that are given to any postmasters of the country. It is a well-known fact that the service has suffered no detriment by reason of failure to pay this class of officers amply. It is a well-known fact that whenever there is a vacancy in any of the large cities of the country there is a swarm of applicants any one of whom would discharge the duties well; and yet with this fact staring us in the face we have the extraordinary spectacle presented of an effort to increase their salaries.

We have passed provisions during this Congress which will tend to reduce the salaries of the postmasters of the fourth class. I know it is necessary that some change in the present law in their behalf should be made. But I think that a bill which should provide that postmasters of the fourth class shall receive under the new law for the cancellation of a similar number of stamps (I do not mean stamps of the same value) the same compensation which they received under the old law would accomplish the end desired better than it will be accomplished by this bill. The whole system of compensation is changed by this bill, and we do not know what will be the effect if it shall become law.

I would like to have the gentleman in charge of the bill, or some member of the House, tell us where the money is to come from to pay this increase of salaries. It looks as if there were a disposition to heap up deficiencies for the next year. We change the rate of postage, and the effect of that will probably be to reduce the revenues of the Department from six to eight millions of dollars a year. No appropriation has been made; none has yet been proposed to supply that deficiency.

It is now proposed to increase the salaries of first-class postmasters, and no appropriation is made to pay that increase. Is it possible that we are going through the forms of law to change salaries and make no provision for their payment?

I think this measure is crude. I do not think it has been brought in with that mature consideration that its importance deserves. While, as I have said, I am anxious for legislation for the benefit of the poorest paid postmasters, those who receive from $100 to $200 a year, I think we should not accompany that with an increase of the salaries of those who happen to have already good berths.

Mr. BROWNE. I desire to be recognized for the purpose of asking unanimous consent that the time for debate upon the pending bill be somewhat extended. It is a very important bill, and I would like to have a few minutes upon it myself. I therefore ask unanimous consent that the time for debate be extended for one hour.

Mr. CAMP. I object.

Mr. RYAN. Do not do that.

Mr. CAMP. I do object.

The SPEAKER. Objection is made. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. I hope that, inasmuch as the House has declined to extend the time for the consideration of this bill, at least during the few minutes left the House will attempt to understand its provisions.

The occasion and pretense for bringing this measure forward is the change in the law reducing letter postage from 3 cents to 2 cents per half ounce; but the House ought to understand, and I presume it does understand, that this bill goes far beyond the mere effect of the reduction of the rates of postage. The bill is not based on the fact that the revenues of a certain class of postmasters may be materially reduced by the change in the law in regard to the rates of postage, for it is not confined to that class of post-offices, but is an ingenious method to effect a long-standing effort to increase the salaries of postmasters all along the line.

This measure is brought forward, as I think my friend from Pennsylvania [Mr. BINGHAM] has in effect stated, to increase the salaries of postmasters generally, not simply those affected by the reduction of postage.

Mr. BINGHAM. The gentleman should have said "equalize," not "increase."

Mr. HOLMAN. I think "increase" is the best expression, for you do actually increase the salaries of a large number of postmasters now exceedingly well paid.

Mr. BINGHAM. "Equalize" was my expression.

Mr. HOLMAN. The House will remember that in consequence of the agreement to the conference report to-day upon the Post-Office appropriation bill, the law reducing the rates of postage will not take effect until the 1st day of October. There will therefore be but two months intervening between the time the new law takes effect reducing the rates of postage and the meeting of the next Congress. Therefore by no possibility can any material harm be done, even if it should be found that the decreased revenues resulting from the reduction of the rates of postage shall materially reduce the salaries of the fourth-class postmasters, who alone could be injuriously affected by the reduction of postage.

Let me call the attention of the House to the fact that this bill was introduced on the 19th day of February and referred to the Committee on the Post-Office and Post-Roads. It was not reported back from that committee until the 28th of February, and it was not printed so that members could examine it until yesterday.

Here is a bill brought forward in the expiring moments of this Congress proposing to increase the salaries of postmasters all along the line. Under existing law there is no postmaster who receives a salary exceeding $4,000 a year except the postmaster in New York city. This bill proposes to pay a number of postmasters a salary of $6,000 a year each.

Mr. BINGHAM. Only four of them.

Mr. HOLMAN. Four in number, my friend says. I accept his statement. The bill proposes to pay another class $5,000 a year each.

Mr. BINGHAM. Only four of those.

Mr. HOLMAN. And yet the salaries are now high enough. A still more remarkable effect of this bill is that the increase is all along the line while pretending to equalize salaries. Under existing law, where the compensation of the fourth-class postmasters is dependent upon the gross receipts of the office, the rate of compensation under the present law and under the law proposed by this bill is as follows:

Table showing compensation of fourth-class postmasters under old and new law per quarter:

OLD LAW.

On first.....	$100, 60 per cent., or $60	
On next.....	200, 50 per cent., or 100	
On next.....	225, 40 per cent., or 90	
Totals	525.....	250 = maximum amount allowed per quarter.

NEW LAW.

On first.....	$50, 100 per cent., or $50	
On next.....	100, 50 per cent., or 60	
On next.....	200, 50 per cent., or 100	
On next.....	100, 40 per cent., or 40	
Totals	450.....	250 = maximum amount allowed per quarter.

SUMMARY.

Old law.....	$525 gives postmaster $250
New law.....	450 gives postmaster 250
Difference in favor of new law per quarter.....	75

Gentlemen will please bear in mind that changing the rate of letter postage from 3 cents to 2 cents per half ounce is not likely, on the theory which my friend himself has heretofore advanced, to reduce the revenues of the Post-Office Department, and yet by this bill the increased salaries of the fourth-class postmasters is shown by the following table:

Table showing the present and proposed compensation of fourth-class postmasters, giving the relative and average increase of salary on revenue of $50 to $1,000, under the old and new law.

	Per annum.	Compensation of postmaster.			
		Under old law.	Under new law.	Increase.	Per cent. increase.
On revenue of	$50 00	$30 00	$50 00	$20 00	66.70
On revenue of	100 00	60 00	100 00	40 00	66.70
On revenne of	200 00	120 00	200 00	80 00	66.70
On revenue of	300 00	180 00	260 00	80 00	44.40
On revenue of	400 00	240 00	320 00	80 00	33.30
On revenue of	500 00	290 00	380 00	90 00	31.00
On revenue of	600 00	340 00	440 00	100 00	29.40
On revenue of	700 00	390 00	490 00	100 00	25.60
On revenue of	800 00	440 00	540 00	100 00	22.70
On revenue of	900 00	490 00	590 00	100 00	20.40
On revenue of	1,000 00	540 00	640 00	100 00	18.50
Averages	504 56	283 64	364 56	80 91	38.670

So it is seen that the salaries are increased from the small post-offices to the largest a heavy per cent. And yet this is a bill merely to equalize salaries!

Gentlemen can see at once the effect of this measure and the high salaries now paid. Take for illustration the following, in the third class:

Gross receipts, $1,900 and not exceeding $2,100, salary, $1,000.

Mr. BINGHAM. That is exactly what the salary is now.

Mr. HOLMAN. Not in this order nor upon this basis. Take again this from the third class:

Gross receipts, $2,100 and not exceeding $2,400, salary, $1,100.

So on through the entire list. Even in this higher class you pay to the postmaster about 50 per cent. of the gross receipts. A further objection I have to this bill is that it comes in at too late a moment for honest consideration. It comes here with its heavy increase of salaries at a time when the public judgment so recently expressed, if it means anything which honorable gentlemen should consider, means retrenchment in expenses and not extravagant salaries. Yet this bill proposes to make all along the line a material increase of salaries. I would like to know what expression of public sentiment has demanded this? What public demand is there for an increase of $2,000 in the salaries of some postmasters and $1,000 in others? What information has come to us from the late election or since justifying or excusing this increase of

salaries? What party dared in the last campaign to demand an increase of salaries? What gentleman elected to the next Congress informed the people of his district that he was in favor of increasing salaries already large, $4,000 a year, 33⅓ per cent. or any other per cent.?

Mr. BINGHAM. The justification of this measure is the commonsense proposition that when a man handles from five to ten million dollars of the public money every year he ought to have some recognition for that great and serious responsibility.

Mr. HOLMAN. That "serious responsibility," when so universally have you relieved these officers from all responsibility whatever that you have even passed during the present Congress a general law authorizing the Postmaster-General, without the poor formality of coming to Congress, to relieve these officers from all responsibility whatever for losses sustained in all cases where there has been a moderate exercise of care upon the part of the official.

Mr. BINGHAM. The gentleman refers to the bill which is limited to cases where not more than $2,000 has been lost by burglary, fire, or other unavoidable accident. That bill does not extend to all cases.

Mr. HOLMAN. It does with rare exceptions. I have heard heretofore the argument for enlarged pay on the ground of the responsibility resting upon public officials, and have been compelled to yield to it; but under the present state of the law that argument is gone.

I repeat, does my friend discover any drift of public opinion that those public officers or any other public officers of this Government are too poorly paid?

Mr. BROWNE. I can tell my colleague of some officers who are too poorly paid. I refer to the fourth-class postmasters.

Mr. HOLMAN. Now, as to fourth-class postmasters, does my friend find that there is any difficulty in filling those offices with competent men in any section of this country?

Mr. ALDRICH. We do.

Mr. BROWNE. We do. Nearly one-half of these officers in my district have resigned because the compensation is wholly inadequate.

Mr. HOLMAN. It is truly refreshing to hear that any office under this Government, from fourth-class postmasters through all the grades of official service, is going begging. Such a fact has never yet come to my knowledge. Yet in the expiring hours of this session, without any possibility of any serious injustice being done to a single postmaster by the reduction of postage on the 1st of next October, the fact of that reduction is seized upon to increase some 60,000 salaries and to increase the salaries of some of the best paid officers in this great army of public officials. I trust this bill will be defeated. The people demand reform, and will you in defiance of that demand increase the public burdens? The country demands reform in the civil service. Will you still further corrupt the civil service by increasing the motive for corrupt practices in securing public office? A reduction of salary is the only true method of civil-service reform.

Mr. SINGLETON, of Mississippi. Does not the gentleman know that many of these fourth-class postmasters have great labor and responsibility, without any allowance for office-rent or anything of that kind, and yet receive only from $40 to $100 a year, and that the reduction of postage from 3 to 2 cents cuts down this meager compensation exactly one-third?

Mr. HOLMAN. Does it cut those salaries down one-third?

Mr. SINGLETON, of Mississippi. It does.

Mr. HOLMAN. Why, sir, the argument on which the reduction in the rate of postage was carried through was that the increased amount of correspondence, enlarging the demand for postage-stamps and stamped envelopes, would prevent deficiency in the revenues of the Post-Office Department. But does my friend wish to increase the salaries of the more highly paid postmasters, officers who now receive from $2,500 to $4,000 a year, for the purpose of correcting any falling off of the salaries of the fourth-class postmasters which can be done promptly next session if an actual falling off of salaries is found?

The SPEAKER. The time for debate on this motion has expired.

The question being taken on the motion of Mr. BINGHAM to suspend the rules and pass the bill, there were—ayes 99, noes 21.

Mr. HOLMAN. No quorum.

Tellers were ordered; and Mr. BINGHAM and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 152, noes 21.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were not ordered, there being ayes 13, noes 103—less than one-fifth voting in the affirmative.

Mr. HOLMAN. I make the point that the last vote fails to disclose the presence of a quorum.

The SPEAKER. That is not required on this count.

Mr. HOLMAN. I think that whenever the point is made that the vote just taken does not show the presence of a quorum——

The SPEAKER. But the requirement of the Constitution——

Mr. HOLMAN. I make the point that there is no quorum in the House, as indicated by the last vote.

The SPEAKER. The point is overruled. There is a quorum as disclosed by the last vote.

Mr. HOLMAN. Not by the vote just taken.

The SPEAKER. The last vote as reported by the tellers on agreeing to the proposition to suspend the rules was in the aggregate 173—more than a quorum. The motion to suspend the rules and pass the bill is agreed to.

AMENDMENT OF THE CONSTITUTION.

The SPEAKER. The gentleman from New York [Mr. FLOWER] on the last suspension day had the floor and moved that the rules be suspended and joint resolution (H. Res. 267) to amend the Constitution of the United States be discharged from the Committee on the Judiciary and passed.

Mr. FLOWER. I now call up that motion, and ask for the reading of the joint resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article of amendment to the Constitution of the United States be, and the same is hereby, submitted to the several States for their ratification or rejection, and the same, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution, namely:

ARTICLE XVI.

Every bill, resolution, or vote containing several items of appropriation of money to which the concurrence of the Senate and House of Representatives may be necessary, shall be presented to the President of the United States, who may object to one or more of such items while approving of the other parts of the bill, resolution, or vote. In such case he shall append to the bill, resolution, or vote a statement of the items to which he objects, and the appropriations so objected to shall not take effect unless reconsidered and passed by two-thirds of each House, as provided in section 7 of article I of the Constitution. The items objected to shall be separately reconsidered in each House, and if on such reconsideration one or more of them shall be approved by two-thirds of each House, the same shall become part of the law, notwithstanding the objection of the President.

The SPEAKER. The question is on the motion to suspend the rules and pass the resolution.

The House divided; and there were—ayes 66, noes 40.

Mr. PAGE. I demand the yeas and nays.

The SPEAKER. The yeas and nays are refused.

Mr. FLOWER and Mr. CAMP. Tellers.

Tellers were ordered; and Mr. FLOWER and Mr. PAGE were appointed.

The House divided; and the tellers reported—ayes 101, noes 58.

So the rules were not suspended (two-thirds not voting in favor thereof), and the joint resolution was not passed.

Mr. BAYNE. I rise to a parliamentary inquiry. The tellers, I understood, were demanded on the yeas and nays.

Mr. FLOWER. My demand for tellers was on the yeas and nays.

The SPEAKER. The gentleman misunderstood it, that is all. The yeas and nays were not ordered.

Mr. BAYNE. I rise to demand the yeas and nays.

The SPEAKER. They have been refused.

Mr. BAYNE. We did not so understand.

The SPEAKER. By the House itself.

Mr. BLACKBURN. That was the vote.

The SPEAKER. The Chair so announced.

Mr. BAYNE. The RECORD will show we demanded tellers on the yeas and nays.

The SPEAKER. The question has been disposed of, and the Chair recognizes the gentleman from Ohio.

PACIFIC RAILROAD.

Mr. BUTTERWORTH. I move to suspend the rules and pass the bill I send to the Clerk's desk to be read.

The Clerk read as follows:

A bill to authorize the Southern Pacific Railroad Company and other railroad companies to unite and consolidate so as to form a continuous line of railroad between the tidal waters of the Atlantic and Pacific Oceans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Southern Pacific Railroad Company (being the same corporation mentioned in section 23 of an act of Congress approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," and the same corporation mentioned in section 18 of an act of Congress approved July 27, 1866, authorizing the construction of the Atlantic and Pacific Railroad) to consolidate and merge its corporate powers, franchises, and organization with the following-named companies, whether organized and existing under the laws of any State or Territory, or under the laws of the United States, namely: Southern Pacific Railroad Company (of Arizona), Southern Pacific Railroad Company (of New Mexico), Galveston, Harrisburgh, and San Antonio Railway Company (of Texas), Texas and New Orleans Railway Company (of Texas), Louisiana Western Extension Company (of Texas), Louisiana Western Extension Company (of Louisiana), Louisiana Central Railroad Company (of Louisiana), Morgan's Louisiana and Texas Railroad Company (of Louisiana), for the purpose of forming a continuous through line of railroad between the city and bay of San Francisco, in California, and other ports of the Pacific Ocean southward from San Francisco, or on the navigable tidal waters adjoining thereto, and such ports and places as may be selected on the Mississippi River southward from the mouth of the Arkansas River, Gulf of Mexico, and the navigable tidal waters adjoining thereto; and it shall be lawful and competent for said companies whose lines would form such continuous through line aforesaid to unite, merge, and consolidate their respective railroads, telegraph lines, capital stock, rights, privileges, franchises, property, and debts with the said Southern Pacific Railroad Company, and it and they are hereby authorized so to unite, confederate, and consolidate, upon such terms as the said companies may respectively agree upon, and may operate the same as one continuous and connected system of railroad and telegraph lines; and said company so formed

by such consolidation shall be a body politic and corporate, by such name, style, and title as they may select, and by such name shall have perpetual succession, and shall be able to sue and be sued, defend and be defended, in all courts of law and equity within the United States, and may make and use a common seal, and succeed to and have and enjoy all the powers, privileges, and immunities necessary to carry into effect the purposes of this act.

SEC. 2. That articles of union, confederation, or consolidation of said Southern Pacific Railroad Company and other railroad companies so uniting shall be deposited in the office of the Secretary of the Interior in the manner prescribed in section 12 of said act of July 27, 1866.

SEC. 3. That from and after the date of the deposit of said articles of consolidation, the said railroad, or so much thereof as shall be from time to time constructed, shall be a post-route for national purposes, subject to the use of the United States for postal, military, naval, and other Government services, as provided in section 19 of said act of March 3, 1871: *Provided*, That nothing in this act shall be held or construed to authorize or permit the consolidation of parallel or competing lines of railroads or to authorize the consolidated road to lease or purchase such lines between the said ports on the Pacific Ocean and the ports on the Gulf of Mexico or on the Mississippi River; but this section shall in no wise cut off or impair any lawful and now existing right of said companies conferred by or derived under any act of Congress: *And provided further*, That the assent of not less than three-fourths in amount of the capital stock of each company shall first be had and obtained to such proposed consolidation.

SEC. 4. That the right to fix from time to time, as the public interest may require, the rates for carrying passengers and freight on the consolidated road, is hereby reserved to Congress.

SEC. 5. That nothing in this act shall be held or construed in any manner to relieve the companies consolidated of the consequences of any failure by either of such companies to perform any act or acts required of them by any law or any provision in either of their charters; nor shall said consolidated company, or either of them, be relieved of any obligation to do or perform any act required by their respective charters or by any law or any contract with the United States, or any State or Territory, nor shall anything in this act be held or so construed as in any manner to revise or confirm any land grant to any railroad company, whether made by the United States, or by any State, nor shall said consolidation work a forfeiture of any legal right which either of said companies hereby consolidated now has under existing law, nor impair any contract of any such companies.

SEC. 6. That the rights of creditors of such companies so consolidating or uniting shall not be affected by such consolidation or union, and all such rights may be enforced against such consolidated or united company, or otherwise, as may be lawful; nor shall anything in this act, nor any consolidation thereunder, interfere with or impair the right of any State or Territory through which either of said railroads passes, or may pass, to regulate the rights, privileges, and responsibilities of such railway company within its territorial limits as fully and absolutely as it could do the same previous to said consolidation; nor shall anything in this act be construed in any manner to legalize or give validity to any Territorial or State laws in relation to any interests of any of the railroad companies herein authorized to consolidate; nor shall this act, or any provision thereof, be so construed as to deprive the courts of the several States or Territories, through which either or any of the roads herein named may pass, of jurisdiction over controversies between said companies and the citizens of such States or Territories; nor shall this act, or any provision thereof, be so construed as to extend the jurisdiction of the courts of the United States over such controversies.

SEC. 7. That the power is hereby reserved to alter, amend, or repeal this act as, in the judgment of Congress, the public good may from time to time require.

Mr. HOLMAN. I demand a second.

Mr. CALKINS. After this is disposed of I shall call up the contested-election cases.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard; and

A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer.

The message also announced that the Senate had rejected the bill (H. R. 6501) granting a pension to Patrick Horan.

The message further announced that the Senate had passed a bill (S. 2263) to amend the pension laws, and for other purposes; in which the concurrence of the House of Representatives was requested.

PACIFIC RAILROAD.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio to suspend the rules and pass the bill just read.

Mr. HOLMAN. I demand a second on that motion.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

Mr. BUTTERWORTH. Now, Mr. Speaker——

The SPEAKER. Without objection the gentleman from Ohio will be considered as controlling the time in favor of and the gentleman from Indiana in opposition to this proposition.

Mr. BUTTERWORTH. I hope I will have the attention of the House while I explain the provisions of this bill. I will do it very briefly, but I think very fully. The bill, as stated in the title, is for the purpose of authorizing the consolidation of nine companies which form a continuous line of railway from the Pacific Ocean to the Gulf of Mexico or the Lower Mississippi.

There was some objection to the bill as originally presented, and these objections, I will say, have all been considered and fully met by the amendments which have been prepared after consultation with gentlemen on all sides, who have scanned all the provisions of the bill with a view to removing all just ground for criticism.

I believe that in this bill we have been able to remove every well-founded objection, as I think gentlemen will discover upon examining its provisions.

Mr. WILSON. State the general objects of the bill.

Mr. BUTTERWORTH. I have already stated that the general object is to authorize the consolidation of nine companies whose several roads form a continuous line from the Pacific coast to the Gulf of Mexico or Lower Mississippi.

It was objected originally, when this bill was first presented to this House, that the names of the companies had not been specified, and that possibly some other line of road, not contemplated by the bill, might be consolidated with them. Hence in the bill as amended the name of each of the companies, and only those forming the continuous through line, is specified. In the original bill authority was also given to operate branches and spurs. At the suggestion and in accordance with the wish of my distinguished and honorable friend from Texas [Mr. REAGAN] that was stricken out, so that neither a branch nor a spur under the present bill can be operated as a part of the consolidation. Others suggested that possibly they might control or operate parallel or competing lines. We have answered that objection by inserting a provision which prohibits absolutely the consolidation of any parallel or competing line, or the operation of any parallel or competing line by this consolidated company. It was also suggested that it might possibly interfere with the duties imposed upon some companies by the States or Territories or by the United States. Hence a provision was drawn which places that beyond any possible peradventure in the following language:

That nothing in this act shall be held or construed in any manner to relieve the companies consolidated of the consequences of any failure by either of such companies to perform any act or acts required by them by any law or any provision in either of their charters; nor shall said consolidated companies or either of them be relieved of any obligation to do or perform any act required by their respective charters, or by any law or contract with the United States or with any State or Territory.

Then some gentlemen say, still this may tend to revive some forfeited land grant. At the suggestion of certain gentlemen familiar with the subject, who have scanned the bill carefully, this is placed beyond peradventure by the further clause:

Nor shall anything in this act be held or so construed as in any manner to revive or confirm any land grant to any railroad company, whether made by the United States or by any State, nor shall said consolidation work a forfeiture of any legal right which either of said companies hereby consolidated now has under existing law—

Now observe this provision—

nor impair any contract of any such company. And that the rights of creditors of said companies consolidating or uniting shall not be affected by such consolidation or union; and all such rights may be enforced against such consolidated or united company or otherwise as may be lawful.

Now, in order to meet every conceivable objection and provide an amendment that would do everything except to permit the cowboys to ditch the train and rob the passengers, we, at the suggestion of the learned gentlemen, my friends from Texas and California and others, inserted the following clause to protect fully the States and citizens of States in all controversies that can arise with this consolidated company or either of them——

Mr. BERRY. To what gentleman from California do you refer?

Mr. BUTTERWORTH. I refer to the gentleman's colleague [Mr. ROSECRANS].

Mr. BERRY. Because I oppose that.

Mr. BUTTERWORTH. I thought you were one and inseparable.

Mr. BERRY. Not by a good deal. I object to the whole thing.

Mr. BUTTERWORTH. It is in response to the resolution of your Legislature that the following amendment was prepared.

Mr. BERRY. The Legislature of California is opposed to it.

Mr. BUTTERWORTH. Now observe:

Nor shall anything in this act nor any consolidation thereunder interfere with or impair the rights of any State or Territory through which either of said railroads passes or may pass to regulate the rights, privileges, and responsibilities of such railway company within its territorial limits as fully and as absolutely as it could do the same previous to said consolidation; nor shall anything in this act be construed in any manner to legalize or give validity to any Territorial or State laws in relation to any interests of any of the railroad companies herein authorized to consolidate.

And beyond that, in response to my honorable friend from Texas, whose legal ability will not be called into question, and so as to place this entirely beyond all possible peradventure, there has been added the following. Now observe:

Nor shall this act or any provision thereof be so construed as to deprive the courts of the several States or Territories through which either or any of the roads herein named may pass, of jurisdiction over controversies between said companies and the citizens of such States or Territories. Nor shall this act or any provision thereof be so construed as to extend the jurisdiction of the courts of the United States over such controversies.

Further—

That the power is hereby reserved to alter, amend, or repeal this act, as in the judgment of Congress the public good may from time to time require.

There is also inserted here a provision which was entirely satisfactory to all friends and foes of the bill, giving Congress the right to regulate in its discretion the rates for carrying passengers and freight on that road.

Mr. SPARKS. Will the gentleman read that provision?

Mr. BUTTERWORTH. I will:

That the right to fix from time to time, as the public interest may require, the rates for carrying passengers and freight on the consolidated road is hereby reserved to Congress.

My friend will observe that as to interstate commerce, as to freights starting from the Pacific to the city of New Orleans, the General Government will claim the right to regulate that through freight. But within the territorial limits of the States, as to their own commerce, as to their own carriage of passengers and freight, the bill expressly reserves to the States and Territories the right to do that thing.

Mr. SPARKS. Is there not a conflict here? That power seems to be reserved or seems to be conferred by the bill on Congress.

Mr. BUTTERWORTH. No, sir.

Mr. SPARKS. Now, if it belongs to the States on any of these roads does not this take it away from them and give it to Congress?

Mr. BUTTERWORTH. No, sir. My friend will observe it does not. One relates to the interstate commerce and the other in express terms reserves the jurisdiction over the local rates and commerce to the States and Territories themselves.

Now, let me say that in all these matters I have consulted with the men on this floor who I knew had intelligent convictions touching the provisions of this bill in order that every objection might be removed which could suggest itself to their minds as being in any degree an infringement on the rights of any State or of any citizen of a State.

Mr. SPARKS. If the gentleman does want to remove objections——

Mr. BUTTERWORTH. I do.

Mr. SPARKS. I wish to suggest to him that I do not understand that clause. I believe it is the fourth section of the bill. I do not understand that clause relates exclusively to interstate commerce. I do understand it would confer the power upon Congress and take it away from the States. I so understand it.

Mr. BUTTERWORTH. My friend from Illinois [Mr. SPARKS] is a good lawyer, and he knows that in construing the law you construe it with reference to the entire context, considering all the parts of the law together. Now, these two provisions can stand together, the Government regulating the through transcontinental freight bound to New Orleans and to the East or Europe, while the other provision of the bill expressly reserves to the States and Territories the right to regulate the rates for the local freight and passenger traffic. Hence it is clear that these two powers stand together, both being effective, the regulation of the interstate and transcontinental traffic being reserved to the General Government, leaving to the States and Territories all the power and authority they now have over local business.

Mr. SPARKS. I understand that. But I say the language of your bill, in my judgment, does not make it so. Your fourth section does not confine this power in Congress to through freight or interstate commerce.

Mr. BUTTERWORTH. It does fix and determine the jurisdiction of the States and of the General Government, and limits the authority of the latter in that behalf. And it does this by expressly reserving to the States and Territories control over local rates, while it confers or rather recognizes the authority of the United States over through traffic.

Now, Mr. Speaker, I will wait to hear from those who have objections to the bill.

Mr. KING. I wish to ask the gentleman is there any land grant in this bill?

Mr. BUTTERWORTH. No, sir. On the contrary it expressly prohibits and prevents any possible revival of a land grant to any company, whether from a State or the United States.

Mr. ANDERSON. Will my friend from Ohio allow me to ask a question?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is recognized as in opposition to the bill.

Mr. HOLMAN. I yield three minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND, of Georgia. The fact of the gentleman from Ohio having taken so long a time only to remove so many objections to his bill, is a very suspicious circumstance. I propose to present another objection, which strikes at its very root. As I understand, ever since McCullough *vs.* Maryland was decided, in 4 Wheaton, it has never been doubted that Congress has no authority to make any charter except for United States governmental purposes, or to carry out some United States governmental power.

This bill is simply to grant conveniences to certain railroad companies for their purposes and for their benefit only. That is all the report in its favor claims. The Government has no interest in it whatever. It is for private persons, private stockholders who realize the importance of getting a charter here to make their transportation easier and cheaper.

Again, the bill covers three railroads of the State of Texas. That State has a constitution which declares:

> No railroad company organized under the laws of this State shall consolidate, by private or judicial sale or otherwise, with any railroad company organized under the laws of any other State or of the United States.

And in disregard of that the bill undertakes to consolidate its three with other railroads of other States.

[Here the hammer fell.]

Mr. HOLMAN. I now yield five minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. This bill is the latest evolution from a broth that has been brewing here in committee and elsewhere for two years. In its present form it has never before been introduced in this House or considered by any committee. A large portion of it is in manuscript. It has never been printed, and none of us have ever had an opportunity to read or consider what is in it. It has appeared in several phases before the Committee on Pacific Railways, of which I have the honor to be a member, but never just in this form. It is immense in its scope, and needs long, careful, and the most painstaking investigation. Instead of that it is now, for the first time, brought before the House, and under the gag of the previous question, in the expiring hours of the session and the Congress.

I deliberately state to the House and the country that I believe it to be full of unseen results, pitfalls, and snares. No man can say here to-day what is in the bill or what progeny it will bring forth; no man dare say. The gentleman attempts to quiet apprehension by assuring the House that there is an all-saving "proviso" in the bill to the effect that nothing therein shall extend or confirm any land grant, &c., to any one of these roads, or to this consolidated concern; but he hurried over that other little innocent-looking "proviso" within his all-saving proviso. That inner proviso turns upon and swallows up its parent proviso and completely destroys it. It is to this effect: "Nor shall anything herein contained be construed to impair, annul, or in any manner affect any rights that any or either of these roads may have acquired by law or by virtue of any contract or otherwise." Here one of its cloven feet peeps out; and all of its feet are cloven.

What does that little innocent-looking inner proviso mean? Congress heretofore granted to the Texas Pacific Railroad Company about 15,000,000 acres of land in New Mexico and Arizona, with the right of way through the public lands of those Territories and a charter carrying all the usual franchises. That company failed to earn that grant of land by compliance with the terms and conditions of the law. But C. P. Huntington, the owner of the Southern Pacific Railroad of California, and in fact of all the California railroads, did build his road through those Territories within the time allowed to the Texas Pacific Railroad Company, and over the line of their right of way. He met the Texas Pacific east of El Paso and gave it battle at law and in all other possible ways to prevent its construction farther toward the Pacific coast. He wanted no competition there, no rival. In the mean time Jay Gould had possessed himself of the Texas Pacific, and now crossed swords with his great rival.

This forced a compromise, and it was made in November, 1881, as the junction of the Texas Pacific and Southern Pacific at Sierra Blanco had secured a continuous line from Marshall, Texas, to the Pacific before the time expired for the completion of the Texas Pacific; the land grant made to it was transferred to the Southern Pacific, though the Texas Pacific had not earned an acre of it. But the terms of that compromise can best be seen by the following article from the New York World of November 27, 1881, a paper belonging to Gould and speaking by authority:

> The agreement which has been in preparation for some days and was signed yesterday in regard to the settlement of the disputes between the Texas and Pacific and Southern Pacific Railroad Companies, and for an interchange of traffic and facilities, is very comprehensive and important. It is made between C. P. Huntington on one side, representing the Southern Pacific, and the Galveston, Harrisburgh, and San Antonio Roads and their connections eastward as far as New Orleans, and Jay Gould on the other side, representing the Texas and Pacific, including its New Orleans connection, the Iron Mountain, the International, Missouri, Kansas and Texas, and Missouri Pacific Companies. It provides that the tracks of the two systems shall be joined when they meet one hundred miles or thereabouts east of El Paso, and both parties are to use the portion between the junction and El Paso on equal terms, the Texas and Pacific reserving the right to run its own trains into El Paso on paying half cost of maintenance, taxes, and interest on half cost of construction, $10,000 per mile. Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angelos, and San Francisco, although the franchise of the Texas and Pacific was by its charter limited to San Diego; and rates are to be as low between competitive points as by any other transcontinental routes.
>
> No discrimination is to be made by the Gould roads for or against any of the termini on the Mississippi or Gulf, either as to rates, time, or otherwise, or among the railroad lines eastward thereof, but east-bound unconsigned business for points reached by them in Northern Texas, Arkansas, and Missouri, is to be delivered to them at El Paso or the Junction, as the case may be. The agreement does not prevent or interfere with the completion of the Huntington road through Texas via San Antonio and Houston, but provides that after its completion the New Orleans and seaboard business thereof shall be divided equally between the two lines and their connections, the Huntington road from Houston to New Orleans being accorded the privilege of using one hundred miles of the Texas and Pacific nearest to New Orleans, when necessary, on the above terms. The two systems of roads intersect and cross each other at Houston, and between this point and Galveston they use the Galveston road, running through trains if necessary. The through business to and from El Paso and the Pacific will be divided on the basis of one-third to the Texas and Pacific and its connections and two-thirds to the line via San Antonio, that being the shortest line.
>
> In consideration of the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned in Texas, Arkansas, or Missouri. The usual provision is made for arbitration between any of the parties for the settlement of disputes, and the respective superintendents are to carry out the details of the arrangements as to interchange of traffic and the rates of compensation.
>
> The junction with the Texas and Pacific will take place about December 1, at Sierra Blanca Springs, in Western Texas. The lower lines across Texas will not

be opened before June or July next. Through trains will commence running between New Orleans and El Paso and Saint Louis and El Paso about January 1. The distance from New Orleans by either line to El Paso is nearly 1,200 miles; to Memphis about the same. From Saint Louis to El Paso 150 miles further; from El Paso to San Francisco 1,285 miles.—*New York World*, November 27, 1881, page 3, column 1.

Now look at that map. [Pointing to a map suspended in front of the Clerk's desk.] Observe the red lines in California centering at San Francisco. They show the Huntington railroad system and monopoly in that State. It may be likened to a huge devil-fish, whose capacious maw has closed upon the great port and city of San Francisco, with all its vast wealth and commerce, and whose all-grasping tentacles reach north into Oregon, out over the ocean on the west, to Mexico and Texas on the south, and upon and over the Rocky Mountains on the east, hugging half a continent in its grasp and taxing its commerce at will, with none to compete with or make it afraid. No other railroad company has ever yet been able to reach California. Huntington is "monarch of all he surveys," and meets all others who approach his empire beyond his frontiers and gives them battle, vanquishes them, and imposes terms upon them. Gould is monarch of all that lies to the east of Huntington's empire.

Now, this treaty between these two great powers provides for the sale, transfer, and delivery to Huntington of all the land grant, right of way, and franchises of the Texas Pacific Railroad west of El Paso; that the Texas Pacific shall never extend its road west of El Paso; and these monarchs each engage and covenant never to parallel each other. In other words, there shall be no more competition. That is the contract, and these are the great rights that are not to be "impaired" by this bill. The purchased right to 15,000,000 of acres of unearned public land is not to be impaired. The peaceable enjoyment of the California monopoly that revels in its unrestrained power of taxation is not to be impaired. And to all this, and much more that is unseen, the Government is by the terms of this bill to give its sanction and approval. A continent, with all its lives and hopes and fortunes, is parceled out between these two haughty autocrats, and none of the imaginary rights, powers, and privileges that they may have acquired from each other are to be impaired by this bill.

What is the consequence to the people? Take as an illustration sugar, which to-day comes into California free of import duty. No sooner does the Government take off the duty of 70 per cent. than Huntington puts it on for himself, and to-day sugar costs the people of California as much as it costs in New York, where it pays a duty of 70 per cent.

Mr. ROBERTSON. Three cents a pound higher.

Mr. DUNN. Because of the monopoly which is not to be impaired by this bill.

Are the members of this House ready to vote for a measure which they have never read; to vote for a bill that has never been considered, with all these monstrosities and enormities in it? Who knows what they would sanction by voting for such a bill? They would sanction all the extraordinary powers which may have been derived from the States and Territories that granted their charters. This Government may be committed to a sanction of all of them by this measure.

Worse than that; it would be committed to the contract which prohibits competition by transcontinental roads across this continent. Is this House prepared to do that?

The gentleman says that the distinguished gentleman from Texas [Mr. CULBERSON] prepared an amendment to this bill. He did so by request, in order to make this bill less vicious than it is; and yet he will not give his sanction to it.

Mr. CULBERSON. I ask the gentleman to yield to me.

Mr. DUNN. I will yield whatever time I have left.

The SPEAKER. The time of the gentleman has expired.

Mr. DUNN. I will ask consent to print with my remarks some documents which I have here.

There was no objection, and leave was granted. [See Appendix.]

Mr. GIBSON. Mr. Speaker, I recognize the value of railways and railway corporations as leading factors in the development of our material resources and of civilization. I am disposed to deal with them in a spirit of fairness. But, sir, I can not conceal from myself the fact that they represent one of the most interesting questions of the day, as the embodiment of corporate powers, in respect of their right and franchises and as public carriers, both toward the people and the Government. I feel that in a matter of such gravity as is here presented we should have time to scrutinize closely every feature of the measure before us. We have not had such an opportunity. While, therefore, expressing my profound respect for the gentlemen advocating this bill, and my regret to differ from them, I am constrained under the circumstances to cast my vote in the negative.

Mr. HOLMAN. I now yield three minutes to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. The gentleman from Ohio [Mr. BUTTERWORTH], understanding that I was opposed to this measure, submitted the bill to me and asked me to suggest some amendment to it that would tend to destroy a part of its alleged viciousness.

I suggested that the whole tenor and object of the bill was to create out of eight local State and Territorial corporations a national federal corporation; that the effect of the bill would be to take from the States their jurisdiction over the question of freights and fares over those companies, and to deprive the State courts of jurisdiction over controversies between the citizens of those States and Territories and these railroad corporations. I said to him that if he would put a clause in the bill which would prevent that, it might give to his bill more strength than it now had, but that I should still oppose it.

This measure, Mr. Speaker, is contrary to the policy of the State of Texas. There is a provision in the constitution of Texas which forbids the consolidation of any railroad chartered under the laws of that State with any railroad chartered by any other State or Territory or by Congress. Now, if you pass this bill you will override and nullify and destroy that provision of the constitution of the State of Texas, or provoke a serious conflict between the authority of the General Government and the State. By this bill it is proposed to take from that State jurisdiction over its local roads, which by the very terms of their charters are under special obligations to the State.

If Congress possesses the power to grant charters for the purpose of building railroads through the States without the consent of such States, which I deny, it certainly has no right to usurp the jurisdiction of a State over roads already built and in operation in the State, and over the operations of which the State has reserved the right of supervision and control. Texas now has the right to regulate the rate of freight and fares over the three roads within its borders which by the terms of this bill are to be merged in this grand national corporation. These companies are amenable to the citizens of that State in the courts of that State for wrongs done them or for rights withheld.

If this measure becomes a law, notwithstanding the safeguard proposed by me, and which the gentleman from Ohio [Mr. BUTTERWORTH] has incorporated in the bill, the legal effect of its provisions will be to vest in Congress the supervision and control of these roads and extend the jurisdiction of the courts of the United States over controversies between the citizens of that State and these corporations. While the bill ostensibly provides against this result it is not improbable that the courts will hold that if Congress creates a federal "corporation citizen" that such citizen shall be entitled to all the rights of any other citizen, and that provisions abridging such rights are inoperative and void. Such is the tendency of decisions now in respect of the rights of corporations. Besides all this, if I had time I could demonstrate to the satisfaction of the House that the object of this bill, of which I do not believe the gentleman from Ohio [Mr. BUTTERWORTH] is cognizant, is to strengthen the claim of the Southern Pacific Company to the land grant of 18,000,000 acres of land heretofore granted the Texas and Pacific Railway Company, to which I do not believe the Southern Pacific Company has the shadow of a right.

[Here the hammer fell.]

Mr. HOLMAN. I yield one minute to the gentleman from Massachusetts [Mr. ROBINSON].

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I am not disposed to vote for a bill of this character submitted to the House in this way. The bill is not in print; it is submitted mainly in manuscript. It is a bill affecting, as I believe, in the future a land grant of millions of acres. I think the House should pause before it consents in this hasty manner to the consolidation of all these roads. I hope the motion to suspend the rules will not prevail.

Mr. HOLMAN. I think Congress, in view of the growing power of the great railroad corporations of the country, may well hesitate to consolidate these corporations now under local control into one powerful corporation, extending from the Mississippi River to the Pacific Ocean. Congress has already organized enough of these corporations, with vast and perpetual powers, to list in the early future the strength of this Government.

The most fatal objection to this measure, beyond the consolidation of power, is that in spite of the limitation sought to be provided in the bill this corporation, with perpetual powers, will be placed beyond and above the jurisdiction of the States through which the consolidated road shall pass; for although there is a provision in the bill proposing to reserve to the States through which this consolidated road will pass the jurisdiction of questions arising between the corporation and citizens of the State, it is questionable whether that important result can be secured.

I ask the lawyers of this House whether the Federal Government can in this way, under the Constitution, surrender its judicial power to a State? The Supreme Court has held in effect that Congress can not surrender to the States the power of taxation of the Federal securities: and there have been other decisions of that court bearing upon this question which in my judgment renders it questionable whether the provision to which I refer will be of any effect whatever. If it should prove ineffectual, as I believe it will, these eight corporations now or soon to be under State control and subject to the jurisdiction of State tribunals and subordinate to public interests will be organized into one great corporation, extending in its power from the Mississippi to the Pacific, defying the legal courts and driving the citizen into remote Federal tribunals, which to the poor and the feeble is a denial of justice. Besides, sir, no other than a positive declaration of forfeiture can prevent this corporation, rendered powerful by this consolidation, from asserting a

claim to the land grant of 18,000,000 acres to the Texas Pacific, which though long since forfeited is still, under the extraordinary decision of the Supreme Court, in force. I hope the House will not by passing this bill create this great corporate power to override States and still more imperil the monopoly of this great land grant of 18,000,000 acres.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Speaker, one of the prime factors in a fair discussion is to state the facts as they are. My friend from Arkansas [Mr. DUNN] knows very well that this bill, when introduced last session, was considered by our committee and amendments made which are all in the direction of what he and his friend desired. [Mr. DUNN rose.] I can not yield; the gentleman would not let me interrupt him. These amendments, as appears by the report lying upon the table, are in furtherance of every suggestion made by gentlemen who have opposed the bill, the object of these amendments being to meet fully those objections.

One thing more: my friend stands before the House and says in a loud voice that the bill confirms all the rights, grants, and privileges conferred by the Territories upon these companies, and this, although he heard me read the clause in the bill which especially provides against the very thing that the gentleman mentions.

Mr. DUNN. I understood this to be a new bill and not the committee bill.

Mr. BUTTERWORTH. The gentleman stated that the tendency of this bill is to revive a land grant, when he knows that omniscience could not frame or use language which would or could more clearly and absolutely prohibit the revival of land grants, or any land grant.

Now, I like to see fair play and perfect candor in dealing with public questions. It is the easiest thing in the world to put up a man of straw, and then exhibit rare skill in knocking him down. I undertake to say that this bill confers no power upon these companies except to form a continuous through line from the Pacific to the Gulf, and this in furtherance of a project in support of which gentlemen on both sides of the Chamber have talked themselves hoarse—the project of forming a continuous through line, thereby cheapening the cost of administration and cheapening rates. Reserving to Congress the power which my friend from Texas [Mr. REAGAN] has at all times insisted that the General Government should have to regulate interstate commerce, the bill at the same time secures to the States fully and amply the power to regulate the rates within their own territory.

If my friend had stated the several propositions of the bill fairly, I would not complain; but he has not done so. It is proper that I should say that my friend from Texas [Mr. CULBERSON] did not say he would support the bill; but his main objection (except that he questioned the wisdom of a consolidation at all, whatever its influence upon rates) was that it placed within the jurisdiction of the Federal courts controversies between this consolidated company and citizens of the several States or Territories.

Mr. CULBERSON. That was one objection.

Mr. BUTTERWORTH. Certainly; and I asked my honorable friend to prepare an amendment which would meet that objection, a provision reserving to the several States all rights in this respect and abridging to that extent the Federal jurisdiction. That was done.

Mr. HOOKER. I wish to ask my friend from Ohio whether this bill gives to these companies when consolidated any power in addition to that which they now separately hold under the action of the respective States and Territories?

Mr. BUTTERWORTH. It does not. On the contrary, it abridges and restricts the power of these companies; it denies them privileges which they have now.

There is not in this bill a suggestion of a revival of any grant or any contract; and I think the allusion which has been made to contracts between Jay Gould and Huntington, touching some great interest belonging to the Texas Pacific Railroad, is just as foreign from this bill as a verse selected at random from the Koran.

It is complained that the bill has not been printed with the amendments; but, sir, it has not been changed in any substantial particular since it was reported favorably to the House, except to abridge the rights of these companies and to enlarge the rights of all who may transact business with them. It reserves to the States the right to supervise these corporations within their limits and to fix rates, and it secures to the State courts the jurisdiction of all controversies between the company and the citizens of the State.

Mr. CULBERSON. Allow me to ask the gentleman a question.

Mr. BUTTERWORTH. Certainly.

Mr. CULBERSON. Suppose we pass the House bill and the Senate strikes off these safeguards he suggests?

Mr. BUTTERWORTH. Then I will oppose the bill.

Several MEMBERS. That is enough.

Mr. BUTTERWORTH. I stated to this House, when I introduced the bill, that I would see that its provisions were such as would fully protect the interests of the citizen of every State through which the road might pass. While accomplishing all that the company desires, I would not confer upon this company the power or authority to trench upon a single right of any State or any citizen. I shall adhere to that to the end.

Mr. BERRY. I only wish to say that if I had the opportunity I would enter the solemn protest of California against the passage of this bill. I do that now on the part of the State and her people.

Mr. BUTTERWORTH. The objections to the bill expressed in the resolutions of the California Legislature have been removed by an amendment that secures to that State and its citizens all they ask or claim.

The SPEAKER. The gentleman's time has expired.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 87, nays 128, not voting 76; as follows:

YEAS—87.

Aiken,	Ellis,	Kasson,	Robinson, Jas. S.
Aldrich,	Errett,	Ketcham,	Shelley,
Barbour,	Farwell, Chas. B.	King,	Shultz,
Barr,	Farwell, Sewell S.	Lord,	Simonton,
Bingham,	Fisher,	McCoid,	Singleton, Jas. W.
Bliss,	Ford,	Miller,	Smith, J. Hyatt
Brewer,	Garrison,	Money,	Strait,
Buckner,	George,	Moore,	Talbott,
Burrows, Julius C.	Harmer,	Morey,	Townsend, Amos
Burrows, Jos. H.	Harris, Benj. W.	Mutchler,	Tucker,
Butterworth,	Haseltine,	Nolan,	Valentine,
Caldwell,	Hazelton,	O'Neill,	Van Horn,
Camp,	Hepburn,	Pacheco,	Van Voorhis,
Carpenter,	Hoge,	Page,	Wadsworth,
Cassidy,	Hooker,	Paul,	Wait,
Crapo,	Horr,	Payson,	Ward,
Crowley,	Houk,	Phelps,	Whitthorne,
Darrall,	Hubbell,	Pound,	Wilson,
Deering,	Hubbs,	Prescott,	Wise, Morgan R.
De Motte,	Humphrey,	Rice, Theron M.	Wood, Walter A.
Dezendorf,	Hutchins,	Rich,	Young.
Dunnell,	Jorgensen,	Richardson, D. P.	

NAYS—128.

Anderson,	Culberson,	Holman,	Ritchie,
Armfield,	Cullen,	Jadwin,	Robertson,
Atherton,	Curtin,	Jones, Geo. W.	Robinson, Geo. D.
Atkins,	Cutts,	Jones, James K.	Rosecrans,
Bayne,	Davidson,	Jones, Phineas	Ross,
Beach,	Davis, George R.	Klotz,	Scales,
Belmont,	Davis, Lowndes H.	Knott,	Scranton,
Beltzhoover,	Dibrell,	Lacey,	Shallenberger,
Berry,	Doxey,	Latham,	Singleton, Otho R.
Blanchard,	Dunn,	Le Fevre,	Smith, A. Herr
Bland,	Dwight,	Lewis,	Smith, Dietrich C.
Blount,	Ermentrout,	Lynch,	Spooner,
Bragg,	Evins,	Manning,	Steele,
Briggs,	Forney,	Marsh,	Stockslager,
Browne,	Fulkerson,	Martin,	Stone,
Brumm,	Geddes,	Matson,	Taylor, Joseph D.
Buchanan,	Gibson,	McCook,	Thompson, P. B.
Cabell,	Godshalk,	McLane, Robt. M.	Townshend, R. W.
Campbell,	Grout,	McMillin,	Turner, Henry G.
Cannon,	Hall,	Miles,	Turner, Oscar,
Carlisle,	Hammond, John	Mills,	Tyler,
Chace,	Hammond, N. J.	Morrison,	Updegraff,
Chapman,	Hardenbergh,	Muldrow,	Upson,
Clardy,	Hardy,	Murch,	Vance,
Cobb,	Harris, Henry S.	Parker,	Walker,
Colerick,	Hatch,	Peelle,	Warner,
Converse,	Heilman,	Peirce,	Washburn,
Cook,	Herbert,	Randall,	Watson,
Covington,	Hewitt, G. W.	Ranney,	Wellborn,
Cox, Samuel S.	Hill,	Ray,	Wheeler,
Cox, William R.	Hiscock,	Reese,	Williams, Chas. G.
Cravens,	Hitt,	Richardson, J. S.	Willis.

NOT VOTING—76.

Belford,	Guenther,	McKinley,	Sherwin,
Bisbee,	Gunter,	McLean, Jas. H.	Skinner,
Black,	Haskell,	Morse,	Smalls,
Blackburn,	Henderson,	Mosgrove,	Sparks,
Bowman,	Herndon,	Moulton,	Spaulding,
Buck,	Hewitt, Abram S.	Neal,	Speer,
Calkins,	Hoblitzell,	Norcross,	Springer,
Candler,	House,	Oates,	Taylor, Ezra B.,
Caswell,	Jacobs,	Pettibone,	Thomas,
Clark,	Joyce,	Phister,	Thompson, Wm. G.
Clements,	Kelley,	Reagan,	Urner,
Cornell,	Kenna,	Reed,	Van Aernam,
Dawes,	Ladd,	Rice, John B.	Webber,
Deuster,	Leedom,	Rice, Wm. W.	West,
Dingley,	Lindsey,	Robeson,	White,
Dowd,	Mackey,	Robinson, Wm. E.	Williams, Thomas
Dugro,	Mason,	Russell,	Willits,
Flower,	McClure,	Ryan,	Wise, George D.
Frost,	McKenzie,	Scoville,	Wood, Benjamin.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the bill was not passed.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. SKINNER with Mr. HEWITT of New York.

Mr. WEBBER with Mr. LEEDOM.

Mr. KENNA with Mr. TUCKER.

Mr. ROBESON with Mr. BLACKBURN.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. REED with Mr. MCKENZIE, on this vote.

Mr. RANNEY with Mr. CLARK.

Mr. WHITE with Mr. FLOWER.

Mr. GUENTHER with Mr. DEUSTER.

Mr. TUCKER. If Mr. KENNA were here I should vote "no."

Mr. SPARKS. Mr. Speaker, I desire to withdraw my vote. I voted in the negative, but I had paired with my colleague [Mr. HENDERSON].

The vote was then announced as above recorded.

Mr. BUTTERWORTH. Let the bill be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD as a matter of course.

AMENDMENT OF PENSION LAWS.

Mr. CURTIN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table House bill No. 1410 to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and agree to the amendments of the Senate thereto.

The SPEAKER. The Senate amendments will be read.

The Clerk read as follows:

Strike out all after the word "duty," in line 5, down to and including line 8, and insert:

"Shall have lost one hand or one foot or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month.

"That all persons now on the pension-rolls, and all persons hereafter granted a pension who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor in so much as to require regular personal aid and attendance, shall receive a pension of $30 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4679 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established, for which section 4695 makes no provision."

Amend the title by adding thereto the words "and for other purposes."

Mr. CURTIN. I apprehend that this bill needs no explanation, Mr. Speaker. The bill which passed the House gave $40 per month; the amendments of the Senate are sufficiently explicit. I hope there will be no objection to the passage of the bill.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and concur in the Senate amendments.

The motion was agreed to (two-thirds voting in favor thereof).

ENROLLED BILLS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7682) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri; and

A bill (H. R.7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route.

YORKTOWN CENTENNIAL.

The SPEAKER. The Chair lays before the House, pursuant to law, the following concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1883.

Resolved by the Senate (*the House of Representatives concurring*), That 10,000 additional copies of the proceedings of the Yorktown centennial celebration be printed; of which 6,000 shall be for the use of the House and 4,000 for the use of the Senate.

The resolution was referred to the Committee on Printing.

SORGHUM SUGAR.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1883.

Resolved by the Senate (*the House of Representatives concurring*), That the report of the National Academy of Sciences on the sorghum-sugar industry be printed, with such portions of the appendix and accompanying exhibits as may be selected by the Joint Committee on Public Printing; and that there be printed 6,500 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 1,000 copies for the use of the Department of Agriculture, and 500 copies for the use of the said National Academy of Sciences.

CONTESTED-ELECTION CASE OF SESSINGHAUS VS. FROST.

Mr. CALKINS. I now call up the contested-election case of Sessinghaus against Frost, and ask the Clerk to read the accompanying resolutions.

The Clerk read as follows:

1. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

2. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

Mr. CLARDY. On that I raise the question of consideration.

The SPEAKER. The question is: Will the House proceed to consider the contested-election case named.

The House divided, and there were—ayes 56, noes 60.

Mr. CALKINS. Tellers. There is no quorum voting.

The SPEAKER. The gentleman demands tellers.

Mr. WILLIS. It is too late to make the point of a quorum.

Mr. CALKINS. I think I made it in time.

The SPEAKER. The Chair will order tellers.

Mr. CALKINS and Mr. CLARDY were appointed tellers.

The House divided; and the tellers reported—ayes 109, noes 70.

So the House decided to proceed with the consideration of the contested-election case.

Mr. CLARDY. I call for the yeas and nays on this vote.

The SPEAKER. It is too late; some time has elapsed since the announcement of the vote. The gentleman from Indiana is recognized.

Mr. CALKINS. I now yield the floor to my colleague on the committee [Mr. MILLER].

Mr. MILLER. Mr. Speaker —

Mr. CALKINS. May I ask the other side how much time is desired for argument, that we may have some arrangement?

Mr. HATCH. We do not want any limit fixed.

Mr. CALKINS. I would like to hear from the gentleman from Illinois [Mr. MOULTON]. How would an hour on each side do?

Mr. MOULTON. I am willing.

Mr. CALKINS. Then it is understood that an hour on each side is to be taken in the discussion, after which I will call the previous question.

Mr. MILLER. It appears from the returns of the election held in the third Congressional district of Missouri on the 2d day of November, 1880, that R. Graham Frost, the contestee in this case, received 9,487 votes; Gustavus Sessinghaus, the contestant, received 9,290 votes, and D. O. O'Connell received 266 votes.

Mr. Frost having a plurality of 197 votes on the face of the returns was awarded the certificate of election.

At the time of the above election the city of Saint Louis was partially divided into three Congressional districts. The third district was composed of one township in Saint Louis County and of the northern part of the city of Saint Louis.

The constitution of the State, adopted in 1875, in prescribing the qualifications of voters, reads as follows:

Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of 21 years, possessing the following qualifications, shall be entitled to vote at all elections of the people:

First. He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election.

By this same constitution, article 9, sections 20 *et seq.*, power was given the citizens of Saint Louis to frame a charter not inconsistent with any provision of the said constitution for the government of that city

Article 8, section 5, and article 9, section 7, of said constitution are as follows, namely:

ART. 8, SEC. 5. The General Assembly shall provide by law for the registration of all voters in cities and counties having a population of more than 100,000 inhabitants, and may provide for such registration in cities having a population exceeding 25,000 inhabitants and not exceeding 100,000, but not otherwise.

ART. 9, SEC. 7. The General Assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four, and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provision by general law whereby any city, town, or village existing by virtue of any special or local law may elect to become subject to and be governed by the general laws relating to such corporations.

In pursuance of article 9, section 20 *et seq.*, the city of Saint Louis in 1876 adopted a scheme and charter, one part of said charter providing for registration. This scheme and charter was never ratified subsequently by the Legislature of Missouri, but all subsequent elections in Saint Louis were held under this charter and its provisions until 1878. In 1878 the municipal assembly of Saint Louis passed a city ordinance regulating elections and providing for a complete system of registration in said city, by which and under which a large number of names were stricken from the registration list—enough, the Committee on Elections find, to govern and decide this case. If they are counted, the contestant is elected; if they are not counted, the contestee should retain his seat. Section 11 of said ordinance, as amended by the city assembly on August 20, 1878, is as follows:

SEC. 11. The mayor shall appoint a board of revision, consisting of one reputable citizen from each ward in the city who shall possess the qualifications of a member of the house of delegates, whose duty it shall be to meet with the recorder of voters, at his office, twenty days before each general, State, or municipal election, for the purpose of examining the registration, and making and noting corrections therein as may be rendered necessary by their knowledge of errors committed, or by competent testimony heard before the board; a majority of said board shall be necessary to do business, and the mayor shall be *ex officio* president thereof. They shall strike from the registration, by a majority vote, names of persons who have removed from the election district for which they registered, or who have died, and shall note the fact opposite the name of any person charged with having registered in a wrong name, or who for any reason is not entitled to registration under the provisions of this ordinance, which person shall be challenged by the judges of election when presenting himself to vote, and rejected unless he satisfy said judges that he was entitled to register, and said board shall also place on said books the names of such persons as in their judgment have been improperly rejected by the recorder of voters. They shall sit from day to day, not exceeding ten days, until they have completed their labors, and their proceedings shall be printed daily in the paper doing the city printing. They shall each be allowed the sum of $3 per day for their services.

It is true that the State Legislature of Missouri in 1877 enacted a general election law, three sections of which are as follows:

SEC. 4380. All cities and towns in this State containing 100,000 inhabitants or more shall be cities of the first class.

SEC. 4385. Any city or town in this State existing by virtue of the present general law, or by any local or special law, may elect to become a city of the class

to which its population would entitle it under the provisions of this article by passing an ordinance or proposition and submitting the same to the legal voters of such city or town at an election to be held for that purpose, not less than twenty nor more than thirty days after the passage of such ordinance or proposition; and if a majority of such voters, voting at such election, shall ratify such ordinance or proposition, the mayor or chief officer of such city or town shall issue his proclamation declaring the result of such election, and thereafter such city or town shall, by virtue of such vote, be incorporated under the provisions of the general law provided for the government of the class to which such city belongs, which class shall be determined by the last census taken, whether State or national.

SEC. 4389. Any city of the first class in this State may become a body-corporate, under the provisions of this article, in the manner provided by law, &c.

Then follow the provisions for governing cities of the first class and for registration and elections therein.

It is proper to state, however, that it has never been claimed by the contestee that Saint Louis ever elected to accept the provisions of this law or elected to become a city of the first class, or in any way designated its wish, desire, or intention to accept these provisions. It became a body-corporate by virtue of its scheme and charter adopted in 1876, and has continued so to act to this day.

Neither was it claimed that the provisions of the act of the Legislature of 1877 governed or controlled the election of 1880; nor were these provisions of the act of 1877, respecting registration, of any force or effect in said city. The last city ordinance was adopted subsequently to any act of the General Assembly. It contains forty and odd sections and prescribed an entire scheme regulating elections and providing for registration in the city, and was the only law by which registration was had in that city.

These views are supported by Mr. Bell, the city counselor, a man who is admitted to be of eminent legal ability. His views will be found on page 1814 of the record.

The Constitution of the United States, article 1, is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law make or alter such regulations except as to the places of choosing Senators.

The question raised, therefore, in this case is: Was the registration law of Saint Louis, under which the election of 1880 was held, legally enacted; and were its provisions applicable to the election of a Representative in Congress? Could the people of Missouri by a constitutional provision delegate to the city of Saint Louis the authority to pass a registration law applicable to that city only? The Constitution of the United States having expressly declared that the manner of holding elections for Representatives shall be prescribed in each State by the Legislature thereof, could the State Legislature or the constitution of Missouri delegate its authority to any other power, to any other body?

That the election was held under the provisions of the charter was not denied. That the registration law by which a large number of voters were deprived of their right to exercise their franchise was enacted in 1878 was not disputed. That enough legal voters were thus stricken off to change the result is not in doubt. The committee believe that so much of the ordinance as made registration a prerequisite to voting was illegal, was unconstitutional, had no binding power, and that all legal votes rejected by virtue of this ordinance should be counted.

That there may be no mistake in regard to the exact situation of affairs, I shall run over in a half dozen sentences the exact situation, and shall leave it to any gentleman upon that side of the House who sees fit to examine the question whether or not the city of Saint Louis could by a city ordinance provide that registration should be a prerequisite to voting, when there was no law upon the statute-book providing such a regulation and applicable to Saint Louis.

The constitution provides that residence in the State for a given time and residence in the district for a given time entitles a citizen to vote, and not a word about registration, nothing except residence. The city of Saint Louis, under the constitutional provision authorizing it to enact a scheme and charter, passed a registry law making registration a prerequisite for voting.

It is true that that scheme and charter has been published in the laws of the State as compiled by a joint committee; but it was compiled by that committee without any authority of law. They placed the charter there not by direction of the Legislature, but because they thought it ought to go there; and the registration law, as passed by the city of Saint Louis under the scheme and charter, was never ratified by any legislative body other than by the municipal legislature of the city of Saint Louis.

But we are told that the State in 1877 passed a registration law, and that it passed one applicable to cities of the first class, and cities of 100,000 inhabitants were cities of the first class, and we are asked to take notice of the fact because Saint Louis has more than 100,000 inhabitants therefore she falls within the provisions of the general law.

But it is to be marked that the same enactment of the Legislature provides that a city must, in order to become a city of the first class, accept the provisions of the law providing for cities of the first class. Saint Louis is not a body corporate by virtue of that enactment, but it holds its charter by virtue of the constitutional provision permitting it to adopt the scheme and charter under which it has existed since 1876.

And as I remarked a moment ago, Mr. Bell, a man of eminent legal ability, who had been city counselor for two years prior to 1880, testified under oath that the election in the city in 1880 was held, not under any law of the State, but by virtue of the charter and of the amended ordinances passed in July and August, 1878.

Let me ask any Democrat, is it possible that a city of any class can pass a registration law making registration a prerequisite of voting? When the Constitution of the United States says that the Legislature of a State shall prescribe the manner of holding elections for Representatives, and when the Constitution of the United States delegated that power to the Legislatures, did it mean that the Legislature or the people of any State might redelegate that power to any city, to any town, or to any municipality?

I think there is no man upon the other side of the House who will go the length of saying that any city, by virtue of any State constitution or any legislative enactment can adopt a system of registration imposing upon voters regulations other than those imposed upon them by the constitution of their State or by the Legislature thereof.

The committee believe that the registry clause was illegal, was unconstitutional, had no binding effect, and that all legal votes rejected by virtue of the provisions of this clause should be counted.

But we hold that these names thus stricken off should be counted, even if the law was held to be constitutional and binding, for the further reason: At the first meeting of the board of revision it adopted the following resolution:

Resolved, That when a member of the board of revision presents a list of persons found on the list furnished him by the recorder of voters with dead, removed, not found, vacant house, duplicate, not a citizen, or any other word or phrase to indicate that the person is not entitled to vote, his name being on the books of the recorder, the board of revision shall take immediate action on such names and instruct the recorder of voters to erase such names from the registered list of voters in his office.

By this resolution that board delegated its exclusive power to each of its members, and in advance agreed that whatsoever names any of its members presented to be stricken off should be stricken off without any knowledge or testimony. The recorder of voters, who was *ex officio* clerk of the board, swears that the business was done as follows, namely:

The clerk called ward 1. When the reviser from that ward sent up a list of names, which was not even read, the clerk merely stated the number of names on the list, when, by virtue of the above resolution and without further action by the board, they were stricken off, no other member of the board but he from the first ward ever hearing the names read or knowing what names had been stricken off. The same action was had when ward 2 was called, and so on through the whole twenty-eight wards (record, page 131). This was also proved by nearly all the members of the board called by the contestee as witnesses in his behalf. (See record, pages 1792, 1824, 1825, and 1844). It is undisputed. The board sat from one to two hours each of the eight days, and in that time struck off over 12,000 names from a registration of about 60,000.

The fact also appears that the reviser for the fourth ward of this district, that ward in which most of the above disfranchised voters lived, left his entire work of revision to irresponsible deputies, whose work was sent in, and the names reported by them were stricken from the list of voters in the manner above described.

The testimony of one Michael Burke shows that he was one of these unsworn deputies, and reveals the frauds by which Republicans were intentionally stricken off the lists. He also swears—and his evidence is wholly uncontradicted—that there was an understanding and agreement between all these deputies that they should act together in practicing these frauds. (See record, page 71 and following.)

It will be borne in mind that the law not only does not recognize these deputies, but specifically provides that this work of determining the qualifications of voters should be done by these revisers, sitting as a court and acting judicially on "actual knowledge" or "competent testimony, and by a majority vote."

The testimony shows that one hundred and fifty-one of the men stricken off were legal and qualified voters, many of them being old residents, and that they did all in their power to entitle them to vote. The committee hold that their votes should be counted by the House. The said voters had done everything the law required of them; they had exhausted their remedy; they had registered and gone to the polls and offered to vote, but their names having been stricken off they were not allowed to vote.

The principle is well established, and was adopted by this committee in the case of Bisbee *vs.* Finley (present Congress), that where judges of election improperly refuse a qualified voter the right to vote, his vote will be counted here. We submit the reason of that rule will apply as well to this case, where the voter has done everything in his power and the primary wrongful act was committed by the registration officers.

McCrary on Elections, sections 10, 11, and 383, fully sustains this view in the following language:

A case may occur where a portion of the legal voters have, without their fault and in spite of due diligence on their part, been denied the privilege of registration. In such a case, if the voter was otherwise qualified and is clearly shown to have performed all the acts required of him by the law, and to have been denied regis-

tration by the wrongful act of the registering officer, it would seem a very unjust thing to deny him the right to vote. In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer for damages. (See, also, sections 11 and 883.)

It will be observed that Judge McCrary, after stating the general doctrine, says that—

In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer.

This refers exclusively to State officers, while the office for which it is intended to count these votes is not a State office—that the United States Constitution has given this body full control over the question as to who are its members; and in the State of Missouri neither the constitution nor any statute in force in Saint Louis makes registration an imperative prerequisite or qualification. (See constitution 1875, heretofore cited.)

The Constitution of the United States having declared that the Legislatures of the several States shall provide for choosing members of Congress, and the constitution of Missouri having authorized the General Assembly, and that alone, to enact a registration law, we hold that so much of the ordinance as made registration prerequisite to voting has no binding force or effect, and is invalid.

We therefore rely upon the language of McCrary, section 11, that—

In the absence of any positive law making registration imperative as a qualification for voting, it is a very plain proposition that the wrongful refusal of a registering officer to register a legal voter who has complied with the law and applies for registration ought not to disfranchise such voter. The offer to register in such a case is equivalent to registration. This would be held to be the law upon the well-settled principle that the offer to perform an act which depends for its performance upon the action of another person, who wrongfully refuses to act, is equivalent to its performance.

Furthermore these votes (151) thus illegally stricken off should be counted upon another ground, following a well-established principle of law.

The proof in this case shows that the board of revision by whom the above voters were disfranchised acted at the outset and throughout their entire proceedings in absolute violation of not only the spirit but the letter of the law which gave them authority. The ordinance explicitly says that this board shall meet—

For the purpose of examining the registration and making and noting corrections therein as may be rendered necessary by either their knowledge of errors committed or by competent testimony heard before the board, a majority of said board shall be necessary to do business.

By a resolution adopted at the beginning (heretofore cited) they declared they would neither hear testimony nor act upon the knowledge of the board. Thereafter names of voters were stricken off the list without even being read to the board, and merely upon the recommendation of an individual member who, in many cases, as the proof shows, adopted without question, knowledge, or examination the reports of his unsworn and unauthorized deputies.

When it is borne in mind that no actual notice was given to the voter thus stricken from the list, and that even if he had such notice there existed no remedy or law by which he could be reinstated, the necessity of holding this board to a strict execution of its powers will be apparent.

It will be observed that the ordinance conferred upon the board of revision the power to examine and revise the registration list prepared by the recorder of voters and making and noting corrections therein, to correct his errors or omissions, but the law nowhere empowered them to correct or revise their own.

It is a well-settled doctrine of law that as to courts not of record and other bodies having judicial functions no presumptions arise as to jurisdiction, or the regularity of their proceedings, and that any judgment rendered by such court or body not in strict conformity with the law is void.

This board of revision, as shown by the record, acted from the beginning to the end in utter disregard and violation of the law.

This ordinance gives the board power to strike from the registry lists, by a majority vote and either on the knowledge of the board officially or by competent testimony heard before the board, the names of those only "who have removed from the election district for which they registered or who have died." The resolution divested the board of all its functions; it gave each member individually the right to not only strike off the dead and removed, but it gave him the right to strike off those not found; it gave him the right to write "vacant house" against a man's name, and that man was disfranchised; it gave him the right to strike off duplicate names; it gave him the right to strike off all who were in his judgment not citizens; and, lastly, it gave him the right to strike off any one whom he thought for any reason ought not to vote—and to do all this without any testimony, without any knowledge as to whether it was right, and without any notice to him whose name he struck off. And then the board beforehand sanctioned all this; told each reviser to do whatever he would; it, as a board, would stamp it as the act of the board.

It will be seen by this ordinance that this board, besides striking off the names of those who had removed out of the precinct where they lived when they registered, and the names of those who had died, were required "to note the fact opposite the name of any person charged with having registered in a wrong name, or who for any reason is not entitled to registration under the provisions of this ordinance, which person shall be challenged by the judges of election when presenting himself to vote, and rejected unless he satisfy said judges that he was entitled to register." This board was precluded from striking off the names of these persons. Its only duty was to make note against them, and then the judges of election were to judicially examine into the qualifications of these voters. So the board not only violated and defied the law, but by its acts it prevented the judges of election from examining and determining the questions which the ordinance explicitly referred to them. If this board had been a court of general jurisdiction, even then its acts would have been absolutely void because of its failure to proceed in accordance with law.

We therefore hold that the action of this board in striking off the names of the above voters was illegal and absolutely void and of the same effect as if done by any unauthorized party.

Again, the proof shows that the action of the board of revision from its inception operated as a fraud upon all who were improperly stricken off by them, and that there was actual fraud on the part of some of those to whom were improperly delegated the duties and functions of the whole board, which fraud resulted in striking off and disfranchisement of these voters.

This opportunity for fraud is evidenced by the illegal resolution adopted, the manner in which the board did its work, and by the employment of unauthorized and unsworn deputies.

The actual fraud is shown in the uncontradicted testimony of Michael Burke, one of the above deputies in the fourth ward of this Congressional district, who unblushingly tells how he struck off of the list Republican voters; of his understanding that he was hired for that purpose, and agreement with other deputies to do the same work in their wards; in the fact that of the 12,000 names stricken off—the contestee after keeping in a conspicuous place in the leading Democratic paper of Saint Louis an advertisement for all Democrats who had been wrongfully stricken from the registration list to appear and give their testimony—only obtained three who were qualified voters; in the fact that in numerous instances, as shown by the testimony, some members of a family were stricken off said list and members of the same family left on, and in each of such instances the Republicans were stricken off and the Democrats left on; in the fact that five months after the election herein, as is shown by the testimony, another election was held in Saint Louis, before which a presumably fair registration was had, and at which every Republican candidate was elected by a very large majority, whereas at this election the Democratic candidates for President and governor each received a majority.

We therefore hold that, as fraud vitiates all things, the frauds above enumerated vitiated the action of said board of revisers.

For each and all these reasons, and because it seems just and right that where a legally-qualified voter has done all that the law requires of him in order to vote, but he has been deprived of the privilege by the default, neglect, or fraud of any officer of election, his vote should be counted, and because it seems to us that these voters were, in the eyes of the law, on the list of voters furnished the judges of election (having been stricken off by illegality and fraud), we hold that these votes should now be counted for contestant.

In addition the committee held that 35 other votes should be counted. If valid they had complied with the registration law of said city, having previous to the election registered their names before the proper officer; that on the day of election they offered their ballots at their respective and proper polling precincts in said city, all said ballots being for contestant; that their names were, each and every one of them, found on the poll-list at the precincts where they offered to vote, but for various trivial and insignificant reasons, such as, for instance, the misspelling of names or the incorrectness of numbers, and, in some instances, for no reasons whatever, the judges refused to receive their votes, and they were not received or counted.

The committee also counted 8 votes as follows: That they had never registered and voted in the city of Saint Louis; that on the day of election they were registered at the polls of their respective and proper precincts by the registering officer duly appointed for that purpose; that they offered their ballots for contestant for Representative in Congress from the third Congressional district of Missouri, but the judges refused to receive and count their votes, and they never have been counted.

The committee also counted 86 votes, as follows:

The Legislature of Missouri in 1877 adopted the following act, which both parties to this contest state was in force in Saint Louis in 1880, and so conceded by all parties:

An act to provide for the exercise of the right of voting by persons who have failed to register.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. In all State, county, and municipal elections hereafter held in any city of this State having a population of 100,000 inhabitants or more, no person shall be deprived of the right of voting at such election by reason of having failed to register: *Provided*, That, in all cities where registration is required by law, the party offering to vote, but who from any cause has failed to register before he offers to vote, shall be, on the day of such election, registered by a special

registrar of election, appointed by the judges of election for that purpose at each precinct, as a qualified voter, in a book to be kept for that purpose; and the ballot of such voter shall be received and counted at such election; and such registrar shall return to the register of voters of such city the list of such voters so registered within ten days after such election, provided the said registrars shall be sworn as provided for the recorder of voters and the books shall contain the written or printed oath as required in the regular registration books.

Approved March 30, 1877.

The evidence shows that eighty-six citizens of Saint Louis were at the date of the election legal and qualified voters of the State of Missouri and city of Saint Louis and said third Congressional district; that they never had registered or voted in the city of Saint Louis; that on the day of election they offered at their respective and proper polliin g precincts, and before the officers appointed to register voters and receive and count the votes, to register under the above law and vote for the contestant, but the officers whose duty it was failed and refused to register them or to receive and count their ballots, and their ballots were not received and counted by the judges of election, and they never have been counted.

There were also 23 ballots cast for contestants, but not counted, having this caption, namely, "Chronicle Selected Ticket," a ticket made up of names of persons on both the Republican and Democratic regular tickets. The election officers threw these 23 votes out on the ground that the ticket was designed to deceive the voter, and in doing so claim to have acted in accordance and within the letter and spirit of the following law in force in Missouri:

Each ballot may bear a plain written or printed caption thereon, composed of not more than three words, expressing its political character, but on all such ballots the said caption or headlines, shall not in any manner be designed to mislead the voter as to the name or names thereunder. Any ballot not conforming to the provisions of this act shall be considered fraudulent, and the same shall not be counted.

The committee held that the words used in the caption were in no way calculated to mislead or deceive a voter, and accordingly counted the same.

Evidence on pages 952 and 897 of the record, which is uncontradicted, will be found, showing that 10 votes cast for contestant were thrown out and not counted by the judges, merely upon the ground that the contestant's given name was not on the ballots. The proof shows that no other man by the name of Sessinghaus was a candidate at that election in that district for any office.

Hence we follow the unbroken chain of authorities as cited by McCrary, and hold that these 10 votes should be counted for contestant.

At one precinct in the said district, it appears from the evidence (page 612 of record) there were cast by legally qualified voters fifteen ballots having the caption "Greenback Labor Ticket," but with the nominee of that party for Congress scratched out in pencil and the name of contestant inserted, none of which ballots were counted by the judges of election.

The evidence is wholly uncontradicted. We think the above votes should be counted for contestant, the intention of the voters being plain and the ballots being legal.

In precinct 148 the testimony shows that the board organized under the law to foot up returns made by the judges of election counted for contestant 141 and contestee 58, that appearing to be the figures on the poll-book of that precinct.

The undisputed positive testimony of a majority of the officers of election at that precinct is that contestant received 149 votes and contestee 52, and that those were the figures certified to and returned by the judges. The contestee called no witnesses to disprove this testimony, and if it had been false it could easily have been shown. We therefore conclude either that a mistake was made or the figures were intentionally changed after leaving the hands of the judges, and that in either event it should be corrected. This adds 8 votes to contestant and takes 6 from contestee. (See record, pages 1748, 674-'5, 823, and 668-'9.)

There was also voted at that election a ticket headed "Hancock Independent Ticket," upon which the name of contestee was printed but scratched out, and contestant's name inserted in pencil. This ticket was thrown out by the judges. (See pages 779 and 791.) It seems plain that it should be counted for contestant.

At precinct number 74 a ballot was cast (as shown by the evidence, page 985) which was made up of the tickets of the two parties, cut in the middle and pasted together, thus making a complete ticket with only one name thereon for each office. It had on it the name of contestant for Congress. This ballot was thrown out and not counted by the judges. We think it should be counted for him. The voter evidently knew what he was about, and it was his privilege to vote for whom he pleased.

As to precinct No. 39, the contestant urged persistently, and introduced much testimony to support his position, that this precinct should be thrown out; but we are constrained to differ with him. We find that the evidence of intimidation hardly comes up to the standard provided by the precedents cited by McCrary, and hence we conclude that it must stand. We find, however, that twenty men (all colored) who were qualified and legal voters, and duly registered, and who had done all that the law required of them, who were entitled to vote at that poll, went there and offered to vote, but were refused for various trivial reasons, many of them being frightened by abuse and driven from the poll.

It is admitted by contestee, and the proof is positive and uncontradicted, that a minor, Louis Hain, cast his vote for contestee, and that it was so counted. We therefore take one vote from contestee. (See record, pages 1232 and 1754.)

In conclusion, therefore, the committee found, and so reported, that these 358 votes should be added to those reported for contestant and 7 deducted from those returned for contestee, which leaves the net result as follows:

Votes as returned for contestant		9,290
Add		358
Total		9,648
Votes as returned for contestee	9,487	
Deduct	7	
Total		9,480
Majority for contestant		168

In arriving at this conclusion the committee gave the benefit of every doubt to contestee and arrived at the conclusion that the contestant should be seated.

I would inquire how much time I have remaining?

The SPEAKER. The gentleman has forty-five minutes.

Mr. MILLER. I will reserve the remainder of my time till later.

Mr. MOULTON. I now yield thirty minutes to the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, before attempting a reply to the speech of the gentleman from Pennsylvania [Mr. MILLER], I will, if the House will indulge me, very briefly state the facts in the case now pending before us, as I understand them.

At an election held in the third Congressional district of Missouri in November, 1880, R. Graham Frost, the contestee, received for the office of Congressman 9,487 votes, Gustavus Sessinghaus, the contestant, received 9,290 votes, and Daniel O'Connell obtained 266 votes, Mr. Frost having on the face of the returns a plurality of 197 votes. Within the time prescribed by statute Mr. Sessinghaus gave notice to Mr. Frost of his intention to contest the latter's right to a seat in this Congress, and he put his contest on the ground that certain qualified voters of the district, who had been duly registered and who offered to vote for him, were deprived by the judges of election of their franchise for the alleged reason that their names had been stricken from the registry lists by the board of revisers of the city of Saint Louis, within whose limits the third district is located, and on the further ground that certain other persons entitled to register and vote applied for registration at their respective voting precincts with the intention of voting for Mr. Sessinghaus, and were refused registration and not allowed to vote. There were other grounds stated in the notice of contest, but as they have been practically abandoned by the contestant, it is not necessary to state or to discuss them.

The contestee answered, putting in issue these allegations, after which testimony was taken by the parties in support of their respective right to a seat in this House, and these three volumes [holding them up], constituting a monument to their industry if not to their genius, are the result of their labors.

According to an assertion of the gentleman from Pennsylvania [Mr. MILLER], uttered to-day on this floor, the right of the contestant in this case to a seat in this body is dependent upon the invalidity of the election laws of the city of Saint Louis. In other words, it is conceded by him that if in 1880 there was a valid registration law in the city of Saint Louis, the contestee has an unquestionable right to his seat. If I can get the attention of the members of this House, I believe myself able to satisfy them that there was at that time a law requiring registration in the city of Saint Louis as a prerequisite to voting—a law as valid as any law which can be found upon the statute-books of the State of Missouri or of any other State in the Union; and if I am able to do this, I shall confidently expect the gentleman from Pennsylvania and his associates on the Committee on Elections to unite with us in defeating the recommendation of the committee, and in thus confirming Mr. Frost's title to an office to which he was fairly and honestly elected.

The report presented by the majority of the Committee on Elections in this case is so replete with misstatements of fact and misrepresentations of the law that I am sure I shall be unable in the time allotted to me by the House to call attention to all of its most glaring deceptions. In some instances, I regret to say, the committee has actually misquoted the statutes of Missouri, and in the attempt to arrive at a conclusion in this case it is evident that it has been grossly misled, as in one part of its report it says that the revisers of election in the city of Saint Louis were imposed upon by the agents employed by them.

The gentleman from Pennsylvania [Mr. MILLER] says that the city of Saint Louis had no right to enact an ordinance prescribing registration as a prerequisite of voting. Independently of any provision in the State constitution authorizing it, I agree with him. But that is a question we need not discuss here, because the State law in regard to registration for cities of the first class applied to the city of Saint Louis.

In 1875 there was a new constitution framed by a convention of the State of Missouri and adopted by its people. That constitution among

other things provided that within a certain time after its adoption the qualified voters of the city and of the county of Saint Louis should elect thirteen freeholders, at an election to be called by the council of the city and the county court of the county of Saint Louis, upon whom should devolve the duty of preparing a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, and the adjustment of the relations of the city thus enlarged and the residue of Saint Louis County, and of drafting for the city of Saint Louis a charter which should be in harmony with and subject to the constitution and laws of Missouri.

And it further provided that such scheme should be submitted to the people of the whole county of Saint Louis, and that the proposed charter should equally be submitted to the qualified voters of the city so enlarged; and upon the ratification by the people of this scheme and charter, the said scheme should become the organic law of said city and county, while the charter should exclusively become the organic law of said city.

The election thus provided for was held in conformity to the constitution, and the scheme and charter were ratified. About this there is no dispute.

The charter, adopted as it was by the qualified voters of the city of Saint Louis, provided a system of registration, which the committee informs us was of no binding force, but was invalid. Under this charter the election of 1878 took place, as well as the election of 1880 at which Mr. Frost and Mr. Sessinghaus were opposing candidates.

I can not understand why the majority of the Committee on Elections has labored in its report to show that the charter of the city of Saint Louis has been improperly and without authority given a place in the revised statutes of Missouri, for its validity is certainly not dependent upon its being found in the statutes. If the constitution of the State of Missouri delegated to the framers of the charter of the city of Saint Louis the power to enact registration laws, and if such laws are in harmony with the State constitution and the State laws, then without regard to their presence in or absence from the statutes they are valid.

Mr. RANNEY. The gentleman will allow me to ask whether the provision for the revision of the Missouri statutes did not declare expressly that the revisers should only codify, not change the law.

Mr. CLARDY. The revision of the Missouri statutes referred to by the gentleman was made by a committee appointed by the Legislature in 1879, in pursuance of a provision in the constitution of the State requiring the Legislature to revise, digest, and promulgate all laws in force in the State within five years after its adoption. The committee was not authorized to make or amend laws, and in no instance did it do either, as it has been intimated by the gentleman from Pennsylvania. But the Legislature at its session in 1879 amended section 23 of a former act so as to read as follows:

All elections in the city of Saint Louis shall be conducted, in all respects, as provided by the laws now in force regulating elections in said city.

Mr. MILLER. Will the gentleman state when that law was passed?

Mr. CLARDY. The law was amended in 1879; or, anyhow, it is in the revised statutes of 1879.

Mr. MILLER. Amended by whom?

Mr. CLARDY. By the Legislature of Missouri.

Mr. MILLER. The gentleman is utterly mistaken. I have examined the statutes of 1879, and I defy any man to find that amendment. It was put there by the revisers under their assumed authority to amend the law.

Mr. CLARDY. The revisers assumed no such authority. The amendment was adopted by the Legislature.

Mr. RANNEY. I have not yet heard the answer of the gentleman from Missouri to my question whether there was not in the law authorizing the revision an express provision that it should not change the law?

Mr. CLARDY. There was such a provision. I do not claim that the legislative committee alluded to by the gentleman had the right to make new laws.

Mr. MILLER. That is just what it did.

Mr. CLARDY. The gentleman is mistaken. The election of 1878 was held under the new charter of the city of Saint Louis and the Legislature, in order that the election laws of the city might not be questioned, adopted the amendment which I have above quoted. Will any gentleman now say that we have no laws in the city of Saint Louis for the government of elections?

The validity of the charter has been affirmed by all the courts of our State whenever questions have arisen requiring them to pass upon its provisions. I have here a case decided by the supreme court, the opinion in which is delivered by Judge Norton, whose distinguished service in this House and still more distinguished service on the supreme bench has made his name familiar to the people of the whole country, affirming that under the constitution of the State of Missouri the city of Saint Louis had the right to embrace in its charter such provisions of law as do not conflict with the fundamental law and the statutes of the State.

The Supreme Court of the United States would hold such a decision obligatory upon itself. The decisions of the tribunal of a State relative to its constitution or laws, unless they contravene some provision of the Constitution of the United States or some act of Congress, are considered by the Supreme Court as absolutely binding; and yet with a Republican Committee on Elections such a decision has not even the weight of persuasive authority.

Mr. RANNEY. Does that decision refer to elections at all?

Mr. CLARDY. I do not say, nor do I wish to be understood as saying, that there was any election case decided by the supreme court of Missouri in which the charter was passed upon. I could say, however, that recently there has been an election case passed upon by that court in which a member of this House was interested, and none of the judges called into question the election law of the city of Saint Louis.

But, Mr. Speaker, let me now direct the attention of the Committee on Elections to another principle of law bearing on this contest.

It is an old maxim that a statute can only be repealed by a statute. This maxim has, however, been qualified, and it is also held that a statute can be repealed by non-user. But it is claimed in this case that the provisions of the charter relating to registration have been enforced, and most rigorously so, and hence the doctrine of non-user is not invoked. And while it is held in this country that a statute may be repealed by being omitted from authorized revisions, yet if the assertion be true that the Legislature of Missouri did not intend that the charter of the city of Saint Louis should be placed in the revised statutes of the State, I am unable to understand how its absence from them can affect its validity. But the truth is that the committee appointed by the General Assembly had the express authority of the Legislature for collecting and publishing in the appendix to the revised statutes of Missouri all laws specially applicable to the city of Saint Louis, and in this appendix may be found the charter of that city and its system of registration. It has been stated, however, that this charter has never had the sanction of the Missouri Legislature. In answer to that assertion I can only appeal to the constitution of Missouri, which, as I have before indicated, authorized the city of Saint Louis to adopt a charter containing the fundamental laws necessary for its own government, and such other laws as may be in harmony with the constitution and laws of the State, and I can not but insist that no legislative adoption was necessary to the validity of the charter beyond the action taken by the Legislature in directing the committee of revision to collate and publish the same in the appendix to the statutes, and, indeed, it was not even necessary that this publication should be made.

But I desire besides to direct the attention of the House to a provision of the constitution of Missouri (and I wish that the members of the Committee on Elections would give me their attention) which declares that the Legislature shall make provision for the registration of all the voters of cities having more than 100,000 inhabitants. That provision is referred to in the report of the Committee on Elections, and in this report it is argued that the law which the Legislature enacted in pursuance of the mandate of the constitution of Missouri can not possibly have anything to do with this case. It is evident, however, that if the charter of the city of Saint Louis was invalid, the law of the State of Missouri, enacted in pursuance of a constitutional provision, was then in force, and upon examination it will be found that that law was complied with in every particular by the city of Saint Louis in the election of 1880.

The constitution of Missouri provides that the General Assembly shall enact a registration law for all cities having over 100,000 inhabitants. Of course the Legislature can not be coerced into the enactment of such a registration law, but the framers of the constitution indicated the wish of the people to have the voters in cities containing 100,000 or more inhabitants provided with the safeguard of a registration law. When the Legislature met in 1877, after the adoption of this constitution, what did it do? Under the provision of the constitution directing it to classify cities into four classes, it provided that all cities of over 100,000 inhabitants should be denominated cities of the first class, and that those of a less number of inhabitants should respectively belong to the second, third, or fourth class. But the Committee on Elections has been misled by a subsequent section of the above-mentioned statute which declares that any city or town of the State of Missouri existing by virtue of the general law, or by any local or special law, may elect to become a city of the class to which its population entitles it by submitting a charter to the approval of the qualified voters, and which further provides that in the case of the adoption of such charter the mayor should issue a proclamation declaring such city or town a city of the class to which its population entitles it.

And what was done in the case of the city of Saint Louis? The members of the Committee on Elections entirely overlooked the statutes. What was done? This charter was submitted to the qualified voters of the city of Saint Louis in pursuance of an express constitutional provision and was adopted by the city of Saint Louis, and it contains the identical provision which this statute in another section declares shall be in the ordinance which is to be submitted for ratification under this statute to the voters of cities when they elect to become cities of a particular class.

Mr. MILLER. What is the date?

Mr. CLARDY. Eighteen hundred and seventy-seven.

Mr. MOULTON. Before this election.

Mr. MILLER. What year?

Mr. CLARDY. In 1877 this law was passed.
Mr. MILLER. When was this charter adopted?
Mr. CLARDY. In 1876.
Mr. MILLER. One year before the law was passed.
Mr. CLARDY. But if it is found that there has been a literal compliance with the law, as it appears upon the statute-books, can it be said that, because there was upon the statute-books before that time a law which was of no binding force and validity this law is not to be regarded? But I have shown, and I think to the satisfaction of any lawyer, that there has been a literal compliance with the statutes of Missouri, to say nothing about this charter, in the election in which the contestee and the contestant appeared as candidates. Regarding the validity of the charter, I hold that it matters little what we think about the powers of a municipality in the city of Saint Louis if we find a constitutional provision delegating such powers. It matters little whether the charter was valid or invalid, as there was a law on the statute-books relative to registration, a law which the Committee on Elections undertakes to skim over, and which was of binding force and validity.
Mr. BUCKNER. Let me ask my colleague a question.
Mr. CLARDY. Certainly.
Mr. BUCKNER. I ask my colleague whether the election of last year in the city of Saint Louis was not conducted under the same law?
Mr. CLARDY. No; the law has been changed. But let me call the attention of the members of the majority of the Committee on Elections to another of their inconsistencies in this case. The gentleman from Pennsylvania [Mr. MILLER] has stated to the House, and in its report the majority of the Committee on Elections expresses this view, that there was no law upon the statute-books which required the registration of voters in the city of Saint Louis. And yet the Legislature of the State of Missouri, just anterior to this contested election, in the spring, I believe, of 1880, enacted what was known as the O'Neill act. Under the registration law as it existed up to that time voters were required to register previous to the election and at the office of the recorder of voters. They could not register at the polls. By this registration law enacted in 1880 it was provided, however, that persons who had failed to register could avail themselves of that privilege on election day at the polls; and the majority of the Committee on Elections, in order to get in some voters, undertakes in one case to avail itself of that law. It admits that that law applies to the city of Saint Louis and to all cities where registration is required. The city of Saint Louis must have possessed a valid registration law, else how could the O'Neill act, being an amendatory act, apply to it? Here is an enabling act. Here is a remedial statute. Here is a statute enacted to remedy defects in an existing law. But the Committee on Elections says that there is no existing law. Well, if there be no existing law, to what law does the O'Neill act apply?

That, Mr. Speaker, is one of the inconsistencies of the gentleman who framed the report of the majority of the committee. But the gentleman from Pennsylvania [Mr. MILLER] says that the registration law under which the Congressional election of 1880 was held is unconstitutional. I do not know whether he means the law which is to be found on the statute-books of the State of Missouri, or whether he refers to what is known as the scheme and charter.
Mr. MILLER. I referred to the registration act passed in 1878.
Mr. CLARDY. Passed by the Legislature of the State of Missouri, do you mean?
Mr. MILLER. By the city of Saint Louis.
Mr. CLARDY. The act the gentleman talks about is a copy of the registration law which is to be found upon the statute-books of Missouri. The city of Saint Louis at that time enacted an ordinance in harmony with this statute.

The majority of the Committee on Elections in its report further quotes the registration ordinance of the city of Saint Louis, the eleventh section of which it invokes in this case in order to exclude one hundred and fifty-five voters. It quotes that statute and dwells upon its incongruity with the law. But it misquotes the statute.
Mr. MILLER. What statute?
Mr. CLARDY. It misquotes the eleventh section of the registration ordinance of the city of Saint Louis. It recites here that the board of revisers must meet twenty days before the day of election, and it says that the law requires thirty days and that the charter also requires thirty days, but that the ordinance calls only for twenty days and it holds it invalid on that account. The registration ordinance offered in evidence on page 1684 is in the precise language of the law as it exists upon the statute-books, and is in conformity with the charter of the city of Saint Louis. I know that the gentlemen of the committee did not intentionally misquote this ordinance; but it is misquoted nevertheless, and it is adduced as one of the grounds why they are to turn out a man from this House who was honestly elected by the people and to put in here a man who was never elected. Here we have an ordinance, changed not intentionally by the committee, I am sure, because I find this change in the brief of counsel for contestant, and I presume, of course, that the committee relied upon that brief; but it was nevertheless a mistake, and a mistake against the interests of the contestee in this case.

But, Mr. Speaker, the majority of the committee has not only been mistaken as to the law governing elections in the city of Saint Louis, but mistaken as well in regard to the general election law of this country.
The SPEAKER. The gentleman's time has expired.
Mr. HOOKER. I will take the floor, and yield my time to the gentleman from Missouri.
The SPEAKER. The gentleman can not now be recognized, as debate has been limited.
Mr. MOULTON. I will yield five minutes more of my time to the gentleman.
Mr. CLARDY. Mr. Speaker, the committee in its report quotes from McCrary on Elections this sentence:

> A case may occur where a portion of the legal voters have, without their fault and in spite of due diligence on their part, been denied the privilege of registration. In such a case, if the voter was otherwise qualified and is clearly shown to have performed all the acts required of him by the law, and to have been denied registration by the wrongful act of the registering officer, it would seem a very unjust thing to deny him the right to vote. In elections for State officers, however, under a constitution or statute which imperatively requires registration as a qualification for voting, it may be that the voter's only remedy would be found in an action against the registration officer for damages.

The Committee on Elections admits the validity of this doctrine, but it says that it does not apply to the election of a Representative in Congress.

When Mr. McCrary laid down the above proposition he supposed, as is shown by the first edition of his work on the American law of elections, that the statute enacted in May, 1870, regulating Congressional elections would be held by the courts of this country to be applicable to the voters of all the States in this Union. But he also affirms that if Congress does not pass enactments for the regulation of Congressional elections, they are governed by the laws prevailing in the different States relative to elections.

The Supreme Court decided in the case of the United States *vs.* Cruikshank, and in the case of the United States *vs.* Reese, that the third section of that statute, quoted in the brief of counsel, and upon which the argument turned—the identical argument made here by the Committee on Elections—the Supreme Court said in those two cases that that statute was unconstitutional. The court said that it should at least provide for nothing further than what was contemplated by the fifteenth amendment. And yet the Committee on Elections insists upon the validity of that statute in this case, and talks about the prerequisites of the voter and the right of Congress to interfere in elections and to control them.

In the absence of any Congressional statute relative to the election of members of Congress, the exercise of the franchise is dependent upon State regulation; and if there were such a statute containing provisions other than those contained in the fifteenth amendment I think the clear intimations in the case of *Ex parte* Seebold are that it would be held unconstitutional. The right to vote in this country is derived from laws. The right to vote is not a natural right; it is not a right which inheres in and attaches to the person; but it is a purely political right, and it owes its existence to positive law.

The States of this Union confer the elective franchise upon the citizens and under a constitutional provision prescribe the qualifications of voters as well for electors for President and Vice-President and Representatives in Congress as for the officers necessary to their own government. Whatever privilege a sovereignty may grant, it can prescribe the terms upon which it shall vest in the grantee.

The Supreme Court says, in the case to which I have referred, that except as limited by the fifteenth amendment of the Constitution the right of the States to prescribe the qualifications of voters is absolute. But, Mr. Speaker, who ever heard before of registration being a qualification? Mr. McCrary, in his work on the law of elections, expressly declares that it is not a qualification.
Mr. MILLER. We do not claim that it is.
Mr. CLARDY. The majority of the Committee on Elections talks about registration as a qualification for voting, and argues that as such it added to the qualifications of voters as they are prescribed by the constitution of Missouri, and that hence it was unconstitutional. There is no proposition of election law better settled than that registration is not a qualification, but a regulation.
[Here the hammer fell.]
Mr. MILLER. Now, let me take the floor in my own right while I ask the gentleman from Missouri [Mr. CLARDY] a question, in order that we may have a clear understanding about this case. We have quoted in the majority report section 11 of the registration law, and state that it was passed by a city ordinance of Saint Louis in 1878. Do I understand the gentleman to deny that?
Mr. CLARDY. Did you say 1878?
Mr. MILLER. Yes, sir.
Mr. CLARDY. It was passed prior to that year.
Mr. MILLER. And does not that law require that the board of revisers shall meet twenty days before the election?
Mr. CLARDY. No, sir.
Mr. MILLER. I refer you to pages 1701 and 1702 of the testimony.
Mr. CLARDY. Very well.
Mr. MILLER. And they show that the ordinance was amended——
Mr. CLARDY. What is the page?
Mr. MILLER. Pages 1701 and 1702. They show that the ordi-

nance was amended on the 20th day of August, 1878, and that it provided that the revisers should meet twenty days before election, while the scheme and charter and the act of 1877 which the gentleman from Missouri [Mr. CLARDY] has spoken of provide that they shall meet thirty days before the election. So that there is a marked difference between the ordinance of 1878 and the statute of 1877 and the city ordinance of 1876. Now, does the gentleman say that ordinance was not passed?

Mr. CLARDY. The gentleman from Pennsylvania is quoting a law which was passed subsequent to this election. I say, however, that in the city of Saint Louis, at the November election of 1880, under a provision of the law of the State the revisers met thirty days before the election.

Mr. MILLER. Now, the evidence shows that they met twenty days before. And the law is the same.

Mr. CLARDY. The law will be found on page 1684 of the record in this case. It was introduced by the counsel for Mr. Sessinghaus. It says that the board of revisers should meet thirty days before the election, and it is introduced in evidence by the contestant as the law governing that election; and I never heard it disputed in the State of Missouri.

Mr. MILLER. Do you deny that the ordinance printed on pages 1701 and 1702 is the city ordinance?

Mr. CLARDY. Of course I do. It is only an amendatory section.

Mr. MILLER. Do you deny that it was adopted in 1878?

Mr. CLARDY. I do.

Mr. MILLER. Did it not fix the time at twenty days?

Mr. CLARDY. It did.

Mr. MILLER. Then the law was twenty days.

Mr. CLARDY. No; the law was thirty days. I speak of the law which was in force at the election when Sessinghaus and Frost were the candidates.

Mr. MILLER. I speak of that also. Now, in addition to that I call the attention of the gentleman to the evidence of Mr. Bell, the city solicitor of Saint Louis, on page 1814.

Mr. CLARDY. I have read that evidence. At the time when Mr. Bell was testifying, an amendatory ordinance had been passed. This ordinance conformed with a State statute on the subject of registration, and both were passed after this election had been held.

Mr. MILLER. Yes; the charter provided thirty days; but on page 1702 of this record there is an amendment to that. What do you do about that?

Mr. CLARDY. The law which the gentleman from Pennsylvania quotes was passed after the election of 1880.

Mr. MILLER. I will retain the balance of my time. How much time have I left?

The SPEAKER. The gentleman has forty minutes.

Mr. CLARDY. The House can judge of the magnitude of this case from the fact that the entire ninety days provided by law for the taking of testimony were consumed by both the contestant and the contestee. Three thousand pages of testimony have been printed for the perusal of the Committee on Elections and of the House, and in this testimony the contestant's counsel attempt in vain to substantiate the claim of their client to a seat in this House. In vain do we look for evidence which would be deemed sufficient by a judicial tribunal for the unseating of the contestee. No facts are brought forth which could invalidate the election of Mr. Frost, and in order that that end may be accomplished the election laws of the city of Saint Louis are now to be declared unconstitutional. The majority of this House is ever ready to cover its disregard of justice and right by constitutional quibbles and petty subterfuges.

Within the space of an hour the contestant will be awarded on the floor of this House a seat to which he was never elected and to which he has signally failed to establish a claim. The emoluments attached to a seat here will, however, thus come within his reach, and while he may probably in no manner be able to catch the Speaker's eye during the expiring hours of the Forty-seventh Congress, he will on the contrary, and oddly enough, succeed in obtaining the eye of the Sergeant-at-Arms with regard to the question of compensation for services which he has never had an opportunity nor right to render. And succeeding in this latter undertaking, he will no doubt be content. But the party to whose votes he will owe his seat will by its arbitrary decision of this case establish a further instance of its rabid partisanship and of its reckless abuse of power and utter disregard of justice, and thus it will fitly close in this House a supremacy which has been replete with profligacy and recklessness.

[Here the hammer fell.]

Mr. FROST. I do not desire—or rather I would prefer not to address the House at this time. I trust that before this case comes to its final adjudication the House will be willing to listen to me for a few moments. I will not trespass very far upon its patience; but I hope I will not be condemned without having had some brief opportunity for a hearing.

As my colleague [Mr. CLARDY] remarks, this case is one of great magnitude, as shown by the 3,000 pages of recorded testimony and the three or four points of law upon which we have not yet touched. That would indicate that we should have some reasonable time for its discussion. I ask for very little time, in order that the case may be presented fairly before members of this House; but I do not wish to be heard now.

Mr. MOULTON. I now yield two minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER addressed the House. [See Appendix.]

Mr. MOULTON. Mr. Speaker, it would be impossible to discuss even a single phase of this question in the short time for this debate limited by order of the House. And I look upon an argument or an attempt at an argument under the circumstances that surround us as almost if not quite futile. The temper of the House and the hurry of the business in these closing days disqualify members for impartial and calm consideration of questions of this kind.

I desire to call the attention of gentlemen for a few moments to a phase of the question that has been discussed. It is claimed by the gentleman from Pennsylvania [Mr. MILLER] that the only question they propose to consider in this case is in regard to 155 votes. Here are 155 voters who, as is claimed by the contestant, were entitled to vote and have been improperly deprived of their right by reason of having been improperly stricken from the registration list. He admitted that if these 155 votes are not counted for contestant then he fails in his contest.

The returns of the election give Mr. Frost 197 votes majority, and he has the certificate of election and the seat.

These 197 votes must be overcome by legitimate proof.

The burden of proof is upon the contestant. He claims that he is entitled to the seat; and he is to make out his case by a clear preponderance of testimony. Nobody is to be deprived of his seat upon mere guesses or surmises. If a man is to be turned out of this House, the evidence ought to be clear and conclusive, such as to satisfy the mind of any reasonable man.

Let us look at this question. The main point, the gravamen of the argument of the gentleman from Pennsylvania, [Mr. MILLER,] is simply that the city of Saint Louis made a registration law whereby it was provided that before a man should be entitled to vote his name should appear upon the registration list; and the conclusion of the gentleman is that Saint Louis possessed no power, no authority to prescribe that condition to a man's vote. Now, I want to call your attention to this controlling and significant fact. Here in this case before the Committee on Elections was the ablest attorney in the city of Saint Louis, and an ex-member of Congress, appearing for Mr. Sessinghaus. This case was argued at extraordinary length before the committee; every question in the case was evolved; and Mr. Pollard, who argued the case on behalf of the contestant before the Committee on Elections, never raised that question; never pretended for a moment that the city of Saint Louis had not the right to pass this registration law. Elections for members of Congress and State officers for years have been held under that same scheme and charter, yet no lawyer, high or low, ever questioned the validity of that registration law. I repeat that the counsel of the contestant never made the point. It came out in this way: It was casually suggested by one of the members of the committee during the very last stages of the hearing that perhaps Saint Louis had not the right to pass a registration law. That suggestion was at once seized upon, and is now made the turning point in this case.

The contestant had failed in every other part of his case, but like a drowning man he seized upon this straw to save his case.

I want to state another fact. Almost every provision in the charter of Saint Louis, under the constitution of 1875, has been before the highest tribunal, the supreme court of the State of Missouri, and in more than twenty-five cases, involving the liberty of the citizen, right to office, personal property, and almost every other right, the validity of that charter has been sustained.

The authority to frame this "scheme and charter" is derived not from the *Legislature*, but from the *constitution* of the State of Missouri, adopted by the people of that State in the year 1875. (See Constitution of Missouri, Revised Statutes of Missouri, 1879, section 20, Article IX.

SAINT LOUIS.

SEC. 20. The city of Saint Louis may extend its limits * * * and frame a charter for the city thus enlarged. * * * Such scheme shall become the organic law of the county and city, and *such charter the organic law of the city.*

Thirteen freeholders were to frame this charter, and the only *limitation* made by the constitution as to what provisions it should contain is to be found in the following section:

ART. IX, SEC. 23: "Such charters and amendments shall always be in *harmony* with, and subject to, the constitution and laws of Missouri." * * *

If the registration law above quoted and embraced in the charter thus authorized is in harmony with the constitution and laws of Missouri, wherein can such law be unconstitutional?

If there is any want of harmony it can be readily pointed out. It is certainly not in conflict with any registration law passed by the General Assembly of Missouri. Compare the sections of the charter above quoted with sections 4391, 4393, 4399, 4401 of the general registration law passed by the General Assembly of Missouri for all cities of over 100,000 inhabitants, and the most perfect harmony is apparent. In fact, they are almost identical in phraseology.

The city of Saint Louis also adopted an ordinance which contains the same provisions embraced in the charter.

See page 1681 and following of the Record.

The ordinance, the charter, and the law passed by the General Assembly are substantially copies of each other.

If, then, there is no want of harmony, what other reason can be urged to declare the law invalid?

We find it on page 6 of the majority report of the sub-committee:

"True it is the ordinance of Saint Louis provides that a voter 'shall not vote elsewhere than in the district where his name is registered and whereof he is

registered as a resident;' but it is to be remembered that this ordinance was never passed, accepted, or adopted by the Legislature of Missouri, and that the constitution of 1875, which authorized the city of Saint Louis to adopt a charter, also, in another provision, authorized the General Assembly to pass a law for the registration of voters in cities having over 100,000 inhabitants. The power under the constitution to pass such a law was vested exclusively in the General Assembly. An attempt on the part of any other body to make such a law, ordinance, or charter, is, to say the least, of very questionable authority."

The section referred to is as follows:

"ART. VIII, SEC. 5. The General Assembly shall provide by law for the registration of all voters in *cities and counties* having a population of more than 100,000 inhabitants, and may provide for such registration in cities having a population exceeding 25,000 inhabitants, and not exceeding 100,000, but not otherwise."

If you will observe, the constitution, in thus providing for "cities and counties," does not include or refer to the city of Saint Louis. Saint Louis is made an exception from all other cities; and in Article IX, which refers to "counties, cities, and towns," special sections are adopted for the "city of Saint Louis."

In the case of the City of Saint Louis *vs.* Sternberg, 69 Missouri Reports, on page 297, Judge Norton says:

"It will be observed that in Article IX of the constitution, under the head of 'counties, cities, and towns,' Saint Louis is singled out from all other cities and towns in the State, and sections 20, 21, 22, 23, 24, and 25 of the article contain provisions relating exclusively to it."

The fact that the General Assembly was ordered to frame a registration law for "cities and counties" of over 100,000 inhabitants was clearly not intended as a restriction of the full power given to Saint Louis to also frame a registration law, provided it was not in conflict with State legislation.

In the same case Judge Norton continues: "The general purpose that the city might have the power to enlarge its limits and separate itself in a governmental point of view from the county, and have the right as a municipality *to govern itself*, provided its government should be in subordination to and consistent with the constitution and laws of the State of Missouri, *is manifested* throughout the above sections." * * *

"It is clear, we think, from these sections, that it was the intention of the framers of the constitution that the city of Saint Louis might adopt as its *organic law* a charter containing any and all the provisions then in its charter, and such other provisions as would not be *inconsistent* with the constitution and laws of the State."

In re Charles Dunn, volume 9, Missouri Appeal Reports, page 255, the court says:

"An ordinance passed under authority of such a charter must of course be equally in harmony with the constitution and laws of the State; otherwise it will, in so far as it fails of such harmony, be invalid.

"By the word *harmony* in this connection is not to be understood an *exact coincidence* in all possible points of comparison.

"Its meaning is clearly that no regulation established by the charter, nor any made by its authority, *shall do violence* either to the declared laws or to the policy or manifest governmental purposes of the State, as shown in her constitution and statutory enactments."

As has been observed, instead of there being any want of harmony, any inconsistency, any violence to statutory enactments, the charter ordinance and statutory enactments are in perfect accord.

Besides the registration law embraced in the charter of Saint Louis is by special enactment of the General Assembly adopted and recognized as the law governing elections in that city.

Revised Statutes of Missouri, 1879, volume 11, page 1082.

"SEC. 5503. Elections in Saint Louis—conducted how. All elections in the city of Saint Louis shall be conducted in all respects as provided by the laws now in force regulating elections in said city."

What does the General Assembly mean by "the laws now in force governing elections in said city," and why does the statute *single out* Saint Louis, and as to it make such a special provision?

Saint Louis had a registration law of its own; that was in its charter; other cities did not have registration laws of their own, and hence it was necessary to single out Saint Louis.

If there is any further doubt that the registration laws of Saint Louis is what is meant by the "laws *now in force* regulating elections in said city," it is but necessary to turn to the Revised Statutes of Missouri, where the charter of the city of Saint Louis is published with the State laws.

Revised Statutes of Missouri, volume 11, page 1575.

This publication was incorporated in the revised statutes of the State of Missouri not by chance, but by direction of the General Assembly.

Revised statutes, vol. 1, title "Laws," section 3158.

There can be no question that when they use the language, "*laws* now in force," in section 5504, and "except as *otherwise provided by law*," in section 5563, the registration laws of Saint Louis as contained in the charter and printed with the revised laws of the State, were referred to as existing laws.

This being the case, instead of there being want of harmony, there is not only perfect harmony, but a legislative adoption of these very laws in question.

We must, therefore, conclude that these registration laws are valid.

My friend from Pennsylvania says, at the time of the election in 1880, there was no law prescribing registration, and the city of Saint Louis prescribed registration which was a qualification *not* required by the constitution. To this point I reply that the charter of Saint Louis requiring registration of a voter is not considered in a constitutional sense as adding any qualification at all. It has been decided not only in Pennsylvania, but in every State of the Union, that the right to vote is not a natural right, but is a right which depends upon law. Mr. McCrary and all the other writers on this subject say that requiring registration on the part of the voter is nothing more than adopting a rule or regulation. That is the decision in all the States.

McCrary, in his Law of Elections:

"The right of suffrage is not a natural right, nor is it an absolute unqualified personal right. It is a right derived in this country from constitutions and statutes. It is regulated by the States, and their power to fix qualifications of voters *is limited only* by the provisions of the fifteenth amendment to the Constitution, which forbids any distinction on account of *race, color*, or *previous condition* of *servitude*."

41 Mo., Frank P. Blair *vs.* Ridgley, page —.
Huber *vs.* Reilly, 53 Penn. State R., 115.
Ridley *vs.* Sherbrook, 3 Cold., 569.
Anderson *vs.* Baker, 23 Md., 531.
Brightly Election Cases, 27.
See also sec. 3, page 9.

And again:

"Subject to the limitation contained in the fifteenth amendment to the Constitution of the United States, the power to fix the qualifications of voters is vested in the States. Each State fixes for itself these qualifications, and the *United States adopts the State law upon the subject as the rule in Federal elections.*"

Sec. 1, chap. 1, page 7.

It was strongly urged in his behalf that the law requiring registration was in violation of the constitution of the State of Missouri, because it was adding an additional qualification.

In Capen *vs.* Foster, 12 Pick, 485, and Brigalley's Election Cases, 51, and McCrary, sec. 7, page 11, in discussing the power to provide for the orderly exercise of the right of suffrage, and the power to enact registry laws, and to prohibit those not registered from voting, it is decided that such laws *do not add to qualifications* of voters; they are simply rules *regulating* voters.

And McCrary says, sec. 7, page 11: "It is *now generally admitted* that those laws *do not add* to the *constitutional qualifications* of voters, and are therefore not invalid."

It was also urged that the law requiring registration was not "*imperative*" or positive, within the meaning of the rule laid down in McCrary.

The language of the law could not be more positive. It reads thus:

"But *shall not vote* elsewhere than in the district where his name is *registered* and whereof he is *registered* as a resident."

Revised Statutes, vol. 11, page 1576.

Now, here is the constitution of Missouri conferring on cities of the first class having over one hundred thousand inhabitants the right to govern themselves in everything not in conflict with the constitution of the State. I ask gentlemen upon the other side to show me how the requirement of registration is in contravention of that constitution, when registration is not regarded as a qualification at all, any more than the requirement in the charter that a man shall reside in his precinct 10 or 20 days before the election is a qualification. It is a rule or regulation, simply, and not a qualification.

These 155 men lived in the city of Saint Louis, and had no right to vote there, except by complying with the provision of law regulating that matter. It is admitted that they did not do so. Here was a board of registration, whose duty was to examine the registration lists and correct them, and their action was judicial, and these 155 names were struck off. There was no fraud in this respect. The men never used the means provided by law for replacing their names upon the list. Therefore they had no right to vote. This alone should end this case.

Mr. BRUMM. Does the gentleman contend that a city council can by its ordinance regulate the mode of election of State officers as against a State law conflicting with such ordinance?

Mr. MOULTON. Nobody claims any such thing, or has said any such thing. My proposition is that the constitution of Missouri granted to the city of Saint Louis ample and complete power to require registration. That is the point I make. The city derived its full power from the constitution of the State.

Mr. BRUMM. Does it grant power to pass an ordinance in conflict with a State law with regard to the election of State officers? Does it go that far?

Mr. MOULTON. It does not. I wish to say, Mr. Speaker, that the charter and law of the State are in absolute harmony. So much for that. Now it remains alone for the Elections Committee of this House to say to the able judges and lawyers of the State of Missouri that they did not know their own law. This charter is published in the authorized edition of the laws of Missouri. It is recognized as law, absolutely and completely as any statute of the Legislature, not having its power from an act of the Legislature, but from the very highest source, the Constitution itself. It never has been questioned till now.

I desire now to call the attention of this House to another great fact developed in this case. The only value that a deposition has as evidence is its integrity. If its integrity is destroyed no court of justice will regard it as evidence. Now look at the testimony and facts concerning this case. Here are 3,000 pages of testimony taken by the notary public, and it has been shown by the affidavits of parties, and not denied, that after it was transcribed the whole of that evidence went into the hands of Sessinghaus's attorney. The notary public swears, in his affidavit appended here to the minority report, (and he also appeared before the committee,) that the papers showed on their return to him that various and sundry changes had been made in names, dates, numbers, and the like. The gentleman from Missouri, [Mr. DAVIS,] a member of the committee, pointed out to the committee and made a memorandum of over one hundred changes in the handwriting of Sessinghaus's attorney. My friend from Ohio [Mr. RICHEY] on the committee, also showed, on a partial examination, forty or fifty changes in the spelling of names and places and in dates.

Now, this whole case turned on names, dates, numbers, and streets. Did such a man live in such a house at such a time in such a street and such a number. I wish to direct your attention particularly to this fact. The notary public was called and requested to bring his original stenographic notes, so as to compare the evidence. That notary public swore that, notwithstanding he knew this case was being considered by the House and undetermined, and that the integrity of the depositions were in question, nevertheless he absolutely destroyed every particle of the original stenographic notes. His notes were a part of that testimony, and yet every single particle of it he destroyed.

Mr. HOOKER. I should like to ask the gentleman from Illinois a question.

Mr. MOULTON. Certainly.

Mr. HOOKER. Do I understand that the testimony taken in this

case was in the custody of the representative of the contestant after it was taken?

Mr. MOULTON. Yes; every word of it was in his custody.

Mr. HOOKER. And altered by him?

Mr. MOULTON. Yes; altered in hundreds of places in the handwriting of Sessinghaus's attorney. When the notary public was called before the committee he was asked to bring his original memorandum. He came before the committee and swore that he had burned the whole of it. This evidence appears in our report. He burned it so that we could not examine it, and determine what was true and what was false. Yet upon that testimony you are called upon to turn out Mr. Frost, who has 197 majority, by reason, as you say, that these 155 were improperly deprived of their votes. How do you know? The integrity of this evidence has been disputed, and no court, not even a justice of the peace, would, in the trial of the smallest and most trivial case in the world, allow it to come in. Here this notary public swears that the opposite party had the record in his possession and made these changes in it, and, furthermore, that he himself destroyed his original memorandum, and yet you are called upon to vote Mr. Frost out and Mr. Sessinghaus in for the purpose of giving the latter $10,000 salary and $1,000 mileage.

Now, one word as to the law bearing on the question of tampering with the deposition or evidence.

It is quite clear that the law is scrupulously particular in demanding that the spotless integrity of depositions shall be preserved. It is sensitive to the highest degree in considering a complaint such as we find here. Even in mere *matters of form* it demands the most exact compliance with such formalities as the various statutes may require.

We cite a few cases in which motions to suppress depositions were sustained where mere formal rules were disobeyed:

"2 Washington Circuit Court Report, p. 356: 'A commission which had been executed and returned was set aside because it had been opened by one of the officers of the government before it came into the hands of the clerk.' (United States *vs.* Price's Administrator.)

"Shankwiker *vs.* A. Reading (4 McLean's Reports, p. 240): 'The law requires the deposition taken under act of Congress to be retained by the officer until he deliver the same into court, or shall, together with a certificate of the reasons for taking it,' &c.

"Read *vs.* Thompson (8 Cranch, 70—J. Story): 'Independently of all other grounds, the court are of the opinion that the fact of the depositions not having been opened in court is a fatal objection.'"

1 Brown's Admiralty Reports, p. 66: "Though a deposition be taken under a stipulation, waiving all objections as to the form and manner of taking, it must still be returned to court in all respects as required by law."

The charge of the motion, however, goes not only to form but to substance, and claims that the worst of bad faith was exhibited by the attorney of the party in whose interest the depositions were taken. The court in Beverly *vs.* Burke (14 Georgia, 70), says:

"In deciding as we do, we establish no new rule. We hold that the case presented to us falls within a rule already well settled, and that rule simply is that there must be no circumstances of unfair advantage obtained by one party over the other in having testimony taken by depositions. * * * Many written cases may be found in which it has been held that such depositions should always be taken in good faith. I content myself with referring to but one. In Bean *vs.* Quinby, 5 New Hampshire, 98, the court says: 'The invariable rule by which this court is governed in the admission of depositions is not to receive any which have not been taken fairly and with the utmost good faith.'"

The law does not permit depositions to be drawn by any attorney interested in a cause. The reason of the rule is well stated in these cases following a special statute:

"Hurst & Co. *vs.* Larpim (21 Iowa, p. 484, Lowe, C. J.). Appeal from the order of the court suppressing certain depositions for the reason that they had been written by the counsel for the party in whose favor they were to be read as testimony, instead of its being done by the commissioner designated in the notice. The objection was well made and properly sustained, and that, too, without the slightest imputation on the counsel who officiated as scribe. It was simply a legal impropriety which it was competent for the court to correct and enforce by rule, if need be. The notary is supposed to stand at all times indifferent to the parties, whilst the lawyer, having made himself a partisan, is sufficient to feel a bias in favor of his client. Should he act as scrivener in taking and in after reading it over himself to the witness for correction or approval, contrary, as we think, to the spirit of the statute, however honestly done, it would nevertheless subject him to criticism and suspicion. To relieve him of this left-handed compliment, we hold the court did not err in suppressing depositions."

Again in Allen *vs.* Rand (5 Cond., 522):

"The law will not trust an agent to draw up a deposition for his principal, as by the insertion of a word, the meaning of which is not correctly understood, or by the omission of a fact that ought to be inscribed, the testimony thus garbled and discolored will be false and deceptive. Nor is there a possible argument in favor of such a proceeding.

"The statute, even when strictly construed, is sufficiently lax, when *ex parte* depositions are taken at least, not unfrequently to admit of the poisoning of justice in the very foundations, for if the evidence is untrue or partial the result can never be conformable to right. * * * As the witness ought to be disinterested, so must the evidence be impartial, comprising the whole truth, as well as nothing but the truth, and that never can be rationally expected when a deposition is drawn up by an attorney or agent. * * *

"It is much preferable that, in particular instances, the party should even be deprived of testimony than a principle leading to a widespread mischief should be adopted. It is true that an agent may draw up a deposition impartially, and there is no reason to doubt that the young lady in the case acted with the most delicate integrity. But the statute was made in contravention of wrong and intends not in any case to place confidence where it may be abused."

Such are reasons given for the rule in cases where, in the language of the court, "there is no reason to doubt that the young lady in the case acted with the most delicate integrity."

But this case is broader, and shows that the same disposition and the same delicacy which the court attributes to the party in that case, in which the depositions were suppressed, cannot, under the affidavit of the notary in this case, be given to the attorney who wrote the "marginal suggestions."

We think that the charter of Saint Louis authorized a registration law such as was shown to exist.

That the 155 names stricken from the registration list were in accordance with law, and that the integrity of the deposition in this case has been wholly destroyed, and that Frost is entitled to his seat.

Mr. FROST. I rise for the purpose of asking, by unanimous consent, that the House will hear me for a few minutes before it shall proceed to vote on this case.

Mr. MILLER. How much time does the gentleman want?

Mr. FROST. Half an hour will be sufficient.

Mr. MILLER. If he wants half an hour I prefer he should go on now.

Mr. FROST. For myself, Mr. Speaker, as it is now near the time for taking a recess, I should prefer to be heard when we meet again this evening.

Mr. MILLER. The gentleman has the floor, and let him go on now.

Mr. FROST. If it is not objectionable, I should much prefer to begin my remarks after the recess.

Mr. PAGE. I hope that will be granted, because it is now so near the hour when we are to take the recess the gentleman could not possibly conclude his remarks.

The SPEAKER *pro tempore* (Mr. HITT in the chair). If there be no objection, it will be ordered accordingly.

Mr. MILLER. I have reserved my time, and do not wish to proceed until I have heard from the other side.

Mr. PAGE. Let us take a recess now.

Mr. SPARKS. Mr. Speaker, I hardly think that gentlemen will object to allowing the gentleman whose seat is contested the modest length of time that he asks, thirty minutes, to explain his own case, and to give it to him at the time when he can have some assurance that the gentlemen who are to vote upon and decide his case will be present. There is hardly anybody here now; and there is a principle of fairness underlying this matter which should not be lost sight of.

Mr. MILLER. I have no objection to the gentleman proceeding, as the House has given him consent, if the time is occupied now.

Mr. HOOKER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. I think it has been usual in all contested-election cases, after the debate has been closed both pro and con on the part of the Committee on Elections making the report to the House, to then allow the contestant and the contestee to be heard after the conclusion of the debate. Therefore, I think the request of my friend Mr. FROST, from Missouri, is not at all unusual or out of order, but on the contrary it is in perfect conformity with the precedents, all of which establish the principle that he has a right to be heard before his case is decided in this House.

The SPEAKER *pro tempore*. That, of course, can only be done by unanimous consent.

Mr. HOOKER. But it is governed by precedents, let me say to the Speaker with all deference, rather than by unanimous consent.

The SPEAKER *pro tempore*. But it has been done by consent in each case.

Mr. HOOKER. The precedents are all in the direction that I have cited.

The SPEAKER *pro tempore*. If there is no objection, of course the gentleman can occupy the time now.

Mr. VAN VOORHIS. I want to inquire if by unanimous consent we can not take a recess now, and give Mr. FROST the time that he asks after the recess shall have expired?

The SPEAKER *pro tempore*. It can be done now, if that is the desire of the House.

Mr. PEIRCE. I object.

Mr. CALKINS. Then I ask unanimous consent that we take a recess now until half past 7 o'clock.

Mr. BROWNE. Before that is done I desire to make an observation. By a special order of the House, Friday evenings have been set apart for the exclusive consideration of such business as is reported from the Committee on Pensions of the House. I am willing that this arrangement shall be made, if by unanimous consent the House may meet tonight for business generally.

Mr. HAMMOND, of Georgia. Oh, no.

Mr. BROWNE. And with the understanding that the few cases pending here for consideration, probably occupying the attention of the House not more than thirty minutes, may be taken up and disposed of at some time during the session.

Mr. SPRINGER. Would not the gentleman have the time between now and 5.30 o'clock, the hour fixed for the recess, to take up and dispose of the pension cases on the docket?

Mr. CALKINS. If in order, I make the motion for a recess now.

The SPEAKER *pro tempore*. It is in order to make that motion.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from New York will state it.

Mr. HISCOCK. Mr. Speaker, if I understand the statement of the gentleman from Indiana that the business of the House is limited by the order of the House to pension business, and that no other business can be transacted, I certainly hope that order will be vacated, because we shall probably desire to present some conference reports this evening which will have to be acted upon.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from Indiana as insisting upon the special order to the exclusion of all other business.

Mr. HISCOCK. I move to suspend the rules and vacate the order making this evening a special order for pensions, unless it can be vacated by consent.

Mr. HATCH. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the motion for a recess.

Mr. HISCOCK. We may desire to present some conference reports.

Mr. HATCH. The interruption of this case is all out of order. I demand the regular order.

Mr. HISCOCK. I make the motion which I have indicated, that we vacate the special order for this evening.

Mr. PAGE. I rise to a parliamentary inquiry.

(Here the Speaker resumed the chair.)

Mr. HISCOCK. I have been informed, Mr. Speaker, that there is a special order for this evening limiting the business to be transacted to that of pensions only. If such is the case, then I desire to move to vacate that special order so far as it is limited to pension cases. I repeat it is likely we shall desire to present some conference reports.

Several MEMBERS. And other business.

The SPEAKER. Is there objection to vacating the special order?

Mr. WHITE. I rise to a question of order. I object to vacating the special order to that extent. I object to any other business than conference reports.

Mr. HATCH. I object to vacating the special order.

Mr. CLARK. Regular order.

The SPEAKER. The Chair will state that the special order would not interfere with the consideration of an election case.

Mr. HISCOCK. Would it interfere with the consideration of conference reports?

The SPEAKER. It would not.

Mr. PAGE. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I do not know but what it has been already answered in response to the suggestion made by the gentleman from New York; but I want to know if to-night when the House meets it can not by a majority vote control the business of this evening's session?

The SPEAKER. It can.

Mr. WASHBURN. To any subject?

Mr. RAY. I ask unanimous consent to introduce a report from the Committee on Claims for reference to the Calendar.

Mr. CLARK. The regular order, as I understand it, is the motion made to take a recess until half past 7 o'clock.

The SPEAKER. The Chair is not advised of that. The Chair will recognize the gentleman from New Hampshire if there be no objection.

ALEXANDER SWIFT & CO.

Mr. RAY, from the Committee on Claims, by unanimous consent, reported back the bill (H. R. 1304) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE. I rise now to a question of order. I wish to ask if I understood the Chair to say a moment ago that by a majority vote we can take up any business this evening?

The SPEAKER. The Chair did not say anything of the kind. That was not the question presented to the Chair.

Mr. VAN VOORHIS. A motion had been made to take a recess.

The SPEAKER. The present occupant of the chair knows nothing of that motion.

Mr. CALKINS. I had submitted the motion.

Mr. WHITE. What is the order for this evening's session?

The SPEAKER. It will be time enough to determine that when we reach it. The Chair can not undertake to decide all possible and imaginary questions before they arise.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

A bill (S. 826) for the relief of Powers & Newman and D. & B. Powers; and

A bill (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876;

A bill (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;

A bill (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes;

A bill (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire to present a report from the Committee on Printing.

The SPEAKER. Some gentleman moved to take a recess till half past 7 o'clock.

Mr. CALKINS. I submitted that motion before its present occupant resumed the chair.

The SPEAKER. Does the gentleman from Indiana insist on his motion?

Mr. CALKINS. Several gentlemen desire to present reports, &c., and if there be no objection to entertaining their requests I will withdraw the motion.

FEES OF REGISTERS AND RECEIVERS.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 171) in relation to certain fees allowed registers and receivers.

The bill was read, as follows:

Be it enacted, &c., That the fees allowed registers and receivers for testimony reduced by them to writing for claimants in establishing pre-emption and homestead rights and mineral entries, and in contested cases, shall not be considered or taken into account in determining the maximum of compensation of said officers.

SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts, showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram, at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same not to exceed 10 cents per entry; and the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers.

Mr. HISCOCK. I object.

JOHN P. GREGSON.

Mr. WATSON, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the bill (H. R. 153) for the relief of John P. Gregson; which was laid upon the table, and the accompanying report ordered to be printed.

FEES OF REGISTERS AND RECEIVERS.

Mr. HISCOCK. I withdraw my objection to the consideration of the bill called up a moment ago by the gentleman from Minnesota [Mr. STRAIT].

Mr. HOLMAN. I ask whether or not any gentleman is informed how much the fees are in the aggregate that the registers and receivers under this law would receive which they are not required to account for?

Mr. MAGINNIS. They are required to account for all of them.

Mr. HOLMAN. Yes; but by this bill they are released from that.

Mr. STRAIT. Not at all.

Mr. HOLMAN. These fees do not go into the salaries at all; they are that much extra. And my question is, how much will these fees amount to for the various plats they furnish?

Mr. STRAIT. The fees are very inconsiderable. This bill is recommended by the Committee on Public Lands and by the Commissioner of the General Land Office.

Mr. WASHBURN. Let me say to the gentleman from Indiana that it is more in the interest of the general public than of any individuals.

Mr. HOLMAN. It is very desirable to know how that is. This is merely an addition to the salaries of the registers and receivers, and I think some gentleman would know how much of an addition it would be.

Mr. WASHBURN. You can not tell. You do not know what the call may be for the copies of these papers.

Mr. HOLMAN. Oh, yes; inasmuch as these fees have been heretofore taken into account and to the extent these officers furnished copies. If they furnished copies they charged for them, and that charge was a part of their salary.

Mr. STRAIT. I have said this is recommended by the Commissioner of the General Land Office. There can be nothing exorbitant in it. This is asked in the interest of the settler.

Mr. HOLMAN. I apprehend if we abolish the pre-emption laws and nobody takes up the public lands except those entitled to them under the homestead law, this will be of little consequence. I believe the chief benefit will accrue to speculators. But I will not urge the objection.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUTCHINS. I ask unanimous consent to take up for present consideration House bill No. 6754.

Mr. JACOBS. I object.

WILLIAM ANDERTON.

Mr. TOWNSEND, of Ohio, by unanimous consent, introduced a bill (H. R. 7683) granting a pension to William Anderton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN TREATY AT BUFFALO CREEK, NEW YORK.

Mr. SPAULDING, by unanimous consent, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 7559) providing for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulations of that treaty; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DIBRELL, for the remainder of this day's session, because of indisposition.

To Mr. JOYCE, indefinitely, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, leave was granted as follows:

To Mr. ROSECRANS, to print in the RECORD remarks prepared by him upon the Pacific Railroad consolidation bill. [See Appendix.]

To Mr. CASSIDY, to print in the RECORD remarks upon the Pacific Railroad consolidation bill. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers, as follows:

To Mr. BURROWS, of Missouri, in the case of Abraham Buckholder, now before the Committee of Invalid Pensions; no adverse report.

Also, in the case of John Dickson, for relief (H. R. 3708) now before the Committee on Claims; no unfavorable report.

To Mr. MURCH, in the case of M. Wilber.

To Mr. WAIT, in the case of William Carruthers.

To Mr. HOUK, the commission of Isaac Risenden, as late captain United States volunteers.

JOSEPH C. IRWIN.

Mr. CLARK. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 964 for the relief of Joseph C. Irwin.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph C. Irwin, of Kansas City, Missouri, $8,378.46, in payment and full satisfaction of all claims under contract, and for eighty cavalry horses delivered by the said Joseph C. Irwin to Major J. M. Moore, quartermaster at Fort Leavenworth, Kansas, February 2, 1872, upon the contract of Andrew J. Williams, and for which payment in whole or in part has never been made.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. ALDRICH. I desire to reserve the right to object until the report has been read.

The SPEAKER. There will not be time for reading the report before the hour for taking the recess. If the reading of the report is insisted on the bill had better be withdrawn.

Mr. VAN HORN. I can explain it in a minute. This man had a contract to supply horses, and he supplied eighty of them. The Government has used them; but the man has not been paid because he did not fulfill his whole contract. This bill has passed both Houses at different times, and is recommended by the committee.

There was no objection, and the bill was taken from the Speaker's table, read three several times, and passed.

Mr. CLARK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSS OF THE JEANNETTE.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting the record of the proceedings of the court of inquiry in regard to the loss of the Jeannette and the death of Lieutenant-Commander DeLong and others; which was referred to the Committee on Naval Affairs and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the Court of Claims, transmitting a statement of the judgments rendered by the Court of Claims for the year ending December 3, 1882; which was referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER. The hour of half-past five having arrived, in pursuance of a previous order the Chair declares this House in recess until half-past 7 o'clock this evening.

EVENING SESSION.

The recess having expired the House reassembled at half past 7 o'clock p. m., the Speaker in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. Res. 324) providing for deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate disagreed to by the House to the bill of the House of the following title:

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

The message also announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, to print the report of the Commissioner of Education for the year 1881, 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the Commissioner of Education.

CHARLES H. TOMPKINS.

Mr. DAVIS, of Illinois. I ask consent to take from the Private Calendar and pass at this time Senate bill No. 729 for the relief of Charles H. Tompkins, of the United States Army.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the accounts of Charles H. Tompkins, a lieutenant-colonel and deputy quartermaster-general in the Army, for reimbursement of the moneys actually expended by him in providing himself with quarters and fuel while awaiting orders at San Francisco during a part of the year 1874; and the necessary amount to pay any balance found due to the said Charles H. Tompkins is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the said Tompkins, in the settlement of such accounts, shall not be credited with the amount of any actual expenditure in any one month, or part thereof, greater than was then and there expended by the United States in providing quarters and fuel for officers of like grade.

The SPEAKER. Is there objection to considering the bill which has just been read?

Mr. HOLMAN. Without waiving objection, I hope the gentleman from Illinois [Mr. DAVIS] will state the reason for this bill.

Mr. DAVIS, of Illinois. This bill has passed the Senate, and comes from the Committee on Military Affairs of the House with their unanimous report in its favor.

It simply provides for the payment of the actual cost of quarters and fuel by General Tompkins, of the United States Army, while awaiting orders in San Francisco. The Treasury Department has not paid this amount, because at that time officers of the Army were not entitled to commutation for quarters and fuel, only in kind. General Tompkins having been under orders the Department declined to furnish him in kind with quarters and fuel. It is understood by the War Department and Treasury Department; but there is not any law to pay this money, from the fact that at that time quarters and fuel were not allowed officers in the service, although they are to-day.

There being no objection, the bill was ordered to a third reading; read the third time, and passed.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. JOHN B. READ.

Mr. HEWITT, of Alabama. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House resolution No. 338, and that it be now passed.

The Clerk read as follows:

Joint resolution in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; to what extent, if any, his invention was so used, and whether such use was valuable to the United States, and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to Congress for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the joint resolution; which was thereupon ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LYNCH. I move to suspend the rules——

The SPEAKER. The gentleman will not be recognized at this time to make a motion to suspend the rules.

Mr. LYNCH. Then I ask unanimous consent to take from the Private Calendar and put upon its passage Senate bill No. 1939, which has been favorably reported from the Committee on War Claims.

The SPEAKER. The Clerk informs the Chair that the bill is not at the desk.

Mr. GUENTHER. I ask to have taken up for present consideration Senate bill No. 2060.

Mr. COX, of New York. I call for the regular order.

The SPEAKER. The regular order is the further consideration of the election case of Sessinghaus *vs.* Frost.

Mr. BELFORD. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I understand that under the rule——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BELFORD. I want to state it, because I want to understand this question. I understand that under the rules of this House, restrictive and damnable as they are, any member during the last six days of the session, if he can catch the Speaker's eye and receive recognition, has a right to move to pass a bill under a suspension of the rules. I want to know whether that rule is in operation now.

The SPEAKER. It is; but there is now pending before the House a question of the highest constitutional privilege, which for the time being is entitled to preference. The gentleman from Pennsylvania [Mr. MILLER] is entitled to the floor.

MISSOURI ELECTION CONTEST.

The House resumed the consideration of the contested-election case of Sessinghaus *vs.* Frost.

Mr. MILLER. Mr. Speaker, I understand that the gentleman from Missouri [Mr. FROST], the contestee in this case, wishes to occupy thirty minutes. If he desires that time, I wish him to proceed now.

Mr. FROST. Mr. Speaker, I will proceed at this time to occupy my thirty minutes, if that is the understanding; but within my experience in this House, running over six years, the contestee in all cases has been allowed to have the conclusion of the debate. As, however, the gentleman from Pennsylvania [Mr. MILLER] objects to that in this case, I shall have to proceed now, allowing him the advantage of both the opening and the closing speech.

Mr. PAGE. Mr. Speaker, how long does this debate run?

The SPEAKER. The Chair does not know. The gentleman from Missouri [Mr. FROST] is entitled to the floor for 30 minutes by consent of the House.

Mr. FROST. Mr. Speaker, it must be a gratifying circumstance for any lawyer to have an opportunity of discussing during 30 minutes a record covering three volumes of this size [exhibiting a volume]. Further, Mr. Speaker, it is always gratifying to a lawyer to address a jury that will not give him its attention. Unless I can have the attention of this House, I do not propose to speak at all. I have something to say and shall say it as briefly as possible; but if members of the House do not desire to listen to me, if they do not come here with the idea that they are going to allow themselves to at least hear the argument which may be brought before them, I shall sit down now, and allow the edict which has gone forth to be enacted. But, sir, I know that if this House is appealed to in the proper spirit, as I propose to appeal to it, I shall at least gain its attention so long as I speak to the point.

Any gentleman who has had the slightest experience of election cases in this House is perfectly aware that for some reason this House never does sit upon an election case in the same manner as a court sits when it hears the claim of one individual against another.

Now, sir, I intend no reproach against the majority of this House. I speak generally with reference to the whole system of the trial of election cases as they have been conducted in this House since the initiation of our form of government, and as they have been conducted in the British Parliament, from which we deduce our rules and methods of procedure.

Sir, during two or more centuries contested-election cases in the British Parliament were decided by the King or his ministers. In a contested election from Cornwall, the King or his ministers decided upon the returns of the sheriff of that county. Then the House, the lower House of the British Parliament, asserting its prerogatives, gradually gathered to itself the right of deciding upon the qualifications and returns of its own members; and after a period of two or more hundred years, having gone through the same experience that we have gone through, the House of Parliament discovered that the returns were always made from the Committee on Elections according to the views of the majority in power and the sentiment that was controlling at the time. Now, sir, when the House of Parliament had become fully aware of that fact, as we are aware of it to-day, they then introduced a new rule, which was, that every election case that came before the House should have appointed for its consideration a special committee. And then, under the impression that by that means they could get an opportunity to act in a judicial frame of mind, they determined to appoint this special committee, brought them before the bar of the House, and the Speaker administered to them a special oath that they would adjudicate in a judicial frame of mind upon questions submitted to them. That, as may well be imagined, was a failure, as it had been before.

The Parliament of Great Britain having become satisfied that it was not that kind of a tribunal which, by its very nature and quality could judicially entertain these subjects, it determined by law to attempt at least to go down to the constituencies and to give them a fair opportunity to be heard and to pass upon all questions of fact and law bearing upon the matter of a disputed election, and thus the lower house of Parliament decided that two judges should go down from Westminster Hall into the constituencies and hear the evidence and to decide as they would in any other litigation that might come before them.

Were I a member of the next House my first duty, sir, should be, and I call attention of gentlemen on this side who may be and will be interested in that question, to induce the House to make provision for sending all contested-election cases from the House of Representatives to the district courts of the United States for adjudication. Let them be tried there where we will have an opportunity to be heard, an opportunity to have our evidence presented in a judicial form and that evidence passed upon. And I hope that there will be some gentlemen on our side of the House who will, during the next Congress, be willing to take up that question at the very beginning of its session, and send it to the courts where there may be a fair, impartial, judicial hearing of each election case upon its merits.

Now, Mr. Speaker, by what I say when I speak of a fair and impartial hearing I do not intend to reflect upon the integrity of the members of the Committee on Elections of this House. I have no such idea. I do not intend to impeach their fairness; but I assert, as a matter of fact known to all, that under the system which is now in vogue in this House with regard to the management of cases of contested elections, it is impossible for the Committee on Elections to fairly adjudicate upon every case that comes before it. Not through any fault of the individual members of that committee, but through the fault of the necessary circumstances by which they are involved and which they are unable to control.

Let me put the point to the House, inasmuch as I am momentarily unable to secure the ear of the Speaker. Was there ever a lawyer who, when he found in the course of the trial of a case before a jury that a member of that jury was absent or asleep and had not heard a large portion of the testimony—I ask, was there ever a lawyer who failed to file a motion for a new trial under such circumstances? And I assert that the members of the Committee on Elections have never heard evidence in this case. Nor have they ever read the evidence. I assert, furthermore, that not all the members of that committee have heard fully the argument which has been presented in this case by counsel, if a majority of them heard it at all. They submit the matter to a subcommittee, and they take the opinion of that subcommittee, and the subcommittee never hears the testimony. Sir, we have talked about the questions of law involved in this case to-day, and I hesitate not to assert that if the testimony had ever been listened to by a jury of twelve men, it would be found that my opponent did not have any ground whatever upon which to stand. But it never has been investigated at all.

There is not a single member of the Committee on Elections who knows anything about the testimony taken in this case, excepting so far as it was communicated to him by the briefs of counsel. When our courts decide cases they write judicial opinions. Let any gentleman in this House take up the reports in this case—and I am not talking about this case especially, but about all election cases—let any gentleman take them up and ask himself if that is the kind of a decision that a judge would render. Why, sir, they are but the briefs

of counsel. They are not judicial decisions. They do not make any pretense to be judicial decisions.

Of course in the time at my command I can have no opportunity to read the testimony or to bring it before the attention of this House. But, sir, I am in a fortunate predicament in my case; I have one proposition that I believe will settle this case in the mind of every gentleman upon this floor who has ever read Blackstone. We cannot, as a general proposition, go into the discussion of questions of fact. We have not the time. We have not the opportunity; it is impossible that gentlemen should attend to their business upon this floor and investigate these cases.

But, sir, I have the proposition here which every man who has ever read Blackstone must recognize as being perfectly impregnable. It is in evidence that when this case was first tried, after ninety days, and I will say ninety nights, of testimony, after several bulky volumes of testimony had been taken, the notary who had been employed in the taking of the depositions handed that testimony over to one of the attorneys for my contestant. And here I desire to say that in any remarks I make I do not intend to reflect upon the contestant in this case, Mr. Sessinghaus. Our relations have been perfectly friendly and amiable, and will be whatever may be the termination of this cause. He is a gentleman. But, sir, one of his attorneys, Mr. Lyne S. Metcalfe, jr.—I have to mention his name; I wish I did not have to do it, but the record compels me to do it—went to the notary, asked him to deliver to him the testimony in this cause, had it in his possession, and altered it. Two gentlemen who were on the subcommittee having charge of this case, [Mr. RITCHIE and Mr. LOWNDES H. DAVIS,] investigated the condition of the record, and they reported that they had not examined everything, but that they had found on it two hundred marginal alterations, which had been adopted by the notary. I employed a gentleman in this city who found eighteen hundred alterations made by Mr. Metcalfe in this testimony.

Mr. CLARDY. Changing the numbers of the houses, and thus making or unmaking voters.

Mr. FROST. The question in this case turned on registration. If a man lived, for instance, at 1810 Franklin avenue, he was in my district and entitled to vote. If he lived at 1811, he was across the street in another district, and was not entitled to vote. And the alteration from a zero to 1 made the difference whether he was a voter in my district or had fraudulently intruded himself. Eighteen hundred alterations were made in that testimony by Mr. Metcalfe, and, according to the sworn testimony of the notary, adopted by him as evidence. As to the good faith of this man Metcalfe I can suppose that the attorney in the cause might have had some reason to get possession of the depositions for perfectly honorable and honest purposes. But sir, in the office of my counsel, I met Mr. Metcalfe, and here is the affidavit which I made, corroborated by the affidavit of my counsel, an affidavit which Mr. Metcalfe has never dared to contradict. I will read it to the House. Or I will ask the Clerk to read it.

The Clerk read as follows:

GUSTAVUS SESSINGHAUS, CONTESTANT,
vs.
R. GRAHAM FROST, CONTESTEE.

In the matter of contest in the third Congressional district of Missouri.

R. GRAHAM FROST, being duly sworn, on his oath states that:

I was present at the office of Donovan & Conroy, in the city of Saint Louis, on the 10th day of November, 1881.

Mr. Donovan informed me that he had heard that all the depositions given on behalf of Gustavus Sessinghaus in his contest had, since they were taken by Notary Kraft, been in the possession of his counsel, Lyne S. Metcalfe, jr.; that also all depositions taken on behalf of myself had, at the request of Lyne S. Metcalfe, jr., been delivered to him by Notary Kraft.

We were conversing about this extraordinary proceeding when Lyne S. Metcalfe, jr., entered the office.

Mr. Donovan said to him, "Mr. Metcalfe, you must have your brief on the contest already prepared, for I understand that you have during the summer read over all of the testimony."

His reply was, "Oh, no! I did not have the testimony; I had only my depositions of one day, and that was the day the city ordinances were introduced. I wanted to see if the ordinances were reported correctly."

I made a note of this answer just as it fell from Mr. Metcalfe's lips; and when Mr. Donovan talked with him again about having understood that he had had the testimony, he positively denied that such was the truth.

R. GRAHAM FROST.

Mr. FROST. Now, sir, he denied positively to my attorney that he had had that testimony. And the record shows, by the letters written by him to the notary, that he had had all of it. Sir, when he told me and my counsel that he had not had that testimony, he had actually had it all in his possession. He had mutilated it; he had altered it. And the notary himself admits that he had adopted the marginal notes suggested by the counsel for the contestant. And further, he had erased in the face of absolute objection, made during the trial, important testimony in relation to certain witnesses.

After we had come here and after we had offered here the motion to suppress that evidence, because it was not evidence that any court would have entertained for a moment; after we had notified the notary that we wanted his original notes, so as to compare them with the testimony; and when the committee finally subpœnaed him, he came forward and declared that he had destroyed his notes in the interim between the time when we had impeached their authenticity and the time when he was called before your committee to substantiate their authenticity.

Now, sir, do we not then have here the fullest evidence of bad faith? But apart from the question of bad faith, if I had time to talk here about questions of law I could quote authority after authority. The reports of the courts of this country, of the Supreme Court of the United States, and of the courts of the States are full of decisions insisting upon the absolute necessity of the integrity of depositions, that they shall be guarded with the most sedulous care.

I should like to read some of them, but I have not time. It is unnecessary to take up the time of the House upon an elementary proposition of law like that.

Easily we may get into a cavil or a dispute about a fact. The gentleman from Pennsylvania [Mr. MILLER] may get up and dispute with me as to a question of fact, and honestly we may differ. The House having never heard it, gentlemen may properly vote with their respective parties.

But I bring before you a proposition which no lawyer and which no court would fail for a moment to sustain. You heard to-day the eloquent speech of my colleague and friend from Saint Louis [Mr. CLARDY], and of my friend from Illinois [Mr. MOULTON], upon the registration laws. You heard the statement made by them that the attorney of the contestant, Mr. Pollard, an ex-member of this House, a member of the Forty-fifth Congress, never raised in his brief any question upon that point; never thought of it. There is not a lawyer in the city of Saint Louis to-day, I undertake to say not a lawyer in the State of Missouri, who would attempt to attack the validity of the registration laws of that State.

When the Committee on Elections had, however, failed to substantiate any of the extravagant declarations contained in the petition in this case, when the committee had got itself into that condition that it could find no foothold from which to make a favorable report in behalf of my friend, Mr. Sessinghaus, having tied a knot so tightly that it could not unloosen it, its majority was mindful, I doubt not, of that maxim which you, Mr. Speaker, may remember, if you are only listening to me, from the *Ars poetica* of Horace—*nec intersit deus, nisi sit dignus, vindice nodus*—never call upon a divinity, unless the knot itself requires for its untangling divine interference. In the Latin, *Deus* meant either a divinity from above or a divinity from below; and there was no way of distinguishing between the two. I do not know from what region this divinity came. But as the committee had got itself thoroughly entangled, a divinity was wanting. And the great constitutional lawyer from Pennsylvania, [Mr. MILLER] arose, and like Alexander, when he would not untie the knot, he cut it with his trenchant sword.

That great constutional lawyer suggested to Mr. Pollard and to my contestant a point which they had never thought of, a point which no lawyer in the State of Missouri had ever thought of, for our supreme court and our bar have not had those unique advantages of instruction in constitutional law which are possessed by the gentleman from Pennsylvania.

If I were to attempt to obtain justice in this case, as I would before any court in the land, I should require at least two or three hours. But I do not propose to detain the House any longer; simply in closing I wish to say that from my experience, from what I have seen in this House, I know the fiat has gone forth. My head is in the hangman's noose, and the only question is, when shall the drop fall?

Several MEMBERS. No. No.

Mr. FROST. I can congratulate myself upon the fact, however, that my exit from this Hall will be a matter which will concern the public very little. But you, too, Mr. Speaker, in a few short hours, will quit that chair, and your party will quit this floor, and this to the satisfaction of all, not by the decision of a malignant partisan tribunal which has not heard your case, or pretended to hear it, but by the impartial, well considered verdict of the public which has judged you, sir, and judged your party. A decision has gone forth against you and your party which I hope will keep—not against you personally, Mr. Speaker, because to you I wish every prosperity in life, and everything that may be happy and felicitous—but the edict has gone forth from the American people that neither you nor your party shall hold power in this country for at least the next two years; and this edict is more powerful than any which the majority of this House may yet proclaim during its short term of power.

If I have any time to spare I will yield it to my friend from Mississippi, [Mr. HOOKER].

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. HOOKER. I will not take those two minutes now. I hope to get something added to them. If the gentleman from Pennsylvania [Mr. MILLER] will put fifteen minutes more on, I shall then like to speak.

Mr. MILLER. I have not enough time to do so, or I would.

Mr. HOOKER. Then put on ten minutes after you speak.

Mr. MILLER. If I can I will do so. I will now yield ten minutes to the gentleman from Texas.

Mr. JONES, of Texas. I shall occupy the attention of the House but a few moments, and in that time I will endeavor to call attention to the real issue in that case. That issue can be best presented by stating the facts out of which it arises.

This contest grows out of the rejection of the ballots of certain persons who had been duly registered, but whose names had been stricken

from the registration-list by the board of revisers in the city of Saint Louis a few days before the election took place.

The question is not whether the parties were registered voters or not. They had registered. That fact being kept in mind, this case is relieved of a great deal of unnecessary legal learning and technical quibbles. The ordinance under the authority of which these names were dropped provided that the board of revision should strike from the list the names of persons who had died or removed. These names, among others, were stricken from the list. Bear in mind, the only two cases in which names could be thus stricken from the list were removal and death.

On the day of the election these persons whose names had been stricken from the list presented themselves at the polls and tendered their ballots, having complied fully with all the requirements of the law or the ordinance of registration, having done everything that the law required them to do. But on presenting themselves at the polls to vote in virtue of their right, they having fully complied with all the conditions precedent to the exercise of that right under the laws of the State of Missouri as well as the ordinance of the city of Saint Louis, they were surprised to find their votes challenged. They proposed then and there to qualify anew under the laws; in other words, to comply with the law providing for registration at the ballot-box. But they were denied the right to do this upon the ground that their names had been stricken from the list, and therefore, and therefore only, they could not, as voters might do who had never been registered, qualify then and there and vote.

The ordinance did not provide for cases of this sort. The authority given the board of revision to drop names was to be exercised when a man was dead or had removed. If he was not dead, if he had not removed, if in fact he was still alive and a resident, what was the legal effect of the act of the board in striking his name from the registration-list? Is there a lawyer here or elsewhere who would have the hardihood to deny the proposition that the act of the board of revision was simply and absolutely null and void? If this act was based upon the assumption or hypothesis that the man was dead, when in fact he was not dead, the legal sequence inevitably is that he was qualified to vote and could not thus be deprived of his right.

That is all there is in this entire case. There is no question that the men were qualified to vote, no question that they had complied with the law, had done everything that the law prescribed. They had been registered and came to the polls to vote. If they had never registered they were entitled to be registered at the polls; but they were solemnly told, "You are dead; notwithstanding you are here in person the decree of this high tribunal, emanating from that divinity below referred to by the contestee, has declared you dead, and as dead you shall be treated."

I understand from this testimony that there were about 12,000 of the 60,000 registered voters in that city stricken off at that time. Who ever heard of such slaughter in ten days? It surpasses Samson with his bone killing the Philistines. Why, sir, if this be law, what an easy matter to disfranchise whole communities! Whether the ordinance be valid or invalid, it amounts to nothing. There is the naked question. Taking the ordinance and assuming its validity by the statutes of Missouri, still these men were qualified under the ordinance and had the right to vote. Hence all this discussion of constitutional and other questions amounts to nothing in the world. Stripping the case of all sophistry and coming down to the point, it is just this: Was this extraordinary board of revision endowed with such superhuman power that it could sit in the recesses of dark chambers and kill 12,000 freemen at a single dash of the pen? [Laughter.] Why, sir, if such a thing could be accomplished there were 12,000 homicides perpetrated—nay, murders, because the testimony shows it was done deliberately and with malice aforethought. [Laughter.]

Mr. FROST. Will the gentleman allow me a question?

Mr. JONES, of Texas. Yes, sir.

Mr. FROST. Is the gentleman aware of the fact that since the time to which he alludes we have elected my very excellent friend, Mr. Ewing, Republican mayor of the city of Saint Louis, who appointed a revising board, and that in the last election that republican revising board struck off 15,000 names? Is the gentleman aware of that?

Mr. JONES, of Texas. Well, what does that prove? If it proves anything it simply proves that Republicans are sometimes as bad as Democrats; and so far as I am concerned, the Lord deliver me and mine from both. [Laughter.]

Mr. FROST. No, sir; it proves that the gentleman lives upon a broad prairie country and not in a large city.

[Here the hammer fell.]

Mr. JONES, of Texas. As I have been interrupted, I would like a minute or two more.

Mr. MILLER. I yield the gentleman five minutes more.

Mr. JONES, of Texas. Now, Mr. Speaker, after a discussion of these points it is hardly worth while to take up any other question, because I think the points I have presented supersede the necessity of considering others.

I want to present this point. The statute of Missouri providing for registration in its application to cities of the first class, and the city of Saint Louis is one of them, requires the board of revisal to meet thirty days before the election, and sit ten days, and ten only. So the term fixed by the statute expires twenty days before the election. By the ordinance of the city the board in that city meets twenty days before, sits ten, and then expires. What follows? If the law of Missouri is paramount to that of the city regulating Federal and State elections the time for revision had expired before the city board met, and their proceedings, to use legal parlance, was *coram non judice*, and not worth the snap of your finger because of want of jurisdiction. That is all I have to say. [Laughter and applause.]

Mr. MILLER. I now yield for five minutes to the gentleman from Missouri [Mr. DAVIS.]

Mr. DAVIS, of Missouri. Mr. Speaker, I did not intend to say anything in this case. And why? Because I have argued this matter, I thought, once before this House, and they did not pay any attention to it, and therefore I did not propose to say anything this time. And what point did I make then? It was that the man who was interested in the case had the testimony in his hands, not only for one day and one week, but for months, and did just as he pleased with it. I said, as I understood the law in this country, that any court would suppress that testimony and never permit it to be read. But this House decided differently.

Now, every man who is acquainted with the facts in this case knows that this man—I believe his name is Metcalf, or something like that—had this testimony in his hands not only for one day but for weeks and months; and after having testified that he did not have all of it, and what he had only for one day, it was proved on him he had all of the testimony all the time.

I say, Mr. Speaker, I did not intend to say anything about this, but if there is one conviction in my mind it is that these election cases should be decided according to law. Whenever we leave that course we leave everything to be decided according to political predilections and feelings.

But there is one thing which occurs to me in this matter, and that is that this notary public had permitted the attorney on the other side to take this testimony, and as a member of the sub-committee which examined it I found one hundred and eighteen changes made by that attorney, every one of which was adopted by the notary public, as he stated, without comparison with his original notes. I said that was sufficient for me in this case.

But what happened after that? On the investigation of this matter it came out that he had burned all his original notes—destroyed them—thereby leaving the committee in doubt as to what should be done in the matter. He thereby left us without the means of testing whether he had testified to the truth or not.

One more point and I am through. This case has been fought point after point and day after day, and finally it all settled down to one thing, and that is whether the city of Saint Louis had a registration law or not. How do they determine that matter? Simply by denying they had any registration law. We all know this, that when you cite a decision of the Supreme Court of the United States you take a report of the decisions of that court; whenever you cite the law of a State you take the statutes of that State. Here the statutes of the State of Missouri show that registration was provided by the city of Saint Louis, and yet when apprised of that fact they say there was no registration provided by the State of Missouri, when the statute itself says there was such a law.

But I do not rest this case on that one point. If we have any law in this country, if we are to be governed by laws which guide us in other matters, let us not seat a man here on testimony handled by the attorney on the opposite side and changed to suit his own purpose.

[Here the hammer fell.]

Mr. MILLER. How much time have I left?

The SPEAKER. Eighteen minutes.

Mr. MILLER. Mr. Speaker, I shall spend but a moment in answering one or two questions which have been raised by the contestee and by the gentleman from Missouri who has just preceded me.

And first, as it has been spoken of by two gentlemen, relative to the testimony, let me say that the committee, in order to assure itself that the testimony had not been tampered with, summoned the stenographer who took all the evidence in the case from Saint Louis before it, examined him in the committee-room, and he testified that after he had gone over his stenographic notes and compared the testimony as transcribed by him and his clerks, and signed it and sealed it, that it was never out of his hand until it came to this House and got into the hands of the Clerk of the House. He said that naturally in the transcription of the testimony there were some blanks and errors that had crept into the stenographic notes of his assistants who had transcribed the copy which had to be supplied; for you may well imagine that when we have this mass of testimony, comprising as it does 3,000 printed pages, and which had been dictated from the notes of the stenographer to five clerks or amanuenses and afterward rewritten from their shorthand notes, that some errors would inevitably creep in.

The clerks in taking down in shorthand from dictation and then in transcribing their notes made some omissions, according to the stenographer's testimony, and made mistakes which he discovered and testified to, and which he had found on comparison with his notes had been made and which he corrected. It is true that the attorney in going over the testimony marked on the margin of the paper what he thought the cor-

rections were, but the stenographer swears that he never adopted a suggestion made by the attorney until after he had compared it with his own original stenographic notes, and saw that the correction suggested was proper. When that suggestion was right the stenographer swears that he adopted it. When it was not right he swears that he did not adopt it; and after he had done that he corrected it page by page with his original stenographic notes. No man tampered with it; no man wrote on it; no man inserted anything in it, and the committee found that the facts are as I have stated, and his testimony is printed with the record of this case, where any man can see it for himself.

Now they say he destroyed his stenographic notes. Why? Because, according to his own testimony he was told that the case was decided. He had gone out of the business, and found, in cleaning up his office, the notes in this case, together with all of his work for ten years past, making a large mass of papers which was lumbering up his room, and he burned not only these notes but everything else of that kind that he thought useless, and that, too, six months before he was summoned to come before this committee.

Mr. WILLIS. As one of the jurymen in this case let me ask——

Mr. MILLER. I cannot yield for a question. There was not a single gentleman who heard the testimony or who knows the facts who doubted the veracity of the stenographer.

Mr. WILLIS. I say as one of the jurymen in this case, Why were those notes destroyed? They should be produced.

Mr. MILLER. I must decline to yield the floor. I have given the gentleman an answer. I repeat what I was saying, that any man who reads his testimony will have no doubt either of the integrity, the intelligence, or the veracity of that man to whose testimony I am now referring.

Enough for that. The gentleman from Missouri stated that they might have acted in revising this list of voters under the law of the State of 1877. Ah, they might! But the fact is the city of Saint Louis, by an ordinance published in this testimony, adopted on the 12th day of July, 1878, provided differently. They passed an ordinance, which is published in this testimony from page 1681 to 1700, in this volume which I hold in my hand, containing a complete system of registration, and they amended one section of it afterward, on the 20th day of August, 1878. That ordinance differs from the general law of Missouri as applicable to other cities and to other localities in that it requires but twenty days before election for the meeting of the revisory board, while the general law requires them to meet thirty days before for this purpose. And the evidence is, as is shown by the record on page 134, that the clerk of the board of revisers swears that they met twenty days before the election and adjourned ten days before the election, showing that they followed letter for letter the ordinance of Saint Louis of July and August, 1878. Will some Democrat tell me that a city council can pass a law providing a system of registration, providing that registration shall be a prerequisite to voting, when the Constitution of the United States provides that the Legislature of the State, and the Legislature alone, shall determine the manner of holding elections for Representatives? It is absurd.

They might have acted under the law of 1877, said the gentleman from Missouri. Ah, but the clerk of the board of revisers swears that they did not. But the attorney for the city of Saint Louis testifies in this case that he prepared the rules and regulations which were issued to every board of election officers, swears on page 1814 that they followed the ordinance, and that he knows of no other law than the ordinances of Saint Louis which govern elections in that city.

I shall not go, Mr. Speaker, into the question as to the manner in which the names were stricken from the list. Suffice it to say that the first thing they did was to pass a resolution that each member of the board should make out a list of names of persons that he thought ought to be stricken off, and that having written them and without reading them to the other twenty-seven members, without having submitted them to the other twenty-seven members of the board at all, they were sent up and the clerk was instructed by the board to strike them out.

Mr. HOOKER. If that ordinance is void, how is Mr. Sessinghaus elected?

Mr. MILLER. The committee does not claim that the entire ordinance is void; only so much as requires registration as a prerequisite to voting. He was elected by virtue of the ordinance, laws, and the constitution of the State of Missouri. We counted the vote of every man that had been in the State one year and was a native-born or legally naturalized citizen and who had resided in the election district the number of days provided by the constitution of Missouri. And we counted no man's name unless we were satisfied that he had the constitutional requirements to authorize him to exercise the right of franchise.

But, sir, if the registry law was legal that was in force then, I charge that the board of revisers acted so carelessly, so illegally, so fraudulently, as appears by the testimony in this case, in striking these names off, that those votes should be counted on the principle that parties did all they could to qualify themselves to cast their votes at the November election of 1880.

Why, sir, I remember one case of a man who was born in Saint Louis, who had lived there all his life, who had lived in the same house for five years. He had been registered by this board. He had never moved his residence. His name was stricken off. He went to the polls to vote. The election officer knew that that man had lived in the same house for five years; he knew he had lived in the city for twenty years, but he could not receive his vote. But that man's son who lived in the same house with him and who slept in the same house with him, voted the Democratic ticket and his name had not been taken off, and he voted. Do you say that the father's vote should not be counted when he had done all the law required him to do granting it to be constitutional; when he had gone and registered, when he had lived in the same house for five years and never moved out? Yet his name was stricken off, although the section provides that no man's name shall be stricken off unless he has moved from the election district or died. Had he moved? No. I need not ask if he had died. Was not his name illegally stricken off? Had he not done all he could? Ought this House not to count that vote? If not, why not?

Of the one hundred and fifty-one names some of the cases are not so strong as that. But they are names of men who had lived in the city some of them all their lives, some of them for ten years; some for five years; all of them citizens; and when they came to vote the only reason their votes were not taken was because this board had illegally, if not fraudently, stricken their names from the list. We counted those votes.

Now, Mr. Speaker, I have said all I desire to say. I have presented this case to the House as I found it. I have presented it as it was found by eleven members of the Committee on Elections. The gentleman from Missouri thought I originated this plea. If I did, it was argued before the full Committee on Elections by two eminent lawyers of Saint Louis, each of them being given one hour. The contestee's attorney was given an hour to point out wherein that position was wrong, if it was wrong. He presented his case to the full committee with eminent ability; and after he had presented it, after he had argued the legal proposition, then other members of that committee, Mr. JONES of Texas, Mr. RANNEY of Massachusetts, Mr. CALKINS, the chairman of the committee, Mr. PAUL of Virginia, and other members of this committee to the number of eleven, counting myself, agreed that the conclusion was irresistible. And it is not my report, it is the report of the eleven members of the Committee on Elections. And if it is something new that the lawyers of Saint Louis never thought of, they can think of it from this time on; and if there is anything wrong in it, they can pick it to pieces.

Mr. SPRINGER. Will the gentleman from Pennsylvania allow me to ask on what ground he claims Mr. Sessinghaus is elected if the ordinance was void and Mr. Frost could not be elected?

Mr. MILLER. On the ground that the men who voted for Mr. Sessinghaus or offered to vote, making a majority of 168, were legal voters of Saint Louis under the constitution of the State of Missouri, authorized to exercise the elective franchise by virtue of the constitution and laws of that State, and we believe that the Congress of the United States has authority and power to inquire into the fact as to what the constitution of the State is, as to what the qualifications of voters are, as to what their conduct was at the election, and for whom they voted. And I say if a majority of the legal voters of a district, qualified by the constitution, cast their votes for a given man, and there was no law to prevent them from being cast, their votes ought to be counted. I have never claimed that the entire ordinance was void; only so much of it as made registration a prerequisite for voting.

Mr. HOOKER. How much time is the gentleman from Pennsylvania going to give me?

Mr. MILLER. How much time have I left?

The SPEAKER. Three minutes.

Mr. MILLER. I yield the balance of my time to my friend from Mississippi [Mr. HOOKER], all but the last half minute. I yield him two and one-half minutes.

Mr. HOOKER. I have simply to say to the House that if the argument of the gentleman from Pennsylvania [Mr. MILLER] is worth anything it knocks the bottom out of his own case as he has reported it to the House; because if he insists that the direction by the city of Saint Louis as to the method of registration and revision was wrong, then the very man for whom he reports was elected under this same system of registration and revision. Is not that so?

Mr. MILLER. Not at all; he was elected by virtue of the constitution and the laws of Missouri.

Mr. HOOKER. Ah, was he, indeed? But he lived in the city of Saint Louis, and his friends voted for him under the law of the city of Saint Louis precisely as did the friends of my friend from Missouri, [Mr. FROST].

But I have one thing to say in reference to this whole matter, that upon the very threshold of this case, Mr. Speaker—or gentlemen of the House, for as I have not the attention of the Speaker, I will address myself to you—on the very threshold of this case the honorable gentleman from Pennsylvania [Mr. MILLER], the chairman of the Committee on Elections [Mr. CALKINS], and all the other members of the committee, came before this House acknowledging the fact that the chief witness in this case, as to the merits of this election, as to whether it was honestly and fairly conducted or dishonestly and unfairly con-

ducted—they came before this House with the admitted fact that the chief witness, the stenographer who took the testimony, after the evidence had been closed and in contravention of every principle of law which prevails with reference to the taking of testimony before courts of justice or before tribunals which have to decide law questions, allowed the attorney of the contestant to make marginal notes directing the stenographer what he considered to be the true rendition of the testimony of the witnesses.

Is not that the fact, gentlemen of the House of Representatives? The stenographer swears that he burned the original notes and adopted the suggestions of the attorney of the contestant and made them a part and parcel of the evidence which was transmitted to the House of Representatives in regard to the mode and method of this election. Is not that true? Can anybody deny it on the part of the Committee on Elections? Does the gentleman making this report from the committee or the chairman of that committee deny it?

It is like burning the Bible and trusting to hearsay as to what it contains. It is like burning up the records of a court and then trusting to the hearsay of witnesses. I am sure that my distinguished and learned friend from Massachusetts [Mr. RANNEY], who I understand is on that committee, would never be heard to say before any tribunal sitting in the grand old Bay State of Massachusetts that they should listen to a witness who would swear that he had burned up the evidence he had taken to prove the facts in a case and had taken the marginal notes of an attorney as to those facts.

The SPEAKER. The gentleman from Pennsylvania has half a minute of his time remaining.

Mr. MILLER. And I now yield that half a minute to the gentleman from Indiana [Mr. CALKINS], the chairman of the committee.

Mr. CALKINS. I move the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will now read the resolutions which have been reported from the Committee on Elections.

The Clerk read as follows:

I. *Resolved*, That R. Graham Frost was not elected as a Representative to the Forty-seventh Congress of the United States from the third Congressional district of Missouri, and is not entitled to occupy a seat in this House as such.

II. *Resolved*, That Gustavus Sessinghaus was duly elected as a Representative from the third Congressional district of Missouri to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

The question was taken upon adopting the resolutions; and upon a division there were—ayes 92, noes 86.

Before the result of this vote was announced,

Mr. ATHERTON, Mr. CALKINS, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 110, not voting 55; as follows:

YEAS—126.

Aldrich,	Farwell, Chas. B.	Lindsey,	Sherwin,
Anderson,	Farwell, Sewell S.	Lord,	Shultz,
Barr,	Fisher,	Lynch,	Smalls,
Bayne,	George,	Mackey,	Smith, A. Herr
Belford,	Godshalk,	Mason,	Smith, Dietrich C.
Bingham,	Grout,	McCoid,	Smith, J. Hyatt
Bisbee,	Guenther,	McLean, Jas. H.	Spaulding,
Bowman,	Hall,	Miles,	Spooner,
Brewer,	Hammond, John	Miller,	Steele,
Briggs,	Harmer,	Moore,	Stone,
Browne,	Harris, Benj. W.	O'Neill,	Strait,
Brumm,	Haseltine,	Pacheco,	Taylor, Ezra B.
Buck,	Haskell,	Paul,	Taylor, Joseph D.
Burrows, Julius C.	Hazelton,	Payson,	Thomas,
Calkins,	Heilman,	Peelle,	Townsend, Amos
Campbell,	Hepburn,	Peirce,	Tyler,
Cannon,	Hill,	Pettibone,	Valentine,
Carpenter,	Hiscock,	Pound,	Van Aernam,
Chace,	Hitt,	Prescott,	Van Horn,
Crapo,	Horr,	Ranney,	Van Voorhis,
Cullen,	Houk,	Ray,	Wait,
Cutts,	Hubbell,	Reed,	Ward,
Darrall,	Hubbs,	Rice, John B.	Washburn,
Davis, George R.	Humphrey,	Rice, Theron M.	Watson,
Dawes,	Jacobs,	Rich,	Webber,
Deering,	Jadwin,	Richardson, D. P.	West,
De Motte,	Jones, Geo. W.	Ritchie,	White,
Dingley,	Jones, Phineas	Robeson,	Williams, Chas. G.
Dorsey,	Jorgensen,	Robinson, Geo. D.	Willits,
Dunnell,	Joyce,	Robinson, Jas. S.	Wood, Walter A.
Dwight,	Lacey,	Ryan,	
Errett,	Lewis,	Shallenberger,	

NAYS—110.

Aiken,	Caldwell,	Curtin,	Hardy,
Armfield,	Camp,	Davidson,	Harris, Henry S.
Atherton,	Cassidy,	Davis, Lowndes H.	Hatch,
Atkins,	Chapman,	Dowd,	Herbert,
Barbour,	Clardy,	Dunn,	Hewitt, G. W.
Beach,	Clark,	Ellis,	Hoblitzell,
Belmont,	Clements,	Ermentrout,	Hoge,
Beltzhoover,	Cobb,	Evins,	Holman,
Berry,	Colerick,	Flower,	Hutchins,
Blackburn,	Converse,	Forney,	Jones, James K.
Blanchard,	Cook,	Fulkerson,	Kenna,
Bliss,	Covington,	Garrison,	King,
Blount,	Cox, Samuel S.	Geddes,	Knott,
Bragg,	Cox, William R.	Gunter,	Ladd,
Buchanan,	Cravens,	Hammond, N. J.	Leedom,
Buckner,	Culberson,	Hardenbergh,	Le Fevre,
Manning,	Murch,	Singleton, Otho R.	Upson,
Martin,	Mutchler,	Skinner,	Vance,
Matson,	Randall,	Sparks,	Wadsworth,
McCook,	Reese,	Speer,	Walker,
McKenzie,	Richardson, J. S.	Springer,	Warner,
McMillin,	Robertson,	Stockslager,	Wellborn,
Mills,	Rosecrans,	Talbott,	Wheeler,
Money,	Ross,	Thompson, P. B.	Willis,
Morrison,	Scales,	Townshend, R. W.	Wilson,
Morse,	Scoville,	Tucker,	Wise, Morgan R.
Moulton,	Simonton,	Turner, Henry G.	
Muldrow,	Singleton, Jas. W.	Turner, Oscar	

NOT VOTING—55.

Black,	Ford,	McClure,	Rice, Wm. W.
Bland,	Frost,	McKinley,	Robinson, Wm. E.
Burrows, Jos. H.	Gibson,	McLane, Robt. M.	Russell,
Butterworth,	Henderson,	Morey,	Scranton,
Cabell,	Herndon,	Mosgrove,	Shelley,
Candler,	Hewitt, Abram S.	Neal,	Thompson, Wm. G.
Carlisle,	Hooker,	Nolan,	Updegraff,
Caswell,	House,	Norcross,	Urner,
Cornell,	Kasson,	Oates,	Whitthorne,
Crowley,	Kelley,	Page,	Williams, Thomas
Deuster,	Ketcham,	Parker,	Wise, George D.
Dezendorf,	Klotz,	Phelps,	Wood, Benjamin
Dibrell,	Latham,	Phister,	Young.
Dugro,	Marsh,	Reagan,	

So the resolutions reported by the Committee on Elections were adopted.

Mr. HOOKER. Mr. Speaker, I have inadvertently voted in the case, and of course voted according to my convictions of what is right. I regret very much that I feel myself necessitated on account of a pair which I made with the gentleman from Massachusetts [Mr. RUSSELL] to withdraw my vote.

The following pairs were announced:

Mr. NEAL with Mr. BLAND.

Mr. KASSON with Mr. HEWITT of New York.

Mr. MARSH with Mr. DIBRELL.

Mr. MOREY with Mr. NOLAN.

Mr. RUSSELL with Mr. HOOKER.

Mr. KETCHAM with Mr. BLACK.

Mr. CORNELL with Mr. BUCKNER.

Mr. RICE, of Massachusetts, with Mr. WISE, of Virginia.

Mr. KELLEY with Mr. WHITTHORNE.

Mr. BURROWS, of Missouri, with Mr. ROBINSON, of New York.

Mr. URNER with Mr. MCLANE of Maryland.

Mr. CANDLER with Mr. GIBSON.

Mr. CASWELL with Mr. OATES.

Mr. HENDERSON with Mr. REAGAN.

The result of the vote was announced as above stated.

Mr. CALKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CALKINS. I ask that Mr. Sessinghaus be now sworn in.

Mr. GUSTAVUS SESSINGHAUS presented himself at the Clerk's desk and was duly qualified by taking the "test oath" prescribed by section 1756 of the Revised Statutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. HARDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service, and for other purposes;

A bill (H. R. 1443) granting a pension to Edgar B. Lamphier;

A bill (H. R. 1860) granting a pension to Daniel M. Morley;

A bill (H. R. 3743) granting a pension to Miss Amanda Stokes;

A bill (H. R. 5103) granting a pension to Margery Nightengale;

A bill (H. R. 5558) granting a pension to Mrs. Susan Bayard; and

A bill (H. R. 6923) granting a pension to Mrs. Helen M. Thayer.

REPORT OF COMMISSIONER OF EDUCATION FOR 1881.

The SPEAKER laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

CONTESTED-ELECTION CASE.

Mr. CALKINS. I desire to give notice that as soon as the conference report on the legislative appropriation bill, which the gentleman from Illinois [Mr. CANNON] is about to present, shall have been disposed of I intend to call up the contested-election case of Cook *vs.* Cutts, from the State of Iowa. I ask members, if they wish these election cases

disposed of, to stay here and dispose of them to-night, as this will be the last chance.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I rise to submit the report of the committee of conference on the legislative appropriation bill, which I send to the desk.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 57, 58, 59, 72, 73, 87, 88, 94, 96, 97, 98, 101, 102, 104, 106, 107, 109, 119, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 150, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 99, 103, 108, 110, 112, 113, 116, 118, 120, 121, 123, 124, 125, 141, 142, 143, and 144, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows: At the end of the amended paragraph insert the following; "For clerk to Committee on Military Affairs for balance of current fiscal year, at the rate of $2,000 per annum, $666.67;" and in lieu of the sum stated in lines 10, 11, and 12, on page 7 of the bill, insert the sum of "$364,694.87;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out "twelve" and insert "ten;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the sum of "$112,350;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "fifty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$183,610;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert "one clerk of class 2, who shall be a stenographer;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$34,100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-three;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-seven;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-eight;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-seven;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$417,650;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$88,620;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$337,230;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Before the word "dollars" insert the words "five hundred;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Chief of salary and allowance division and chief of appointment division, at $2,000 each; one;" and on page 70 of the bill, in line 25, strike out the word "clerks" where it first occurs in said line, and insert the word "clerk;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert "sixteen;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$230,380;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with amendments as follows: In lieu of the number proposed insert "four;" and on page 72 of the bill, in line 24, strike out the word "seven" and insert "eight;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,120;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert: "$9,840;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,280;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert:

"SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their Departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouches therefor at the Treasury the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year. And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay."

And the Senate agree to the same.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the conference report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill submit the following written statement in explanation of the conference report:

The bill as agreed upon in conference appropriates $20,464,296.22, being $80,566.17 greater than as it passed the House, $175,033.33 less than as it passed the Senate, and $115,110.68 more than the appropriations for the current year, and $966,663.86 less than the estimates for 1884.

The principal items of increase made by the Senate and agreed to by the House managers of the conference are as follows:

House of Representatives, $4,666.67; State Department, $1,320; Register's Office, Treasury, $13,500; Navy Department, $1,400; Secretary Interior, office of, $7,980; Attorney-General, Interior Department, $6,350; General Land Office, $34,400; Indian Office, $3,000; Civil Service Commission (contingent), $5,000; Post-Office Department, $8,340.

J. G. CANNON,
FRANK HISCOCK,
Managers on the part of the House.

Mr. THOMPSON, of Kentucky. I wish to inquire of the gentleman submitting this report what the conferees have done in regard to the provision of the House reducing the number of internal-revenue collectors.

Mr. CANNON. The bill as passed by the House reduced the number of those collectors to eighty-two. Under the present law there are one hundred and twenty-six. The Senate struck out the provision making the reduction, and after a full and free conference the Senate conferees refused to recede. A majority of the House conferees, if not all of them—and I certainly think I speak for those who signed the report—became satisfied that the Senate would not yield the point, and we yielded.

Mr. THOMPSON, of Kentucky. Then I understand you give up that point altogether?

Mr. CANNON. Certainly, we give up the point.

Mr. THOMPSON, of Kentucky. Then I hope the House will not agree to this report.

Mr. CANNON. It is but just, however, that I should say for my colleagues and myself that whatever our own convictions were about the matter (and I am frank to say in my opinion the action of the House was not wise), yet without reference to my individual opinions I have done what I could, and so did the other members of the conference committee, to carry out the wish of the House in this matter.

Mr. ATKINS. I have declined to sign the conference report, the main reason being that indicated by the gentleman from Illinois [Mr. CANNON]—the fact that the Senate struck out the provision adopted by the House reducing the number of internal-revenue collectors from

one hundred and twenty-six to eighty-two. I did not feel that I could sign the report, because I would do violence to the feelings of the minority side of the House, which I had the honor to represent on the conference committee. For that reason I refused to sign the report.

I may say that I voted for the amendment of the House, and my judgment is now the service would be better if we had reduced the number to eighty-two instead of letting them remain at one hundred and twenty-six. For that reason and some other minor ones I failed to sign the report.

Mr. CANNON. I will yield now to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I believe the Senate amendments increased this bill in the neighborhood of $260,000. We compromised on an increase of $80,000; that is, we reduced the increase by the Senate to that sum. And so far as the Treasury Department was concerned, the only basis of agreement which we could establish was that we would appropriate with reference to the law for the current year. The increase by the Senate was largely with reference to the Treasury Department. They insisted we ought not to attack the law of the present year, and when the day of adjournment was so near at hand, and with the absolute necessity there must be time for the enrollment of this very long bill or there would be a failure to pass it and therefore an extra session imminent, while we supported the view of the House on this question of collectors of internal revenue, we believed it was our duty to unite in this conference report and concur with this amendment in view of the large reduction made in the amounts carried by the Senate amendments. An extra session was altogether too threatening for us to hesitate on this question.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 2156) for the relief of certain owners of the steamer Jackson; and

Joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I now yield for five minutes to the gentleman from Kentucky [Mr. THOMPSON].

Mr. THOMPSON, of Kentucky. Mr. Speaker, the House after due consideration of the subject of these internal-revenue collectors, compromised with the opponents of the measure, and instead of reducing the number as contemplated by the original amendment, they accepted a compromise in the House fixing the number at eighty-two. Now, there does not seem to be any reason given why the Senate does not concur with us. The number of collectors is evidently too large, and I do not think the rejection of the conference report and the fact that the House insists upon its amendment will necessitate an extra session. I remember seven years ago, in 1876, when the number of internal-revenue collectors was reduced by the House we had the same trouble then and the same experience with the Senate we are undergoing now. The amendment was put on in the House, disagreed to by the Senate, and finally compromised and agreed to in the conference committee. Now, if the House means to stand by its action we can reject this conference report and ask for another conference. The Senate is bound to yield in this matter if we insist. And therefore I hope the House will insist and will reject this conference report, and insist on the Senate agreeing to our reasonable demands in the reduction of these internal-revenue collectors.

If I have any time left I will yield it to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I hope the House will insist on this amendment. I think it is somewhat singular that the power of the House should be disregarded in this instance, and especially by the Senate, when the Senate passes upon each one of these officers who may be nominated by the President, and each one of them is confirmed or rejected by the Senate; and the Senate, therefore, becomes, to a certain extent, a part of the appointing power. If it were not, moreover, for the fact which may be added to that, that it is well known that potent influences are exerted by Senators, with reference to the appointment of these officers as well as their confirmation, it might not be so indelicate on the part of the Senate to insist on this matter. But when we come to know, as we do know, that the House is the body which has the right to originate revenue measures; that it has in that connection to prescribe the mode by which that revenue may be raised; that it has in connection with that the greater interest of the two bodies in seeing that the raising of that revenue is adequately provided for—in the face of all these facts and in the face of the fact of supreme and certain necessity that these men are not necessary to the service, I think it is the duty of the House to stand by the proposition which it adopted and to refuse to consent to this amendment.

Mr. CANNON. I now yield for two minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I desire to express my entire approval of what has just been uttered by the gentleman from Pennsylvania [Mr. BAYNE] and my colleague from Kentucky [Mr. THOMPSON]. We have here, sir, a great political power of large proportions, and it is growing larger daily. Its head is the Commissioner of Internal Revenue. We have in the last few months seen him taking a lively interest in making United States Senators. We see in the United States Senate to-day men, millionaires almost every one of them, who dictate to the President whom he shall appoint as collectors in their several States; and in terms they might also be said to dictate to the President, because they will not confirm one appointment unless he will make another appointment to suit this or that Senator. The time has come if we are going to have any real practical civil-service reform that we should begin the work of cutting down this army of useless internal-revenue collectors who are bossed by the Commissioner of Internal Revenue.

Mr. HOGE. Will the gentleman yield to me for a question. If we reduce the revenues $40,000,000 should we not reduce also the collectors of revenue in the same proportion?

Mr. WHITE. I have no objection to that. I think the great mistake of this Congress is that we have not wiped out the entire internal-revenue tax except upon whisky, and reduced the number of collectors to one-half the present force.

[Here the hammer fell.]

Mr. CANNON. A single word, Mr. Speaker, before I ask the previous question upon this conference report. I know there is much conflict in the House about internal-revenue taxation. I know there is much feeling in some parts of the country about the propriety of collecting the tax. I know further that the House did express the wish that these collectors should be reduced in number. I am not here to discuss the question as to whether the House was right or wrong. Gentlemen will recollect my own views about the matter when it was under discussion, and I need not stop to repeat those views at this time.

There is one difficulty, however, about gentlemen having their way in the House on everything in the shape of legislation. I am frank to say that I agree and ask sympathy with the views of the House. I am a part and a parcel of it, and want to enforce its views and wishes. But unfortunately, so far as having our own way is concerned in everything, the Constitution provides that there shall be a co-ordinate branch of the Legislature—the Senate.

It may be that the fathers when they made the Constitution made a great mistake in that; nevertheless we are living under that Constitution, and it is after all a fact that it requires the Senate to agree with the House before you can legislate. We have under the law one hundred and twenty-six internal-revenue collectors. The House says, "Let us cut them down." The Senate says, "We won't agree to it in any event." Now, then, it may be that it would be wise to send this report back and let the bill fail. I have frequently heard talk of that kind here. I have heard gentlemen in the last four days "thundering in the index" about letting bills fail, and yet I have seen them on the yea-and-nay vote take the back track when they were brought face to face with the question of letting it fail. I want to say that under the law the President has the power to consolidate these districts in the event we should amend the internal-revenue law, and he has the power anyhow when the good of the public service requires it.

Mr. BAYNE. But he will not do it.

Mr. CANNON. The gentleman says he will not do it. If my friend from Pennsylvania was the House or Senate or the President, then things would be fixed about right. [Laughter.] I demand the previous question upon the report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question was taken,

Mr. THOMPSON, of Kentucky. Let us have a division.

Mr. WHITE. I demand tellers.

Mr. RANDALL. We had better have the yeas and nays.

Mr. HISCOCK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 111, not voting 59; as follows:

YEAS—121.

Aldrich,	Crapo,	Godshalk,	Hubbs,
Anderson,	Cullen,	Grout,	Humphrey,
Barr,	Cutts,	Guenther,	Jacobs,
Bisbee,	Darrall,	Hall,	Jones, Geo. W.
Bowman,	Davis, George R.	Hammond, John	Jorgensen,
Brewer,	Dawes,	Harmer,	Joyce,
Briggs,	Deering,	Harris, Benj. W.	Kasson,
Browne,	De Motte,	Haseltine,	Ketcham,
Brumm,	Dezendorf,	Hazelton,	Lacey,
Burrows, Julius C.	Dingley,	Heilman,	Lewis,
Butterworth,	Doxey,	Henderson,	Lindsey,
Calkins,	Dunnell,	Hepburn,	Lord,
Camp,	Dwight,	Hill,	Lynch,
Campbell,	Errett,	Hiscock,	Mackey,
Cannon,	Farwell, Chas. B.	Hitt,	Mason,
Carpenter,	Farwell, Sewell S.	Horr,	McCoid,
Caswell,	Fisher,	Houk,	McCook,
Chace,	Ford,	Hubbell,	McLean, Jas. H.

Miller,	Reed,	Spaulding,	Wait,
Moore,	Rich,	Spooner,	Ward,
Morey,	Richardson, D. P.	Steele,	Washburn,
O'Neill,	Robeson,	Stone,	Watson,
Page,	Robinson, Geo. D.	Strait,	Webber,
Parker,	Robinson, Jas. S.	Taylor, Joseph D.	West,
Paul,	Ryan,	Thomas,	Williams, Chas. G.
Peelle,	Sessinghaus,	Townsend, Amos	Willits,
Peirce,	Shallenberger,	Tyler,	Wood, Walter A.
Pound,	Sherwin,	Updegraff,	Young.
Prescott,	Smalls,	Valentine,	
Ranney,	Smith, Dietrich C.	Van Aernam,	
Ray,	Smith, J. Hyatt	Van Horn,	

NAYS—111.

Aiken,	Cox, Samuel S.	Holman,	Ritchie,
Armfield,	Cox, William R.	House,	Robertson,
Atherton,	Covington,	Hutchins,	Rosecrans,
Atkins,	Cravens,	Jadwin,	Ross,
Barbour,	Culberson,	Jones, James K.	Scales,
Bayne,	Curtin,	Kenna,	Simonton,
Beach,	Davidson,	King,	Singleton, Otho R.
Belford,	Deuster,	Klotz,	Skinner,
Belmont,	Dowd,	Knott,	Smith, A. Herr
Beltzhoover,	Dunn,	Ladd,	Sparks,
Berry,	Ellis,	Leedom,	Springer,
Blackburn,	Ermentrout,	Manning,	Stockslager,
Blanchard,	Evins,	Martin,	Talbott,
Bliss,	Flower,	Matson,	Thompson, P. B.
Blount,	Forney,	McKenzie,	Townshend, R. W.
Bragg,	Fulkerson,	McMillin,	Tucker,
Buchanan,	Garrison,	Mills,	Turner, Henry G.
Buckner,	Geddes,	Money,	Turner, Oscar
Caldwell,	Gunter,	Morrison,	Upson,
Cassidy,	Hammond, N. J.	Morse,	Walker,
Chapman,	Hardenbergh,	Moulton,	Warner,
Clardy,	Hardy,	Murch,	Wellborn,
Clark,	Harris, Henry S.	Mutchler,	Wheeler,
Clements,	Hatch,	Randall,	White,
Cobb,	Herbert,	Reese,	Willis,
Colerick,	Hewitt, G. W.	Rice, John B.	Wilson,
Converse,	Hoblitzell,	Rice, Theron M.	Wise, Morgan R.
Cook,	Hoge,	Richardson, J. S.	

NOT VOTING—59.

Bingham,	Haskell,	Neal,	Shelley,
Black,	Herndon,	Nolan,	Shultz,
Bland,	Hewitt, Abram S.	Norcross,	Singleton, Jas. W.
Buck,	Hooker,	Oates,	Speer,
Burrows, Jos. H.	Jones, Phineas	Pacheco,	Taylor, Ezra B.
Cabell,	Kelley,	Payson,	Thompson, Wm. G.
Candler,	Latham,	Pettibone,	Urner,
Carlisle,	Le Fevre,	Phelps,	Vance,
Cornell,	Marsh,	Phister,	Van Voorhis,
Crowley,	McClure,	Reagan,	Wadsworth,
Davis, Lowndes H.	McKinley,	Rice, Wm. W.	Whitthorne,
Dibrell,	McLane, Robt. M.	Robinson, Wm. E.	Williams, Thomas
Dugro,	Miles,	Russell,	Wise, George D.
George,	Mosgrove,	Scoville,	Wood, Benjamin.
Gibson,	Muldrow,	Scranton,	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Mr. JONES, of New Jersey, with Mr. VANCE.

Mr. RICHARDSON, of New York, with Mr. SCOVILLE.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. MOREY with Mr. NOLAN.

Mr. CANNON. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. CANNON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I rise to present a privileged report. I present the report of the committee of conference on the naval appropriation bill.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7314) "making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 20, 30, 35, 42, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 29, 31, 33, 34, 36, 37, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 73, and 75, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Hereafter only one-half of the vacancies in the various grades in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and at the end of the amended paragraph insert the following:

"*And provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy."

And the Senate agree to the same.

Amendments numbered 26, 27, and 28: That the House recede from its disagreement to the amendments of the Senate numbered 26, 27, and 28, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following:

"For the purchase and manufacture after full investigation and test in the United States under the direction of the Secretary of the Navy of torpedoes adapted to naval warfare, or of the right to manufacture the same, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo or of the right to manufacture the same until the same shall have been approved by the Secretary of the Navy after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 12, after the word "dollars," insert the words: "of which sum $64,000 shall be immediately available;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following:

"But nothing herein contained shall prevent the repair or building of boilers for wooden ships, the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars," insert the following:

"The execution of no contract shall be entered upon for the completion of the engines and machinery of either of these vessels until the terms thereof shall be approved by said board, who shall approve only contracts which may be to the best advantage of the Government, and fair and reasonable according to the lowest market price for similar work."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 18, strike out all after the word "report," in line 9, down to and including the word "under," in line 10 of the bill; and in lieu thereof insert the following:

"And in the event that such vessels or any of them shall be built by contract, such building shall be under."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with amendments as follows: On page 26, in line 12, before the word "ranges," insert the word "and;" and in the same line strike out the words "and so forth;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: On page 27, in line 22 of the bill, after the word "and," insert the word "he;" and the Senate agree to the same.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

EUGENE HALE,
JOHN A. LOGAN,
H. G. DAVIS,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the naval appropriation bill submit the following written statement in explanation of the effect of the report, if adopted:

On amendments 1, 2, 3, 4, 5, and 6: Except some verbal changes, leaves the first paragraph of the bill as it passed the House, dropping out the following:

"*Provided*, That when vacancies occur hereafter in the Paymaster's Corps there shall be no original appointments to fill such vacancies, but promotions may be made according to existing regulations from those remaining in said corps. Officers in the line shall be detailed to perform the duties of paymasters under the same rules and regulations as are now required of paymasters, but such officers shall not be entitled to increased compensation in consequence of performing such duties."

On amendment 7: In lieu of the legislation in the bill in reference to examinations for promotion and filling vacancies in the line and staff of the Navy, provides that one-half of the vacancies in the staff corps may be filled by promotion until said corps is reduced below the number fixed by law.

On amendments 8, 9, 10, 11, 12, and 13: Strikes out provision relative to promotions to the rank of rear-admiral and abolition of the grade of commodore, makes some verbal changes in the text of the bill, and provides for the care of Paul Hamilton's grave.

On amendments 14 to 21, inclusive: Verbal changes are made to perfect text of the bill.

On amendments 22 to 25: Provides for a board of six officers to examine and report to Congress which of the navy-yards is best adapted for a Government foundery, and makes verbal changes in text of the bill.

On amendments 26, 27, and 28: In lieu of the paragraph in the bill in reference to torpedoes inserts the following:

"For the purchase and manufacture, after full investigation and test, in the United States, under the direction of the Secretary of the Navy, of torpedoes adapted to naval warfare, and for the fixtures and machinery necessary for operating the same, $100,000: *Provided*, That no part of said money shall be expended for the purchase or manufacture of any torpedo until the same shall have been approved by the Secretary of the Navy, after a favorable report to be made to him by a board of naval officers to be created by him to examine and test said torpedoes and inventions."

On amendments 29 and 30: Provides $800,000 for Bureau of Equipment and Recruiting, and restores the clause relative to life-saving dress.

On amendments 31 to 37, inclusive: Appropriates $264,000 for maintenance of yards and docks, and makes $64,000 of the sum immediately available; gives $20,000 for contingent expenses and $24,000 for the civil establishment of the Bureau of Yards and Docks; appropriates $25,000 for contingent expenses of the Bureau of Medicine and Surgery, and makes certain necessary verbal corrections in the text of the bill.

On amendments 38 to 41: Appropriates $1,100,000 for Bureau of Construction and Repair, and limits repairs on wooden ships to 20 per cent. of estimated cost of new ships.

On amendments 42 to 44: Limits cost of repairs to engines and machinery to 20 per cent. of estimated cost of new engines and machinery, except in wooden vessels, the hulls of which can be repaired for 20 per cent. of estimated cost of new ships of same character and size.

On amendments 45 and 46: Is an increase of $550,000 to complete the engines and machinery of all the double-turreted monitors, to which the House managers acceded with the proviso that the contracts for the same should be first approved

by the naval advisory board and should be found to be for the advantage of the Government and fair and reasonable according to the lowest market price for similar work.

On amendments 47, 48, 49, 50, 51, and 52: Makes certain necessary verbal corrections in the text of the paragraph relative to the construction of the new steel cruisers, and provides that in the event they, or any of them, are built by contract, such building shall be under contracts with the lowest and best responsible bidders.

On amendments 53, 54, and 55: Provides for payment of civilian expert members of the naval advisory board, and that the appropriation for testing deflective turrets be immediately available.

On amendments 56 to 72, inclusive: Make slight verbal and other unimportant changes in the provisions relative to the Naval Academy and Marine Corps, which in the main decrease the appropriations for both.

On amendments 73 to 75: Makes verbal changes in section 2 of the bill and drops out the third and last section of the bill as it passed the House.

The total of the bill as agreed upon is $15,894,434.23, being $1,063,957.43 greater than the appropriations for the current year and $7,494,453.31 less than the estimates.

GEO. M. ROBESON,
J. H. KETCHAM,
Managers on the part of the House.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] moves that the House concur in the conference report.

The question was put on concurring in the report.

Mr. HISCOCK and Mr. HOLMAN rose.

Mr. HISCOCK. I desire to be heard on this motion.

The SPEAKER. The gentleman rose too late.

Mr. HISCOCK. No, sir.

Mr. HOLMAN. I hope the gentleman from New Jersey [Mr. ROBESON] will give an explanation. And I hope the House will not concur in this report, at least until an explanation is given.

Mr. HISCOCK. I ask to be heard on the motion.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. I desire to know who moved to concur in the conference report?

The SPEAKER. The conference report was submitted by the gentleman from New Jersey [Mr. ROBESON].

Mr. ATKINS. Did the gentleman from New Jersey make any motion after the statement was read?

The SPEAKER. No, sir.

Mr. ROBESON. If I can be heard for a moment I wish to say, at the time the reading of the statement was concluded I was conversing with my friend from Tennessee [Mr. ATKINS]. Neither of us knew the Clerk had concluded the reading. I desire the vote shall not be taken until an explanation is made.

The SPEAKER. The gentleman from New Jersey is entitled to the floor.

Mr. ROBESON. A large majority of the amendments in this conference report are merely verbal. In some cases the Engrossing Clerk was not very accurate in his spelling, and errors of that kind have been corrected.

With regard to the legislation on the bill, the conferees on the part of the House receded from their disagreement to the Senate amendment striking out our provision with regard to commodores. The conferees on the part of the Senate receded from their provision with regard to the promotions. And we provided by an amendment that the engineers and staff corps should have the same rights of promotion that the line officers had.

With regard to the torpedo corps, Mr. Speaker, we have provided that no torpedo shall be purchased without full experiment and test in American waters. We have stricken out from the bill the name of Mr. Weeks, but we have given him a chance to compete and have a test; and if his torpedo is found to be the best, he will get the provision the House made for him.

The important change with regard to this bill is this: That whereas we in the House provided for the completion of the engines and machinery for one of the monitors, while the Senate thought we should not be particular, as they said, and select but one, in favor perhaps of one special contractor, and that parties in California, in Delaware, and in Philadelphia had equal rights, we agreed to provide an addition of $550,000 to complete the engines and machinery of all of them.

I now yield such time as he may desire to the gentleman from Tennessee, my colleague on the committee of conference [Mr. ATKINS].

Mr. ATKINS. I desire only two or three minutes.

I declined to sign the conference report, because I did not feel I was justified in doing so after the decided vote of the House upon the monitors. The engines and machinery of only one monitor were provided for, and $450,000 was appropriated for that purpose. This bill appropriates $1,000,000 to finish the engines and machinery of three of the monitors.

Mr. HOLMAN. Three?

Mr. ATKINS. Yes, sir; three. It will take $350,000 or $375,000, on an average, to complete the engines and machinery for each monitor. I do not feel at liberty, representing the minority side of this House upon that bill, knowing as well as I did the opinions of the minority upon that subject, to sign this report. But for the fact that this appropriation is increased to $1,000,000 I should have signed the report so far as anything else in the bill is concerned. But, sir, I was not willing myself to sign the report, nor did I feel I would represent the wishes of the minority on this side of the House if I should do so. Consequently I withheld my signature.

I shall not argue the question. It is not necessary I should argue it.

Mr. RANDALL. How will you vote?

Mr. ATKINS. The question has been time and time again argued exhaustively in the House. It is for the House to decide now what it will do. So far as I am concerned, I shall not vote for the conference report, for the reason I have assigned; and that is the increase of the appropriation to the amount of $1,000,000 for the completion of the engines and machinery of three of the monitors.

Mr. ROBESON. I now yield to the gentleman from New York. How much time does he want?

Mr. HISCOCK. Five minutes.

Mr. ROBESON. I yield to the gentleman for five minutes.

Mr. HISCOCK. I believe that so important a matter as the increase proposed of the appropriations in this bill of $550,000 for the completion of the engines and the machinery of the monitors is entitled to some little consideration from this House.

After the fullest discussion of this question, when this subject was under consideration in the House, it was resolved that we would give $450,000 for the completion of the engines and the machinery of one monitor. It was then asserted on the floor that to some extent this work was experimental. It was also said here that a certain amount ought to be given for the maintenance of the Navy; but there was no need that this work should proceed in connection with the other.

Now, the conference report comes in here seeking to start the work upon two, and I do not know but upon all the monitors, and the proposition is to increase the appropriation for that purpose $550,000. I for one am opposed to it. I believe that this proposition has never had the consideration of the Committee on Appropriations. It has only had such consideration as could be given to it by two members of the conference committee; or I should say two members of the committee of conference on the part of the House have concurred in it.

I do not complain of that, because it is usual upon questions of this kind for the conferees to take the responsibility of deciding. But I do say that because of the reason that it has had the consideration of only three members of this House, and as it involves an expenditure of $550,000, it should now receive a passing moment's consideration from the entire House.

I do not know but what upon this question we may be compelled to recede. I will say that I do not believe there is any danger of the failure of this bill if we pause a moment to consider this question. And I do not believe there is any danger of the failure of this bill if we do not adopt this conference report. The subject will then go back to the Senate and there will be a further consultation on it.

Although the finances of the country are now in a good condition, I believe that upon this branch of the service the money which the House bill originally appropriated for expenditures for that purpose is all that is required, or at least all that should be given for the next year. I am not entirely sure that all of that money can be expended during the next fiscal year; I doubt very much if it can be.

But I repeat what I said once before on this floor, that I am opposed to making appropriations for any branch of the service for fear that the party which will come into power in the next Congress may fail to give it.

Mr. ROBESON. I now yield five minutes to the gentleman from Massachusetts [Mr. HARRIS], the chairman of the Committee on Naval Affairs.

Mr. HARRIS, of Massachusetts. I did not intend at any time during this session to participate in any controversy about the monitors. Rather than the monitors shall remain any longer, as they are and have been, a stumbling block to the American Navy, I would be willing, if the Committee on Appropriations think they know all about it, to have them bring in a bill providing that the monitors shall be taken out into mid-ocean and sunk out of sight forever.

Mr. HISCOCK. That is right.

Mr. HARRIS, of Massachusetts. But when the gentleman from New York [Mr. HISCOCK] rises here in his place and says that only three members of this House, and they members of the Committee on Appropriations, know anything about that matter, I beg to differ with him.

Mr. HISCOCK. The gentleman will allow me to correct him. I said that only three members of this House, so far as I know, were consulted with reference to this increase of appropriations.

Mr. HARRIS, of Massachusetts. I beg to say that the gentleman stated, as I understood him, that only three members of this House had investigated this subject.

Mr. HISCOCK. Oh, no.

Mr. HARRIS, of Massachusetts. I say that the Committee on Naval Affairs, though entitled to very little consideration here I know and feel, understand this subject quite as well as does the Committee on Appropriations.

Mr. HAZELTON. And a great deal better.

Mr. HARRIS, of Massachusetts. In regard to these monitors, there has been a great deal of odium cast upon them, and in consequence of that odium they have been heretofore an obstruction to the progress of the American Navy. But I stand here and say that I believe that no

better vessels were ever constructed in the world. They are perfect in workmanship; they have cost a vast sum of money, and they ought to be completed or entirely removed from sight; and I do not care personally which way you put it.

Mr. HISCOCK. Does the gentleman think it a matter of any consequence?

Mr. HARRIS, of Massachusetts. Yes, I do; for we have now no coast defense. We have fourteen little, weak, single-turreted monitors, mounted with fifteen-inch smooth-bore guns, hardly worthy the name of coast defenders. These monitors when finished may be found to be among the very first ships in the world. And yet during eight or ten years this Congress has been haggling over the question whether they should be finished or not. This report of the committee of conference proposes an appropriation of a million of dollars, and no more, for their engines and machinery. Do we need the vessels? Ought we as a nation to be prepared for our own defense? There is not a gun mounted in the American Navy worthy the name of a gun, and no ships to carry guns, even if we had them.

Yet when we come here after so long a consideration of the subject of these monitors, after having finished one and put it afloat and found that she was no experiment, after we have launched the Puritan and found that she is a better vessel than she was thought to be, that she floats higher out of the water than was expected, that she floats more armor than she was designed to carry, it seems to me to be too late for any gentleman to feel called upon to get up here and defend these vessels simply because popular clamor has assailed them heretofore.

Mr. Speaker, I have suffered personally in my relations to the Naval Committee on account of these vessels; I have no personal love for them; but if it were the last act of my official life I would declare that in my opinion they are worthy to be finished in the best possible manner, and they ought to be finished as soon as possible.

Mr. ROBESON. Mr. Speaker, I desire to say that the House committee provided for the sum which was thought to be necessary for finishing the engines and machinery of the Puritan. When that provision went to the Senate Senators on both sides of the Chamber said, "That is not right; you must treat all these men in the same way; it is not right at this time, with an overflowing treasury, that you should single out a particular ship and appropriate apparently in the interest of a particular contractor. California and the Pacific Coast need a monitor; the gentlemen in Philadelphia and the gentlemen from Wilmington have had these ships on their hands as long as other people." No less than six boards have reported that they were all right; no member of any one of the boards has ever reported or said that the engines and machinery of any of them were not right.

Criticisms have been made by some one or two members of some of the boards as to whether these monitors would float, whether they were to be efficient; but every board and every expert that has examined any of them has said that the engines and machinery were perfect in workmanship, of good material, would accomplish the purposes for which they were designed, and that the prices were moderate. The Senate believed, and they insisted for two days, that this was the right thing to do. This amendment was put on in the Senate by the united votes of Democrats and Republicans, Senators from Delaware, from California, from Indiana, and other Democratic Senators voting for it. It was carried in the Senate two to one. Now, if we are to finish these monitors at all, let us be fair to everybody. I am willing to do it. I have for myself no personal feeling or pride about it in any manner. I have passed——

Mr. HOLMAN. I wish to ask the gentleman a question for the purpose of avoiding a misapprehension.

Mr. ROBESON. Certainly.

Mr. HOLMAN. Does not the amendment as reported by the conference committee strike out the word "completing" as applicable to one of the monitors and provide for the construction of the engines and machinery of all the monitors, adding a million dollars for that purpose?

Mr. ROBESON. I do not understand that the word "completing" is struck out; possibly it may be, but there was no intention of doing that. We may as well be frank about this matter; there is no dispute about it; this provision is intended to finish the engines and machinery of all the monitors. It adds $550,000 out of an overflowing Treasury to complete the engines and machinery of these vessels which are necessary for our defense and power on both coasts—work which will take a year to do, which, unless we commence it now, may not be done in time of need; whereas the more expensive but far more expeditious part of the work, the putting on of the armor, can be done in sixty days. That is not attempted at all under this provision.

Mr. PAGE. I wish to ask the gentlemen whether, if this amendment be adopted, it will complete the Monadnock on the Pacific coast?

Mr. ROBESON. Yes, sir. That is included in the estimate.

Mr. ATKINS. May I call the attention of the gentleman from New Jersey to the report of Commodore Shufeldt and the other officers of the naval board, who made the estimate of the cost of the engines and machinery of these monitors? The board fixes the amount, for instance, for the Amphitrite——

Mr. ROBESON. The whole amount estimated is $1,119,000.

Mr. ATKINS. That is true.

Mr. ROBESON. That is the whole amount. The Senate conferees said, "If this is not enough, we have given $1,000,000 for the construction fund; let the Secretary of the Navy take the money out of that fund and finish the work."

Mr. HOLMAN. This is not an appropriation for the completion of any one, but is to continue the work on all.

Mr. ROBESON. It is for completing such of them as the advisory board may recommend to be completed. The House conferees insisted upon the insertion of a provision that the execution of no contract for these engines and machinery should be entered into except——

Mr. ATKINS. The gentleman will allow me to say I believe there is no law that allows the taking of any part of the construction fund and applying it to these engines and machinery.

Mr. ROBESON. I think the Secretary of the Navy would have perfect liberty to use that fund for this purpose.

Mr. ATKINS. I should think not. It would be clearly a violation of the law.

Mr. ROBESON. That may be. He would only finish such as the advisory board might recommend. We have provided that the execution of none of these contracts shall be entered upon unless the naval advisory board find that they are fair and reasonable for the Government and at the lowest market price for similar work, the object being to prevent any combination on the part of a few ship-builders of the country to put up the price on the Government. No provision could be more carefully guarded. No appropriation is more needed. If it should turn out that these engines and machinery should not be needed for these monitors they will be suitable for any ship that we may have of that size.

Mr. HISCOCK. I desire to say to the gentleman that I advised with the Secretary of the Navy on that subject and he told me this machinery and these vessels would be constructed—I can not tell how, but for vessels of this size there would be the concentration in the space in which they could be used.

Mr. ROBESON. All naval engines and machinery are concentrated in space.

Mr. HISCOCK. I have the authority of the Secretary of the Navy.

Mr. ROBESON. I consulted the Secretary of the Navy, too. I know he knew it exactly. These engines and this machinery, the more concentrated they are the better. The less room they take, the more concentrated and compact they are to develop power, so much the better. Then they are superior to others, and they will fit any ship and can be used in any ship of the same size. I know all about that thoroughly. This is just the sum that this House voted last year for these things, $1,000,000; and then the Senate said "No; we will not vote it now. We will send it to the advisory board to examine and wait until they report." And when the thing came back into the House I, on consultation with the Appropriations Committee, its chairman, and all its members, agreed to that, and I said in my place on the floor I did not care anything about it; it might be submitted to a thousand boards if necessary; but when that report came in approving of them, I would stand by it. It has come in approving them unqualifiedly, pronouncing them the best ships of their kind in the world, pronouncing these engines perfect and available for all naval purposes.

Now, Mr. Speaker, I demand the previous question.

Mr. HISCOCK. I ask the gentleman to yield to me for one moment.

Mr. ROBESON. I yield to the gentleman from New York.

Mr. HISCOCK. The gentleman's remarks to the committee this evening convey to me the first intimation I have ever had this appropriates any money to build the engines and machinery of any one ship. I did understand we appropriated money to build a ship, but I did not understand there was anything in the bill which designated any one.

Mr. ROBESON. There is nothing in the bill, and I did not say so. I said that was the claim of the Senate.

Mr. HISCOCK. I see no reason why that should be made,

Mr. ROBESON. I said it was made and that is all. I now demand the previous question.

The previous question was ordered.

The question recurred on the adoption of the report.

The House divided; and there were—ayes 75, noes 54.

Mr. HISCOCK demanded tellers.

Tellers were refused.

Mr. HISCOCK. No quorum has voted.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 103, nays 91, not voting 97; as follows:

YEAS—103.

Aiken,	Burrows, Julius C.	Dezendorf,	Grout,
Anderson,	Butterworth,	Dunnell,	Guenther,
Barr,	Calkins,	Ellis,	Hall,
Belford,	Campbell,	Errett,	Hammond, John
Bingham,	Caswell,	Evins,	Harmer,
Bisbee,	Crowley,	Farwell, Chas. B.	Harris, Benj. W.
Bowman,	Darrall,	Fisher,	Haskell,
Brewer,	Dawes,	Garrison,	Hazelton,
Briggs,	Deering,	George,	Henderson,
Brumm,	De Motte,	Godshalk,	Hepburn,

Hill,	Lord,	Rich,	Taylor, Jos. D.
Hitt,	Lynch,	Richardson, J. S.	Thomas,
Horr,	Mackey,	Ritchie,	Valentine,
Houk,	McLean, Jas. H.	Robeson,	Van Aernam,
Hubbell,	Miller,	Robinson, Geo. D.	Van Horn,
Hubbs,	Moore,	Robinson, Jas. S.	Wait,
Humphrey,	Morey,	Ryan,	Walker,
Jacobs,	O'Neill,	Sessinghaus,	Ward,
Jadwin,	Page,	Sherwin,	Washburn,
Jorgensen,	Paul,	Shultz,	Watson,
Joyce,	Peirce,	Smalls,	West,
Kasson,	Pound,	Spaulding,	White,
Ketcham,	Prescott,	Speer,	Wilson,
Lacey,	Ranney,	Spooner,	Wood, Walter A.
Lewis,	Ray,	Steele,	Young.
Lindsey,	Rice, John B.	Strait,	

NAYS—91.

Arnfield,	Cox, William R.	Jones, James K.	Scales,
Atherton,	Cravens,	Kenna,	Shallenberger,
Atkins,	Culberson,	Klotz,	Simonton,
Barbour,	Davis, George R.	Knott,	Singleton, Otho R.
Beach,	Davis, Lowndes H.	Ladd,	Skinner,
Belmont,	Dowd,	Latham,	Smith, J. Hyatt
Beltzhoover,	Dunn,	Leedom,	Sparks,
Blackburn,	Dwight,	Le Fevre,	Springer,
Blanchard,	Farwell, Sewell S.	Manning,	Stockslager,
Bragg,	Flower,	Matson,	Stone,
Buchanan,	Gunter,	McCook,	Talbott,
Buck,	Hammond, N. J.	McMillin,	Thompson, P. B.
Caldwell,	Hardenbergh,	Mills,	Townshend, R. W.
Carpenter,	Hardy,	Morse,	Turner, Henry G.
Cassidy,	Harris, Henry S.	Muldrow,	Turner, Oscar
Chapman,	Hatch,	Mutchler,	Wadsworth,
Clark,	Herbert,	Parker,	Warner,
Clements,	Hiscock,	Peelle,	Wellborn,
Cobb,	Hoblitzell,	Randall,	Wheeler,
Colerick,	Holman,	Reese,	Whitthorne,
Cook,	House,	Rice, Theron M.	Willits,
Covington,	Hutchins,	Robertson,	Wise, Morgan R.
Cox, Samuel S.	Jones, Geo. W.	Ross,	

NOT VOTING—97.

Aldrich,	Dibrell,	McKenzie,	Scoville,
Bayne,	Dingley,	McKinley,	Scranton,
Berry,	Doxey,	McLane, Robt. M.	Shelley,
Black,	Dugro,	Miles,	Singleton, J. W.
Bland,	Ermentrout,	Money,	Smith, A. Herr
Bliss,	Ford,	Morrison,	Smith, Dietrich C.
Blount,	Forney,	Mosgrove,	Taylor, Ezra B.
Browne,	Fulkerson,	Moulton,	Thompson, Wm. G.
Buckner,	Geddes,	Murch,	Townsend, Amos
Burrows, Jos. H.	Gibson,	Neal,	Tucker,
Cabell,	Haseltine,	Nolan,	Tyler,
Camp,	Heilman,	Norcross,	Updegraff,
Candler,	Herndon,	Oates,	Upson,
Cannon,	Hewitt, Abram S.	Pacheco,	Urner,
Carlisle,	Hewitt, G. W.	Payson,	Vance,
Chace,	Hoge,	Pettibone,	Van Voorhis,
Clardy,	Hooker,	Phelps,	Webber,
Converse,	Jones, Phineas	Phister,	Williams, Chas. G.
Cornell,	Kelley,	Reagan,	Williams, Thomas
Crapo,	King,	Reed,	Willits,
Cullen,	Marsh,	Rice, Wm. W.	Wise, George D.
Curtin,	Martin,	Richardson, D. P.	Wood, Benjamin.
Cutts,	Mason,	Robinson, Wm. E.	
Davidson,	McClure,	Rosecrans,	
Deuster,	McCoid,	Russell,	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Mr. CRAPO with Mr. DAVIDSON.

Mr. DINGLEY with Mr. ERMENTROUT.

Mr. WILLIAMS, of Wisconsin, with Mr. DEUSTER.

Mr. KELLEY with Mr. HEWITT of Alabama.

Mr. MASON with Mr. FORNEY.

Mr. CANNON with Mr. MOULTON.

Mr. BURROWS, of Missouri, with Mr. BERRY.

Mr. ALDRICH with Mr. UPSON.

Mr. WAIT with Mr. COVINGTON.

Mr. SMITH, of Illinois, with Mr. REAGAN.

On motion of Mr. HISCOCK, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. ROBESON moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. HENDERSON. I rise, Mr. Speaker, to submit a conference report on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill No. 1821, prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes.

The SPEAKER. The statement accompanying the report will be read.

The statement was read. It is as follows:

The managers on the part of the House of the conference upon the disagreeing votes of the two Houses upon Senate bill 1821, prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes, submit the following written statement in explanation of the effect of the report if adopted:

The conferees recommend that the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10, the effect of which is to retain the board of commissioners in the management of the home.

Also, that the Senate recede from its disagreement to amendment numbered 9, the effect of which will be to allow 3 per cent. instead of 4 per cent. to be paid upon funds of the home deposited in the Treasury.

Also, that the Senate recede from its disagreement to amendment numbered 8, with an amendment the effect of which would be to require all of the officers of the home to be selected by the President of the United States.

Also, from its disagreement to amendment numbered 11, with an amendment the effect of which is to provide that the board of commissioners shall consist of the General-in-Chief, commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the governor of the home.

Also, that the House recede from its amendment numbered 12, with an amendment, the effect of which will be to extend the appropriation to the adjustment of all accounts in the Treasury Department belonging to the home.

The managers also agree to section 2 with amendment, the effect of which is to require the Inspector-General of the Army to make the inspection of the home provided for by law in person.

THOS. J. HENDERSON,
ANSON G. McCOOK,
EDW. S. BRAGG.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1821) entitled "An act prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 10.

That the Senate recede from its disagreement to amendment numbered 9.

That the Senate recede from its disagreement to amendment numbered 8 with an amendment as follows:

"SEC. 7. That the governor and all other officers of the home shall be selected by the President of the United States, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty."

That the Senate recede from its disagreement to House amendment numbered 11, with an amendment as follows:

"SEC. 10. That the board of commissioners of the Soldiers' Home shall hereafter consist of the General-in-Chief commanding the Army, the Surgeon-General, the Commissary-General, the Adjutant-General, the Quartermaster-General, the Judge-Advocate-General, and the Governor of the Home; and the General-in-Chief shall be president of the board, and any four of them shall constitute a quorum for the transaction of business."

That the House recede from its amendment numbered 12, with an amendment as follows:

"SEC. 12. That the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be expended by the Secretary of the Treasury in the employment of additional clerical force to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home."

That the House agree to section 2 with an amendment.

"SEC. 2. That the Inspector-General of the Army shall in person once in each year further inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make."

And agree to the same.

THOMAS J. HENDERSON,
ANSON G. McCOOK,
EDWARD S. BRAGG,
Managers on the part of the House.

JOHN A. LOGAN,
W. J. SEWELL,
WADE HAMPTON,
Managers on the part of the Senate.

Mr. HENDERSON. I move to concur in the report of the committee of conference.

The motion was agreed to.

Mr. HENDERSON moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the Army appropriation bill.

The SPEAKER. The statement will be read.

It is as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on the Army appropriation bill submit the following written statement in explanation of the conference report:

As agreed in conference the bill appropriates $24,681,350, being $1,734,104.10 less than the appropriations for the current year and $3,694,243.44 less than the estimates for 1884.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

Mr. HOLMAN. I hope that there will be some statement of this matter. That report furnishes no information.

Mr. BRAGG. I make the point of order against that report that it does not conform to the rules of the House. Under the rules the report should refer to each amendment and indicate the result of its adoption or rejection. Now, I know that in the action of the Senate there were a large number of amendments where legislation concerning the Army has been stricken out; and there is no allusion in the conference report to these facts.

Mr. BUTTERWORTH. I have in my hand a written report at length in regard to this matter.

The SPEAKER. The Chair directed the Clerk to read the accompanying statement, as is the custom. The report refers to the different numbers of the amendments.

Mr. BRAGG. I would like to inquire of the Speaker if the place for that report is in the pocket of a member of the committee on conference instead of being submitted to the House?

Mr. BUTTERWORTH. The report which I hold in my hands contains all of the items on which there was a difference of the two Houses.

The SPEAKER. The Clerk will read the report if the gentleman desires it. The statement of the gentleman contains an intimation that is not true.

Mr. BRAGG. I desire to say that that report has come from a member of the committee since the point of order was made; and when the Speaker says it is not true he is mistaken.

The SPEAKER. The gentleman from Ohio submitted the report in the first instance.

Mr. BRAGG. I have seen just this moment the gentleman from Ohio pass the report over to the Clerk's desk.

Mr. BUTTERWORTH. The gentleman is entirely mistaken. I went to the desk and got the report myself, when I found the Speaker had not directed it to be read, with the intention of explaining, if necessary, all of these points of difference. The gentleman is entirely in error.

Mr. BRAGG. No, sir; I am not. The report belongs there at the desk, and not in the pocket of a member.

The SPEAKER. This is taking the usual course in every respect.

Mr. BRAGG. Certainly this is taking the usual course to-night, when fifty are counted for no more than ten. I asked to have the report read and another paper was read in lieu of the report.

Mr. BUTTERWORTH. It was not read in lieu of the report.

The SPEAKER. This is not in order. The statement accompanying the report has just been read.

Mr. HOLMAN. As I understand, the report of the conference committee has not yet been read.

Mr. BRAGG. Let the conference report be read.

The SPEAKER. The report of the committee of conference will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) "making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 9, 18, 27, 30, 31, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 12, 13, 19, 21, 22, 23, 24, 26, 28, 29, 32, 33, 34, 35, and 38; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,750;" and the Senate agree to the same.

Amendment number 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment, insert "thirty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "line" in said amendment, insert the following: "And no more than thirty aids-de-camp shall be paid as such in addition to their regular pay in the line;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment, insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$11,900,000;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment, insert the following:

"*Provided*, That vacancies that may hereafter occur in the Pay Corps of the Army in the grades of lieutenant-colonel and major by reason of death, resignation, dismissal, or retirement, shall not be filled by original appointment until the Pay Corps shall by such vacancies be reduced to forty paymasters, and the number of the Pay Corps shall then be established at forty and no more, and hereafter vacancies occurring in the Quartermaster's and Commissary's Departments of the Army may, in the discretion of the President, be filled from civil life."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the number stated in said amendment insert "seventy-five;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the number of rations as fixed by said amendment insert "10,125,000 rations;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,940,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the word "employés," where it occurs in said amendment, and in lieu thereof insert the word "clerks;" and the Senate agree to the same.

BENJ. BUTTERWORTH,
J. C. BURROWS,
E. JNO. ELLIS,
Managers on the part of the House.

JOHN A. LOGAN,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. BUTTERWORTH. Now I move the adoption of the report, and I will say a word in regard to it.

Mr. BRAGG. I make the point of order against that report.

The SPEAKER. The point of order is overruled.

Mr. BRAGG. Will not the Speaker hear the point of order? My point of order is that the report does not show the changes made in the bill. It says in lieu of what is stricken out, particularly in reference to the Pay Corps, there shall be inserted as follows, but it does not state what is stricken out. It does not explain what has been taken from the bill and what has been substituted for it in the bill, so as to show how the bill will read after the change is made. The point of order is that it does not comply with the rule.

The SPEAKER. The gentleman does not quote the rule. The rule provides that the statement accompanying a report of a committee of conference shall show the effect of the changes. The Chair is unable to discriminate against the report in that respect, and the point of order is overruled.

Mr. BRAGG. I desire to call attention to a particular clause of the report. I know you have got the power, but I have the right to ask that the particular clause in the report be read in order to show the Speaker that he is mistaken in the decision he has made.

I refer to that part of the report which relates to the Pay Corps. The report gives no information whatever with reference to the amendment in regard to that. Neither does it give any information with regard to that part of the bill wherein we provided in the House that certain officers should no longer remain absent from their commands who have been absent more than three years.

There is another provision which provides that the number of aids-de-camp shall be reduced, and provides that the pay of the aids-de-camp shall not exceed a particular sum.

There is no allusion in that report anywhere to these provisions in the bill which were stricken out. They are only referred to as something having been stricken out, and in lieu thereof it is stated that something is inserted as follows.

The SPEAKER. The gentleman from Ohio [Mr. BUTTERWORTH] moves concurrence in the conference report.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Under Rule XXIX this report of the conference committee is required to be accompanied with—

A detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

My point of order is this: that the statement is expressed in merely general terms, and is not a compliance with the rule.

The SPEAKER. The same point of order was made by the gentleman from Wisconsin [Mr. BRAGG], and the Chair can not hear the same point of order repeated. The gentleman from Ohio moves to concur in the report.

Mr. HOLMAN. I rise to a question of order. Under Rule XXIX, which I send to the Clerk's desk to be read, I make the point of order that the statement read at the Clerk's desk is not a compliance with the rule.

The SPEAKER. That point of order the Chair has already heard and disposed of.

The question was put on agreeing to the report of the conference committee.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 89, noes 42.

Mr. BRAGG and Mr. HOLMAN. No quorum.

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Ohio, Mr. BUTTERWORTH.

Mr. HOLMAN. I ask unanimous consent to make a statement. The rule to which I refer—[cries of "Regular order!" "Object!"]

The SPEAKER. The gentleman can not be heard on that. Objection is made. The point of order ought not to be made more than three times at least.

The House again divided; and the tellers reported—ayes 111, noes 38.

So the report of the committee of conference was concurred in.

Mr. BUTTERWORTH moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes.

ELECTION CONTEST—COOK VS. CUTTS.

Mr. CALKINS. I now call up the contested election case of Cook *vs.* Cutts from the sixth Congressional district of Iowa.

Mr. PAGE. Is it in order to move to adjourn now?

The SPEAKER. The Chair thinks it is too early to adjourn. [Laughter].

Mr. CALKINS. I ask the Clerk to read the resolutions reported from the committee.

The Clerk read as follows:

Resolved, That M. E. Cutts was not elected as Representative from the sixth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That John C. Cook was duly elected as Representative from the sixth district of Iowa, and is entitled to a seat on the floor of this House.

Mr. CALKINS. In regard to this case, I desire to state that the Committee on Elections, after entering upon its investigation, came to the House with a resolution asking that the time be extended in order to enable the contestant to take further testimony, which was granted by the House. That testimony was not completed until July last. That accounts for the delay in the decision of this case.

The delay in the decision of the Frost and Sessinghaus case, which has just been decided by the House, was in consequence of the voluminous record, and, as was well stated, in consequence of the fight that was made, step by step, throughout the case.

Those two cases, with one other, that of Lee against Richardson, from the State of South Carolina, in which the majority of the committee have reported in favor of the sitting member, complete the work of the Committee on Elections for this Congress.

I now yield the floor to my colleague on the committee, the gentleman from Virginia [Mr. PAUL].

The SPEAKER. How much time does the gentleman yield?

Mr. CALKINS. My entire time.

Mr. HAZELTON. I rise to a parliamentary inquiry, as a member of the Committee on Elections.

The SPEAKER. The gentleman will state it.

Mr. HAZELTON. I desire to inquire whether, if we should adjourn now, this case would not come up in the morning as unfinished business, to be disposed of at that time?

The SPEAKER. It would come up when called up.

Mr. CALKINS. I desire now, with the permission of the gentleman from Virginia [Mr. PAUL], to ask whether any arrangement can be made with reference to the time desired for debate on either side of this case.

Mr. BELTZHOOVER. I will answer the gentleman that on our side we will be willing to conclude this discussion in fifteen minutes for and fifteen minutes against the report.

Mr. CALKINS. I will ask my colleague on the committee, the gentleman from Massachusetts [Mr. RANNEY], what time he will want?

Mr. RANNEY. I will have to take an hour, and there are two other gentlemen on the committee who will want from half an hour to an hour each.

Mr. CALKINS. I will submit to the House and to my colleagues on the Committee on Elections whether or not an hour on each side, which was the time granted in the other case decided to-night——

Mr. RANNEY. That time was extended an hour.

Mr. CALKINS. Whether an hour on each side will not be sufficient.

Mr. RANNEY. It would be impossible for us to present our side in less than two hours. It would be cruelty to animals to ask us to do so to-night.

Mr. CALKINS. I think that an hour on each side is enough, and I give notice that as at present inclined I shall call the previous question at the end of that time.

Mr. TOWNSHEND, of Illinois. Allow me to make a suggestion.

Mr. CALKINS. What is it?

Mr. TOWNSHEND, of Illinois. It is that an hour on each side be allowed for debate, with the understanding that no vote shall be taken on this question until to-morrow morning.

Several MEMBERS. Oh, no; decide it to-night.

Mr. CALKINS. As for the present it does not seem possible to arrive at any understanding in reference to the time to be allowed for this case, I will yield to my colleague on the committee, the gentleman from Virginia [Mr. PAUL].

The SPEAKER. The gentleman from Virginia will proceed.

Mr. PAUL. Mr. Speaker, fortunately this case admits of comparatively little discussion; it is narrowed down to one point. In the short time which I shall ask the attention of the House I shall address my remarks to the single point on which this case turns.

There is nothing in this case similar to what we have had in other contested-election cases. There is no charge here of ballot-box stuffing or of dishonest counting. The whole case turns on the single question as to the legality of about 20 or 23 votes.

Mr. Cutts, the contestee in this case, was declared elected and received the certificate on a majority of 9 votes. The contestant, Mr. Cook, served notice of contest on Mr. Cutts, and claimed that there were certain votes which had been cast for Mr. Cutts that were illegal and fraudulent. Mr. Cutts filed his answer and claimed that certain votes that had been cast for the contestant were illegal and fraudulent.

The result of that part of the contest is about this: The contestant shows that there were 7 illegal votes cast for the contestee, and the contestee shows that there were 7 or 8 votes cast for the contestant that were illegal. In the consideration of this question these fraudulent votes were excluded by the committee; and the case, as I said before, turns upon the 15 or 20 illegal votes claimed to have been cast for the contestee.

Those illegal votes were cast in this wise: at one of the polling precincts, Muchachinock, there was a coal-mine, and in that coal-mine were employed a number of colored men from the State of Virginia. They went there in different lots. One crowd went in March, 1880; another went in April, 1880; another went in May, 1880; another in July, and another in September, and another in October of the same year. Now, the laws of the State of Iowa require a residence of six months in order to give a man the right to vote.

All the men who went there prior to May, 1880, had a right to vote. All who went there after the 1st day of May had no right to vote. The testimony in this case shows that of those men who went there twenty-three arrived after the 1st of May, 1880, and they were voted at the election in November following, not having been there six months. Therefore they had no right to vote. Now, Mr. Speaker, that is a fair statement of the case. That is the issue involved here.

I do not know what position will be taken by the minority of the committee who make a report in this case. I believe there are but two. The gentleman from Massachusetts [Mr. RANNEY] has made a report, and an able report, because he is an able man; but he will be unable to show this House that the votes which were cast by these men who went to Iowa after the 1st of May, 1880, are legal votes.

Mr. RANNEY. You had better show that they are illegal.

Mr. PAUL. We do show that they are illegal; and as to the proof, we prove by the man who took these people to Iowa, Major Shumate, that twenty-three of them went there after the 1st day of May, 1880. Not only is this proof given by Major Shumate, but he is corroborated and sustained by overwhelming testimony in the cause. We show he is correct in his statement by the letters which he wrote to his family after the arrival of these people. We show it by the testimony of the railroad companies who carried them to Iowa. What is stronger still, not a single witness is brought to contradict Major Shumate as to the time these people went there. When we sent out subpœnas to bring in witnesses to show the time that these men went to Iowa we could not find any of them except two; but when we asked them the question, "Did you vote in the last election?" they said, "We prefer not to answer that question." They not only refused to tell how they had voted, but whether they had voted at all.

An attempt has been made in this case to break down the testimony of this chief witness, Major Shumate, but it utterly and completely failed. He is corroborated by facts and circumstances which could not be falsified. He is sustained by letters which he wrote home to his wife as to the time these people arrived. He is sustained by testimony of the railroad officers; he is sustained by the records of the railroad office; he is sustained by the drafts he drew to pay the fare of these people; drafts which he drew on Mr. Cutts's own bank. And he is sustained by the fact that not one witness was called to contradict him. There is a feeble attempt made to break him down on his general reputation for veracity. You know what that amounts to. Twenty or thirty colored people were called to testify to the fact that Major Shumate was not a man of veracity. Twenty or thirty colored men came up and said that he was a man of veracity. In addition to that, eighteen white men of Oscaloosa, the town in Iowa in which he lived, came up and said he is a reputable man, a man of veracity, a man to be believed.

Now, I can anticipate from the report made by my friend from Massachusetts [Mr. RANNEY] the points that he is going to make in this case in order to break down Major Shumate's testimony. The first point he makes is that Major Shumate's memory is a bad one, that he is inaccurate in his statement of dates. Well, a man may not be able to fix a certain day; and Major Shumate does not profess to fix in his testimony any date when these people left Virginia; but he tells you that a certain man left in March, certain other men in April, certain other men in May, others in July, and others in September, others in October. If he had undertaken to fix a certain date you might have suspected the inaccuracy of his testimony; but he was so cautious and prudent as only to declare the month in which these people arrived. Then the books of the coal company, this company for whom these men were employed, show the month in which they arrived. There can not be in my judgment any question as to the fact that these men had not lived in Iowa a sufficient length of time to be allowed to vote in November, 1880.

At the risk of reputation let me say that Major Shumate is supported by letters written to his wife at the time of his arrival. The contestant here claims that the first installment of these people landed in Iowa on the 15th of May, 1880, fourteen days too late to make them legal voters at the November election following. The railroad records show that this crowd of colored people landed there on the 15th day of May.

Mr. RANNEY. I can save the gentleman and the House half an hour's talk perhaps. If he will look at my report and will remember what I said in committee he must understand that I concede six men who came in a crowd on the 15th of May, because that matter is of no consequence to the case.

Mr. PAUL. There were seven in that crowd. The gentleman concedes them, as I understand.

Mr. RANNEY. If the gentleman will look at my report he will see how I put it.

Mr. PAUL. The gentleman has made several reports. Does he refer to the supplemental report or to the other?

Mr. RANNEY. Both.

Mr. PAUL. I am glad the gentleman concedes that point. Then the only question between us is as to the time when the other sixteen arrived. And the testimony on that point is overwhelming that they arrived not with this crowd in May, but came in July, came in September, came in October, all of them arrived in Iowa after the seven men arrived there on the 15th day of May. I am glad to know you conceded that much.

Mr. RANNEY. You can not have read my report if you did not know it before.

Mr. PAUL. Why, that was the fight—that was the issue you made before the committee. That was the only point you made. When we showed you these people arrived on the 15th of May, then you said there were two crowds; one got there, you said, on the 1st day of May and the other on the 15th of May. Now you come in and concede these men got there on the 15th of May, but were not legal voters. Then let those seven stand aside, and that reduces Mr. Cutts's majority down to 2. But what are you going to do with the other 16 which arrived there in July, and in September, and in October? What is the proof? We narrow it down to 16 votes, 2 majority you have for Cutts. What are you going to do with the other 16? There is Shumate's testimony, the man who gathered these people up in Virginia and carried them out to Iowa, swearing they went in July and in September and in October, all after the 15th of May, 1880. What testimony do you bring to contradict him? When we called for these people themselves to come and testify we could not find them. Subpœnas were returned *non est inventus*. You know we got after all of them; we found but two and put them on the stand and asked them, "How did you vote in the last election?" And they said, "I prefer not to answer that question."

And you never tried to contradict Major Shumate except as to the May crowd. You called all these people as witnesses who had voted illegally, and knew they had no right to vote, and every mother's son swore they got there on the 1st day of May. A nice calculation, because if they got there on the 2d day of May they would not have been there six months to entitle them to vote. You called all of that May crowd, but you never called a single witness as to anybody who came in July or September or October. You had them all there—your own partisans—under your own control, but not a man did you bring to contradict the statement of Major Shumate as to the time they got there.

Now I will leave this case here with this, the opening statement. I do not desire to discuss it any further. This case was thoroughly discussed before the committee. It was carefully examined. I do not wish to detain the House longer in this discussion, if I were so disposed—but I will not do that. I will not trespass upon the sense of justice and of right that has marked the Republican side of this House in these contested-election cases. I will not offend your sense of justice by asking you to apply the same rules to Northern contested-election cases that you have applied to the Southern people. I have stood here by you in your policy of investigating these election cases, because it was right; not because it was the policy of the Republican party, but because it was the policy of justice and of honesty. And I have assumed as much responsibility in these contests as any man on this floor, and I do not regret it. I rather like responsibility, and the brief record I have made in this Congress I am proud of; prouder of the votes I cast on this floor to seat men whom I believe to be honestly elected than of anything else connected with my short Congressional career, except one thing, and that is the indorsement that my constituents gave me in the last campaign, because I had stood up for honest election and an honest count.

It may be the dream of a visionary, but I indulge the hope that I shall live to see the day when the claims of a Representative to a seat in this House shall be determined independent of partisan feeling and partisan bias, when it shall be the eager, earnest, honest desire of those who are to pass judgment upon conflicting claims to the right of representation on this floor, to ascertain the legally-expressed will of the constituent body, and to voice that will with an honesty and purity of determination that shall leave no doubt of its justice. [Applause on the Republican side.]

I leave this question with you. It is your concern as much as it is mine. Here is a case in which I believe that Mr. Cook was honestly elected; that there were illegal votes cast for Mr. Cutts that ought to be excluded I think; and I say it is the crowning honor of the Republican party in this Congress that it has stood up for fair elections, and has declared before the country there shall be honest elections throughout this Union. This is the first case that has been presented from the North, and I expect the Republican side of this House to apply the same rules to a Northern case they did so rigidly, and I say so justly, enforce in Southern elections. [Applause.]

Mr. RANNEY. Mr. Speaker, I would be the last man in this world to stand here and advocate the cause of this contestee [Mr. CUTTS] if I did not believe that he was duly elected and is entitled to retain his seat. It is undoubtedly true that this contestant if he was elected should now be given his seat, whatever may be the consequence. But if he has to be given a seat at all it must be given to him as a matter of right, of strict right, and not as a matter of grace or favor. If I wanted to oblige my good friend from Virginia, and I could feel that I was doing right when I did so, I would be glad to seat the contestant; but I can not do it, and I do not believe the House can do it. I do not believe the House can do it, because it is not right, and for one I am not willing to put myself on the record as sustaining the case presented here by the contestant. I do not believe that if a jury had found the facts as stated in the majority report there is any court under Heaven, certainly in this country, that would not in the exercise of its conservative power set it aside as against evidence and without evidence.

Now, sir, to come at once to the case in hand: The contestee was awarded his certificate on a majority of 101. It appears that in two townships the returns were defective, but the actual vote has been proved as it was cast, and being allowed, the majority of contestee is reduced to 9.

That is the position in which it stands on conceded facts to this point. The contestant concedes and the evidence shows 8 illegal votes at least cast for the contestant. Eight are conceded, and the names are given in the majority report. I pass to the controverted issues.

The majority report shows this: They find 32 illegal votes to have been cast for the contestee, twenty-three of them are the votes of colored persons, seven of them are in a miscellaneous class, one of them was an alleged imbecile, another one is said not to have resided in the township where he voted, but in another township within the same district, and five of them are said not to have been citizens because not naturalized, and then there are said to have been two colored voters more who came from the Albia mines. The majority report finds only a majority of fourteen for contestant, and the report which I have presented in behalf of the minority finds a majority of fourteen the other way. So that the case comes down to close quarters.

Unfortunately the everlasting negro is brought into it, but there is no pretense that the colored men were taken to Iowa for any improper purpose, but for legitimate business and for laudable purposes as laborers in mines.

Mr. MOULTON. And were used fraudulently after you got them there.

Mr. RANNEY. Wait until I get through and see, and the House will judge as to that. It is not so.

There is, however, another question that meets us on the very threshold of the case, not considered or reported upon in the majority report. In my judgment this question determines the case of itself. But before treating that issue I wish to say, as preliminary to that consideration, I was on the sub-committee that investigated this case. My associate from Iowa [Mr. THOMPSON] who is absent now on account of illness of some relative, as I understand, was also upon that sub-committee. We tried no less than six times to get a quorum of that committee together to hear this case, but rarely ever got more than one or two members. In addition to that we did not ever succeed in getting a full hearing of the case. The contestee was ill and had no counsel; but finally the case had to be brought before the whole committee for decision, without any formal report from the sub-committee. When it was taken up and decided there, five members were absent or did not vote, and a bare majority passed upon the case there. Mr. THOMPSON, who was to make a report of the case to the committee, had been compelled to leave and was not present.

Mr. BELTZHOOVER. Let me ask the gentleman, how did the vote stand in the committee?

Mr. DAVIS, of Missouri. I was just about to ask the same question.

Mr. RANNEY. Eight in the majority.

Mr. BELTZHOOVER. But eight voted for the majority report, and two against it, and one declined to vote. That is not a bare majority.

Mr. RANNEY. My statement is correct, that in the committee a bare majority voted in favor of the contestant. There are fifteen members in all and it took eight to make a majority of the whole committee. I did not undertake to say anything else. Seven would not have been a majority. There were two on the other side that voted, and the rest were not there and did not vote at all.

Mr. AIKEN. How would they have voted?

Mr. RANNEY. I do not know.

Mr. FLOWER. This is another question of eight to seven, I suppose?

Mr. RANNEY. I call it a majority vote, although, as I have said, it is a bare majority. Eight voted and the rest were not there, and you may discover for yourself how they would have voted. I know nothing about that. I am stating the facts as I know them.

I do not mean to reflect upon the absent ones because of their absence. They know what their reasons were; I do not. The point which I am now to consider was never argued or considered in committee and is not reported upon in the majority report at all. It is treated by me in the minority report. My friend [Mr. PAUL] has not touched upon it in what he has said. I invite the attention of the House to the same.

The facts are not in dispute. There were two precincts in which some 34 ballots were found in the wrong box, and which were counted

for contestant; 25 were in one precinct and 8 in another. There was 1 ballot cast for Mr. Cutts, which was found in the wrong box also. There were three boxes—one designed for the ballots for State and county officers and member of Congress, they being all on one ticket; another for township officers; and another was for ballots cast upon the constitutional amendment, called the amendment box.

The ballot for Mr. Cutts alluded to was found in the amendment box. The others were found in the township box—25 in one precinct and 8 in another precinct. The managers excluded the vote cast for Mr. Cutts and counted those cast for contestant. If this was wrong contestee was elected at all events, and the other questions become immaterial.

In my opinion none of these votes found in the wrong box should have been counted, and that they should now be rejected.

Mr. HOOKER. Who put them in the box, the electors or the managers?

Mr. RANNEY. I will answer that when I come to it in order; but wish now to show what is the law, and what are the precedents in this House on the subject. Gentlemen must remember they are making precedents in this case for the future. We are deciding a question of law which is independent, important and independent of all. It is not a new question. There are two precedents on the records of the House and which have gone into the books, and there is a well-considered case decided by the highest court in Michigan.

The precedents and case referred to and considered are in McCrary on Elections, sections 130, 131, 132, 133. What was held in Washburn *vs.* Ripley is thus stated by Mr. McCrary. I will read only brief extracts:

> In the lower House of Congress it has been held that ballots deposited in the wrong box were lost and could not be changed to the right one, either by the voter or the officers of election. The same question again arose in the House in the more recent case of Newland *vs.* Graham. In that case one of the judges of election testified, he and the other judges finding a few ballots had been placed by mistake in the wrong box, had them changed. There was no doubt as to the mistake, or that the judges acted fairly and in good faith. The committee submitted to the House the question whether these ballots should be counted, at the same time, however, intimating very clearly what their opinion was. In this case that recommendation of the committee was not adopted by the House, or at least adopted only in part, the seat being declared vacant, while the committee recommended the seating of the contestant.

These are two precedents of long standing in this House; and there is not one that I can find to the contrary.

There is a well-considered case in the eleventh Michigan Reports, of The People on the relation of Michael Hayes *vs.* George Bates. I will read from the head-note. It was held as follows:

> Where a city and State election were both held at the same time, under the charge of the same inspectors, and 7 ballots for city officers were found at the closing of the poll in the "State" box, and the circumstances of the case made it reasonably certain that these ballots were in good faith put in by electors, who did not put in other ballots for city officers at the same election, it was held that they were properly counted by the inspectors.

Now, I will read one sentence more from the opinion of Judge Campbell—a dissenting opinion. I take the law, you will see in a moment, as held by the majority of the court in this case. I do not claim anything else. Judge Campbell says this:

> But the fact that such an occurrence has happened, either by the design or mistake of these voters, and that it is impossible by any means to ascertain who they were, illustrates to my mind the necessity of adhering to the rule of counting only such ballots as are cast into the proper ballot-box, without attempting to correct what can only be supposed to be an error by means purely conjectural.

Now, what does McCrary say? And it is a doctrine which I have adopted, that if the ballots are put into the wrong box by the design or fraud of the inspector the voter should not be deprived of his ballot; that I grant. And if it is a pure mistake of the voter, and it is so shown and proved affirmatively, then I grant the vote should be counted. I take the extreme view or the most favorable view, as intimated by Mr. McCrary, as you will see when I call your attention to the facts in this case. McCrary says:

> It should be shown that the ballots were handed in by legal voters and deposited in the wrong box by accident or mistake or fraud of the officer, and the facts and circumstances tending to establish or to go to disprove this proposition should be brought out in the evidence.

Mr. HOOKER. Your own authority puts you out of court.

Mr. RANNEY. No, it does not.

Mr. HOOKER. Go on; I will show you that it does.

Mr. RANNEY. If so, then I will yield the case. The point is this: if the ballots were put into the wrong box by the wrongful act of the inspector, they should be counted; and if they are put into the box by the innocent mistake of the voters they should be counted. But it is not enough that you should show the fact that the ballot appears in the wrong box; you must show the mistake, or the accident, or the fraud by which it was put into that box. If this is not proved affirmatively this House should reject the ballots counted for the contestant.

Mr. MOULTON. Will the gentleman allow me——

Mr. RANNEY. Certainly.

Mr. MOULTON. Is it not the rule that the presumption is that every officer performs his duty?

Mr. RANNEY. That is undoubtedly the rule of law, that the officers of election are presumed to act rightly and to do their duty. That is the case here. The evidence here is that the officers took the votes and put them into the boxes as the electors themselves directed.

Mr. MOULTON. I deny that.

Mr. RANNEY. It is true.

Mr. MOULTON. That is not in the evidence.

Mr. RANNEY. I thought you had not read the record when you made your report.

Mr. BREWER. Will the gentleman refer us to the page of the record that proves that fact?

Mr. RANNEY. One of the witnesses is asked the question and he states distinctly that the officer puts the votes in the box where the voter directs they shall be put. On page 220 of the testimony, cross-interrogatory 3, the witness is asked, "Does the voter or one of the judges place the voter's ticket in the box?" And the witness answers, "From what I have noticed one of the judges, by the direction of the voter, places the ballot in the box indicated by the voter."

Mr. MOULTON. That is a general rule which is followed in the election; that is not in this case.

Mr. RANNEY. If there is any evidence in this record that shows that these officers were guilty of any frauds, I would like to know it. The facts in question occurred in two precincts; in one of them the three inspectors were all Democrats, in the other there were two Democratic inspectors and one Republican, and all the four clerks were Democrats. Now, if you say that your Democratic friends, the officers at that election, fraudulently took those ballots and put them into the wrong boxes, then say so if you want to; I do not say it.

Mr. MOULTON. Or put them there by mistake.

Mr. RANNEY. By mistake! The fact is clear and the evidence undisputed that ballots were found in the wrong boxes. The evidence here is clear and undisputed that the way the votes were cast in this election was this: They have there the secret ballot; the voter approaches the box with his ballot folded, or if it is not folded he is required by the manager of the poll to fold it before it is deposited; when he has folded it he hands it to the manager, who puts it into the box designated. The manager has no right to open the ballot to see for whom it is cast. The ballot is secret, and the manager has no right to see or know who it is for. The manager could not determine from the ballot what box the ballot should go into unless he violated the rights of the voter. The process of voting is plain. There were three ballot-boxes, each labeled to show for what class of ballots they were designed, so the voter could see and know for himself.

The voter steps up with a folded ballot and hands that folded ballot to the man in charge of the box for the ballots for State ticket described, and it is put in that box. The voter may have in his other hand another ballot of the same kind, and hand that to the man in charge of the township box, and he must put it into that box; and he may have still another ballot of the same kind, and hand it up to be put into the constitutional-amendment box.

Mr. DAVIS, of Missouri. Tell us what were the facts, and not what might have been.

Mr. RANNEY. The facts are, first, these: there is nothing in this whole record to show any accident, mistake, or design in the case of the ballots that were found in the wrong box. There is nothing in the case except this: that when these boxes were opened there were twenty-five in one and twelve in another, the township box and the other box with Judge Cook's name on it, and the managers counted all of them as though they had all been in one box. Now, there is not a tittle of evidence in this case to explain how that happened. If there is I ask the gentleman to point it out.

Mr. SPRINGER. Does not the poll-list show that the ballots corresponded with the whole number of names on the list?

Mr. RANNEY. We have not the poll-lists.

Mr. HOOKER. Why did not you have them?

Mr. RANNEY. It was for contestant and not the contestee to show that it was by mistake, or accident, or design; otherwise the ballot is not to be counted under the law as cited.

Mr. BELTZHOOVER. Will the gentleman allow me a moment?

Mr. RANNEY. Certainly.

Mr. BELTZHOOVER. Does not every witness swear on that subject that the number of ballots in the boxes did not exceed the number of names on the poll-list—did not even reach the number?

Mr. JACOBS. There were two more on the poll-list.

Mr. RANNEY. If there is any such thing in the record I have not seen it. I am sure that no poll-list is in the record or its contents proved.

Mr. BELTZHOOVER. I can turn the gentleman to it without any trouble.

Mr. RANNEY. If the gentleman will let me alone, I will state what is in the record. I do not wish to be interrupted. I shall deal fairly with this question.

Remember it must be shown in proof affirmatively that these tickets got into the box by accident, mistake, or fraud. If you say there was fraud on the part of the managers, I have answered that assumption. Was it mistake on the part of the voter? No, so far as the evidence appears. In Warrington Township, where there were eight or twelve of these cases, there is not a particle of evidence on the subject except that

in one instance a witness is asked if it is not a common thing to get a vote in the wrong box. He says, "I should not think it was a common occurrence." In case of the other precinct one witness answered, "It has been done." But are we to say that because it is a common thing to do wrong, therefore it is right, and changes the rule of law? Men may make mistakes; but it must be shown that there was a mistake. If the poll-list were produced, and it should appear how many men voted on that day, that would be one fact. But we have not got that at all as they had in the case from Michigan cited. The only evidence that can be relied upon at all is that of Mr. Baxter, one of the managers, to whom this question was put:

When you found State tickets in the township box, did you not find an equal number of township tickets in the State box?
Answer. No; we did not.

If a man made a mistake; if, when he went up to vote, he got his township ticket in the State box and his State ticket in the township box, you would say they had been interchanged possibly by mistake. But the evidence does not show that this was the case, but the contrary thereof.

Mr. BELTZHOOVER. I do not wish to interrupt the gentleman, but I have the testimony on this point.

Mr. RANNEY. If the gentleman will refer me to it I will read it,

Mr. BELTZHOOVER. Page 214.

Mr. RANNEY. That is where I am reading.

Mr. BELTZHOOVER. Page 236, first cross-interrogatory, and page 265; then interrogatory 9 on page 214.

Mr. RANNEY. I have all those references, and will take up the evidence. Is there anything else the gentleman refers to.

Mr. BELTZHOOVER. Pages 215, 216, and 217.

Mr. RANNEY. What is the evidence?

Mr. BELTZHOOVER. To answer that I would have to read the evidence in each case.

Mr. RANNEY. If those are your references, I am coming to all of them. The first fact I have shown is that there was not an accidental interchange of ballots, because there is no witness who says that any man going up to vote got his ticket into the wrong box. The presumption is that a man would vote both tickets. It is true that one witness gives the number of votes for Mr. Cook and the number of votes for Mr. Cutts; but that does not settle the question. A part of those votes may have been the double votes in question. If the poll-list were produced and the number of votes counted for Mr. Cook corresponded with that, what would it show? A man may have put one set of votes into one box and another set into the other and they may both have been counted. There would be but one name on the poll-list, though the votes would be doubled.

It may be said that if a man states what his vote was, that explains it; but it explains nothing. He might have put the same vote into three boxes, while only one man's name would appear on the poll-list. You have no right to conclude that a man would vote for only one set of candidates. The probability is that a man would feel as much interest in town officers as any other. If a man wanted to commit fraud, can you point out any easier way to do it than by voting for the same officer on three sets of tickets, one put in each box?

Mr. SPRINGER. But the aggregate vote would show more votes for Congressman than there were voters, which is not the fact in this case.

Mr. RANNEY. It does not appear how many voters there were.

Mr. SPRINGER. It does.

Mr. RANNEY. I beg the gentleman's pardon.

Mr. SPRINGER. I can read the evidence.

Mr. RANNEY. I now come to the ninth interrogatory. This is the next point I was going to consider; I am glad the gentleman is satisfied so far as I have gone. I can and will read now the only evidence which the learned gentleman can refer to:

Interrogatory 9. What were the entire number of votes in said precinct at said election?
Answer. Either 503 or 505. I am not positive about the exact vote.

He was not asked how many votes were cast or the highest number of votes cast for any one man; but he was asked how many votes there were in the precinct. He does not remember the exact vote in the precinct. But what does that prove? Suppose there were thirty-three men in that precinct who did not vote at all, and thirty-three Democrats who cast double votes. They could not have had a better opportunity to do that, and the only reasonable probability on the evidence is that this was so.

There is no poll-list or any evidence to show how many men voted that day at all except the number of votes counted. If there is any other evidence, let us see it.

You have not a single fact or circumstance to show accident or mistake; the mere fact that the ballot is in the wrong box is held to be no evidence or not enough. A guess or conjecture will not do, but the proof must be adduced to show affirmatively a mistake or fraud. The authorities are very clear. The precedents as they stand in this House are to the effect that even if the inspector knows there has been a mistake he has no right to take out the vote and change it, or let the voter take it and change it. The court of Michigan say that the fact of a vote being found in the wrong box is not sufficient; you must show affirmatively how the vote got there, and that there was a mistake on the part of the voter or a fraud on the part of the inspectors. There is not a particle of evidence of this kind in the present case. I have alluded to all that the gentlemen has pointed out.

Mr. BELTZHOOVER. I have not pointed out the fiftieth part of it, except by page, and the gentleman has not referred to any of that. I shall refer to it when I take the floor. I do not wish to interrupt the gentleman. He has not read a fiftieth part of the evidence on this point.

Mr. RANNEY. Now, Mr. Speaker, if this case is going to be determined on assertions and counter-assertions, we ought to know where we are. If gentlemen will read the testimony from pages 213 to 220, they will find all there is on the subject. There is not a particle of evidence tending to explain in the slightest degree as to the votes in Warren Township, or to show any mistake or fraud. There is no presumption about it. The presumption is that a voter intended to do what he did do. Accident or mistake is not to be presumed, but must be shown, as McCreary says in section 132:

The party who, in case of a contest, claims that ballots found in the wrong box should be counted, should be put to the proof that such ballots were fairly and honestly cast by legal voters.

The SPEAKER. Does the gentleman yield the floor?

Mr. RANNEY. What time have I left? I am willing to go on to-night and finish, if that be the desire.

Mr. ANDERSON. I move the House do now adjourn. [Cries of "No!"]

Mr. WHITE. With the consent of the House, I will move we take a recess until 10 o'clock.

Mr. RANNEY. I am willing to yield to an adjournment if that be the wish of the House.

Mr. BELTZHOOVER. How long does the gentleman desire?

Mr. RANNEY. There are three other gentleman who want half an hour apiece.

Mr. BELTZHOOVER. How much time do you want?

Mr. RANNEY. An hour.

Mr. BELTZHOOVER. How much time has the gentleman left?

The SPEAKER. He has thirty minutes. [Cries of "Regular order!"]

Mr. BAYNE. The regular order is the motion to adjourn.

Mr. WHITE. I move the House adjourn.

Mr. ATHERTON. That is not good faith.

The SPEAKER. Does the gentleman from Massachusetts yield to a motion to adjourn?

Mr. ANDERSON. Yes, he does.

Mr. RANNEY. I yield to the motion to adjourn. I think the House ought to adjourn.

Mr. SPRINGER. I hope the House will not adjourn, but will settle this case to-night. To-morrow we will have the tariff bill up, and there will be no time to consider this case.

Mr. WHITE. Debate is not in order.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House do now adjourn.

The House divided; and there were—ayes 15, noes 49.

So the House refused to adjourn.

Mr. RANNEY. If I am right, and I desire to be on the facts stated, taking the law to be in the most favorable light for contestant, the contestee was duly elected.

Mr. HOOKER. I ask the gentleman from Massachusetts to indicate some time when he proposes to close his side of the case.

Mr. RANNEY. I did not hear what the honorable gentleman from Mississippi said. I propose to proceed in my own way and in my own time. If the House compels us to sit here to-night at this late hour, I must argue this case in the best way I can under the circumstances.

Now, to restate it: The fact that ballots are found in the wrong box standing alone is conclusively stated by the best authorities that they should be rejected. I repeat, you are not to presume it was by accident or mistake or fraud, but you must find it affirmatively proved to have been such. That is the most liberal doctrine as qualified by the author cited. The law is founded in reason as a safeguard in the interest of pure elections and to prevent fraud, and its principle is a vital one. I say again, there is nothing to show it was by accident or mistake, and not perfectly consistent with fraud; and, notwithstanding what is asserted, I respectfully challenge any man on this floor to cite anything from the record which relieves the case from the condemnation which the law imposes.

Now, Mr. Speaker, I pass to another class of votes. We are coming to more minute detail, which may be important if the contestant is not already disposed of by the other, which I have discussed at such length. There is a miscellaneous class of votes. I see that the majority in their report state a man by the name of Patrick O'Connor, who voted for contestee, was an imbecile. What is the evidence? They call a farmer—not a physician, not an expert—and he says that he had the appearance of a man of unsound mind, that he stuttered and spluttered and did not seem to understand. And that is the only evidence they refer to, and that is about the whole substance of it. Another man of the same name in 1875 was under guardianship, we are told. There is no evidence he

was the same man, but I presume he was. What is the state of the facts? Just think of it. A lawyer by the name of Bowles and another man by the name of Havens, respectable and intelligent men, took that alleged imbecile before Judge Blanchard, of the circuit court, in October, the month preceding this election, and signed as a witness and swore to the requisite certificate to get him naturalized, and the judge, Blanchard, administered the oath, and gave him his certificate of naturalization. These men who took him there were political friends of the contestant, Greenback Democrats. They knew him intimately and well, lived in the same town, and they took him before the judge of the circuit court and swore to the facts, and the judge administered the oath and naturalized him, and he received his certificate, and about a fortnight after that cast his vote, and no man in that township where he was so well known challenged his vote.

He voted for the contestee, and that, I presume, they think is sufficient evidence of his insanity or imbecility. If he had voted the other way contestant would not perhaps have set up this claim, and he would have been held to be a sound and a sane man. Indeed, the witnesses who got him naturalized do not swear that he was an imbecile.

Mr. BRUMM. Let me ask the gentleman if the question of insanity is a question pertinent in the naturalization of any person? That issue was not tried at all.

Mr. RANNEY. Imbecility. Do you suppose that any respectable man would take a driveling idiot, as you would have us believe this man to have been, before the judge of the circuit court and swear as they are required to swear in that case. I wish I had it here to show you what was required of the witnesses and the subject.

Mr. BRUMM. But the gentleman does not answer the question.

Mr. RANNEY. I do not believe that any man would take an insane person, an idiot, an imbecile to a judge to have him naturalized. And to get him naturalized for the purpose of getting him to vote for the contestant.

Mr. BUTTERWORTH. He could not take the oath if he was insane.

Mr. RANNEY. He could not take the oath; an imbecile or an insane person could not take the oath because it would not be binding upon him. He could not understand it. The law presumes that a man is competent to understand the nature of an oath. An insane man or an imbecile could not be legally naturalized.

Mr. CURTIN. Was he adjudged to be insane?

Mr. RANNEY. I do not know that he was. There is a record here made in May, 1875, and if he was insane then he could have got over it in the intervening time.

Mr. CURTIN. Unless he was adjudged insane the argument goes for nothing.

Mr. STOCKSLAGER. Let me ask the gentleman if the rule of law is not that where a state of facts is once shown to exist it is presumed to exist until the contrary is shown?

Mr. CURTIN. That is it exactly.

Mr. RANNEY. If he was competent to take an oath like that, and he did take it and then did as he was requested in the matter of voting, it is a good proof of his sanity. The fact that he voted for contestee is not evidence of insanity. The men who got him naturalized to vote must have seen and known that he was not an imbecile.

Mr. JACOBS. That is not quite fair, judge.

Mr. RANNEY. I do not know whether it is or not, but it is a significant and competent fact; and there is no evidence whatever of his insanity except the testimony of a farmer in reference to it. There is no evidence of a physician or of an expert whose evidence would be competent to show the fact. There is no testimony whatever of a person competent to determine the fact.

That disposes of him, and the presumption that he was a qualified voter is almost conclusive. Besides, the judges of election, knowing the man, and being good citizens living in the same town with him, accepted his vote as a valid vote and allowed it without question. No one challenged him, but permitted him to vote and it was counted. Mere weakness of mind does not destroy a man's vote. If it did a great many would not have the opportunity of casting their votes.

The next alleged illegal voter is Mr. Gurnsey. They say he lived in Centreville, but he cast his vote in John's Township. The claim is based on Gurnsey's own testimony. He went when two years old to live in John's Township, and that became his home. He swears that he always lived there, and never intended to change his residence or home from there and that he had not done it. He was county superintendent of schools, and was away a part of the time spending it at Centreville. The January before the election he was working at Centreville on a newspaper, and went there and staid about half his time, but he still kept his home in John's Township. He recognized that as his home; kept his room there, his clothes and his library. Now, a man does not change his residence unless he actually moves away with the intention of changing his domicile to another place and does so. This man swears that he did not intend to leave John's Township; that he regarded it and retained it as his home, and yet his vote is rejected as illegal without a tithe of other evidence. Then there are four minors who had come to this country quite young. They say they were not naturalized. Now, if the father of these was naturalized, that was enough. They say, one of them said, that his father told him two or three years before he died that he had never been naturalized, and an inference drawn from that hearsay statement, not under oath, was that the father had never been naturalized. But there was time enough in those two or three years for him to secure his naturalization; and if the father was naturalized it was sufficient if the boy was a minor at the time. Another swears he was, or thinks he was, past 21 years of age when his father was naturalized. But he did not state what his age was or when his father was naturalized. That was the condition of some of these others.

I will not take the time of the House to allude to them all. But there were five votes standing in that position. The evidence is wholly inadequate. I state this, too, as a proposition which will not be denied: One man comes forward and swears that he was an illegal voter and voted for contestee illegally. He is presumed to know the law, and knew if he did what he says he did that he had violated it by voting when he had no right to vote. Now, I ask, if you will take and rely upon that man's uncorroborated evidence, alleging as he does his own turpitude and violation of the law? I state this as a fair proposition of law, that if a man shows by his own evidence that he violated the law and committed a criminal offense, he is not to be credited, as a general rule. If he swears to the commission of an act of moral and legal turpitude, to a violation of the law, that is sufficient to destroy his credit when he goes further and swears that he voted for the contestee.

Mr. BRUMM. Does the gentleman from Massachusetts contend you must prove a negative in a case of that kind?

Mr. RANNEY. The law presumes every vote cast is legal, and it is to be so taken until the contrary thereof is proved by competent and credible evidence.

Mr. BRUMM. Until the contrary is proven.

Mr. RANNEY. Yes, sir.

Mr. BRUMM. Does not Hanson say this? I read from the testimony:

Interrogatory 7. Where is your father?
Answer. My father is dead.
Int. 8. Were you ever naturalized?
A. No, sir.
Int. 9. Was your father naturalized before you became of age?
A. No, sir; but he made his declaration of intention of becoming a citizen.
Int. 10. Was your father ever fully naturalized?
A. No, sir.

Then he goes on just in that same strain; and in regard to the others the evidence is just as plain as that.

Mr. RANNEY. I do not yield to the gentleman except for a question. What the gentleman says shows how men will get along who only read half of the evidence on a point.

Mr. BRUMM. I read what was essential. I do not want to take up time.

Mr. RANNEY. This man says he only knew his father was not naturalized because his father told him so two or three years before he died. He had no knowledge about it. It is mere hearsay at best.

Mr. BRAGG. What proof was there he was naturalized?

Mr. RANNEY. The record.

Mr. BRUMM. Here is what he says on that subject:

Interrogatory 12. In what year did your father die?
Answer. In the year 1879.
Int. 13. Was that after you became of age?
A. Yes, sir.
Int. 14. How old were you when he died?
A. I was twenty-three years of age.

It was after he became of age.

Mr. BRAGG. Where do they keep the records of those not naturalized?

Mr. RANNEY. I suppose where your party, the Democratic party, is accustomed to keep them. They keep the run of them at least pretty well, to say nothing more.

Now, I do not want to be interrupted if all this is to come out of my time.

Mr. BUCHANAN. Will the gentleman allow me to ask him just one question?

Mr. RANNEY. I will hear one more question.

Mr. BUCHANAN. Is it an admitted fact that these men were foreign born? Is that admitted?

Mr. RANNEY. The only evidence in this whole matter as to each man's vote is his own oath—the oath of a man who is alleging his own turpitude, his own violation of law; an ignorant, an unknown man, an alleged foreign-born man, who swears to the commission of a serious offense.

Mr. BUCHANAN. When a man is foreign-born, then the burden of proof is on him to show naturalization either of himself or his father.

Mr. RANNEY. The law is very plain that when a man's vote is received he is presumed to have been naturalized, if need be. That is conceded as undoubted law. You start with that presumption and must meet it with proof of the contrary before the vote can be invalidated. In this case the only evidence in one instance is that this man's father told him two or three years before he died that he was not naturalized.

Mr. BRAGG. Let me ask the gentleman a question.

Mr. RANNEY. I will yield for one more question.

Mr. BRAGG. I want to know why the presumption did not obtain for those who cast their votes which the directors of election deposited in the wrong box—why the presumption is that they were illegal votes? Why does not the presumption attach that all things are presumed to be rightly done and properly received and that the man exercises the franchise properly, so that the man shall not be cheated of his franchise by an inspector depositing his vote in the wrong box?

Mr. RANNEY. I did not yield to the gentleman for a speech. The gentleman is too good a lawyer to require an answer to a question like that.

Mr. BRAGG. That is the easiest way to answer the question.

Mr. RANNEY. When the fact is patent, when a man put these ballots in the wrong box, there is no presumption of law he put them in the right box.

Mr. BRAGG. But is it not the intent of the voter that should control, rather than the box in which his ballots are deposited?

Mr. RANNEY. The law is what I have stated it to be. If in the wrong box, it is no vote unless the same is made so by other independent evidence, and mistake or accident is not to be presumed. If we are to go upon presumption merely, you may commit any amount of fraud in that way and it will not be in the power of any one to prove it, and votes could be easily duplicated. That is a sufficient answer to that question.

Now, I was saying this, that other evidence than that of the flagrant violation of the law is necessary to satisfy me of the requisite facts. If a man is self-confessedly bad enough to commit such an offense, he is bad enough to falsify. The man who will commit such an offense as that and comes alleging his own turpitude in voting at all can not be believed when he goes further and says he voted for Mr. Cutts. He is more likely to have voted for the other party. At any rate I can not believe him when uncorroborated. Hence I say the seven alleged illegal votes cast for contestee are not sustained by competent and credible evidence.

Now, I have only one other point to present. If these votes are rejected, then there are ten clearly illegal votes proved here as cast for contestant as I have shown in this report, and that makes contestee's majority thus far 19. I now come to the alleged illegal votes of the colored men. We have been told that this is a fact, and I must discuss the issue in order to cover the case.

Mr. ATHERTON. Will the gentleman allow me to ask him one question?

Mr. RANNEY. Well, let us have it.

Mr. ATHERTON. I wish to ask the gentleman whether, in the meeting of the Committee on Elections, the next meeting before the last one, the gentleman did not state in the presence of the full committee that in his opinion the only question that governed this contest was whether that colored vote was legal or not, and that in his opinion there was no other question worth considering?

Mr. RANNEY. If I said that, then I misled my friend.

Mr. ATHERTON. I ask the gentleman whether he said it or not?

Mr. RANNEY. I may have said about that, or something near it.

Mr. ATHERTON. Well, how near it?

Mr. RANNEY. Oh, keep quiet; do not get offended.

Mr. ATHERTON. Well, when I ask a question am I not entitled to an answer?

Mr. RANNEY. I will answer your question, but in my own way, and I will answer it fully and without evasion. Before the sub-committee had examined this case it had been alleged that the turning point in the case, and the main point, was the legality of the colored votes. And I did state, with my then knowledge of the case, that that question would determine the case; and it would have determined it if it had been found in favor of the contestee.

Mr. ATHERTON. Was not that said after you had met in your sub-committee at least six times, and was it not said just before the last meeting of the committee? And did not the gentleman's own colleagues, two of his own party, state that that was the only question they had considered, because the gentleman from Massachusetts [Mr. RANNEY] had said that was the only question worth considering?

Mr. RANNEY. The only trouble in this case is that my learned friend on the other side and a couple of gentlemen on my side who have not examined the case have been under a hallucination all the time. And if I said that, I was under the same mistake at that time. But it is not true; and upon further examination I so found it, and tried to show the gentleman the other issues in the case.

Mr. ATHERTON. Who was it that labored under a hallucination about it?

Mr. RANNEY. The hallucination is entirely on your side, as I am trying to demonstrate.

Mr. ATHERTON. What light has the gentleman got since that time?

Mr. RANNEY. I do not think it is very proper for a gentleman to state what was done in the committee-room, to give the conversation between gentlemen discussing and arguing a question there in the course of the investigation, and quote that here in this House. I never have done it, and I never shall.

Mr. ATHERTON. The gentleman need not have answered the question if he did not want to. I wanted to see if he was frank enough to say frankly what he said.

Mr. RANNEY. I have said so, and if the case turns on that it will determine it; but I do not think it does. It matters not what any one gentleman of this committee may have said, or what I have said before or after a full examination and consideration. I say this, that this case was never thoroughly examined by myself in all its details until the committee voted upon it under the circumstances I have stated. The question is not what I have said, but what the facts are, and I shall not spend any time on that. If the gentleman was misled by any mistaken remarks of mine, I am sorry for it.

I come now directly to the point which I had reached when interrupted. What is the claim? It is that there were 23 illegal colored votes. Now, that matter has not been dealt with fairly. It is true there is a great conflict of evidence as to whether the crowd of colored people—they are called "a crowd" in the record, and I adopt your designation—went to Iowa on the 1st day of May or the 15th day of May. If they went there on the 1st day of May they were voters; if they went on the 15th day of May they were not voters.

It has been industriously circulated that there was a fraud on the part of men in getting colored people to Iowa; that they were colonizing, and all that, and the people began to think so. But when you examine it there proves to have been no truth in it. There were at best only seven men in the company which arrived in May.

I am not going to deal with the evidence as to this number, for I told the gentleman [Mr. PAUL] that he might leave that out of the case. I conceded those votes in my report, and if the gentleman had heard it he would have so found. There is evidence conflicting and contradictory, and it is impossible to get at the truth satisfactorily. There are twelve witnesses who have sworn to a falsehood and committed perjury if they did not come there on the 1st of May, or if there were not two crowds of them. But for the purpose of the argument I will concede that the six or seven of these voters—take the seven which they claim—were illegal. That reduces the seventeen majority, which is the majority on my theory to that extent, by seven. Now, I say there is no evidence beyond that that this House can rely on to prove any more illegal colored votes.

They found sixteen besides the said seven already conceded; but as to two of these men, Burks and Woodford, there is not a particle of evidence they ever came from Virginia when they came, and I challenge any gentleman to cite any. If gentlemen will turn to my report or to the record they will find that the only evidence on this point comes from Major Shumate.

Now, the value of evidence depends first upon whether the witness has personal knowledge of the facts he attempts to swear to; second, whether he recollects the facts; and third, whether he can be believed in what he says. The effort is made to show on the evidence of Major Shumate that there were twenty-three illegal votes cast in all. I want the House to see where Major Shumate stands. He had taken these parties of negroes from Virginia, each party embracing sixty or eighty, making three hundred or four hundred men. He took them to Iowa and located them in the mines. Only about one hundred of them voted. The uncontradicted evidence is that Major Shumate endeavored to induce three of them to go and vote illegally. He was a Democrat himself and there were several Democrats among the negroes. When he tried to induce them to vote they were more honest than he was, for they declined. He told them it did not make any difference if they had not been in Iowa more than a few days. This is the man who has tried to show that there were illegal voters. Major Shumate was at the mines when those men went in wagons to the polls to vote. He knew who went, because he was urging three or four more to go. After the election was over and the question arose whether any had voted illegally, he stated (I will read from the evidence of Major Shumate)——

[Here the hammer fell.]

Mr. CALKINS. I rise for the purpose of ascertaining whether we can have any understanding about the length of this debate. I address myself particularly in the first place to the gentleman from Massachusetts [Mr. RANNEY.]

Mr. RANNEY. I would be very glad if the gentleman would give me a few minutes of his time.

Mr. CALKINS. How much time altogether for your side?

Mr. RANNEY. I said two hours.

Mr. CALKINS. One hour has been exhausted.

Several MEMBERS. Let us vote now.

Mr. CALKINS. Let me make a counter proposition. If the previous question be now ordered there will be after that one hour, of which I am willing to yield fifteen minutes to the gentleman from Massachusetts. Will that be sufficient?

Mr. RANNEY. Fifteen minutes will do for me; but there are two other gentlemen who wish to speak.

Mr. BELTZHOOVER. Who are they?

Mr. RANNEY. The gentleman from Iowa [Mr. McCOID] and the gentleman from Tennessee [Mr. PETTIBONE].

Mr. BRUMM. Let us vote on the question now, without any more talk.

Mr. RANNEY. You can not crowd this case through in that way.

Mr. CALKINS. I wish to make a statement. This is the last seriously contested election case remaining undisposed of, except one. Now, I do think that if we are to dispose of this case we must make some arrangement about the time to be occupied in further discussion. I submit whether one hour longer will not be sufficient, I yielding fifteen minutes of that time to the gentleman from Massachusetts [Mr. RANNEY] after the previous question is ordered? That is the proposition I submit to the House and to the other side. I want to be perfectly fair.

Mr. BELTZHOOVER. I said when we started this discussion we were to conclude this case in one-half hour—that we were to take one-half hour against the gentleman's hour and a half. I am sure that should be satisfactory to the other side.

Mr. CALKINS. Suppose we yield thirty minutes—fifteen minutes to the gentleman from Massachusetts and fifteen to the gentleman from Tennessee [Mr. PETTIBONE].

Mr. BELTZHOOVER. We propose to give them all they want. We want but little time.

Mr. PETTIBONE. I will yield my half hour to the gentleman from Massachusetts.

Mr. CALKINS. A half hour is the entire time.

Mr. PETTIBONE. I yield all my time to Judge RANNEY.

Mr. BELTZHOOVER. I am willing to yield all the time but the half hour to conclude.

Mr. CALKINS. How will that do, Judge RANNEY—half of the hour after the previous question is ordered?

Mr. RANNEY. I will say this: As my associate, the gentleman from Iowa [Mr. THOMPSON], is not able to be here, I think his colleague [Mr. MCCOID] should have an opportunity to be heard.

Mr. PETTIBONE. As I have said, I yield my time to the gentleman from Massachusetts.

Mr. HAZELTON. How much do you claim?

Mr. PETTIBONE. Half an hour.

Mr. SPRINGER. Let us close the debate in half an hour.

Mr. CALKINS. With that understanding will that be satisfactory to my colleague on the committee?

Mr. RANNEY. I do not think this case ought to be crowded through in this way.

Mr. SPRINGER. We have to debate the tariff to-morrow.

Mr. TURNER, of Kentucky. It is now 1 o'clock, and we will probably be up to-morrow night, and I suggest that we come to a vote and dispose of this question at once.

Mr. RANNEY. I do not wish to trespass upon the time of the House longer than I can help.

Mr. PAGE. I move the House do now adjourn.

Mr. HAZELTON. Oh, no; let us settle this to-night.

Mr. RANNEY. I would like to go on in the morning.

Mr. CALKINS. That is impossible. For the purpose of testing the sense of the House, and I do not think the gentleman from Massachusetts seriously objects, I suggest that the previous question be considered as ordered after thirty minutes, to be disposed of as he sees fit.

Mr. BELTZHOOVER. That leaves us thirty minutes.

Mr. HAZELTON. I want ten or fifteen minutes.

Mr. CALKINS. I will yield it to you.

Mr. WHITE. Does the gentleman propose to take a vote to-night?

Mr. CALKINS. I do not.

Mr. HAZELTON. Is there an hour left after the previous question is ordered?

Mr. CALKINS. I understand that half an hour is now to be taken by the gentleman from Massachusetts, and half an hour reserved for my colleagues on the committee.

The SPEAKER. Objection is made to that.

Mr. CALKINS. I will demand the previous question, then.

Mr. RANNEY. I do not think it fair to order the previous question now.

The SPEAKER. After the previous question is ordered no further debate will be allowed.

Mr. CALKINS. If we are not to be allowed an hour after the previous question I withdraw it. I am unwilling to do anything in this case that is not strictly honorable. I am under instruction by the committee to urge the decision of each of these cases. I must do it on honor. [Cries of "Vote!"] I am in honor bound to do it without regard to its political significance. [Applause.] I ask now in fairness and justice, because every gentleman on the floor knows if this case goes over until to-morrow that is the end of it, that before we adjourn this evening the previous question shall be ordered and the vote can then be taken to-morrow. I ask by unanimous consent that all further debate be closed in one hour.

Mr. MORRISON. I object.

Mr. RANNEY. I understand that the gentleman proposes that three-quarters of an hour shall be allowed on this side.

Mr. MORRISON. I object to this arrangement; I do not like such bargains to put one man in and put another man out.

Mr. CALKINS. This is not a bargain——

Mr. HAZELTON. Suppose the chairman of the committee promises Mr. RANNEY and Mr. PETTIBONE each one-half hour to finish the argument on their side and then moves the previous question, leaving the hour to the other side.

Mr. CALKINS. I think this can be arranged now. The gentleman from Tennessee can take the floor.

Mr. WHITE. Let us adjourn and go home.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. PETTIBONE. I propose to accord the time allowed to me, one-half hour, to my associate, Judge RANNEY.

Mr. RANNEY. I am very sorry, Mr. Speaker, to detain the House, but desiring to cover the other branch of the case, I was proceeding to state that this contestant rests his case here exclusively on the evidence of Major Shumate as to the alleged twenty-three illegal colored votes. Conceding seven of them there would be still sixteen left, and I was calling attention to Mr. Shumate to see whether he was a credible witness. I wish to show exactly what he says himself and that he shows himself to be entirely unreliable. I have stated one fact already in reference to the matter. Now I shall proceed to read a portion of his testimony found on page 402 of this report, which I was about to read when my hour expired:

> Interrogatory. Did you say that those who voted were legal voters?
> Answer. No, sir; I did say repeatedly that there were more men than voted.
> Int. Do you know W. A. Lindly?
> A. I do, sir; cashier of the bank.
> Int. Did you have a conversation with him about the month of April, 1881, at the Oskaloosa National Bank and soon after you returned from Virginia in that month, in which you said to him in response to a question that you were acquainted with all of the colored men at the mines and that those who voted were legal voters and had a right to vote, and that the charge that any of them had voted illegally was entirely unfounded, or words to that effect?
> A. I had a conversation with Mr. Lindly with reference to the charge of illegal voting, to the effect that the charge of illegal voting was false, and from my information not all voted that had a right to vote, and from my information that the charge was false, for I never knew how many men did vote, but with reference to several conversations I had I have invariably made the same statement, according to the best of my information.

Here was a man who ought to know and who assumed to know, who stated after the election was over and the contest had begun that instead of those being illegal votes not all of the colored men voted who had a right to vote. He either falsified then or falsifies now. Standing alone he is discredited.

In the next place Major Shumate is impeached as to his recollection and impeached as to his truthfulness; and yet you seek on this man's evidence alone to prove the illegality of these votes. But he does not prove it. Gentlemen can not look at the evidence in this case or hear the discussion of it and place any credit in what he says at best. Gentlemen complain loudly on this floor about the fact that the evidence in the case is not examined by the committee or that the men who are to act upon the case do not hear the evidence. I wonder how many of you gentlemen here have read this evidence. How many of you have looked at it even to inform yourself about these facts? If you have not then I ask you to turn to this evidence of Mr. Shumate quoted in the record. You will find the evidence proves no such thing as is alleged. There are but two of these men out of the sixteen that he claims to have known at all. He did not pretend to know personally any more than those two of them; he could not swear when they came to Iowa, and there is not a tittle of proof in this case when these sixteen men came to Iowa except that his evidence covers six of them. That statement can be verified if gentlemen will take the trouble to examine the testimony for themselves.

In my report I take the case of Randolph Willis. They say he is one of those who did not come there with either of the first three parties. That is what Major Shumate says himself and that is all he says as to him. But he did not say that he came with any party that was brought there from Virginia. Another witness swears from personal knowledge that he came before April 4. So also of four others. He says they did not come in either of the first three parties. He does not say he ever knew them or ever had any acquaintance with them, or that they came to Iowa with any of the parties he knew. The evidence of Neill is that there were twelve or fifteen of the negroes there before any came from Virginia at all. And then there are seven out of the sixteen who did not appear to have been in Virginia in their lives, unless the man named Foster is relied on. He is impeached, and the other side will surely not claim anything from what he says, for I do not think contestant will want that part of the evidence referred to or discussed by anybody.

That is the only evidence then, Mr. Speaker, on which they rely for these sixteen votes. There is no evidence at all as to two of them. One came before April 4. No evidence covers them, except as to six, and they rest on the evidence of one discredited witness.

I have been obliged thus hurriedly to state what I regard as the salient points of this case. Necessarily the statement is curtailed in many important respects. I do not propose to take up the time of the House in discussing this matter in all of its details any further, but if any gentleman will take time to read this evidence as it is contained in my report there is not a member on this floor that would stake his reputation upon an assertion that the claim is sustained as to any one of the sixteen. Besides that the evidence shows that this man, Major Shumate, is contradicted and discredited through and through. And yet you

seek to oust a man from his seat on testimony of such a man, contradicted time and time again by numerous witnesses, and when his own evidence at best is weak and flimsy. I only care to have this case properly presented to the House in behalf of this contestee.

It seems perfectly plain on this exhibition of facts that there is no evidence on which you can unseat him. Why, I believe that there is not a gentlemen on that side of the House who, if the position of the parties was reversed in this case, would ever think of voting in favor of unseating the sitting member. If the parties were reversed, and such a proposition had been reported as the majority report contains, we should have an outcry about partisanship and outrage such as comes from the other side always when one of their side of the House is to suffer.

It is all right when the sufferer is on the other side of the House, and curses turn to praise for any man who finds in their favor. I do not want gentlemen who disagree with me, or gentlemen upon the other side, to lose the opportunity of discussing the question if they wish, and to refute any one of my statements.

I must call the attention of the House, however, to some other things which contradict and serve to overthrow Major Shumate as a witness. All of these alleged illegal voters were challenged at the polls when they appeared to vote. They were challenged as not qualified. Every one was required to take an oath, and every one did take the oath under the statute, wherein he distinctly swore he was a legal voter and had resided in Iowa over six months. We have all the sixteen voters taking this oath solemnly and openly. You must find that every one of those men committed perjury, and this on the flimsiest kind of evidence of one man alone, who happens to have a white skin and is proved to be far from white otherwise. Besides being contradicted throughout, and to have been grossly in error as to most everything else, he is impeached as having a bad reputation for veracity. Twenty to thirty witnesses, white and black, so testify, from a town where he had lived two years.

He was a Democrat in politics and not friendly to the contestee. Unless he is a man of most wonderful memory, a prodigy that has got a system of mnemonics that should go into the books, it was utterly impossible for him to remember the names of all the 300 or 400 negroes whom he brought from Virginia. And he did not remember them, as is shown when he is put to the crucial test. The names were put into his mouth by a leading question in each case, and he is not asked if he knows such a man, what acquaintance he has had with him, whether he came from Virginia, and in what lot he came; but they take a man's name from a poll-list and say, "How about that name?" He says he did not come with the first, second, or third lot, for instance, without being able to tell when he came. And yet you are going to have that as proof that the man did come with him, when he does not swear that he ever came with him or ever saw him or had any acquaintance with him; and the man is only identified by a correspondence in name as taken from the poll-list. It is clear to my mind and must be clear to every fair-minded man that no one except him who only seeks some excuse for finding for contestant, or deems it better to do so as a matter of political policy, can say the claim of contestant is sustained by competent and credible proof sufficient to overcome the presumptions of law in favor of the legality of the sixteen votes in question, fortified as they are by the oaths of the voters themselves. It is not enough to leave the question in doubt, as contestee is protected by a formidable wall of presumptions. It can not be done, for other reasons already urged, without ignoring the law and precedents as held and set in this House.

I yield the balance of my time to the gentleman from Iowa [Mr. MCCOID].

MESSAGE FROM THE SENATE.

A message from the Senate (at 12.45 a. m., Saturday), by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5538) to reduce internal taxation.

ELECTION CONTEST—COOK VS. CUTTS.

The SPEAKER. The gentleman from Iowa [Mr. MCCOID] is entitled to the remainder of the time of the gentleman from Massachusetts, which is twenty minutes.

Mr. MCCOID. Mr. Speaker, I do not intend to attempt to follow the gentleman from Massachusetts in discussing that part of the evidence in this case outside of the colored vote.

I do not see how this House can find for the contestee with these three conceded facts: First, that it is the law, as laid down by the gentleman from Massachusetts, of which there is not any question, that when votes are found in the wrong box they shall not be counted, unless there is evidence affirmatively that it was a mistake. I ask to enforce that one point for a moment. There is not any evidence here of the number of voters at those precincts of Keota and Douglas. Nobody in this House knows how many men voted at those polls. The tally-lists are not in evidence. If you allow the votes to be counted in this case that were found in the township box then you adopt a precedent that will clearly allow illegal votes to be counted in every election; because the elector coming up to the box might vote for Congress in a State box, might vote for Congress in a township box, and vote for Congress in a constitutional-amendment box, as they had one at that election.

Now, I ask anybody who claims these votes ought to be counted how do you know that they were all cast by men who voted for Congress in the State box? What evidence have you for it? What evidence have you that these men who voted the tickets put in the township box did not also vote the same tickets in the State box and the constitutional-amendment box, if put there? There is not any evidence. You have not got the tally-list. You do not know how many men voted. You can not compare it there.

If one vote might have been duplicated in a State box and another in a township box by the same person and you counted them illegally, all of these might have been the same. Not only is this view of the law sustained by the two precedents in the House and the decision in Michigan, but it is good, sound doctrine and must be sustained if you want to protect the ballot-box from illegal votes.

Again, that it was duplicate voting by design is evidenced by one fact. In the election in the sixth Congressional district of Iowa there were found in the wrong box only two ballots for the contestee, Mr. Cutts; only two in the whole district, I believe. If I am wrong I would like to be corrected. One or two ballots are the only ballots found for Cutts in the wrong ballot-box in all that district. There were found thirty-three Congressional ballots in the township boxes in that district for the contestant, Cook. That shows that those on that side of the case made these mistakes, and in townships where the election officers were all of that political party. That, therefore, would tend to prove that it was not a mistake, but a designed duplicate voting in the wrong boxes.

Now, you ought to throw out all the Congressional votes found in the township boxes, as the law directs. This House can not on principle vote to count the thirty-three Congressional votes for Cook found in the township boxes; and that would settle the whole case.

Now, if that is not correct on the law and the evidence in this case, let some one answer it by evidence read here to-night from the testimony in this case, proving that there were enough voters at these polls to account not only for the votes found in the State box but for the Congressional votes found in the township boxes also. But that can not be done; there is no evidence of that. I therefore say that every man on both sides of this House can conscientiously vote to exclude the thirty-three Congressional votes found in the township boxes.

Now, as to other votes: I find in the evidence here on the part of the contestant, Mr. Cook, that he states that there was 1 vote cast in Keokuk County for "Cutts," without any more of his name, which nobody will dispute should be counted for Cutts. Then there are also conceded votes by Joseph Fisher, William Dines, B. S. Pearson, C. F. Renaud, A. W. Mattox, and two others that were illegal. The contestant agrees that those 7 votes should be deducted from his vote. Those, with the votes that are proved to be illegal, make 22 votes that should be taken from his total official vote. That is conceded in the argument, and that will make 18,109, leaving a majority for Mr. Cutts of 27 votes.

Now, the rest of this case depends upon the colored vote at Muchachinock and Albia coal-mines. Nobody of course claims in this case, I am glad to state that, that there was any such thing as an importation of colored votes in the district and State to affect the election. The testimony is clear on that point.

Every colored man who was there moved into the State with his family to become a *bona fide* resident, and under the laws of the State he would become a voter after the proper length of residence—six months.

Now I state this, and I think that gentlemen on the other side will not dispute it, that the question in regard to this colored vote is simply one of a conflict of evidence; a case of conflict of evidence alone.

For instance, Major Shumate went to Staunton, Virginia, to get some colored laborers, and he brought them on or sent them on as was convenient, about the 3d of April, 1880. And it is proved, and I agree to it, that on the 15th of May he returned with a party of negro laborers. The records of the railroad company show that they came upon certain cars to Marshall, and from Marshall down to Muchachinock, where they worked.

Now, of that party that came on the 15th of May—the names are given in evidence—most of them were women; but few of them were men. Now, consider the period of time and the distance of the journeyings of this Major Shumate, who was importing these laborers as fast as he could go to and come from Staunton, Virginia, and the time, the 3d of April to the 15th of May.

The theory I have in this case, and I think it is fully sustained by the evidence, and no jury would reject it, is that there was an intermediate party which came from Staunton, Virginia. Let us see. Twenty-three colored men went to the polls that fall. They were instructed that they should live in the State six months before they would become voters; they knew what was required of them. And they held up their hands and swore that they had been residents of Iowa for six months, arriving in Iowa, as they necessarily must have done, by the 1st of May, or before that time.

Major Shumate, who attended to this business for the railroad com-

pany, in giving his testimony about a year after the event, having, as the gentleman from Massachusetts [Mr. RANNEY] has said, shipped or sent to Iowa about six hundred men, testifying from memory alone, says at one point in his testimony that he thinks it was on the 15th of May that these men came to Iowa; because he went to Virginia and happened to be there at the May term of the court. He found these men in town attending court, and engaged them and sent them to Iowa, making a quicker trip than usual, because of finding these men in town attending court. He fixes the 15th of May as the date when he brought these people to Iowa; and the whole case on the other side rests upon that. Now, the courts in Staunton, Virginia, are held on the third Monday of the month; and if he got these colored men at the May term of the court he got them after the 15th of May, and could not have arrived with them in Iowa on the 15th.

No doubt Major Shumate did get the men, according to his recollection, at court time, but it was the court of April instead of May, and the date was about the 25th or the 27th. It would thus appear there was an intermediate visit of Major Shumate to Staunton between the 3d of April and the 15th of May. He went down to Staunton, found the men attending court, gathered them in, and sent them to Iowa perhaps the 27th of April, arriving in Iowa on or about the 1st of May; and when he had taken that party to Iowa he returned to Staunton, got another party ready and returned to Iowa the 15th of May. It is perfectly reasonable and logical to suppose that this was the fact.

Now, I assert—and I challenge anybody to produce evidence to the contrary—that there is nothing in this testimony which contradicts that theory of the case. If there was an intermediate visit to Staunton by Major Shumate the evidence is reconciled. On this hypothesis the men who swore at the polls that they were electors, having arrived in Iowa on or before the 1st of May, told the truth. Major Shumate told the truth, but simply omitted one of his numerous visits to Staunton, Virginia. Upon this view of the case also the men who came upon the witness stand and swore that they arrived in Iowa on the 1st of May told the truth. The coincidence of there being a court held in Virginia at the time the party was collected to go to Iowa is a stubborn fact testified by your own witness. He says that he was there in court time, and you can not contradict him. This is better than all the rest of his testimony; it is a coincidence which he recollects; and it is a circumstance which could not be true upon the theory of the 15th of May being the time when he arrived in Iowa with his party.

Now, I have said this is a case of conflict of evidence. What is the conflict? It is Major Shumate against forty men, all men who swore their votes in at the polls against Major Shumate. Some of them came on the stand in this case and contradicted the testimony of Major Shumate that they arrived in Iowa on the 1st of May.

Major Shumate says that he took a party to Iowa on the 15th of May, and that they could not have been there sooner, yet the pay-rolls of the coal company in Iowa who hired them show that some of the women who are named as being in the party of the 15th of May—I do not know how many; five or six of them—worked twenty-four days in May and were paid by the coal company for twenty-four days in that month. This could not be true and at the same time the testimony of Major Shumate be true. If this is disputed, I invite anybody to contradict me to show the evidence which controverts my statement.

Mr. JACOBS. Is there any evidence whatever when those women came?

Mr. McCOID. They are named in the list of the party that he says arrived on the 15th of May. It is shown that some of the women named as belonging to this party worked for the coal company twenty-four days in May. Therefore they could not have arrived, as he says, on the 15th. In this direct conflict of evidence you can not believe one man against the testimony of almost forty.

Mr. JACOBS. Did Major Shumate name a single woman who arrived on the 15th of May?

Mr. McCOID. I will give you the names.

Mr. JACOBS. Did he name a solitary woman?

Mr. McCOID. I will give you the names of the women: Annie Carter——

Mr. JACOBS. Is that Shumate's testimony?

Mr. McCOID. These are women who are identified by others as being in the party that Major Shumate says arrived on the 15th of May: Annie Carter, Grace Maupin, Mary Carter, Julia Bess, Linzea Robinson, Mary Robinson, Minnie Garrison, Mary Ella Garrison, Mary E. Erwine——

Mr. JACOBS. Who testifies when they came?

Mr. McCOID. I am reading from the report of the committee, which states that these women arrived on the 15th of May. This report is the basis of your case. Yet the testimony shows that some of these women worked twenty-four days in that month for the coal company. This Major Shumate, whose testimony must be taken as true or the case of the contestant falls, is impeached by almost forty witnesses on the question of his truth and veracity.

The SPEAKER. The gentleman's time has expired.

Mr. McCOID. I wish to say this one thing on the part of the Iowa delegation——

Mr. MOULTON. You have had two hours, and we have not had any time.

Mr. McCOID. Mr. Speaker, I wish to say on the part of the Iowa delegation that we feel it to be our duty to oppose the report of this committee, because we believe that Mr. Cutts was elected by a majority of the legal votes of his district, and on the law and evidence is entitled to the seat accorded to him by the canvassing board of that State.

Mr. CALKINS. I give notice, Mr. Speaker, that in thirty minutes from this time I will call for the previous question. I yield now fifteen minutes to the gentleman from New York [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, of all the election cases that have been deliberated upon by the Elections Committee during the last two sessions of Congress, this perhaps is the most remarkable. It seems to me that my friend from Massachusetts [Mr. RANNEY] is more intent as a lawyer to stand by and maintain his position than he is to do justice in the case.

In the first place I desire to call the attention of the committee to page 1 of his brief, in which he says:

> I allow for the contestee the 2 votes cast for "Cutts." Also, 1 vote which got into the wrong box in Washington Township, and was rejected.

And, although that vote was in the wrong box, he claims it for the contestee. Yet when he makes his second brief he claims that 25 votes put into the wrong box should be rejected from the count.

It was remarked by the gentleman from Missouri [Mr. Frost] in defense of his seat on the floor to-day that probably there was no member of the committee who had read the evidence in that case and was familiar with the facts. That is very true; we can not read cases covering six or seven thousand folios; and the consequence was when the mantle of Thompson fell on the shoulders of my white-plumed friend from Boston he took upon himself the responsibility of making himself familiar with the evidence. His known character as a lawyer, and as a gentleman led the committee to trust the case exclusively and entirely to him. We were ready to take his word for it. When he came in with this first report he admitted the pivotal fact was the coming of these negroes from Virginia. We were ready to take that as the issue, and the opinion of the committee swept over his head like a deluge upon that evidence, and that evidence alone.

Now, sir, I say that where a case like this has been submitted to a man of his ability and his known integrity we have a right to require of him his statements shall be accurate and his law shall be sound.

In the few minutes allotted to me I propose to show that my friend, when he found at that meeting of the committee he could no longer stand on the May crowd—he could no longer rely upon those facts—he immediately went back into the miscellaneous vote, which up to that period, as I understand it, he called even. Then, in addition to that, like a bird in the toils, he flutters on until at last he resorts to this claim that the 25 votes cast for Cook which fell into the wrong box should be rejected and Cutts declared elected.

It seems to me a most remarkable thing that our friend, Brother RANNEY, should resort to so many changes of position upon the very same facts. When in the meeting of the committee he brought his first report he claimed to be familiar with the facts of the case, and there and here arrogated to himself more familiarity, as he has a right to do, than ourselves. I call attention to the fact that in writing this report he made haste to claim the vote which was cast for Cook in the wrong box in Washington Township for M. E. Cutts, but he had not then anticipated the position he was afterward to take, placing himself in a desperate position. After he discovered a point might be made of the 25 votes cast for Cook in the wrong box, then I suppose he would be willing to give us this one vote which was cast in Washington Township.

Now I desire, in the few minutes remaining, to point out the fact that Brother RANNEY has gone off with the passion and fury of a lawyer and has not decided or written his report as a judge. It seeems to me if anything was needed to illustrate the desperation of his effort to get around this difficulty, it is in the testimony offered by Valentine Rader and C. F. Renaud. I am surprised at this fact. In an unguarded moment he exposes himself to a terrible criticism. I hold in my hand the evidence of two men claimed not to be naturalized. Now here is the evidence of one of them:

> Valentine Rader, being produced, sworn, and examined on the part of contestant, deposed as follows:
> Question. Did you vote at the last election, held on the 2d day of November, 1880?
> Answer. Yes, sir.
> Q. Did you vote for a member of Congress for the sixth Congressional district of Iowa?
> A. Yes, sir.
> Q. Who did you vote for?
> A. For M. E. Cutts; voted the straight Republican ticket.
> Q. At what voting precinct did you vote?
> A. In Malaka Township, Jasper County, Iowa.
> Q. Where were you born?
> A. In Germany.
> Q. Of what nationality are you?
> A. I am a German.
> Q. When did you come to this country?
> A. In the year 1850 or 1851.
> Q. Were you ever naturalized?
> A. No; I got my first paper.
> Q. State your reasons for voting at the last election.

A. I supposed I had a right to vote. I took out my first paper in Sheboygan County, Wisconsin, and voted there.
Q. Before whom did you go to make your declaration of intention of becoming a citizen of the United States?
A. County clerk.
Q. The paper you then received from the county clerk at the time you made your declaration of becoming a citizen of the United States, was it the only paper of naturalization you ever took out?
A. Yes, sir.
Q. Did your father ever live in this country?
A. No; he died in the old country.

Mr. RANNEY claims that Mr. Cutts is entitled to that vote. I will now read the evidence relating to another foreigner, unnaturalized voter:

C. F. Renaud, of lawful age, being produced, sworn, and examined on the part of the incumbent, deposed as follows:
Question. State your name, age, occupation, and place of residence.
Answer. Charles F. Renaud; age, 36; occupation, farmer; Lynngrove Township, Jasper County, Iowa.
Q. In what country was you born, and when?
A. In France; year 1844.
Q. When did you come to this country?
A. In the year 1853.
Q. What naturalization papers have you taken out, and where and when?
A. I have only taken out one paper.

One paper; the evidence in this case runs along *pari passu* with the evidence in the other case.

I have only taken one paper in Mauston, Juneau County, Wisconsin, either in 1864 or 1865.
Question. For whom did you vote for member of Congress, at the last general election in Iowa?
Answer. John C. Cook.

That vote Mr. RANNEY says should be rejected, but the other should be counted for Mr. Cutts. That is consistency.

I only mention this, Mr. Speaker, briefly; I have not time in this brief argument to discuss the question presented by Judge RANNEY with regard to these two parallel cases. He would count one of these votes and reject the other.

Mr. RANNEY. If that is your understanding of what I said you ought not to call it your argument; for I said no such thing.

Mr. JACOBS. Well, I think I can show that you did; the report is here before me.

Mr. ATHERTON. Did not you count one vote one way and want to reject the other on exactly the same conditions?

Mr. JACOBS. Precisely; and on the same state of facts. Now, it seems to me that my able and eminent friend from Boston has certainly been carried away by his professional enthusiasm. Since the first presentation of the case to the committee he has made a new case, and everything occurring since the report that he made before to the committee is an afterthought supplied by a shrewd special pleader and technical lawyer for the purpose of defeating the force of the facts.

Now, again, there were several other witnesses who were claimed not to have been naturalized, and my friend Judge RANNEY takes the position that no admissions or declarations of the party against whom the charge is made is competent evidence to prove that he was an alien, and not entitled to a vote. I am surprised, Mr. Speaker, that so good a lawyer should take such ground. It is well settled in law that the admissions of a voter that his father was not naturalized, and that he had never received his papers, that such evidence of all that class of persons is held in McCreery as perfectly competent testimony upon the question of whether he was himself entitled to vote. In these election cases the technical rules that apply to trials in a court of law are not observed or enforced.

Again, he says that we claim that one poor creature here was crazy; and he says we prove it by the evidence of people who were not experts; by the evidence of people who are not doctors, not skilled in the science of the brain. What is the proof here? Patrick O'Connor voted the Republican ticket. He is shown by several witnesses to be an idiot, who did not know enough to eat at the table or to understand when he was in the presence of his father or mother. He had been adjudged an imbecile. Now, my friend Judge RANNEY takes the ground that the evidence of common people upon such a question is not competent to prove the absolute mental imbecility of the party offering to vote. I do not think, Mr. Speaker, that he will adhere to that opinion. I do not think he will maintain that opinion since the court of appeals in the State of New York has laid down the doctrine and has enforced it in case of murder, upon the trial of the party, that the witness testifying to the mental condition of the accused was competent if he stated the facts upon which he based his opinion, whether he was an expert or not; and that is the prevailing law of this country to-day, from one end of the country to the other.

Now, as to this man, who had no residence there, I say it was clearly proved he had no right to vote. I have simply extracted from the gentleman's brief such facts and such conclusions of law as I thought were unsound and untrue, and in the few minutes I have had have tried to call attention to some portion of them. But when I see a man come before the Committee on Elections or before the House and claim to be the only man familiar with the record, and that he is absolutely bound to have our confidence, it is necessary his facts should be accurate and his law should be thoroughly sound.

Upon the question of Shumate's evidence, my friend from Iowa says that Shumate's evidence is evidence put in against the evidence of forty people who swear they were there on the 1st day of May. Now I ask this House to judge as to the probability of those darkies swearing to the truth. Look at it. We do not claim these men were brought away from Virginia to colonize for the purposes of this election. It was too long before. But they were there; they came in droves; they came in separately in May, June, September, and October; and Shumate testified who they were.

When election came along we all understand how it is. Mr. Cutts said to his friends, "The country here is full of darkies; most of them have come since the 1st of May, and are not voters; you go and pick up those darkies." And the evidence in the record shows that the darkies were told they could vote—as my friend from Massachusetts [Mr. RANNEY] said, they could vote if they had been one single day in the State of Iowa. The darkies thought it would be a good thing to do, and relying on the statements made to them they rushed to the polls and gave in their votes.

Then came up the question of a contest, and Mr. Cutts and his friends went to the darkies and said "You are in a devil of a scrape here, and must swear yourselves back into the notch of May 1, or else you are good for the penitentiary." And the darkies swore, not that they came two days or three days before the 1st, but all swore that they came on that particular day six months before. There is not a white man in this House to-night who could recollect with the accuracy they did, and they did it under dictation.

[Here the hammer fell.]

Mr. CALKINS. I yield now to the gentleman from Wisconsin [Mr. HAZELTON], the chairman of the sub-committee.

Mr. HAZELTON. How much time is left?

The SPEAKER. There are fifteen minutes remaining.

Mr. HAZELTON. I do not know that I want the entire fifteen minutes. I want just time enough to present what I deem to be a few controlling facts in this case. Election cases do not turn on long arguments or long reports or a great volume of testimony. They turn and they are to be decided, if they are decided at all, upon a few straightforward, prominent, controlling facts, and upon settled principles of law as applied to those facts.

This case upon the evidence is somewhat close, but to my mind, upon fair examination and frank consideration, the evidence is in favor of seating Mr. Cook. His title is clear upon that evidence. It rests upon the testimony of Shumate. It is admitted by all that if Shumate's testimony stands, Cook must be seated, if this House is honest. If Shumate can not be impeached, then the argument of my friend from Massachusetts [Mr. RANNEY] falls to the ground, because he builds his entire fabric upon the assumption and upon the charge that Shumate's testimony is false. All the facts in this case were within the knowledge of this man Shumate.

In Iowa they had mines, in Albia and Muchachinock. They wanted cheaper labor in the mines than they could get in the State of Iowa. They employed Shumate to go down to Virginia to his home and bring colored men to work in the mines. They paid him for so doing. He went down where he knew and where he could identify men, women, and children—every one that he took from the soil of Virginia on the cars to the Muchachinock mine. Nay more, he had an inventory of every man, woman, and child that he took there; the age, the time they started from Virginia, the time they arrived at the Muchachinock mine, every one of them. Nay more, when he reached there he gave to this company a memorandum of these facts as exactly stated as they could be, and which were to be stated exactly on account of the business which he was transacting for that company. He took seven men on the 15th of May, and he swears to them and gives their names. I have them here. Now, if they arrived with the May party on the 15th of May, in the one car that went there in May, then these seven men were illegal voters.

Then he swears that he took other lots of these negroes there down to October. He swears to thirteen others directly, of whose ages, names, the time of their coming and everything about them he took a memorandum, who came there from the 15th of May down to September and October. So that there are twenty-one illegal votes, on the testimony of this man Shumate, as against the nine illegal votes which all admit this man received, without considering Muchachinock. Of our committee, twelve members, Mr. RANNEY himself admits that there were only nine any way.

Now, against those nine stand the twenty-one sworn to from memorandum in the charge of the man whom this company employed to go to his old house, among his acquaintances, to their very hearthstones and get there negroes whom he had known all his lifetime and bring them out there. And now will you impeach the testimony of Mr. Shumate? Will you bring on three or four darkies to swear to something? I will show you, and it is a controlling fact in this case, how they might have impeached Shumate if they had wanted to impeach him. It will take but a moment. Mr. O'Neal, the foreman and manager of this company, was a witness called on the part of Mr. Cutts.

Mr. STEELE. What were his politics?

Mr. HAZELTON. I do not know his politics, and I do not care.

He was a Republican, so far as we can get at it, and he would have to swear to the truth, would he not?

He was the manager of this company; kept the books of the company; received the memoranda from Shumate as he came from Virginia in the cars with these negroes. Now, what does he say? Let me read it, for it is controlling in this case:

Q. Have your company any record or memorandum of these colored men who came from Virginia, containing the name, age, or time of commencing work for your company, that were brought during the months of March, April, and May, 1880? And, if so, is said record or memorandum accessible to you or under your control?

A. We have such a record, except to age, and the same is accessible to me, but not under my immediate control.

Mr. RANNEY. Allow me to call attention——

Mr. HAZELTON. No; you had an hour and a half. You do not seem to be contented with an hour and a half. I can not understand the intense desire of the gentleman to make a speech beyond the hour and a half he has already had.

Now, as I have said, this very company had the evidence within its control by which to impeach Shumate, if he could be impeached. They did not have to swear negroes on the loose. They had the record, the memorandum, which their manager admits contained the record of the time every one of these colored men came there, their names, everything but their ages. This man O'Neal was put on the stand and invoked to put that record in this case, which, if it had been put in and had proved that Shumate was a liar, would have elected Cutts, and not Cook. Yet they suppressed the whole of it, and until this hour——

Mr. RANNEY. They were all put in.

Mr. MOULTON. They were put in by force.

Mr. HAZELTON. Do not interrupt me. As I was saying, until this hour this memorandum of which I have read has never been put in this case. You put in rolls and rosters. You have talked here to-night about women who were connected with these men. But on the very edge of that roster which you put in was a memorandum in writing—a mistake as to these women; they did not come until the 15th, or words to that effect.

Therefore this case is in a nutshell. You can not overcome that record. It is like a mountain in the way of a traveler. He may go around and around it, but he must meet it and see it. They quibbled and worked on this thing and finally said, "Have you not a memorandum or a paper in your office that shows exactly when these twenty-one men came who voted illegally?" And they said they had. "Why can not you produce it?" This manager of the company wanted a very honest ballot, and yet he could not produce it, although it was only across the street. My God! the Republican party was never made for that kind of business. [Applause.]

Mr. RANNEY. The gentleman does not want to misrepresent.

Mr. HAZELTON. The Republican party must stand higher than that; it must suppress nothing that opens the way to an honest ballot-box. It has placed its feet, or undertaken to do so, for twenty years now on ballot-box stuffing. It has made declarations in favor of a free and honest ballot, grander than any ever made by any party before. It has declared its adherence to principle and to an honest ballot-box.

And yet after three months, four months, six months, the contestee had to come back here and beg a supplemental order of the House to enable him to go over this ground again to see if he could not find this testimony, and he could not get it. [Here the hammer fell.] One word more. I say that the Republican party owes it to itself, we owe it to ourselves, all of us, to be simply fair and honest and square on this one case and seat Mr. Cook.

Mr. BRAGG. And see how it will feel to be honest once. [Laughter.]

Mr. MORRISON. If you owe that to yourselves, you owe more than you can ever pay.

Mr. CALKINS. I now call the previous question.

The previous question was ordered.

Mr. CALKINS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CALKINS. I move that the House adjourn.

PRINTING.

The SPEAKER. The Chair asks unanimous consent to lay before the House certain bills and resolutions of the Senate relating to printing connected with Congress.

There being no objection, the bill and joint resolutions of the following titles were severally taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing:

A bill (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD.

LEAVE TO PRINT.

Mr. KLOTZ, by unanimous consent, obtained leave to have printed in the RECORD remarks on House bill No. 7135. [See Appendix.]

ORDER OF BUSINESS.

Mr. LACEY. I ask unanimous consent to have passed at this time a Senate pension bill. It has passed the Senate three times.

Mr. HOLMAN. It is too late to-night to pass bills. There will be ample time for the gentleman to-morrow.

The SPEAKER. The gentleman from Michigan asks the present consideration of a Senate bill.

Mr. BRAGG. I object.

Mr. HOLMAN. I call for the regular order.

The question being taken on the motion of Mr. CALKINS, that the House adjourn, it was agreed to; there being—ayes 30, noes 15; and accordingly (at 2 o'clock and 5 minutes a. m., Saturday, March 3) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CORNELL: The petition of Dewitt C. Gow and others, of Cobleskill, New York, for the speedy enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. JACOBS: Six petitions of citizens of New York, for a material reduction of the duty on sugar—severally to the Committee on Ways and Means.

By Mr. PEELLE: The petition of Murphy, Hibben & Co. and others, merchants of Indianapolis, Indiana, against an increase of duty on fashioned cotton hosiery—to the same committee.

By Mr. J. D. TAYLOR: The resolutions adopted by the Farmers' Club of Belmont County, Ohio, protesting against any reduction of the duty on wool—to the same committee.

By Mr. VAN VOORHIS: Papers relating to the pension claim of David L. Pool—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of Mrs. G. W. Owen and 2,078 others, of Michigan, in relation to the treatment of Indians—to the Committee on Indian Affairs.

The following petitions, protesting against the transfer of the revenue-marine service to the Navy Department, were presented and referred to the Committee on Commerce:

By Mr. HUBBS: Of citizens of Beaufort, North Carolina.

By Mr. LORD: Of the board of trade of Detroit, Michigan.

By Mr. MACKEY: Of owners and masters of vessels of Charleston, South Carolina.

By Mr. MURCH: Of merchants and owners of vessels of Cherryfield, and of 90 citizens of Rockland, Maine.

SENATE.

SATURDAY, *March* 3, 1883.

The Senate met at 10 o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceeding was read and approved.

CREDENTIALS.

Mr. BROWN presented the credentials of Alfred H. Colquitt, chosen by the Legislature of Georgia a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

Mr. TABOR presented the credentials of Thomas M. Bowen, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

Mr. WINDOM presented the credentials of Dwight M. Sabin, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

HOUSE BILL REFERRED.

The bill (H. R. 7611) to adjust the salaries of postmasters was read the second time by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made, was read the second time by its title.

Mr. MORGAN. I ask that that resolution lie on the table in the hope that it may possibly be reached.

Mr. EDMUNDS. It is quite impossible to pass it without a reference.

Mr. MORGAN. It is not impossible; it is unusual.

Mr. EDMUNDS. It is quite impossible to pass it to-day without a reference.

Mr. MORGAN. I expect that after 12 o'clock it will be possible. I do not know how it may be before that.

Mr. EDMUNDS. Perhaps it will be easier to do it after 12 than before; but you can not do it before 12, you may count on that.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN presented a joint resolution of the Legislature of Minnesota in favor of an appropriation for the construction of a bridge across the Saint Croix River nearly opposite the village of Saint Croix Falls; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Minnesota in favor of an appropriation for the construction of a light-house at Grand Marais, on Lake Superior; which was referred to the Committee on Commerce.

Mr. CALL presented a petition of citizens of Fernandina, Florida, praying for the preservation and prosecution of the work upon the jetties at the entrance of Cumberland Sound; which was ordered to lie on the table.

Mr. SAULSBURY presented a memorial of merchants, owners, and masters of vessels of the States of Virginia, Maryland, and Delaware, remonstrating against the proposition to transfer the revenue-marine and the Life-Saving Service to the control of the Navy and against the establishment of a bureau of merchant marine in the Navy Department; which was referred to the Committee on Commerce.

He also presented a memorial of keepers and surfmen of the United States Live-Saving Service now employed on the coasts of Delaware, Maryland, and Virginia, remonstrating against the proposed transfer of the revenue-marine and the Life-Saving Service from the control of the Treasury Department to that of the Navy Department; which was referred to the Committee on Commerce.

WITHDRAWAL OF PAPERS.

On motion of Mr. SLATER, it was

Ordered, That James Coffey have leave to withdraw his petition and papers from the files of the Senate.

THE LYTLE MONUMENT.

Mr. PENDLETON. Mr. President, I ask unanimous consent of the Senate to take up House bill No. 6408, which is a bill appropriating some condemned cannon for a monument to General Lytle, of Ohio. I feel, Mr. President, that I need only mention the name of William H. Lytle to enlist the interest and sympathy of every Western man in behalf of my request.

He was a gallant soldier, an able and distinguished commander, an eminent poet, and a cultivated lawyer. His memory is cherished by all the people of Ohio, by all our countrymen with whom he served in the war. A fitting monument is being erected, and the trustees having it in charge request this contribution of condemned cannon. The bill has passed the House of Representatives.

I am informed on good authority that if the bill shall pass, the condemned cannon can be had; and if it shall prove otherwise, as I know it will not, no harm can possibly be done.

Mr. INGALLS. We have had a great many bills for this same purpose reported adversely by the Committee on Military Affairs.

Mr. PENDLETON. This bill was reported adversely, but with the consent of the Senator who had charge of it I had it reinstated on the Calendar, in order that I might make an investigation as to condemned cannon.

Mr. INGALLS. I ask the Senator from Missouri on this point whether there are available condemned cannon?

Mr. COCKRELL. No, sir, there are no condemned cannon.

Mr. INGALLS. Then why should this bill pass?

Mr. PENDLETON. I hope it will pass. If the condemned cannon can be had, they will be furnished; if not, not.

Mr. INGALLS. I think that is invidious. There have been several requests from associations in my neighborhood which have been refused and the bills reported adversely, on the ground that there were no cannon available for this purpose.

Mr. COCKRELL. What is the pending motion?

The PRESIDENT *pro tempore*. The Senator from Ohio moves to take up the bill.

Mr. COCKRELL. There are no cannon to be furnished. That has been reported half a dozen times by the Military Committee.

Mr. PENDLETON. I hope the Senate will consider the bill.

The PRESIDENT *pro tempore*. Does the Senator from Kansas object?

Mr. INGALLS. I think it very unjust.

Mr. HAWLEY. There is no man in the world whom I would oblige sooner than the Senator from Ohio; but here are two or three Grand Army Posts, composed of friends of mine, who have been refused this very thing. I suppose there are a few condemned cannon; but there are none of the proper size for these purposes. There are some old thirty-two's and sixty-four's; but the Government does not transport them, and the people will not take them when they have a bill passed and find out what they are. The committee are obliged as a matter of common sense to report against these applications, and I have refused to accommodate some of my own friends.

Mr. INGALLS. I make no objection.

Mr. COCKRELL. I should like to accommodate gentlemen, but this matter has been intrusted to me, and I have reported against one of these measures from the State of Iowa, and against most earnest protest the Senator from Iowa got his bill put on the Calendar. I say if the Senate proposes at this session to take up this bill and pass it, I intend to move to reconsider in connection with it every bill on that subject and pass them all and make the farce complete.

Mr. EDMUNDS. It can not be taken up without unanimous consent.

The PRESIDENT *pro tempore*. Consent is not given.

Mr. INGALLS. I withdraw my objection.

The PRESIDENT *pro tempore*. But the Senator from Missouri objects.

Mr. COCKRELL. No, except that I gave notice that I shall move to take up all the other bills.

Mr. MCDILL. I object.

The PRESIDENT *pro tempore*. Objection is made.

ORDER OF BUSINESS.

Mr. VANCE. I move to take up Senate bill 2504.

Mr. MORGAN. I must call for the regular order.

Mr. INGALLS. Regular order.

Mr. CALL. I desire to call up a resolution.

The PRESIDENT *pro tempore*. The Senator from North Carolina is on the floor.

Mr. CALL. I thought calling up a resolution was part of the morning business.

The PRESIDENT *pro tempore*. Not a resolution heretofore offered.

Mr. VANCE. Senate bill 2504 is reported from the Naval Committee.

Mr. EDMUNDS. We must have the regular order according to the order of the Senate.

The PRESIDENT *pro tempore*. Objection is made to the motion of the Senator from North Carolina.

Mr. VEST. I move to take up the bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service.

Mr. EDMUNDS. I make the point of order that under the rule adopted we must stick to House bills in their order.

The PRESIDENT *pro tempore*. The Chair has construed that to apply after the morning hour.

Mr. EDMUNDS. Then first you must postpone the Calendar. We are on the Calendar under the Anthony rule for the first hour.

The PRESIDENT *pro tempore*. But the Senator from North Carolina has the floor and has moved to take up a bill.

Mr. EDMUNDS. He must first move to postpone the Calendar.

The PRESIDENT *pro tempore*. The Calendar is not in order till the morning business is over. The morning hour is subject to the disposition of the Senate.

Mr. SHERMAN. If it is understood that this is a field open to everybody, all right.

Mr. INGALLS. Not at the end of the morning hour, but at the conclusion of morning business, whether it is 1 o'clock or any other period of time, at the conclusion of morning business the consideration of the Calendar begins under what is known as the Anthony rule.

Mr. EDMUNDS. That is it.

The PRESIDENT *pro tempore*. That applies at the conclusion of morning business each day. That being so the Senator from North Carolina has no right to make his motion now.

H. B. LITTLEPAGE.

Mr. CALL. I call for the consideration of a resolution offered by me.

The PRESIDENT *pro tempore*. The Senator from Florida asks for the consideration of a resolution, which will be read.

Mr. CALL. It is a resolution heretofore offered by me.

The Acting Secretary read the resolution submitted by Mr. CALL yesterday, as follows:

Resolved, That H. B. Littlepage be reinstated to the messenger-roll of the Senate with compensation from the date of his removal.

Mr. EDMUNDS. What are the grounds of that?

Mr. INGALLS. Why was he removed? Can the Senator inform the Senate? Has the resolution been acted upon by any committee?

The PRESIDENT *pro tempore*. No, sir.

Mr. INGALLS. I move its reference to the Committee on Contingent Expenses.

Mr. DAVIS, of West Virginia. The matter is now before the Committee on Contingent Expenses, I think.

Mr. INGALLS. It had better stay there.

Mr. CALL. This resolution has been recommended by the Committee on Revolutionary Claims.

Mr. COCKRELL. A very proper committee. [Laughter.]

Mr. CALL. It has been reported by that committee and recommended.

Mr. INGALLS. I have moved that the resolution be committed to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The merits of a question are not to be discussed on a motion to refer.

Mr. CALL. This resolution has been reported by the Committee on Revolutionary Claims, and therefore it is not in order to make a reference of it to another committee.

Mr. INGALLS. Let us have the report read.

Mr. CALL. I must correct my statement. The resolution, as it stands, has not been reported by the Committee on Revolutionary Claims, but they recommend compensation to this man. The motion of the Senator from Kansas is not in order while I am occupying the floor. When I am done he may renew it.

This is a case of extraordinary hardship; and if the Senator from Kansas and the Senate see fit to be entirely indifferent to what is just, what is right, what is fair, what is honorable, and to that which is honest, and a proper regard for the rules of the Senate, then the Senate and the Senator from Kansas can deny the relief asked by this resolution and dispose of it in any form they please; but I undertake to say that they can not do it, nor can the Senator from Kansas move it consistently with honorable and just conduct on the part of the Senate, or consistently with an observance of the rules of the Senate or the practice of the Senate.

Now I will state the facts of the case. When the Democrats came into power in this body they assigned by a resolution and by general agreement among the members of the party three minority committees to the Republicans. They gave them the appointment of the clerks and messengers to those committees, for the purpose of emancipating them from the control of the Democratic Sergeant-at-Arms, the Democratic control of the Senate. When the Republicans again came into power these committees were transferred again to the minority, then the Democrats. Among those committees was the Committee on Revolutionary Claims, of which the Senator from Virginia [Mr. JOHNSTON] was and is the chairman. The Sergeant-at-Arms detailed as messenger to that committee the person mentioned in this resolution, Mr. Littlepage, who was appointed by Mr. JOHNSTON and placed upon the rolls by the Sergeant-at-Arms in pursuance of the understanding and of the purpose for which the committee was assigned to the minority.

In the month of August last year Mr. Littlepage, an acceptable person, discharging the duties of the position to the satisfaction of the Senator from Virginia, the chairman of the committee, met with a very great affliction. His wife and two children died from extreme illness. He obtained leave of absence to go to them while they were sick and remain with them. Two of his children died, and his wife lingered in extreme illness for a long period of time. Under these peculiar circumstances he was discharged from his position by the Sergeant-at-Arms against the consent, against the protest of the Senator from Virginia, the chairman of that committee, and he has refused to recognize that discharge; he has protested against it; he has kept Mr. Littlepage in the performance of those duties. His statement is here signed by himself to that effect. It has been exhibited to the Senator from Rhode Island [Mr. ANTHONY] and to the Senator from Massachusetts [Mr. DAWES], members of the committee with him, and has received their sanction. He has appealed to them, and he appeals to the Senate that the condition which was attached by the consent and agreement of both parties to the assignment to that committee shall be observed. He insists that the Sergeant-at-Arms had no right to withdraw this messenger and leave his committee without a messenger against the general understanding and against the uniform custom of the Senate.

I happen to know that upon the Committee on Engrossed Bills, of which I am a member, by the advice of this body the chairman of that committee has the appointment of the messenger, and his appointment is observed and the Sergeant-at-Arms has never interfered with it; on the contrary, against the wishes of two of that committee the Sergeant-at-Arms appointed the messenger at the dictation of the chairman of that committee, and we submitted and consented to it.

Now, this young man, discharged at a time of great distress, in comparative destitution almost, without means has been kept in service by the committee and in the performance of these duties, the Senator from Virginia advising him that his discharge was without authority, that it was against the custom of the Senate; that it was against the understanding upon the subject, and he has been performing the duties of the position from that time to this. He asks, therefore, that this resolution be passed and that he may be reinstated upon the roll.

The resolution of the Senate of December 11, 1879, was:

Resolved, That the Sergeant-at-Arms be directed to appoint three additional messengers to the Senate, who shall be assigned to the Committees on Revolutionary Claims, Private Land Claims, and Engrossed Bills.

I have stated the object of that resolution. It is not denied that it was to place the control of the clerks and messengers to those committees with the minority. It will not be denied that when a Republican majority came here they extended the same courtesy to the Democratic minority and that the purpose and the uniform understanding and the constant practice of all the committees assigned to each minority was that the chairman of the committee itself should control the appointment.

Mr. EDMUNDS. May I make a suggestion to my friend? I was in Democratic times the chairman of one of the committees named, and the Sergeant-at-Arms did appoint a gentleman that he thought would be agreeable to the Republican members of the committee; but he always exerted the authority, and as we supposed rightly, of when it was necessary calling that messenger from attending on that committee-room and putting him at a door or doing anything else with him; so that he was just as much under the control of the Sergeant-at-Arms at that time as any other messenger, only that whenever it was convenient and proper for him to do duty for that committee he was the messenger assigned to that committee because it was supposed he was of the same political ideas as the majority of the committee, so that if we were having a little political consultation as to what we would do about some bill or something of that kind the conference could go on without embarrassing our Democratic messenger, if we had one, by hearing something he would not like to hear and that we might perhaps not wish to have him hear. But that was all we ever understood the relation of the messenger was to us. It was a courtesy to appoint a Republican messenger and assign him to that room; but, like every other messenger that is assigned to the rooms all around, the practice and as I always supposed the law was that he was just as much a part of the Sergeant-at-Arms's force and subject to his directions as anybody else.

Mr. CALL. Do I understand the distinguished Senator from Vermont to say that he thinks it would have been right for the majority to have allowed the Democratic Sergeant-at-Arms to deprive that committee of its messenger?

Mr. EDMUNDS. That would have been a question depending upon the exigency of the public service. If there were a large number of people at the Capitol, and it was necessary to preserve order at all the doors, then I should hold that that committee like every other committee must go without its messenger for that day or for that week.

Mr. CALL. But I assure the Senator frankly this is a case in which there has been no messenger whatever assigned to that committee.

Mr. PLUMB. Allow me to interrupt the Senator from Florida. Let me appeal to him to consider that this is Saturday, the last day of the session; that it is now almost 11 o'clock, and that this matter should come up in some effective way on some bill yet to be considered. We have a great many matters of public importance to act on. I have no doubt that he will be perfectly willing himself to pay out of his own pocket the little balance of salary that may be due this person rather than embarrass the business of this country to the amount perhaps of hundreds of thousands of dollars by this unseemly delay.

Mr. EDMUNDS. The Committee on Contingent Expenses can provide for the case.

Mr. PLUMB. I think we ought to go to public business rather than attend to private grievances of people about this Capitol, who after all get as much as they are entitled to.

Mr. CALL. I do not agree with my friend from Kansas. I think the preservation of the dignity of the Senate, I think the protection of the rights of a private individual is just as necessary as any public business. I think it is public business, and I think no more arrant piece of humbuggery can be propounded than that which the Senator from Kansas has just affirmed. The interests of private individuals, who are here as citizens of this country, as officers of this Senate, have a right to be attended to. The Sergeant-at-Arms had no right, and the Senator from Vermont will admit it, to discharge a messenger assigned to a minority committee, and particularly in a case of great personal distress and calamity.

I have no interest in this. I scarcely know this gentleman or his family; but when this case of wrong came to my knowledge I was not unwilling to identify myself with the protection even of an obscure and an unknown person here.

Mr. INGALLS. I think there is no parallel to this performance since the time when Nero fiddled while Rome was burning. Here are hundreds of public measures pending and our time is consumed in the frivolous consideration of a question whether a messenger shall be put back on the rolls or not. I understand this man was discharged for cause, and if we intend to preserve the discipline of the official staff of the Senate and give the Sergeant-at-Arms the power for which we hold him responsible we must not for any nonsense of this kind rescind the orders he makes and interfere with the discipline that he tries to enforce. I move to lay this resolution on the table.

Mr. CALL. Mr. President——

Mr. COCKRELL. The motion is not debatable.

Mr. CALL. I hope the Senator from Kansas will allow me to say a word.

Mr. FRYE. I object to debate.

Mr. INGALLS. I have moved to lay the resolution on the table.

Mr. CALL. The Senator is taking an unfair advantage, as he often does.

Mr. INGALLS. I have moved to lay the resolution on the table.

Mr. CALL. Why, Mr. President——

Mr. COCKRELL. Order, order!

The PRESIDENT *pro tempore*. Debate is not allowable. The question is on laying the resolution on the table.

The question being put, there were on a division—ayes 23, noes 7.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

The result was announced—yeas 27, nays 13; as follows:

YEAS—27.

Bayard,	Groome,	Lapham,	Platt,
Cameron of Wis.,	Harris,	McDill,	Plumb,
Cockrell,	Harrison,	Miller of Cal.,	Pugh,
Davis of Ill.,	Hawley,	Miller of N. Y.,	Rollins,
Davis of W. Va.,	Hill,	Morgan,	Sawyer,
Edmunds,	Ingalls,	Morrill,	Sewell.
Frye,	Lamar,	Pendleton,	

NAYS—13.

Anthony,	Garland,	Mahone,	Walker.
Butler,	Grover,	Slater,	
Call,	Jackson,	Vance,	
Coke,	Jonas,	Voorhees,	

ABSENT—36.

Aldrich,	Dawes,	Johnston,	Ransom,
Allison,	Fair,	Jones of Florida,	Saulsbury,
Barrow,	Farley,	Jones of Nevada,	Saunders,
Beck,	Ferry,	Kellogg,	Sherman,
Blair,	George,	Logan,	Tabor,
Brown,	Gorman,	McMillan,	Van Wyck,
Camden,	Hale,	McPherson,	Vest,
Cameron of Pa.,	Hampton,	Maxey,	Williams,
Conger,	Hoar,	Mitchell,	Windom.

So the motion was agreed to.

PUBLIC-LAND ENTRIES.

The bill (H. R. 5543) to confirm certain entries on the public lands was read twice by its title.

Mr. CAMERON, of Wisconsin. A bill similar to that, identical with it in fact, has been favorably reported from the Committee on Public Lands of the Senate.

Mr. EDMUNDS. Will the Senator let this bill be referred to the committee? It can be reported back. Of course it is subject to an objection now and it will be then. It will not do it any more harm to refer it than to keep it here.

Mr. PLUMB. This bill has been reported from the committee, and one in precisely the same terms is now on the Calendar.

Mr. EDMUNDS. Has the Senator from Wisconsin examined it?

Mr. CAMERON, of Wisconsin. I have examined it.

Mr. PLUMB. This is precisely the same bill that we reported. I examined it yesterday myself.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin ask for the present consideration of the bill?

Mr. CAMERON, of Wisconsin. I do.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read; and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in all cases where lands reduced in price to $1.25 per acre by the act of June 15, 1880, but which have not been offered at public sale at such reduced price, were inadvertently sold at private entry by the officers of the Land Department between the date of the passage of that act and the date of the receipt at the local offices of the instructions of the Commissioner of the General Land Office relative thereto of October 10, 1881, the entries so inadvertently permitted to be made by innocent purchasers, and which are regular in all respects except as to time of entry, shall be confirmed as of the dates of entry, respectively, where no valid adverse claim to any of such lands had attached prior to the date of such entry. Where lands have been entered since the approval of the act, and a greater price paid therefor than the reduced price, such excess is to be refunded to the purchaser or his legal representatives in the same manner as repayments of excess purchase-money are made in other cases under existing law.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NAVAL CADETS AND CADET-ENGINEERS.

Mr. VANCE. If it is in order now I move once more to take up the bill which I have tried so long to get up.

The PRESIDENT *pro tempore*. It is in order unless the regular order is called for, which is the unfinished business.

Mr. PLATT. I desire to make a report.

The PRESIDENT *pro tempore*. If nobody objects the Senator from North Carolina asks to have a bill considered.

Mr. VANCE. I ask unanimous consent to take up Senate bill No. 2504.

Mr. SHERMAN. I insist on the regular order; at least half a dozen Senators here call for it, and I think it ought to be gone on with.

Mr. VANCE. I hope the Senator from Ohio will give way. This bill will provoke no discussion.

Mr. SHERMAN. All I desire is the regular order. The Senator will have his opportunity.

Mr. VANCE. Let me appeal to the Senator. It is a bill to relieve from the operation of the law passed last year the cadets at the Naval Academy who have already graduated, and if the relief is not afforded now they will all be dismissed in June, and it will be too late to do anything for them. If the Senator will take the responsibility of saying this injustice shall stand, very well.

Mr. SHERMAN. On the statement of a Senator before me that this is an urgent matter for immediate consideration, I withdraw my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service. It declares that the provisions of the act approved August 5, 1882, making appropriations for the naval service, and for other purposes, shall not apply to any naval cadet or cadet-engineer who had been appointed to the Naval Academy before the passage of that act.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CLINTON D. SMITH.

Mr. PLATT. I ask leave to make a report from the Committee on Pensions. I am instructed by that committee to report back the bill (H. R. 6946) for the relief of Clinton D. Smith favorably, and I ask for its present consideration. It is probably the last bill that will be reported from the Committee on Pensions at this session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for placing on the pension-roll the name of Clinton D. Smith, late of Company C, Eighty-fourth Regiment Indiana Volunteers, at the rate of $30 per month, in lieu of the pension of $18 per month now allowed him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH A. HENDRICKSON.

Mr. WALKER. I ask unanimous consent to take up the bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson.

Mr. SHERMAN. I am told there is an adverse report in that case; so that it does not come within the rule, I think. Under the circumstances it ought not to be taken up.

Mr. WALKER. There is an adverse report and a minority report. I simply ask that the two reports be read, and will submit the case upon their reading.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Ohio that the rule was to consider all pension cases, but yesterday by unanimous consent all cases that were reported adversely were postponed.

Mr. SHERMAN. While there are so many favorable reports to be considered, I do not think time ought to be taken up in considering adverse reports.

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. SHERMAN. Yes, sir.

Mr. WALKER. I hope the Senator will withdraw his objection. This is a peculiar case. This woman is 66 years of age; her husband served in the United States service for sixty years. He was promoted for meritorious service in the Mexican war, served in the late war, and died without means, leaving this woman without means of support. I wish the bill taken up. I desire to make no argument upon it, but will submit it upon the two reports—the report of the minority and of the majority. They are short. It will not take three minutes to read them. I hope the Senator from Ohio will withdraw the objection and let the bill be considered. The Senate will feel better after passing such a bill as this.

Mr. SHERMAN. It is for the Pensions Committee to manage their own affairs. I will not interfere.

Mr. PLATT. As I reported from the minority of the committee in favor of the bill I can hardly object to it myself.

Mr. WALKER. I hope it may be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson. It provides for placing on the pension-roll the name of Mrs. Elizabeth A. Hendrickson, widow of Thomas Hendrickson, late a retired colonel in the United States Army, at the rate of $25 per month.

The Principal Legislative Clerk read the following report, submitted by Mr. MITCHELL July 8, 1882:

The Committee on Pensions, to whom was referred the bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson, examined the same and report:

That it does not appear that the cause of death of Colonel Hendrickson resulted from disease or injury which arose in service in line of duty. The claim of the widow was rejected at the Pension Office, as stated in the record, "for the reason that the death of Colonel Hendrickson, October 24, 1878, at the age of 78 years, had no connection with service in the line of duty." Your committee therefore recommend that the bill be indefinitely postponed.

The Acting Secretary read the views of the minority, submitted by Mr. PLATT July 8, 1882, as follows:

The minority of the Committee on Pensions, to whom was referred the bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson, have examined the same, and submit their views in favor of the passage of the House bill, adopting the report of the Committee on Invalid Pensions of the House of Representatives, correctly stating the facts in the case, as follows:

"Mr. STEELE, from the Committee on Pensions, submitted the following report, to accompany bill H. R. 3258:

"In the matter of the bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson, your committee, to whom said bill was referred, have investigated and found as follows:

"The petitioner states that she is the widow of the late Colonel Thomas Hendrickson, of the United States Army; that her husband died in Saint Louis, October 24, 1878, leaving her so little that she has been obliged to run in debt in order to live, her only son being unable to support her; and that her prayer for

a pension is based on the consideration of the long and faithful service of her husband.

"This claim was rejected, according to records of the Pension Office (file No. 19055), 'for the reason that the death of Major Hendrickson, October 24, 1878, at the age of 78 years, had no connection with service in the line of duty.'

"The official military history of Thomas Hendrickson, which accompanies the bill, is as follows: He first enlisted December 13, 1819, in the Fourth Battalion of Artillery, and was discharged July 18, 1821, for disability. He enlisted again July 20, 1823, and was assigned to Company F, Third Infantry, as sergeant; made first sergeant May, 1824, sergeant-major January 22, 1827, and discharged as such July 20, 1828, by expiration of service. He re-enlisted July 28, 1828; was made sergeant-major of regiment June 14, 1829; transferred to Company G, Sixth Infanty, as sergeant, April 15, 1831; appointed ordnance sergeant April 25, 1833; discharged as such and re-enlisted June 10, 1833; discharged June 10, 1836, by expiration of service. Appointed second lieutenant, Sixth Infantry, July 31, 1838; promoted first lieutenant December 3, 1840; promoted captain January 27, 1853; promoted major, Third Infantry, June 27, 1862. He was brevetted captain August 20, 1847, for gallant and meritorious conduct at the battles of Churubusco and Contreras, Mexico, in which he was severely wounded; brevetted lieutenant-colonel July 1, 1862, for gallant and meritorious conduct at the battle of Malvern Hill, Virginia, and brevetted colonel March 13, 1865, for gallant and meritorious services during the war. He served in the quartermaster's department at Baltimore up to May 7, 1869, with which his active service closed.

"Accompanying the petition is a letter from Major-General W. S. Hancock, who served in the same company with him, and relieved him from command when he was wounded in the Mexican war. General Hancock says that Hendrickson also served under General Jackson at Pensacola, and that his entire service covers sixty years. Also, that his horse was shot from under him at Gaines's Mills, Virginia, and that he was subsequently retired by an examining board 'on account of incapability, the result of long and faithful service, and of wounds and injuries received in the line of duty.' General Hancock further says that he understands the petitioner to be in straitened circumstances, and that her case is one of the most meritorious known to him.

"In view of all the circumstances above set forth, your committee present a favorable report on the bill."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD BELLOWS.

Mr. MORGAN. I ask for the regular order.

Mr. MILLER, of California. One moment. I wish to call up House bill 5674. It is reported unanimously by the Committee on Naval Affairs, and it will take but a moment.

The PRESIDENT *pro tempore*. Will the Senator from Alabama give way?

Mr. MORGAN. Temporarily.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5674) for the relief of Edward Bellows.

The preamble recites that Edward Bellows, upon the 18th of July, 1866, was by the President, by and with the advice and consent of the Senate, duly appointed and commissioned a paymaster in the Navy of the United States from the 20th of February, 1866; that on the 28th of January, 1869, the Secretary of the Navy issued an order declaring that Bellows was dismissed the naval service, declared in such order of dismissal to be "in consequence of the facts appearing upon the record of the naval court-martial before which he was tried in November, 1868;" that on the 22d of January, 1880, the President, through the Secretary of the Navy, after investigation of the facts in the case, determined and issued an order declaring the order of dismissal illegal and void, and annulled and revoked it, because issued contrary to the provisions of section 1624, article 36, of the Revised Statutes of the United States, and the name of Edward Bellows was thereupon, by order of the President, restored to the list of paymaster on the Naval Register, next after that of Paymaster George A. Lyon, being the original relative position held by him on that list, and to which he is entitled by virtue of his commission; that on the 16th of March, 1869, while the order of dismissal remained upon the records unrevoked, the President, under the mistaken belief that the order was valid and according to law, and that the same caused a vacancy in the list of paymasters, by and with the advice and consent of the Senate appointed Leonard A. Frailey, paymaster in the Navy, declaring such appointment to be "*vice* Bellows, dismissed;" that by a recent decision and judgment of the Supreme Court of the United States in the case of Charles M. Blake *vs.* The United States (13 Otto, page 227) the right of said Bellows to hold the office is questionable; and that including Bellows the present number of paymasters does not exceed the number now allowed by law.

The bill therefore proposes to authorize the President to nominate and, with the advice and consent of the Senate, to appoint Edward Bellows paymaster in the Navy of the United States, to take rank and position on the list of such paymasters in the position where his name now stands on the Register as above stated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the preamble.

The preamble was agreed to.

ALABAMA MINERAL LANDS.

Mr. MORGAN. Now I call for the regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands. The bill is before the Senate as in Committee of the Whole.

Mr. McDILL. I appeal to the Senator from Alabama if he will not allow me to ask unanimous consent to pass a House bill relative to District of Columbia affairs. It is a very important matter, and I do not think it will give rise to any debate.

Mr. MORGAN. I shall not occupy more than five minutes on this bill, and then ask the Senate to vote on it. I merely wish to make a statement of the facts. I should like to oblige my friend very much, especially as this is his last day in the Senate; but I have been interrupted ever since yesterday morning, and I hope he will not press his request.

I will not venture to explain even what the honorable Senator from Vermont [Mr. EDMUNDS] yesterday evening stated to the Senate. I assure the Senate of the United States that this matter has been under the most mature consideration, and my colleague and I have really been resisting this bill, but we have yielded to popular sentiment and demand in our country, which is beyond any comparison to be comprehended outside of the State. I will therefore submit it to the vote of the Senate without taking the time of the Senate to explain it further.

The PRESIDENT *pro tempore*. The bill will be reported to the Senate if there be no objection.

Mr. SHERMAN. I think the bill ought to be read now. The Senator from Vermont stated objections to it yesterday. I wish to hear it exactly.

The Acting Secretary read the bill.

The bill was reported to the Senate without amendment.

Mr. HOAR. I thought the Senator from Vermont desired to discuss this bill.

The PRESIDENT *pro tempore*. He discussed it last night.

Mr. MORGAN. The Senator from Vermont made his full opposition yesterday, and in order to get forward with the bill I have declined to reply, although I was anxious to do so.

Mr. HOAR. I know nothing about the Senator's bill, but I had some idea that the Senator from Vermont desired to discuss it further.

Mr. MORGAN. I hope the question will be put.

The bill was ordered to a third reading, and was read the third time.

Mr. HAWLEY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Virginia [Mr. JOHNSTON].

The roll-call was concluded.

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE]. We are on a conference committee and shall be for some time.

Mr. SLATER (after having voted in the negative). I ask to withdraw my vote. I am paired with the Senator from Louisiana [Mr. KELLOGG].

The result was announced—yeas 34, nays 16; as follows:

YEAS—34.

Barrow,	Dawes,	Jones of Florida,	Pugh,
Bayard,	Fair,	Lamar,	Saulsbury,
Butler,	Garland,	Lapham,	Sawyer,
Call,	George,	McDill,	Vance,
Camden,	Groome,	Mahone,	Van Wyck,
Cameron of Wis.,	Harris,	Miller of N. Y.,	Voorhees,
Cockrell,	Hill,	Morgan,	Walker.
Coke,	Jackson,	Pendleton,	
Davis of W. Va.,	Jonas,	Plumb,	

NAYS—16.

Aldrich,	Frye,	Logan,	Rollins,
Conger,	Harrison,	McMillan,	Sewell,
Davis of Ill.,	Hawley,	Morrill,	Sherman,
Edmunds,	Hoar,	Platt,	Windom.

ABSENT—26.

Allison,	Ferry,	Jones of Nevada,	Saunders,
Anthony,	Gorman,	Kellogg,	Slater,
Beck,	Grover,	McPherson,	Tabor,
Blair,	Hale,	Maxey,	Vest,
Brown,	Hampton,	Miller of Cal.,	Williams.
Cameron of Pa.,	Ingalls,	Mitchell,	
Farley,	Johnston,	Ransom,	

So the bill was passed.

ORDER OF BUSINESS.

Mr. COCKRELL. The Senate has just disposed of Order of Business No. 1029 in considering unobjected House cases. House bill No. 4676, for the relief of certain officers of the Army, was passed over by mistake as a Senate bill. It is Order of Business No. 868. It is a bill in which there are officers from every State in the Union interested. It is simply to enable the Secretary of War to adjust and pay the commissioned officers from the date of their commission and their entry upon the discharge of duty, and embraces those classes of officers for whose relief Congress always passes special relief bills. It has been unanimously reported from the Committee on Military Affairs, and I hope will now be considered.

Mr. HARRISON. I hope it will be considered. It is a very meritorious bill.

Mr. FRYE. Is it a Senate bill?

Mr. COCKRELL. It is a House bill.

Mr. FRYE. Then there is a mistake on the Calendar?

Mr. COCKRELL. There is a mistake in printing it on the Calendar as a Senate bill. It is a House bill reported with an amendment.

Mr. FRYE. Then it is in order?

Mr. COCKRELL. Certainly it is.

Mr. SHERMAN. I want to have the order read under which we are acting.

Mr. COCKRELL. This comes under the order. It is a House bill.

Mr. SHERMAN. I know. I have no objection to the motion; but I should like the order to be read.

The PRESIDING OFFICER (Mr. ANTHONY in the chair). The order will be read.

The Acting Secretary read as follows:

Resolved, That the Senate proceed to the consideration of pending pension bills after the unfinished business is disposed of; second, to House bills reported favorably, commencing at the point reached when the Calendar was last under consideration.

Mr. SHERMAN. What I wish to propose for the unanimous consent of the Senate is that in the consideration of these bills the five-minute or Anthony rule of debate be applied. ["All right!"]

Mr. COCKRELL. I hope that will be agreed to.

The PRESIDING OFFICER. The Chair hears no objection. There is no objection.

Mr. HOAR. What does the Senator mean by that? Does he mean that the Anthony rule is to apply?

Mr. SHERMAN. Yes, sir.

Mr. HOAR. All right.

Several SENATORS. Five minutes, and no Senator to speak more than twice.

Mr. SHERMAN. I hope the Senate will not consider it invidious if some of us insist upon the enforcement of this rule and object to special cases being brought up out of time.

Mr. HOAR. I understand that the entire Anthony rule is included in the Senator's motion. Let there be no mistake about that.

Mr. SHERMAN. As to House bills.

Mr. VOORHEES. We have not heard the proposition of the Senator from Ohio.

Mr. SHERMAN. We are now acting upon a rule which gives preference to House bills. I suggest, for the unanimous approbation of the Senate, that we adopt what is called the Anthony rule, the five-minute rule, so that we may go through these bills as rapidly as possible, and clear the docket, if we can.

The PRESIDING OFFICER. The Chair hears no objection to that proposition.

Mr. SHERMAN. I mean to apply the rule just as it is. That is perfectly well understood, so that bills shall be subject to objection, and also subject to limited debate to the extent of five minutes.

The PRESIDING OFFICER. That is the understanding.

THANKS TO PRESIDENT DAVIS.

Mr. BAYARD. I offer the following resolution, and ask for its present consideration.

Resolved, That the thanks of the Senate of the United States are due, and hereby are tendered, to Hon. DAVID DAVIS, a Senator from the State of Illinois, for the courteous, impartial, and able manner in which he has presided over their deliberations and fulfilled the duties of President *pro tempore* of the Senate.

The PRESIDING OFFICER (Mr. ANTHONY in the chair). The question is on the adoption of the resolution.

The resolution was adopted unanimously.

RELIEF OF ARMY OFFICERS.

Mr. COCKRELL. Now, I call for consideration of House bill 4676, Order of Business 868.

Mr. PLUMB. Why should not that take its turn? I observe a bill right before it on the Calendar.

Mr. COCKRELL. Objection was made to that, but objection was never made to this.

Mr. PLUMB. Not to-day. Let us see if that can not be passed also. I ask the Senator from Missouri to let us see if that can not be passed without objection. It is a matter of great moment. It has passed the Senate twice before. It is a bill in regard to the adjustment of salaries of certain postmasters.

Mr. SHERMAN. I must insist on the rule, whatever that is.

Mr. PLUMB. This comes under the rule.

Mr. SHERMAN. But it has been passed over and objected to.

Mr. PLUMB. It has not been objected to this morning.

Mr. HOAR. What has become of the bill of the Senator from Missouri?

The PRESIDING OFFICER. That is now pending.

Mr. HOAR. That comes up of right.

Mr. PLUMB. I insist on the rule.

Mr. GARLAND. That was the point reached before.

Mr. HOAR. I understand that the bill named by the Senator from Missouri was passed over because there was a misprint on the Calendar, printing it as a Senate bill when in fact it is a House bill. It has, therefore, the right of precedence under the rule as it seems to me.

Mr. GARLAND. That is true; but then I think there are some House bills that precede that.

Mr. HOAR. Very well.

Mr. GARLAND. At what point did we leave off? That is what I want to get at. Will the Secretary please announce where we left off?

The ACTING SECRETARY. Order of Business No. 1029.

Mr. GARLAND. Now, if we go back I want to go to the first case under the rule.

Mr. SHERMAN. This case was not taken up when called because there was an erroneous print.

Mr. GARLAND. But although it is an erroneous print, it is not the first case; it is not at the point where we left off. We ought to go on regularly.

Mr. SHERMAN. We ought to commence wherever we left off.

Mr. GARLAND. That is what I want.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri was recognized by the permanent presiding officer, and his bill taken up.

Mr. GARLAND. It was taken up as I understand under the impression that it was the point at which we left off with the cases on the Calendar, but that is not the fact. There are one or two cases before that as I understand.

Mr. PLATT. It was not taken up under the supposition that it was following the point where we left off, because the Senator from Missouri explained that it had been passed over by mistake.

Mr. FRYE. We can not get at it unless we go on.

Mr. SHERMAN. I ask where we ought to commence under the rule?

Mr. GARLAND. At the point where we left off.

Mr. SHERMAN. Where was that?

Mr. ROLLINS. I think we had better begin somewhere.

Mr. GARLAND. I agree to that.

Mr. MORRILL. As the Chair has decided that this bill is before the Senate we might have passed it before this time if we had not discussed other matters. I hope now that this bill is before the Senate it will be disposed of.

The PRESIDING OFFICER. The bill is before the Senate in the judgment of the Chair.

Mr. ROLLINS. Let it be read.

The bill (H. R. 4676) for the relief of certain officers of the Army was read, and the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. COCKRELL. I will only say to the Senate that the amendment of the committee is to strike out the House bill and insert a substitute. It is useless to consume the time of the Senate in reading the portion to be stricken out. I think the reading of the portion to be substituted will be satisfactory to everybody.

The Acting Secretary read the amendment reported by the Committee on Military Affairs, which was to strike out all after the enacting clause of the bill and to insert:

That the joint resolution approved July 11, 1870, entitled "Joint resolution a mendatory of 'Joint resolution for the relief of certain officers of the Army,'" approved July 26, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was d uly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at such date: *Provided*, That at the date of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been in hospital by reason of wounds or disability received in the service in the line of duty at the date of his commission, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution so amended shall not be construed to apply to any cases in which, under the laws and Army regulations existing at the time, there could have been no legal muster into the service at the date of his commission.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes;

A bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes;

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins of the United States Army; and

A bill (S. 964) for the relief of Joseph C. Irwin.

SAMUEL CHASE BARNEY.

Mr. GROOME. When we were upon this call some days ago, Order

of Business 1022, being House bill No. 660, for the relief of Samuel Chase Barney——

Mr. SHERMAN. What is the business in order? I ask the Chair what is the next business in order?

The PRESIDING OFFICER. The Secretary will read the next order.

The ACTING SECRETARY. Order of Business 848.

Mr. EDMUNDS. No, it is Order of Business 1032.

Mr. PLUMB. That has not been reported favorably from the committee, I understand. That does not come within the rule.

PATRICK HORAN.

Mr. LOGAN. The bill (H. R. 6501) granting a pension to Patrick Horan was indefinitely postponed yesterday. He is a constituent of mine whom I know something about. I was not in at the time, and I desire to have a motion entered to reconsider the vote by which the bill was postponed indefinitely. Of course as I was not here I can not enter the motion but I ask some other Senator who was here to enter it.

Mr. PLUMB. I will enter a motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. LOGAN. I would be very glad to have the motion to reconsider acted on now, so that the bill may be placed on the Calendar.

Mr. SHERMAN. Let the vote be reconsidered and the bill be placed on the Calendar.

Mr. LOGAN. That is what I desire.

The PRESIDING OFFICER. The Chair hears no objection, and the motion to reconsider the vote by which the bill was postponed indefinitely will be regarded as reconsidered. The bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. SHERMAN. There is some confusion as to the order of business. The next bill according to my understanding is the one following the bill relating to public lands in Alabama, that is, House bill 2033. That is where we ended.

Mr. PLUMB. I insist that the rule shall be carried out; and that we shall take up the bill at the point where the Calendar was last under consideration from the date of the adoption of the rule.

Mr. SHERMAN. That is precisely what we are doing.

Mr. PLUMB. Let us have the decision of the Chair on that point. I insist that under the rule Order of Business 866, House bill No. 5200, should be first considered.

Mr. SHERMAN. The Chair has already decided this, because the Senate took up order of business No. 1029, relating to public lands in Alabama.

Mr. PLUMB. I do not think that was decided. It was done by unanimous consent.

Mr. EDMUNDS. When the bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands was taking up yesterday I was under the same impression with the Senator from Kansas that it was too far down on the list, but I had an inspection made at the Secretary's office, as I was not fond of the Alabama bill, to stop it on that ground if I could, in order to have fair play on the Calendar. It turned out on inquiry at the Secretary's office that was the bill last under consideration, and we had reached that number on the Calendar.

Mr. PLUMB. Let us have the matter decided on the case now presented.

Mr. FRYE. Let the Chair decide it.

Mr. BROWN. Was not the Alabama lands bill the unfinished business when we adjourned last night?

Mr. SHERMAN. Certainly; we have just disposed of that, and now the Senator from Kansas wishes to go back to an old Calendar.

Mr. PLUMB. March 3 is the date of the Calendar I hold in my hand.

Mr. SHERMAN. He wishes to go back to what was the unfinished business under an old order. We commenced acting upon an order disposing of House bills, and reached the bill relating to lands in Alabama.

Mr. PLUMB. The proceedings of the Senate upon the bill to which I refer will show that when it was reached it was passed over without prejudice, and under the rule of the Senate that leaves it in order whenever it is called up for consideration under the rule which requires us to consider bills in the order in which they are reached.

Mr. HOAR. Will my friend from Kansas pardon me one moment while I make a suggestion? If we go back, the bill which will then be in order is a bill which is under my charge, and I shall ask the Senate to indefinitely postpone it. It is a House bill relating to House elections, intended when passed to operate on the last election cases, and as that is gone by there is no necessity for passing it. So if the Senate will give unanimous consent to indefinitely postpone the bill, Order of Business 848, a bill (H. R. 4666) relating to contested elections, it will cut the knot so far.

The PRESIDING OFFICER. Shall the bill be indefinitely postponed? The Chair hears no objection.

Mr. SHERMAN. What is the order of business?

The PRESIDING OFFICER. No. 848. The order of business under the rule introduced by the Senator from Ohio is No. 1033, a bill (H. R. 4958) making it an offense to personate a post-office inspector.

Mr. PLUMB. It is immaterial entirely for the purpose of House bill No. 5200, but when it was reached before for consideration it went over without prejudice, and under the unvaried rule of the Senate that leaves the bill practically to be considered whenever it may be called up by any member of the Senate, and it is in order to call it up at any time under the operation of that rule.

The PRESIDING OFFICER. The Chair was under the impression that the bill called up by the Senator from Massachusetts [Mr. HOAR] had been passed over informally without prejudice.

Mr. SHERMAN. The order was introduced by me at a time when we were disposing of House bills. It was agreed to unanimously. At that time the question arose as to where it commenced to operate, and the presiding officer then in the chair decided that it commenced with the bill relating to public lands in Alabama. We spent a day upon that, Order of Business No. 1020. The order was put in operation and commenced at that point. I simply ask that that order be adhered to, and that we go on from that time forward and take up the House bills unobjected to, and after those are gone through with, we can go back to the beginning of the Calendar and consider the other bills.

The PRESIDING OFFICER. The Chair understands that it has been the invariable custom to call up at any time bills passed over without prejudice. Bills passed over without prejudice may be considered under both rules.

Mr. SHERMAN. But no bill has been passed over without prejudice under the new rule. The rule was adopted since that time by which we were to commence at a certain place, and we actually commenced at that place, and I think we ought to go on. As I understand the Chair has properly announced that the bill next in order is Order of Business 1033, and if so we ought to proceed with that.

Mr. FRYE. Let us commence somewhere.

The PRESIDING OFFICER. Such having been the decision of the former occupant of the chair the Chair will conform to it; but it is the opinion of the Chair as at present occupied that bills passed over without prejudice may come up under both rules, and can be called up at any time.

Mr. CAMERON, of Wisconsin. That is this case. The bill referred to by the Senator from Kansas was passed over without prejudice, and I insist that not only under the Anthony rule but under the rule we adopted the other day that bill is next in order.

Mr. GARLAND. If I had not been satisfied that we should have gone back I should have objected to its being passed over at the time because it is a very important bill. I was under the impression that we should go back at the proper time to it. There is no more important bill on the Calendar, according to my judgment, than that bill. I hope the rule will be enforced, and that we shall go back to that according to the understanding of the Senate.

Mr. GROOME. I simply wish to say in addition that the words "without prejudice" have some meaning or they do not. If they have any meaning whatever it must be that the bill can be taken up on the vote of a majority of the Senate whenever we proceed to the order of business on the Calendar. If the words do not have any meaning, then those of us who consented that that bill and other bills should be passed over without prejudice have been deceived as to the meaning of the rule under the former practice of the Senate.

Mr. FRYE. I understand that the Chair has decided the question.

Mr. BROWN. As I understand it we adopted a rule day before yesterday that should govern us for the residue of the session in taking up bills that have been favorably reported, and we then determined that we would commence where we last left off on the Calendar. That was the ruling yesterday, as I understand it, by the then presiding officer. If any bill has been passed over without prejudice since that rule was established, then we ought to go back to that bill, but not to all the bills that may have been heretofore passed over without prejudice under the Anthony rule.

Mr. GROOME. Nobody proposes to do that.

Mr. EDMUNDS. No bill has been passed over without prejudice since the rule proposed by the Senator from Ohio was adopted.

Mr. BROWN. I say that bills which have been passed over without prejudice since the rule was adopted should be considered under it. Under the rule adopted a few days ago we should stick to the Calendar as it now is and go forward.

Mr. PLUMB. I call for the reading of Order of Business 866.

Mr. SHERMAN. I call for the reading of Order of Business 1033.

Mr. CAMERON, of Wisconsin. The difficulty with the Senator from Ohio is that the Chair has decided against him.

The PRESIDING OFFICER. In the opinion of the Chair it is the right of the Senator from Kansas to bring up a bill passed over without prejudice.

Mr. BROWN. Does that apply to cases that were passed over before we established the new rule?

The PRESIDING OFFICER. It does. The Senate is now acting under both rules.

Mr. BROWN. I must appeal from the decision of the Chair if that is the ruling. If the ruling is that we may go back to all the bills that we passed over without prejudice under the Anthony rule before we adopted the late rule, then I appeal from that decision. If the ruling

is that we may go back and take up cases passed over without prejudice since we adopted the late rule, then I have no appeal to make.

Mr. PLUMB. Order of Business 866 is the only bill in that category.

The PRESIDING OFFICER. The Chair decides that it is in order to take up bills that have been passed over without prejudice. From this decision the Senator from Georgia appeals, and the question is: Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PLUMB. I hope the Senator from Georgia will withdraw the appeal.

The PRESIDING OFFICER. Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes appear to have it.

Mr. BROWN. I will not call for the yeas and nays. That would take too long.

The PRESIDING OFFICER. The ayes have it, and the decision of the Chair stands as the judgment of the Senate.

POSTMASTERS' SALARIES.

Mr. PLUMB. I call for Order of Business 866, House bill 5200.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5200) authorizing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866.

The PRESIDING OFFICER. The amendments reported from the Committee on Post-Offices and Post-Roads were agreed to at a former sitting of the Senate.

Mr. EDMUNDS. Is there a report from the committee?

The PRESIDING OFFICER. There is no printed report.

Mr. SHERMAN. I should like to have a statement at least from somebody to know how much this will involve.

Mr. EDMUNDS. And how many years it goes back.

Mr. PLUMB. A similar bill has been passed twice by the Senate heretofore. This bill is now here on its passage, having passed the House. It has been considered by the members of the Post-Office Committee. The Senator from Arkansas [Mr. GARLAND] I have no doubt is more familiar with it than I am. I only know that having given the matter investigation two or three years ago, it seems to me to be a bill that ought to be passed.

Mr. MILLER, of New York. In regard to the amount this bill is expected to take from the Treasury, I will say that the estimates were originally that it would take about $500,000, but the amendments made by the Committee on Post-Offices and Post-Roads, which have been agreed to by the Senate, are of such a nature that it is believed by the committee that sum will be considerably reduced, and that the amount finally to be taken from the Treasury under it will be considerably less than $500,000.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF DANIEL CARROLL.

The bill (H. R. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736 in the city of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and to insert:

That the devisees under the will of the late Daniel Carroll, of Duddington, deceased, their heirs or assigns, may prosecute a suit in the Court of Claims, according to the rules of practice and proceedings in said court, against the District of Columbia, to recover such damages, if any, as they have sustained by reason of the change of grade and the regrading of the streets around square numbered 736 in the city of Washington; and the said court, if it shall appear that said claim for damages has not heretofore been presented or prosecuted before any board of audit established by the provisions of the act of Congress approved June 20, 1874, is hereby authorized to hear and determine the said suit; and in ascertaining the damages sustained by the plaintiffs, the court is directed to take into consideration the advantages, if any, to the said square numbered 736, resulting from the change of grade and regrading aforesaid. It shall be the duty of the attorney for the District to defend the said suit.

SEC. 2. That it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the said plaintiffs such sum as the Court of Claims may adjudge to be due them, or any or either of them, one-half of which sum shall be chargeable to the revenue derived from taxation within the District of Columbia.

Mr. SHERMAN. Was that bill passed over without prejudice?

Mr. ALDRICH. Yes, sir.

Mr. HOAR. I should like to inquire of the committee who reported the bill whether there is any existing general law authorizing persons injured by changes in grade and changes in streets in the District of Columbia to recover damages?

Mr. ALDRICH. There is not.

Mr. HOAR. Then I must certainly object to the consideration of the bill. There are a great many persons who have sustained like damages who have no claim against the District of Columbia, if that be true.

Mr. ALDRICH. This is a very hard case of two old ladies, who have been seriously damaged. I think each case of this character ought to stand upon its own merit. We can hardly afford to pass a general law, I think. This is certainly a case where relief is demanded by every consideration, and I appeal to the Senator from Massachusetts not to object.

Mr. HOAR. I suppose it is a general rule of the common law that no land-owner is entitled to damages by reason of anything that an adjacent proprietor does on his own land unless it actually destroys the natural support of the soil. The United States owns the fee in the streets and all the public highways within the limits of the city of Washington, and it has a right to raise or lower the grade on that land at its pleasure. It has a right to appropriate it for the purpose of a public way or for any other purpose it shall see fit, and no claim for damages accrues.

This is not the case which exists in many of our States where the Government has merely taken an easement and the adjacent proprietor owns the fee over which it passes. The Government has been proceeding here upon the principle that no right of damages accrues. I admit it is a hard principle that when a person has acquired property with the understanding that a convenient way passes it, that way should be lowered or raised so as to make it inaccessible without great expenditure and regrading, but that is the existing general law. I remember an old gentleman from my own State who was compelled to come here for his health, who sustained damage in this way and was advised by his counsel that he had no redress. I do not think that it is fair to pick out two old ladies who happen to be very worthy and excellent people and make them exceptions to the entire rule. I therefore must object.

Mr. ALDRICH. Does one objection carry the bill over?

Mr. FRYE. It does under the Anthony rule, under which we are also acting.

The PRESIDENT *pro tempore*. Under the rule, the Chair supposes that the bill can not be considered if it is objected to.

Mr. INGALLS. The injustice of the course that has been pursued by the Senator from Massachusetts in making a speech against the merits of this bill and then objecting to its consideration under a technical rule seems very obvious.

Mr. HOAR. Allow me to explain.

Mr. INGALLS. I do not want any explanation. It explains itself.

Mr. HOAR. As the hour for the election of a President *pro tempore* has approached I will waive my objection, if the Senator wants to reply; but in view of the time, I stopped in my own speech in the middle; so that the Senator's criticism is not just.

RESIGNATION OF PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore* (Mr. DAVIS, of Illinois). Senators, gratitude fails to express the feeling which moves me in responding to the generous expressions in the resolution you have adopted. As the presiding officer of this honored body, I have received courteous cooperation from both sides, and constant kindness in the discharge of official duties and in personal intercourse.

I ought to be, and I believe I am, fully sensible of the obligations imposed by these acts, the more so as I entered upon the duties of the Chair almost a stranger to parliamentary practices. Six years have passed away since the Legislature of Illinois conferred upon me the trust which is about to expire by constitutional limitation. I neither sought nor expected an election, which was brought about by a union of different elements.

Political convictions have separated me from the two great parties, and have subjected my action here and elsewhere to the criticisms of organs of both organizations.

A public man who steps outside of regular party lines is exposed to misrepresentation of his motives and to the charge of weakness in his conduct. He gets little credit for the moral courage of self-assertion, and none for casting aside ambition in defense of his principles.

In legislating I have striven to consider measures solely with reference to the public good and without the least regard to their political paternity. Above and beyond all other objects, my great aim has been to extinguish the strife of sections, and to see the Union restored in all its integrity, with refreshed and increased grandeur.

Thank God, that happy day has at last come. North and South are only geographical expressions. Fifty millions of free, happy, and prosperous people rejoice in a reunited country, strengthened by the sternest of human trials.

I shall carry away with me, and cherish as a solace in private life, the cordial friendships formed here. It will be a constant pleasure to reflect upon, that no jar has disturbed the administration of the high office I now resign, bidding an affectionate farewell to every member of the Senate, and to every officer connected with it.

Mr. DAVIS, of Illinois, retired from the chair and took a seat on the floor.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. ANTHONY. Mr. Secretary, pursuant to the order adopted yes

terday I send a resolution to the desk and ask for its present consideration.

The ACTING SECRETARY. The Senator from Rhode Island [Mr. ANTHONY] offers the following resolution:

Resolved, That GEORGE F. EDMUNDS, a Senator from the State of Vermont, is hereby chosen President *pro tempore* of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PENDLETON. Mr. Secretary, I move to strike out the words "GEORGE F. EDMUNDS, a Senator from the State of Vermont," and to insert "THOMAS F. BAYARD, a Senator from the State of Delaware."

The ACTING SECRETARY. It is moved by the Senator from Ohio that the words "GEORGE F. EDMUNDS, a Senator from the State of Vermont," be stricken from the resolution, and that the words "THOMAS F. BAYARD, a Senator from the State of Delaware," be inserted in lieu thereof. Is the Senate ready for the question? ["Question."] As many as are in favor of the amendment offered by the Senator from Ohio will say "ay;" those of a contrary opinion will say "no." [Putting the question.] The "noes" seem to have it; the "noes" have it. The amendment is rejected. The question recurs on the adoption of the resolution offered by the Senator from Rhode Island [Mr. ANTHONY].

The resolution was agreed to.

The ACTING SECRETARY. The Senator from Rhode Island [Mr. ANTHONY] and the Senator from Delaware [Mr. BAYARD] are requested to conduct the President *pro tempore* elect to the chair.

Mr. EDMUNDS advanced to the Secretary's desk, escorted by Mr. ANTHONY and Mr. BAYARD, and said:

Senators, I beg to thank the Senate sincerely for the honor it has conferred upon me, and to say that I shall endeavor to discharge the duties imposed with fidelity. But I think under the law I ought to take an oath of office. I ask the Senator from Rhode Island [Mr. ANTHONY], he being the oldest Senator present, to administer it.

The oath prescribed by the act of July 2, 1862, having been administered to Mr. EDMUNDS, he took the chair as President *pro tempore* of the Senate.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Acting Secretary of the Senate inform the President of the United States that the Senate has chosen Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, President *pro tempore* of the Senate in the place of Hon. DAVID DAVIS, resigned.

NOTIFICATION TO THE HOUSE.

Mr. ANTHONY submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the Acting Secretary of the Senate inform the House of Representatives that the Senate has chosen Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, President *pro tempore* of the Senate in the place of Hon. DAVID DAVIS, resigned.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883.

HEIRS OF DANIEL CARROLL.

The PRESIDENT *pro tempore*. The Chair understands that the bill under consideration is House bill 6405, which will be announced.

The ACTING SECRETARY. "A bill (H. R. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Mariah C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square No. 736 in the city of Washington."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and the Senator from Massachusetts [Mr. HOAR], the Chair understands, has the floor.

Mr. GARLAND. I wish to call the attention of the Senator from Rhode Island [Mr. ALDRICH], who has charge of the pending bill. It would not do to have the bill passed in the shape it is in. It is contrary to all the precedents of bills of this character.

Mr. ALDRICH. I understood that the Senator from Massachusetts objected to the further consideration of the bill.

Mr. GARLAND. That I did not know. Has the bill gone over?

Mr. ALDRICH. I understand so, very much to my regret.

Mr. INGALLS. I did not understand the Senator from Massachusetts to interpose a peremptory objection.

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary that the Senator from Massachusetts did object to the further consideration of the bill.

Mr. HOAR. I withdrew the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. GARLAND. I wish to offer an amendment. In line 21, at the end of section 1, after the work "suit," I move to add:

And each party shall have the right to appeal from any final decision in such case to the Supreme Court of the United States under the existing rules of practice in such court.

This bill makes the decision in the Court of Claims final. That is contrary to all the precedents we have ever enacted in Congress. Important questions of law, as suggested by the Senator from Massachusetts, will come up in this case, and it should be subject to review by the court of last resort. The amendment I have offered is the usual provision in all such cases.

Mr. ALDRICH. I am quite willing to accept the amendment of the Senator from Arkansas. I think it is very proper.

The PRESIDENT *pro tempore*. The Senator from Arkansas offers the amendment. It can not be accepted. The question is on agreeing to the amendment of the Senator from Arkansas to the amendment reported from the Committee on the District of Columbia.

The amendment to the amendment was agreed to.

Mr. HOAR. I move to strike out all the words from the beginning of the third line to the word "six" in the tenth line, in the following words:

That the devisees under the will of the late Daniel Carroll, of Duddington, deceased, their heirs or assigns, may prosecute a suit in the Court of Claims, according to the rules of practice and proceedings in said court, against the District of Columbia, to recover such damages, if any, as they have sustained by reason of the change of grade and the regrading of the streets around square numbered 736.

And insert:

That all persons who have sustained damage by reason of change of grade or regrading of any street in the city of Washington may prosecute a suit in the Court of Claims to recover such damages as they have sustained thereby, according to the rules of practice and proceedings in said court, against the District of Columbia.

Then I wish to amend by striking out, in lines 17, 18, and 19, the words:

To the said square numbered 736, resulting from the change of grade and regrading aforesaid.

And inserting:

Which have accrued to the real estate of the petitioners thereby.

So as to read:

And in ascertaining the damages sustained by the plaintiffs, the court is directed to take into consideration the advantages, if any, which have accrued to the real estate of the petitioners thereby.

Mr. SHERMAN. I understand the amendments of the Senator from Massachusetts would make this a general law involving a magnitude of interest so great that we certainly ought not to consider it now. I shall object to the bill without any disparagement to its merits.

Mr. INGALLS. Will the Senator withdraw the objection one moment?

Mr. SHERMAN. Certainly.

Mr. INGALLS. The Committee on the District of Columbia have long had the subject of remedies for damages to real estate in this District resulting from change of grades and other operations in engineering before them for consideration. It is impossible to pass a general law bearing upon this subject that will not result in great injustice to the community and to the Government. It is necessary that these matters should be dealt with as they arise.

I suppose that most Senators who have been in the city of Washington long are familiar with the real estate affected by this bill. It is known as Duddington, a fragment of a very large estate that belonged to Daniel Carroll, of Carrollton, one of the original proprietors of the city of Washington. It is in the southeastern portion of the city. A large brick mansion, erected in the early part of the century, exists there, and the property is surrounded by a brick wall that has fallen away in consequence of the grading of the streets that surround the block. The ladies living there are the last survivors of that historic character. They have been reduced to comparative indigence. The property is unsalable in consequence of the operations of the Government in grading the streets around it.

I have never known a case that appealed more strongly not only to justice but to generosity. I am aware, and so is the Senator from Massachusetts, that these amendments will strangle the bill. I do not say that that is the intent or the design or the purpose, but such will be the result. Unless this bill can be passed as it came from the House it can not be passed at all, and these victims of the injustice of the Government will continue to have their claim unsatisfied, and it may be that their lives will close before justice can be done. One of them has died already since this measure has been pending. I shall have discharged what I conceive to be a solemn duty when I have called the attention of Congress to the meritoriousness of this claim and pointed out the fact that if these amendments are adopted and the measure is returned to the House it there will die.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to object to the further consideration of the bill?

Mr. SHERMAN. If the Senator from Massachusetts insists on his amendments I think the bill had better go over.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts insist on his amendments?

Mr. HOAR. I do. I know it is a very hard case——

Mr. INGALLS. I ask for a vote on the amendments.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the further consideration of the bill and it goes over.

Mr. INGALLS. The Senator from Ohio said if the Senator from

Massachusetts insisted on the amendments, that is, of course if there was to be debate, he would object.

Mr. SHERMAN. The Senator from Massachusetts does insist on them.

Mr. INGALLS. Then we can vote, for there will be no further debate, I think.

Mr. SHERMAN. But the Senator from Massachusetts wants to cite cases, and under the rule he can not take the time.

SAMUEL CHASE BARNEY.

The PRESIDENT *pro tempore*. The next House bill on the Calendar favorably reported will be announced.

The bill (H. R. 660) for the relief of Samuel Chase Barney was considered as in Committee of the Whole. It restores Samuel Chase Barney, late a lieutenant in the United States Navy, to the retired-list; and entitles him to the pay of a retired Navy officer of the grade which he held at the date of his dismissal; but he is not to receive any pay or allowance for the period between his dismissal and the date of the passage of the act.

Mr. COCKRELL. I suggest that the bill is not in the usual form.

Mr. INGALLS. Is there a report in this case?

Mr. GROOME. There is a House report, and a very full one. I wish to say that I have anticipated the objection of the Senator from Missouri to the form of the bill, and I think that the objection is well taken. I have consequently prepared an amendment to meet his point.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. It is proposed to strike out all after the word "that," in line 3, to the word "but," in line 7; and to insert:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Samuel Chase Barney, late a lieutenant in the United States Navy, to be a lieutenant of the Navy on the retired-list, and from and after his appointment he shall be entitled to the pay of a retired lieutenant of the Navy.

The amendment was agreed to.

Mr. SHERMAN. Is there a report in that matter?

The PRESIDENT *pro tempore*. The Chair is informed by the Senator from Maryland that there is not a Senate report but a House report.

Mr. SHERMAN. Something ought to be said about this claim before it passes. I ask the Chair also whether this bill was passed over without prejudice, so as to be in order?

Mr. GROOME. Such was the fact.

The PRESIDENT *pro tempore*. The Chair understands that it was reached when the Senator from California [Mr. FARLEY], who reported it, was out of his seat, and on account of his necessary absence it was passed over.

Mr. GROOME. The Senator from Ohio, I understand, desires a statement of the facts upon which the bill is based. I will state them briefly.

Samuel Chase Barney was a lieutenant in the United States Navy. In the Seminole war in 1841 he contracted incipient deafness, which was increased in the Mexican war and necessitated his being placed on the retired-list of the Navy.

He married; the seas of matrimony proved tempestuous, and shipwreck resulted. His wife applied to an Iowa court and obtained a divorce, with the custody of the children of the marriage and the exclusive control of her property. She died, and an officious intermeddler supposing that inasmuch as the custody of the children had been given to the mother the father had no right to resume it after her death, applied to the orphans' court of this District for letters of guardianship, and obtained a decision to that effect. From that decision an appeal was taken to the circuit court, which reversed it and directed the orphans' court, upon the father giving a suitable bond, to appoint him guardian of the persons and property of his children. From that decree in turn an appeal was taken to the Supreme Court of the United States, which dismissed it upon the ground that it had no jurisdiction over the subject-matter, and declared the decree of the circuit court to be in full force, and issued a certificate to that effect to the circuit court. When this was done the intermeddler applied to the circuit court for an injunction to restrain Lieutenant Barney from exercising any control over the persons or estate of his children, with a view to defeating the former decree of that court. The bill asking for this relief was not sworn to nor was the process prayed for served upon the defendant, Lieutenant Barney.

Under these circumstances Walter D. Davidge, a leading lawyer of this District, advised Lieutenant Barney that he was entitled to resume the custody of his children. He took possession of them and placed them at schools near Catonsville, Maryland. This act was misrepresented to the President of the United States as an act of contempt of the circuit court of this District and an outrage upon law and decency. Upon that representation the President summarily dismissed Lieutenant Barney. Lieutenant Barney was never able to ascertain until 1876 the cause of his dismissal, although he demanded to be informed of it within two days after it occurred.

Mr. SHERMAN. What President dismissed him?

Mr. GROOME. President Lincoln.

Mr. LOGAN. What was the cause?

Mr. GROOME. The cause was that he had taken the control and custody of his own children under the advice of his counsel, Mr. Davidge, of this District, and when other people, who had no more claim upon them than the Senator from Ohio or the Senator from Illinois, were attempting to defeat the father's right to their guardianship.

Mr. LOGAN. Does the Senator say that was the cause of his dismissal?

Mr. GROOME. That was the cause, as is plainly shown by the House report, in which is printed the series of letters which led to the dismissal of Lieutenant Barney.

Mr. LOGAN. The Senator must be in error. That can not have been the cause.

Mr. GROOME. The Senator from Illinois will permit me to say that of course the facts were so represented to the President that he was led to believe that this gentleman was guilty of a gross contempt of court, and possibly in view of the fact that the bill was filed, although it was unsworn to and although no process had been served upon him, Mr. Barney ought not to have attempted to resume the custody of his children until he had first procured its dismissal. But he afterward brought his children into this District and placed them under the jurisdiction of the court. Their removal beyond the District was the cause of his offending, and I have no doubt that the facts were grossly misrepresented to the President of the United States, otherwise Lieutenant Barney never would have been dismissed. I think, therefore, having been thus dismissed because the real character of his act was misepresented and misunderstood, that this tardy measure of justice ought to be done him by placing him again on the retired-list.

Mr. LOGAN. I should like to ask the Senator from Maryland a question.

Mr. GROOME. Certainly.

Mr. LOGAN. Did this man apply to Congress?

Mr. GROOME. He was dismissed March 6, 1863.

Mr. LOGAN. Never mind that. I do not want to take time. Has he ever applied to Congress to be restored to the Navy?

Mr. GROOME. He has attempted to secure such restoration.

Mr. LOGAN. When?

Mr. GROOME. Within a short time after he ascertained the cause of his dismissal, which as I said was in 1876.

Mr. LOGAN. He now applies to be put on the retired-list?

Mr. GROOME. He does.

Mr. LOGAN. Has the Senator concluded the remarks he wished to make?

Mr. GROOME. I will hear what the Senator has to say.

Mr. LOGAN. I do not want the Senator to yield. I have a motion to make.

Mr. GROOME. I will only add that he applies to be placed on the retired-list for the reason that was his position at the time of his dismissal.

M. LOGAN. I object to the consideration of this case.

The PRESIDENT *pro tempore*. The Senator from Illinois objects to the further consideration of the bill, and it goes over.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred a letter from the Secretary of War, transmitting, in compliance with a resolution of the 26th ultimo, a list of officers of the United States Army on duty in Washington, moved that it be printed and recommitted to the Committee on Military Affairs; which was agreed to.

THE JEANNETTE INQUIRY.

Mr. ANTHONY. I move that the Committee on Naval Affairs be discharged from the further consideration of the letter of the Secretary of the Navy transmitting proceedings of a court of inquiry concerning the loss of the steamer Jeannette, and that it be referred to the Committee on Printing.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. Before proceeding to the next case on the Calendar I ask leave to make a report on the river and harbor bill from the Committee on Commerce. I ask that the report be read. I make the report subject to any point of order that may lie.

The PRESIDENT *pro tempore*. Is there objection to receiving the report at this time? The Chair hears none, and the report is received.

Mr. CONGER. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Acting Secretary read as follows:

The Committee on Commerce, to which was referred House bill 7631, "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," beg leave to submit the following report:

The bill came from the House of Representatives to the Senate at a late hour night before last, but its reference to the committee was prevented by the interposition of parliamentary objections until 2 o'clock yesterday, less than forty-eight hours before the close of the present session of Congress.

The bill contains two hundred and three items of appropriation, amounting in the aggregate to the sum of $8,000,000 in round numbers. It is manifest that a satisfactory examination of these items of appropriation, in connection with the statements of the Chief of Engineers and his subordinates in charge of the works, communicated to Congress by the Secretary of War, and upon which we are authorized to rely, can not be made in time to report the bill at the present session of Congress; much less can it be done in time for action by the Senate at this session; yet without such examination, which it has heretofore been the custom of the committee to make, the committee do not feel justified in recommending the passage of the bill.

The importance of the annual appropriation for rivers and harbors can not be overestimated. The water channels of communication between the different parts of the country and the facilities afforded by safe and commodious harbors are the great securities of commerce against oppressive rates of transportation by railroad companies.

We are deeply impressed with the importance of continuing the works and repairs in our rivers and harbors already commenced and of the danger of great loss to the Government if these works are interrupted.

While, therefore, we are prevented by want of time from making such an examination of the bill as will enable us to make a positive recommendation of the passage of the bill, we do not feel at liberty to retain it in committee, and thus prevent action upon it by the Senate.

We therefore report the bill back to the Senate for such action as it deems proper.

S. J. R. McMILLAN.
W. P. KELLOGG.
JOHN P. JONES.
O. D. CONGER.
WARNER MILLER.
M. W. RANSOM.
RICHARD COKE.
J. T. FARLEY.
G. G. VEST.

Mr. INGALLS. Let the report be printed and lie on the table until to-morrow, under the rule.

The PRESIDENT *pro tempore*. The report will be printed and lie on the table.

Mr. CONGER. I ask that the report be printed in the RECORD.

The PRESIDENT *pro tempore*. It will be printed in the RECORD, having been read.

Mr. CONGER. And also printed as a report.

The PRESIDENT *pro tempore*. The usual order to print will be made. The next bill on the Calendar under the existing order will be stated.

CAPITOL POLICE.

The joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay was announced as the next in order.

Mr. INGALLS. Let that lie over until the Senator from Iowa [Mr. ALLISON] who reported it comes in.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the joint resolution be passed over without prejudice for the time being. Is there objection? The Chair hears none.

PERSONATION OF POST-OFFICE INSPECTOR.

The bill (H. R. 4958) making it an offense to personate a post-office inspector was announced as next in order upon the Calendar.

Mr. GARLAND. On inspecting that bill I find that it is already embraced in a bill that was reported from the Judiciary Committee last Monday, which was passed. This bill makes it an offense to personate a certain officer. That bill was a general one, making it an offense to personate an officer or agent of the Government in any capacity. I move the indefinite postponement of this bill.

Mr. COCKRELL. It is a House bill, and if we strike out the text of this bill and substitute the one which we passed on the report of the Judiciary Committee, it will go back to the House and the Senate amendment will be concurred in there.

Mr. GARLAND. I am willing to accept that suggestion.

Mr. COCKRELL. I move to strike out all after the enacting clause and to insert the bill to which the Senator from Arkansas referred.

The PRESIDENT *pro tempore*. The Chair supposes that that bill is not at the Secretary's desk at this moment.

Mr. COCKRELL. I think that ought to be done, because that bill covers the case of fraudulent representation as to pensioners.

Mr. SHERMAN. Any amendment on the bill now sending it back to the House would naturally defeat it. It is scarcely possible that it could become a law.

Mr. COCKRELL. The House may be able to concur in our amendment. It is a very important matter.

The PRESIDENT *pro tempore*. The bill will be laid aside informally, if there is no objection.

Mr. INGALLS. It would do no harm to pass the bill even if the Senate bill becomes a law. The greater contains the less, and inasmuch as there is a necessity for some action on the subject, it appears to me to be wise to pass this bill; but then I have no special interest in the matter.

The PRESIDENT *pro tempore*. The bill will be laid aside if there be no objection, and the next bill on the Calendar under the existing order will be reported.

FORGING POSTAL MONEY-ORDERS.

The bill (H. R. 4962) to amend section 5463 of the Revised Statutes was considered as in Committee of the Whole. It amends the section by inserting after the word "indorsement," in the seventh line, the words "or receipt."

Mr. HILL. This bill is not one of pressing importance. There has been reported from the same committee a joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General, which is of great importance, embracing only a few lines. I ask that the joint resolution be considered in place of the bill.

Mr. SHERMAN. We shall come to the joint resolution in a little while.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent that for Order of Business 1034, now before the Senate, Order of Business 1226 be substituted in its place for present consideration. Is there objection?

Mr. HARRISON. We shall reach that directly. I hope the Senator will not interpose now in the order of business.

Mr. HILL. I hope the Senator from Indiana will not object.

Mr. HARRISON. I do not like to have the regular order interfered with in this way.

The PRESIDENT *pro tempore*. Does the Senator from Indiana object?

Mr. BECK. I call for the regular order.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky object?

Mr. BECK. I object. I want to have the Calendar considered regularly if I can.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. INGALLS. I should like to hear the section of the statute read which it proposes to amend.

Mr. GARLAND. I was going to make the suggestion that the true way is to follow what appears in the bill by saying that the section will read as follows. I move to amend the bill in that way.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Arkansas will be reported.

The ACTING SECRETARY. It is proposed to add to the bill so that the section will read:

SEC. 5463. Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money-order issued by the Post-Office Department, or any of its postmasters or agents, or any material signature or indorsement thereon; any person who shall falsely alter, or cause or procure to be altered, or willingly aid or assist in falsely altering any such money-order; any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order, knowing the same, or any signature or indorsement or receipt thereon, to be false, forged, counterfeited, or altered, shall be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not less than two years and not more than five years.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SECTION 5480, REVISED STATUTES.

The bill (H. R. 4961) to amend section 5480 of the Revised Statutes was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GARLAND. I move the like amendment to that, so that the section shall read as follows——

The PRESIDENT *pro tempore*. The Senator from Arkansas proposes an amendment, which will be read.

Mr. MILLER, of California. May I have permission to make a report at this time?

The PRESIDENT *pro tempore*. The Chair will receive it if there be no objection.

DAVID S. BOOTH.

Mr. MILLER, of California. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 151) for the relief of David S. Booth, doctor of medicine, to report the same favorably and without amendment.

Mr. LOGAN. I ask, if there be no objection, that that bill be acted on. It is a matter that probably will not be reached if it goes on the Calendar, and it will take but a moment to dispose of it.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the bill just reported be now considered.

Mr. SHERMAN. That is in violation of the rule we are acting under.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. HALE. I ask unanimous consent now to take up the deficiency appropriation bill.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Maine [Mr. HALE].

Mr. CAMERON, of Wisconsin. The next bill in order on the Calendar is Order of Business 1047, being the bill (H. R. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government. I hope my friend from Maine will not ask to take up the deficiency bill until that bill can be acted on.

Mr. HALE. Where does the bill the Senator speaks of stand on the Calendar?

Mr. COCKRELL. The third one from where we are now.

Mr. ALDRICH. There are two intermediate bills which I shall ask to have considered.

Mr. HALE. I find that there is a conflict between Senators here as to which will come up next. The Senator from Rhode Island objects to the bill of the Senator from Wisconsin being next considered.

Mr. ALDRICH. No; I do not object; but I say there are other bills which ought to be considered before that is reached.

Mr. BECK. They will only take the time required to read them.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the appropriation bill? The Chair hears none.

Mr. CAMERON, of Wisconsin. I hope the Senator from Maine will not insist on it just now.

Mr. BECK. Will not the Senator from Maine give us ten minutes to see if we can not pass these bills?

Mr. HALE. I will give ten minutes, and then I will call up the appropriation bill. Let it be laid aside for that time.

The PRESIDENT *pro tempore*. Unanimous consent is asked that the appropriation bill just taken up be laid aside informally for ten minutes.

Mr. INGALLS. Say until 1 o'clock. ["Yes."]

The PRESIDENT *pro tempore*. Until 1 o'clock. The Chair hears no objection.

SECTION 5480 REVISED STATUTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to amend section 5480 of the Revised Statutes.

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment to the bill.

The ACTING SECRETARY. It is proposed by the Senator from Arkansas [Mr. GARLAND] to make the bill read as follows:

Be it enacted, &c., That section 5480 of the Revised Statutes be, and the same is hereby, amended by striking out the word "or," where the same occurs between the words "defraud" and "be," in the second line, and inserting in lieu thereof the word "to."

So as to make the section read:

SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, to be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside of the United States, by means of the Post-Office Establishment of the United States, or by inciting such other person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice, or attempting so to do, place any letter or packet in any post-office of the United States, or take or receive any therefrom, such person so misusing the Post-Office Establishment shall be punishable by a fine of not more than $500, and by imprisonment for not more than eighteen months, or by both such punishment. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the Post-Office Establishment enters as an instrument into such fraudulent scheme and device.

Mr. GARLAND. These bills which we have been considering are bills that come from the Post-Office Committee in reference to postal crimes. They reported them entirely out of order, and it will take some little time to put these bills in shape. I shall be compelled to object to the further consideration of this bill.

The PRESIDENT *pro tempore*. The bill is objected to, and it goes over. The next House bill on the Calendar will be stated.

GERMAN NATIONAL BANK OF LOUISVILLE.

The bill (H. R. 2911) for the relief of the German National Bank of Louisville, Kentucky, was announced as next in order, and it was considered as in Committee of the Whole. It provides for the payment of $313.50 to the German National Bank of Louisville, Kentucky, being the amount of United States 5-20 coupons inclosed in a registered letter and destroyed while in custody of the postal authorities; but a satisfactory bond of indemnity is to be filed with the Secretary of the Treasury before the payment shall be made.

Mr. INGALLS. Is there a report in that case?

Mr. ALDRICH. A unanimous report of the Finance Committee. It is to pay for some coupons lost in transit through the mail. There is ample proof furnished the committee that they were lost. The bill provides for a bond of indemnity to the Government in case they should ever turn up.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. THOMAS.

The bill (H. R. 604) for the relief of William W. Thomas was considered as in Committee of the Whole. It provides for the payment to William W. Thomas, of Portland, Maine, of $450, being the amount of coupons of United States bonds lost by him, and now unpaid, upon his giving a bond of indemnity in double the amount to be paid, with sureties, satisfactory to the Secretary of the Treasury.

The bill was reported from the Committee on Finance with amendments. The first amendment was, in line 5, after the words "sum of," to strike out "$450" and insert "$309;" so as to read:

That the Secretary of the Treasury be authorized and directed to pay to William W. Thomas, of Portland, in the State of Maine, the sum of $309, being the amount of coupons of United States bonds lost by him, and now unpaid.

The amendment was agreed to.

The next amendment was, in line 28, after "Thomas," to insert "furnishing to the Secretary of the Treasury satisfactory proof of the loss and destruction thereof, and;" in line 31, before "Secretary," to insert "said," and after "Secretary" to strike out "of the Treasury;" so as to read:

Upon said Thomas furnishing to the Secretary of the Treasury satisfactory proof of the loss and destruction thereof, and giving a bond of indemnity in double the amount to be paid, with sureties satisfactory to said Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE ON PRINTING.

On motion of Mr. ANTHONY, it was

Ordered, That the Committee on Printing have leave to sit during the recess of Congress.

DISPOSITION OF PRIVATE CLAIMS.

The bill (H. R. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government was announced as next in order.

Mr. JACKSON. That bill will lead to considerable discussion. There are various amendments to be offered to it; and I suggest that it had better go over.

Mr. CAMERON, of Wisconsin. I hope not.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the present consideration of the bill?

Mr. JACKSON. I do.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

JUSTICE IN TUNIS.

The joint resolution (H. Res. 303) respecting the administration of justice in Tunis was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment after "Tunis," in line 5, to strike out "by the Government of France;" so as to read:

Be it resolved, &c., That when the President of the United States shall be satisfied that a system for the administration of justice shall be established in Tunis in accordance with the usage of civilized and Christian nations, under which all rights of person and property of the citizens of the United States may be fully and permanently protected, he shall be, and is hereby, authorized, by proclamation, to declare that the right on the part of the United States and its citizens to claim extra-territorial jurisdiction within said territory of Tunis, as secured by existing treaties and laws, has ceased, and will no longer be claimed or exercised.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

J. J. COFFEY AND REBECCA S. LEWIS.

The bill (H. R. 2638) for the relief of J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis, was considered as in Committee of the Whole. It provides for the payment of $2,000 each to J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis, being in full compensation for salary while J. J. Coffey and Burge Rawle Lewis were kept out of their positions as clerks in the consulate-general at Shanghai, China, upon their return after testifying in the Seward investigation before the Committee on Expenditures in the State Department, in 1878 and 1879.

Mr. LOGAN. Is there a report with that bill?

Mr. WINDOM. There is a report.

The PRESIDENT *pro tempore*. The report will be read.

Mr. WINDOM. The bill is unanimously reported by the Committee on Foreign Relations.

Mr. LOGAN. Very well; I do not care for the reading if that is the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIA REVOLUTIONARY CLAIM.

The bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777 was announced as next in order.

Mr. ROLLINS. I object under the belief that that bill will lead to pretty thorough debate.

Mr. BROWN. There will be no debate. I think if the Senator from New Hampshire will hear the report read there will be no debate, and I am sure my friend will not object. It is an important matter to my State. I appeal to him not to make any objection.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Does the Senator from New Hampshire insist on his objection?

Mr. BROWN. If the Senator hears the report, I am sure he will not object. It will not take five minutes.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his objection?

Mr. ROLLINS. Not at present.

The PRESIDING OFFICER. The Senator from New Hampshire insists upon his objection and the bill goes over.

RETIRED ARMY OFFICERS.

The bill (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories was announced as next in order.

Mr. PLUMB. I object to the consideration of that bill.

The PRESIDING OFFICER. An objection carries the bill over.

WILLIAM BOWEN.

The bill (H. R. 1768) for the relief of William Bowen was announced as next in order.

Mr. SHERMAN. That has been acted on. It ought to be passed over. It has been indefinitely postponed once.

Mr. COCKRELL. Certainly; let it be passed over.

The PRESIDING OFFICER. There is a motion to reconsider pending. Would that come under the rule?

Mr. SHERMAN. I think not.

Mr. McMILLAN. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGIA REVOLUTIONARY CLAIM.

Mr. BROWN. My friend from New Hampshire [Mr. ROLLINS] withdraws his objection to the little bill I had up just now.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his objection to the consideration of House bill 110?

Mr. ROLLINS. Yes, sir.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777. It proposes to require the Secretary of the Treasury to pay to the State of Georgia, or its lawfully authorized agent, $35,555.42, being for money paid by the State for supplies for the troops in 1777, under the command of General James Jackson, engaged in local defense for the common cause of Independence, and which sum was not included in the account of the State of Georgia in the settlement with the General Government under the assumption act of 1790.

Mr. INGALLS. Let us hear the report in that case.

Mr. BROWN. I am perfectly willing to submit the case on the report if Senators will pay attention to the report.

The PRESIDING OFFICER. The report will be read.

The Acting Secretary proceeded to read the report submitted by Mr. BARROW January 6, 1882.

At 1 o'clock p. m.,

Mr. INGALLS. Regular order.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the regular order will be laid before the Senate, being the deficiency appropriation bill.

Mr. BROWN. I ask that this bill be disposed of.

Mr. INGALLS. Not until the appropriation bill is out of the way.

Mr. BROWN. The reading of the report has commenced.

Mr. BARROW. I hope my friend from Kansas will allow us to have a vote on this bill. It is a short bill, and has been three times reported favorably.

Mr. INGALLS. We have but a fraction of a day remaining in which to complete our business, and the most important thing before us is the consideration of the deficiency appropriation bill. After we have got through with that we can take this up.

The PRESIDING OFFICER. This bill will be the pending order after that. The deficiency bill will be laid before the Senate.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be acted on as they are reached.

The PRESIDING OFFICER. That will be the order of the Senate, if there be no objection.

The Acting Secretary proceeded to read the bill which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, after line 37 of section 1, to insert:

To enable the Secretary of State to pay Mrs. Caroline C. Marsh, widow of the late George P. Marsh, minister of the United States to Italy, the balance of one year's salary, said year to be reckoned from June 23, A. D. 1882; and to enable said Secretary to pay the necessary expenses of the funeral and burial of the late Mr. Marsh, and of erecting a suitable stone at his grave in Rome, $12,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 45, to insert:

To enable the Secretary of State to pay E. J. Mallet, of New York, late consul-general to Italy, his unpaid salary for the two years he served as such consul-general, $6,000; and to enable said Secretary to reimburse the official expenses of said consul-general, the sum of $3,000, or so much thereof as may be necessary: *Provided*, That the Secretary of State shall, on examination, find this sum or any part thereof is legally due.

The amendment was agreed to.

The next amendment was, after line 53, to insert:

For salary of consul of the United States at Tangier, Barbary States, $1,000, being additional to his salary as provided for in the consular and diplomatic act approved July 1, 1882.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," after line 86, to insert:

For payment of assessments to city of Des Moines, Iowa, upon streets adjacent to the United States court-house and post-office building in said city, as audited at the Treasury Department, $2,087.30.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," after line 112, to insert:

To enable the Secretary of War to remove all claims and pretensions in respect of the property in the State of Virginia known as Arlington, on which a cemetery for the burial of deceased soldiers of the United States has been established, and which property was taken by the United States for public use in the year A. D. 1864, $150,000; but this appropriation shall not be paid out of the Treasury until the Attorney-General shall be satisfied, and so certify to the Secretary of War, that the deed or deeds to be given to the United States to the end aforesaid will convey a complete title and contain covenants of general warranty and covenants against every manner of claim against or in respect of said property, whether *in rem* or *in personam*, and also against all and every claim for damages in respect of, or the use and occupation of said property, and also a release by every person entitled of all claim for and to the amount bid, or any part thereof, in behalf of the United States, on the tax sale of said property.

The amendment was agreed to.

The next amendment was, after line 131, to insert:

To enable the Secretary of War to pay to J. C. Burdick $820, to E. M. Wadsworth $820, and to C. A. Peck $820, commissioners appointed under the authority of an act of Congress approved March 3, 1875, entitled "An act to aid in the improvement of Fox and Wisconsin Rivers, in the State of Wisconsin," for services in ascertaining and awarding the amount of damages by reason of the flowage of lands caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," in line 135, to reduce the appropriation "for photolithographing or otherwise producing plates for the Official Gazette" from $4,500 to $3,000.

The amendment was agreed to.

The next amendment was, in line 157, to reduce appropriation "for photolithographing or otherwise producing copies of the weekly issues of drawings of patents, designs, and trade-marks" from $20,000 to $15,000.

The amendment was agreed to.

The next amendment was, after line 157, to insert:

For contingent and miscellaneous expenses, Pension Office, $6,500.

The amendment was agreed to.

The next amendment was, after line 159, to insert:

Howard University: For repairs to buildings, $4,500.

The amendment was agreed to.

The next amendment was, after line 164, to insert:

For incidental expenses of the several land offices, $10,000.

The amendment was agreed to.

The next amendment was, after line 171, to insert:

For this amount, or so much thereof as may be necessary, to feed a number of Piute and other Indians in Nevada, now in a destitute condition, to be available immediately, $5,000.

The amendment was agreed to.

The next amendment was, after line 175, to insert:

For completing the new census-roll of the Cherokee Indians residing east of the Mississippi River, as required by law, $600.

The amendment was agreed to.

The next amendment was, after line 185, to strike out the following clause:

This amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to continue the investigation of Cherokee Indian matters named in the act of Congress approved August 7, 1882, $1,000.

The amendment was agreed to.

Mr. INGALLS. I move to strike out all in the bill between lines 191 and 239. I will also object to the portion of the bill contained in the reported amendments between lines 240 and 271, on the ground that it is general legislation. The matter has already been acted upon on a previous bill by the Senate.

The PRESIDING OFFICER. The Senator from Kansas [Mr. INGALLS] moves to strike out from line 191 to line 239. The question is on that amendment. The Secretary will first read the lines proposed to be stricken out.

The Acting Secretary read as follows:

The Eastern Band of Cherokee Indians is hereby authorized to institute a suit in the Court of Claims against the United States to determine the rights of the said band in and to the moneys, stocks, and bonds, held by the United States in trust for the Cherokee Indians, arising out of the sales of lands lying west of the Mississippi River, and also in certain other fund, commonly called the permanent annuity fund, to which suit the Cherokee Nation, commonly called the Cherokee Nation West, shall be made a party defendant. The said Eastern Band

shall within three months after the passage of this act file a petition in said court, verified by the principal chief of said band, setting forth the facts upon which said claim is based. The said Cherokee Nation West shall within six months after the passage of this act file its answer to said petition, and said cause shall proceed to final determination pursuant to the practice in said court, and such rules or orders as the said court may make in that behalf.

The Secretary of the Interior shall transmit to said court, for the consideration of said court, copies duly certified of all records, reports, papers, and other documents on file in the Department of the Interior which he may deem necessary to said cause or which may be requested by either of the parties hereinbefore referred to, and the said parties, respectively, may take and submit to said court such additional competent testimony as they may desire. And jurisdiction is hereby conferred upon said court to hear and determine what, if any, interest, legal or equitable, the said Eastern Band has in said moneys, stocks, bonds so held in trust as aforesaid by the United States, and shall enter a decree specifically defining the rights and interests of the said Eastern Band therein, and in any moneys hereafter to be derived from sources similar to those out of which the existing fund arose.

When the interest, if any of the said Eastern Band has been ascertained as aforesaid, the Secretary of the Treasury shall, out of the portion of said fund adjudged to said parties, respectively, pay all the proper costs and expenses of said respective parties of the proceedings herein provided for, each party, except the United States, to be liable for its own costs and expenses, and the remainder shall be placed to credit of the said Eastern Band and of the said Cherokee Nation, in accordance with their respective rights as ascertained by the said judgment and decree of said court.

In the said proceeding the Attorney-General, or such of his assistants as he may designate, shall appear on behalf of the United States. Either of the parties to said cause may appeal from any judgment rendered by said Court of Claims to the Supreme Court of the United States, and the said courts shall give such cause precedence.

Mr. HALE. These are old controverted subjects that have interested these Indians for years. They have been buffeted about from one place to another, and at last the House of Representatives has inserted this clause and passed it, sending them to the Court of Claims under restrictions and safeguards that the Committee on Appropriations deem to be good and wise. It is not subject to a point of order, of course, because the House has adopted it, and it rests entirely with the Senate whether the provision shall remain in or out.

I do not care to discuss it further except to say that the committee think the provision is well guarded.

Mr. DAWES. I hope the Senate will not strike this out. It is not subject to a point of order. We are not responsible for the fact that it is in this appropriation bill.

Mr. INGALLS. We are responsible for its staying in it.

Mr. DAWES. To begin with, it is a matter in which the United States has no pecuniary interest. It is a question arising between the different bands of Cherokee Indians; those in the Indian Territory and those who have not gone there, an old claim that they have found no way to settle themselves. They have been here and asked Congress a great many times and in a great many ways to aid them in settling this claim between themselves. Now both sides are willing to go into the Court of Claims to let it be settled there. I hope, now that it is in the bill, that this claim will be finally disposed of and for the best interest of the Indians themselves. It is doing them great injury to be continually contending among themselves over this fund, and one side claiming that the other has got more than its share. I do not know myself which is in the right. The Committee on Indian Affairs, who have had this subject before them year after year, would be exceedingly obliged to the Senate if it would relieve them and refer the matter to the Court of Claims where both parties are willing to go.

Mr. CONGER. There are two amendments to this clause of the bill that should be acted on before the motion to strike out is put.

The PRESIDING OFFICER. The Chair did not observe that.

Mr. CONGER. On lines 193 and 194.

The ACTING SECRETARY. The Committee on Appropriations propose after the word "United," in line 192, to insert "States;" in line 194, after "stocks," to insert "and," and in the same line, after "bonds," to strike out "and so forth;" so as to read:

The Eastern Band of Cherokee Indians is hereby authorized to institute a suit in the Court of Claims against the United States to determine the rights of the said band in and to the moneys, stocks, and bonds held by the United States in trust for the Cherokee Indians, arising out of the sales of lands lying west of the Mississippi River.

The PRESIDING OFFICER. These amendments will be regarded as agreed to if there be no objection. These amendments being made, the question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out the lines which have been read.

The motion was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 239, to insert:

That that portion of the Cherokee Nation of Indians residing west of the Mississippi River, and known and designated as "Western Cherokees" or "Old Settlers," by and under the name and style of the "Old Settler Cherokee Indians," be, and they are hereby, authorized to present their claims against the United States, by petition to the Court of Claims of the United States, within one year next after the passage of this act, to recover whatever balance, if any, is justly and equitably due them from the United States under the Cherokee treaties of 1828, 1833, 1835, 1836, and 1846, according to the tenor and effect of said treaties at the dates of their respective ratifications; and to the end that justice may be done, such court shall examine all settlements heretofore made under said treaties and acts of Congress, and other acts and proceedings relating thereto, and correct all errors, if any, that may have been made by any accounting officers or other authority of the Government of the United States in marshaling and settling the accounts for the said "Old Settlers," in improper charges, erroneous calculations, misconstruction of laws and treaties, or misapplication of funds. And the said court, in the examination of said "Old Settlers" claim, shall consider the same with reference to, and be governed by, the said treaties, laws, acts, and proceedings as relate to or affect said "Old Settlers," and shall render judgment on the equities of said claims under the said treaties, laws, acts, and proceedings aforesaid; and either party may appeal from said judgment to the Supreme Court of the United States, and said case, when so appealed, shall have precedence.

Mr. INGALLS. I raise the point of order that under the rules of the Senate this is general legislation and can not be received on an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained by the Chair.

Mr. PLUMB. I wanted to say, simply for my own justification and the committee's——

The PRESIDING OFFICER. Does the Senator from Kansas [Mr. PLUMB] appeal from the decision of the Chair?

Mr. PLUMB. I will for a moment. I would rather appeal to my colleague. I wish to state what has governed me in the action I have taken in regard to this case as a member of the Committee on Appropriations. Ever since I have been in this body I have known of the existence of these claims and I presume every other Senator has. Nothing is more delicate to legislate about than our relations or the relations of any white man to an Indian or to a tribe of Indians; and yet we are constantly besought here to take up claims of this kind and dispose of them. Sometimes we will do it; sometimes not. Finally we have got to dispose of this subject and put it out of the way.

There is a disposition I think that formal claims of a kind which appeal to the equity side of Congress should go to the Court of Claims as a tribunal which will be better able to dispose of them than Congress can possibly be. This is so manifestly fair, I think, and so manifestly necessary if we are ever to do anything about this matter at all, that I certainly hope my colleague will not be unreasonable enough to interpose an objection unless (as of course is entirely proper) his objection goes to any legislation on appropriation bills.

My colleague nods his acquiescence in that statement. That is a little bit late, I think, on the whole, because we have legislated and we shall continue to legislate upon bills of this and a similar kind; and while we may have a spasm of virtue every now and then which will strike off on the point of order some proposition, at the same time some legislation will undoubtedly creep into the appropriation bills that pass. It can not be helped.

The PRESIDING OFFICER. The question is on the appeal taken by the Senator from Kansas.

Mr. PLUMB. I withdraw the appeal.

Mr. CONGER. I rose to make a suggestion to the Chair before the point of order was decided, but the Chair did not stop to hear me.

The PRESIDING OFFICER. What is the suggestion of the Senator from Michigan?

Mr. CONGER. I rose to address the Chair before there was a ruling on the point of order.

The PRESIDING OFFICER. There was nothing to address the Chair upon, because the question had to be decided without debate under the rules. The Chair decided it, and the Senator from Kansas appealed from the decision of the Chair. Now the Senator from Kansas withdraws the appeal.

Mr. CONGER. I appeal.

The PRESIDING OFFICER. The Senator from Michigan appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CONGER. I would respectfully call the attention of the Chair to the fact that this is a bill to make appropriations to supply deficiences for the past year and for prior years, and for other purposes. That is the very title of the bill. There is no question with those who have examined this subject that the balance of money found due and required by law to have been appropriated in a prior year for this purpose has failed to be appropriated; and therefore there was a deficiency under the award of the Senate, which, by virtue of an act of Congress, determined the amount due. Questions have arisen in regard to that; and this amendment is in the direction of providing for the payment of that deficiency and only in that direction.

I do not assert positively that it is taken without the rule on that ground; I am not prepared to say that; I only made my appeal to call the attention of the Chair to the fact, if he has examined this case, that the very last action of Congress was to provide that the Senate should act as arbitrator in regard to these claims and make an award and that payment should be made according to that award that stands there unchanged and unaltered by any law of Congress up to this time; but from time to time Congress has declined or neglected to make the appropriation to meet that award. Now, in my judgment, it is just as much a deficiency to be provided for either by complying with the law and inserting in a bill an appropriation of an amount of money found due under the law by the Senate acting as arbitrator, as any other deficiency that has ever occurred. It should have been appropriated for in good faith on the part of Congress with due respect to the Senate and its arbitrament and decision; it might have been appropriated for at any session from that time to this. It is still binding unless otherwise directed by Congress. That is the situation of this matter.

Now, if this amendment tends in any way to provide an appropriation for carrying out the law, or if it defines the means by which an ap-

propriation shall be made and the amount ascertained, I submit that it is within the spirit and meaning of the rule to be put upon this bill. I think myself, and I say it here without fear of contradiction, that in the whole list of claims which have been presented from year to year to the Congress of the United States, there is not one which has been so fully settled, not one which has been settled by so high an arbitrating power as this, for the law made the Senate of the United States the arbitrator in this matter.

The Senate gave its award. It is unchanged. It has only waited from that time to this the action of Congress making an appropriation for the deficiency. For twenty-five years, more or less, since that arbitration of the Senate the claim has stood in the view of the whole world as a claim decided by this high body unpaid, unsatisfied, put off from time to time as an old claim, as an unworthy claim. Now, sir, there is something due to the dignity of the Senate which consented to act as arbitrator and made this award.

I do not think myself that it comes within the prohibition of the rule. I think the means to reach the amount due is properly within the purview of this bill and of the power of the Senate under this rule. I saw for twelve and one-half years the old chief of that nation, as venerable and heroic a man as ever lingered around the seat of any government to maintain the claims of his people, labor from year to year and die here in this city with the harness on trying to have the Congress of the United States do justice to him and his people. I promised that heroic old chieftain, Pytchlin, on his death-bed, to do what little I was able to do to aid in settling the claim which he left as a legacy to his friends here who had supported his claim in Congress, to do whatever I could in my feeble way to bring this matter to Congress and have an adjustment of it. It ought to be done. It is an eternal disgrace to Congress and to this nation that such an award and such an arbitrament has not been carried out in good faith until a whole generation has passed away.

Now, if there can be any possible view in which the Chair can look at this subject in the light in which I have looked upon it and perhaps review his decision upon the point of order, I hope it may be done. I withdraw the appeal. I only wished to present this consideration.

The PRESIDING OFFICER. The Senator from Michigan withdraws the appeal and there is no question before the Senate. The amendment has been ruled out. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," after line 295, to insert:

For contingent expenses of the police court, $400.

The amendment was agreed to.

The next amendment was, in line 298, after "schools," to insert "and police department;" and in line 299, after "said," to strike out "amount" and insert "amounts;" so as to read:

For fuel for the public schools and police department, $5,000; one-half of said amounts to be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "judicial," in line 306, to increase the appropriation "for fees of marshals" from $120,000 to $150,000.

The amendment was agreed to.

The next amendment was, after line 307, to insert:

That the sum of $13,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the salary of the clerk of the Supreme Court of the United States and his necessary office expenses, including clerk-hire, to the 1st day of January, 1884.

The amendment was agreed to.

The next amendment was, in section 2, after line 137, to strike out the following clause:

The accounting officers of the Treasury are hereby authorized to pass to the credit of Herbert A. Gill the sum of $150 for services performed in connection with the National Museum during the second and third quarters of the fiscal year ending June 30, 1881; and to S. C. Brown $60 for services performed in connection with the United States Fish Commission during the third quarter of the fiscal year ending June 30, 1881.

The amendment was agreed to.

The next amendment was, after line 147 of section 2, to strike out the following clause:

To pay Michael Conlan and Edmund Brockenborough $242.61, being the amount withheld from their salaries as messengers in the office of the National Board of Health from July 1, 1881, to August 7, 1882, $485.22.

The amendment was agreed to.

The next amendment was, in line 178 of section 2, after "transportation," to insert "and;" in the same line, after "subsistence," to strike out "and so forth;" and in line 183, after "vessels," to strike out "and so forth;" so as to read:

For disbursements made by Lieutenant John W. Danenhower and Chief-Engineer George W. Melville, on account of transportation and subsistence of themselves and a portion of the survivors of the Arctic exploring steamer Jeannette, in their journey from the Lena Delta to the United States; and for expenses of the court of inquiry convened for investigating the circumstances of the loss of that vessel, under authority of the joint resolution of Congress, approved August 8, 1882, $12,504.64, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 191 of section 2, to insert:

That from the $50,000 appropriated for the current year for the care and preservation of such navy-yards or stations as might be closed, not exceeding $30,000 may be used for maintenance at any or all of the navy-yards.

The amendment was agreed to.

The next amendment was to strike out the clause from line 216 to 222 of section 2, inclusive, as follows:

To pay Thaddeus Thayer, licensed trader on the Lac Court d'Oreilles reservation, Wisconsin, the proceeds of sale of certain pine logs, the property of said Thaddeus Thayer, erroneously seized and sold by the United States, which said proceeds were covered into the Treasury during the second quarter of 1881, $809.20.

The amendment was agreed to.

The next amendment was, after line 256 of section 2, to insert:

The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the five civilized tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session.

The amendment was agreed to.

The next amendment was to strike out lines 290 to 302 of section 2, in the following words:

For rent of building corner Third and East Capitol streets, in the city of Washington, used as a branch post-office during the fiscal years 1882 and 1883, $630, the same to be paid from the postal revenues for those years, and the Postmaster-General is hereby authorized to rent the said or other suitable premises for use as a branch post-office in Washington, District of Columbia, at an annual rental not to exceed $360 per annum, the same to be paid from the annual appropriations for rent, light, and fuel made in the acts making appropriations for the service of the Post-Office Department.

The amendment was agreed to.

The next amendment was to strike out lines 303 to 333 of section 2, as follows:

DISTRICT OF COLUMBIA.

For coroner's jurors' fees in inquest cases prior to July 1, 1882, $96.

For work on streets and avenues for the fiscal year 1882, $3,500.

To meet deficiencies on account of the several items of appropriations for the support of the government of the District of Columbia for the fiscal year 1882, $4,350.

The commissioners of the District are hereby authorized to use a sum not exceeding $2,540.50 of any unexpended balances of the sum appropriated for school purposes by the act making appropriations for deficiencies, approved August 5, 1882, in making necessary repairs and improvements on the Amidon, Bannaker, and Anacostan school buildings, and said sum is hereby reappropriated for those purposes: *Provided*, That the $1,200 appropriated by the act approved July 1, 1882, "for rent of rooms to accommodate the schools until the Jefferson building is completed," may be expended for said purpose at any time during the present fiscal year. And said commissioners are further authorized to apply the sum of $700 of the amount appropriated for rent of station-houses for the current fiscal year, to the purchase of necessary furniture for the station-houses authorized by act approved April 1, 1882: *Provided further*, That one-half of the foregoing sums for the government of the District of Columbia shall be paid from the revenues of the said District.

Mr. ROLLINS. Why are all these matters relating to the District of Columbia stricken out? I am informed by parties who are supposed to know about them that they ought not to be stricken out, that the amendment of the committee ought not to be concurred in.

Mr. HALE. There were no papers that came from the House, or that we could get by sending, which in any way covered the details of these cases, and for the lack of any information the committee struck them out. It may be that when the papers come from the House the committee will be satisfied. If so, they can be retained afterward, but the committee had no information covering the cases.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the items which have been read.

The question being put, there were on a division—ayes 10, noes 7; no quorum voting.

Mr. HALE. I hope the Senator from New Hamsphire will not insist upon any point here. When the papers are all got in, if they justify these claims and these amounts, they will of course go in the bill finally.

Mr. ROLLINS. How are they going in finally?

Mr. HALE. If the committee of conference produce the papers and vouchers showing the items are proper, there is nothing to do but to yield and put them in; but the Senate has no information on the subject.

Mr. ROLLINS. I think it more fit and proper that the Senate of the United States should pass upon these matters than for a committee of conference to do it. I do not like to have all the legislation upon appropriation bills acted upon by committees of conference. I should like to have the Senate occasionally, once in a while, have some voice.

Mr. LOGAN. Do you want the Senate to pass appropriations without any evidence whatever?

Mr. ROLLINS. I insist that the Committee on Appropriations could have ascertained without much trouble all the facts in regard to this matter. It would not have required a very great effort to ascertain them all.

Mr. HALE. I suppose if the Senator from New Hampshire had been on the Committee on Appropriations he would have joined in its action. There was no information before the committee showing that these items were correct. There was nothing but the face of the bill; there is nothing else before the Senate. There is no information on the subject, no

estimate. The only thing that could be done was to strike them out. Then the Senator objects to the case going to a conference committee. It is precisely the kind of thing that must needs go to a conference committee. There is no information in this body on the subject. If the House has ample information, that will settle it, but surely the Senate would not, simply because these items are in the bill, put in by the House, without information pass them.

Mr. COCKRELL. When did this committee get this bill to consider it?

Mr. HALE. Yesterday morning.

Mr. ROLLINS. I have never been a member of the Committee on Appropriations, and am not supposed to know much about its business; but here is an appropriation bill that has been considered by the House of Representatives and passed there. It is to be presumed that House had some information upon this subject. I do not know what may be the practice or custom of the Committee on Appropriations, but it would seem to me very natural that finding these propositions in the bill they would take steps to secure the information that might have been before the Committee on Appropriations on the part of the House.

Mr. COCKRELL. Will the Senator tell the Senate how the Committee on Appropriations, commencing the consideration of this bill yesterday afternoon at 3 o'clock, and having to complete it and report it back last night if it was to pass at all, could run around and investigate all these matters, when we had nothing before us, when the committee of the House had nothing before them except what one member had told them verbally, and it was passed by the House under a suspension of the rules?

Mr. ROLLINS. They could do as other Senators have done, either representing committees or as individual Senators; they could have sent a messenger or clerk to the Committee on Appropriations of the House to ask what information they had.

Mr. HALE. That has been done two or three times, and we could not get any information. They did not have the papers.

Mr. COCKRELL. The House committee had no papers in this case.

Mr. ROLLINS. If the Senator who has charge of this bill says that the House Committee on Appropriations had no information on the subject, then of course the committee is right.

Mr. HALE. I do not say they had no information, but no papers. Presumably they had something as a basis of putting it on the bill, but they had no papers.

Mr. ROLLINS. Very likely they had before them the commissioners of the District, one or two of them; and as the Committee on Appropriations are within telephonic communication of the commissioners of the District of Columbia, I suggest that they could have availed themselves of that information just as well. But I withdraw the objection.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 338 of section 2, to insert:

SENATE.

To enable the Secretary of the Senate to pay the three riding pages of the Senate for services from the 5th day of March to the 30th day of June, 1883, $885.

That the accounting officers of the Treasury be, and they are hereby, authorized and directed to audit and allow an account, amounting to $876, paid by the Acting Secretary of the Senate on the 12th of August, 1882, to William Lucas and Thomas S. Hickman, under the act making appropriations for sundry civil expenses of the Government, and for other purposes, approved August 7, 1882.

To pay necessary expenses of the Senate for the fiscal year ending June 30, 1883, namely: For salaries of officers, clerks, messengers, and others, $1,377.20; for clerks to committees and pages, $9,523; for furniture and repairs of furniture, $1,200; for miscellaneous items, $4,000; in all, $16,100.20.

To enable the Secretary of the Senate to pay Edward N. Atherton the balance of salary due him by law for discharging the duties of a messenger of the Senate from April 1, 1877, to May 5, 1879, $720; said sum to be in full of all claims for said services.

The amendment was agreed to.

Mr. MORGAN. I offer an amendment to come in after line 352. Let it be read now for information.

The Acting Secretary read as follows:

For payment of amounts due to such persons as have received partial payments on account of illegal assessments for collection of taxes on bagging and rope used in the packing and tying of cotton, the amounts that may be due them respectively, according to the books of the Commissioner of Internal Revenue, and reported by him to Congress, the sum of $20,749.49.

Mr. HALE. The time for that will be by and by.

Mr. MORGAN. Yes.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "House of Representatives," in line 384 of section 2, to insert "S. P. Bayly $500;" and after "all," in line 384, strike out "$9,500" and insert $10,000;" so as to make the clause read:

To pay to the parties named below the amounts set opposite their names, in full of expenses incurred by them respectively in contested-election cases in the Forty-seventh Congress, namely:

To J. Floyd King, $500; D. Wyatt Aiken, $708.65; M. E. Cutts, $1,000; J. C. Cook, $1,000; Gustavus Sessinghaus, $2,000; R. Graham Frost, $2,000; Edward W. Robertson, $700; A. A. Mabson, $300; John W. Jones, $800; Charles M. Shelley, $300; S. P. Bayly, $500; in all, $10,008.65.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 428 of section 2.

Mr. HALE. "R. R. Ripley" should be the name in line 428 instead of "R. P. Ripley."

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 451 to 455 of section 2, in the following words:

To pay J. J. McElhone, chief of the corps of official reporters of the House of Representatives, for extra services and for clerk-hire paid out by him, $1,000 for the second session of the Forty-seventh Congress.

The amendment was agreed to.

The next amendment was, after line 464 of section 2, to insert:

That there be printed and bound, for the use of the House, the usual number of copies of the digest of contested-election cases, together with an index of the same, to be prepared by the clerk of the Committee on Elections, for which and for the necessary preparation and superintendence connected therewith there shall be paid said clerk the sum of $1,000, and not more than $500 shall be paid before said work is completed.

The amendment was agreed to.

The next amendment was, after line 472 of section 2, to insert:

To pay Charles H. Evans $500 for services rendered the Committee on Ways and Means in preparing statistical information and for other services called for by that committee during the present Congress; also to pay Henry Dunlap the like sum of $500 for like services rendered the Committee on Ways and Means, the same to be immediately available.

The amendment was agreed to.

The next amendment was, in section 3, lines 99, 100, and 101, to strike out "and certified to Congress, as in the case of other claims under section 4 of the act of June 14, 1878," and insert "and paid;" and after "sixty-one," in line 105, to insert "and for such purpose the sum of $190,000, or so much thereof as may be necessary, is hereby appropriated;" so as to read:

The Secretary of the Treasury is hereby authorized and directed to cause to be audited by the proper accounting officers of the Treasury and paid the claims of the original owners of lands which were sold for non-payment of United States direct taxes, for the surplus proceeds of the same, under the provisions of the act of August 5, 1861, and for such purpose the sum of $190,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BAYARD. I ask why that amendment has been made?

Mr. HALE. This matter is based on a decision found in 14 Otto, page 216, in the case of The United States *vs.* Taylor, which settles existing law in favor of these cases. They have been presented to the Department, have been approved by the Department, and the only question arising now is whether they have been formally audited and finally passed upon, and the clause that is added by the committee simply makes an appropriation if under these formalities they are found to be due.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 154 of section 3, to insert:

For expenses of collecting the revenue from customs prior to July 1, 1880, $113,703.92.

The amendment was agreed to.

The next amendment was, after line 226 of section 3, to strike out:

To pay H. L. Thayer claim for regular supplies, Quartermaster's Department, for same period, $54.03.

The amendment was agreed to.

The next amendment was, after line 243 of section 3, to strike out:

To pay H. L. Thayer, claim for barracks and quarters, for same period, $191.52.

The amendment was agreed to.

The reading of the bill was continued to the end of section 4. The next amendment was, at the end of section 4, to add:

For the payment of claims audited and allowed by the Second Auditor and Second Comptroller of the Treasury under the provisions of the act of August 2, 1882, "to authorize the auditing of certain unpaid claims against the Indian Bureau by the accounting officers of the Treasury," for services rendered and supplies furnished on account of the Indian service, as fully set forth in House Executive Document No. 42, second session Forty-seventh Congress, $96,318.71.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The PRESIDING OFFICER. The amendments of the Committee on Appropriations having been gone through, the bill is still in Committee of the Whole and open to amendment.

Mr. HALE. After line 370 of section 2 I move to add:

For this amount, to pay the salary and mileage of Members and Delegates for the fiscal year ending June 30, 1883, $5,319.43.

The amendment was agreed to.

Mr. HALE. After line 442 of section 2 I move to insert:

To pay to Henry G. Hayes, for special report of testimony before the House Committee on Foreign Affairs, first session Forty-seventh Congress, as per account approved and certified, $162.

The amendment was agreed to.

Mr. JONES, of Florida. After line 266 of section 3 I move to insert.

To pay to the State of Florida, on the allowance made by the Secretary of War under joint resolution of Congress approved March 3, 1881, and reported by him to Congress May 22, 1882, the sum of $92,648.09, in full settlement for Indian wars from 1855 to 1861, providing there shall be delivered to said State all bonds and coupons of said State now held by the trustee of the Indian trust fund.

Mr. INGALLS. Is that open to a point of order?

The PRESIDENT *pro tempore*. If it is legislation.

Mr. JONES, of Florida. I hope the Senator from Kansas will not raise the point of order on it.

Mr. INGALLS. Of course I do not wish to take the Senator off the floor. I merely want to reserve any point of order.

Mr. JONES, of Florida. I am on the floor.

Mr. INGALLS. The point of order can be raised at any time, whether the Senator is on the floor or not.

Mr. JONES, of Florida. There are five or six States provided for in the bill to whom compensation is made for expenses of a similar character. The States of Ohio, Maine, Massachusetts, Pennsylvania, and Kentucky are all provided for in the bill.

I have to say, in the discharge of a duty to my State, that this matter has been adjusted and adjudicated as far as it is possible to do so under the legislative department of the Government. The joint resolution adopted by Congress authorized the Secretary of War to settle the claim of the State of Florida upon the United States Government in respect to these accounts. The War Department adjudicated them, but the matter did not stop there. It went to the Military Committee and that committee arrived at a conclusion with respect to this matter after full investigation, and a unanimous report, as I understand, was made fixing this sum as due from the Government of the United States to one of the States of this Union.

I merely wish to say that there ought to be, as there always has been, a degree of courtesy or comity between the governments of the States and the Government of this great Union. This is not an individual claim. It is not a private matter. It is entirely public. Our great judicial tribunal, in its administration of the law, recognizes the principle for which I contend, that States are entitled to something beyond individuals in matters of this kind. We know that according to their practice they are in the habit of advancing cases in which a State is concerned when a motion is made showing that the public of a Commonwealth are interested in the subject-matter.

Here is a sum of money which is found to be due from this Government to the State of Florida, and it owes it to itself, to its dignity, and to the comity which is due between the States and the Government, to make the earliest possible provision for its payment.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to ask him a question? When was this account or claim adjusted by the War Department?

Mr. JONES, of Florida. Very recently; in 1881.

Mr. CAMERON, of Wisconsin. How long had it been pending?

Mr. JONES, of Florida. It had been pending for quite a number of years; but I am sure that time does not affect the justice of the matter.

Mr. CAMERON, of Wisconsin. I did not make the inquiry with that idea in my head at all.

Mr. PLUMB. Let me say in reference to the inquiry made by the Senator from Wisconsin that some two or three years ago I had occasion as a member of the Committee on Military Affairs to examine this claim. I reported the matter to the committee; the committee reported it to the Senate; and after debate in the Senate the claim was passed. It is as meritorious and just as much in a line to be appropriated for as though it had come in the regular Book of Estimates. There is no question about it so far as that part of it is concerned.

Mr. JONES, of Florida. All the claims between States and the General Government have been of late years adjusted in this way, and very properly, because after a sum is found to be due from this Government to a State, as I say, the Government ought not to higgle and interpose technicalities to the payment of so just a matter. I submit the proposition to the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. JONES].

Mr. HALE. What was the ruling of the Chair?

The PRESIDENT *pro tempore*. No point of order was raised. The amendment is still open to a point of order being raised.

Mr. HALE. I thought the Senator from Kansas [Mr. INGALLS] raised the point of order.

The PRESIDENT *pro tempore*. He merely made an inquiry.

Mr. HALE. I feel constrained to make the point of order.

The PRESIDENT *pro tempore*. On what ground does the Senator interpose the point of order?

Mr. HALE. It seems to me there is no existing law that provides for this appropriation.

Mr. JONES, of Florida. There is a joint resolution of Congress. What does the Senator call that?

Mr. HALE. There is no joint resolution and no statute that in any way provides for the payment of this money. It is necessary to pass a law in order to pay it.

The PRESIDENT *pro tempore*. The Chair finds that the proposed amendment provides for paying the State of Florida the allowance made by the Secretary of War under the joint resolution of Congress of March 3, 1881. The joint resolution of March 3, 1881, provides—

That the Secretary of War be, and he is hereby, authorized and directed to investigate, ascertain, and report to Congress as soon as practicable the amount of claims of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. In making such investigation the said Secretary is directed to receive and consider such testimony as he may deem necessary or proper for or against claims, including the muster-rolls of the State troops, and such other official data as may be on file in the War Department. In submitting his report to Congress the said Secretary shall not include any payments or allowances made by the State in excess of the amounts allowed by law at the time in behalf of troops regularly in the service of the United States.

The Chair does not think that this amendment carries out the requirements of an existing law. The Chair thinks that the joint resolution was an act merely of inquiry and not of direction and payment. So the Chair thinks the point of order of the Senator from Maine is well taken.

Mr. PLUMB. I move to add after line 338 of section 2:

That the Attorney-General be authorized and directed to pay to Charles H. Reed for services as counsel for the late Charles J. Guiteau such sum as he may deem just and reasonable, not to exceed $3,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. MILLER, of California. After line 289 of section 2, I move to insert:

For continuing the payment by the Postmaster-General to the colonies of New Zealand and New South Wales so much of the cost of the overland transportation of the British closed mails to and from Australia as he may deem just, not to exceed one-half of such cost, in accordance with the arrangements authorized by the provisions of the act of March 1, 1881, making appropriations for the service of the Post-Office Department, $40,000.

Mr. HALE. The committee has considered and rejected that amendmend. Therefore I must make the point of order upon it.

The PRESIDENT *pro tempore*. Does the Senator from Maine make the point of order against it as legislation or as a new item?

Mr. HALE. I think it is open to either objection. It does not come by report from any committee, and there is no existing law that justifies the appropriation.

Mr. MILLER, of California. There is an existing law, passed in 1881, under which arrangements have been entered into.

The PRESIDENT *pro tempore*. At what page of the statutes?

Mr. MILLER, of California. The proviso at the bottom of page 376. Arrangements have been entered into by the Postmaster-General on behalf of the Government of the United States and these colonies for the payment of one-half the cost of carrying the mails across the overland route, by which the Government obtains an advantage in carrying our mails from San Francisco to Australia and back by way of New Zealand. This arrangement expires in November next, as I am informed.

The Government is under obligation to pay at least to the 1st of November, but it is an arrangement that ought to be continued. It is advantageous alike to the United States and its people and to these colonies. It has been in operation for six or seven years, and has had the approval of everybody so far as I am advised. The proviso ought to have been put into the Post-Office appropriation bill, but by an oversight it was not done. I hope the Senator from Maine will not insist upon the point of order.

Mr. HALE. The Committee on Appropriations considered this proposition and rejected it.

Mr. MILLER, of California. I do not think the committee gave it much consideration.

The PRESIDENT *pro tempore*. Does the Senator from Maine agree with the statement of the Senator from California that there is, under the act of 1881, an existing arrangement between the Post-Office Department and the authorities of New Zealand and New South Wales for this transportation?

Mr. HALL. I am not satisfied that that is so.

Mr. MILLER, of California. It is going on now. The mails are being carried under this arrangement at the present moment. The Legislature of California adopted a joint resolution, which was presented by the President of the Senate only a few days ago, setting forth the whole case and asking that the appropriation for the service be continued.

Mr. HALE. This item was not estimated for.

The PRESIDENT *pro tempore*. Is there an official report of the Postmaster-General which sets forth that there is an existing arrangement?

Mr. MILLER, of California. I have it not here.

Mr. HALE. This is not estimated for by the Treasury Department or by any Department.

The PRESIDENT *pro tempore*. In the absence of official information that this arrangement exists, the Chair will be obliged to hold that the amendment is not in order, and so holds.

Mr. CALL. In line 203 of section 2, after the word "who," I move to strike out the words "rendered voluntary services without compensation," and to insert "were furloughed without pay;" so as to read:

To enable the Secretary of the Interior to pay the employés in the General Land Office who were furloughed without pay during the period from July 1 to August 5, 1882, $1,993.98, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. HALE. That is subject to the point of order. It increases the appropriation.

Mr. DAVIS, of Illinois. I hope the Senator from Maine will not insist upon the point of order. During the pendency of the legislative, executive, and judicial appropriation bill last summer it dragged along for a great while upon some point in relation to the distribution of rooms in the State Department, and during that time, there being no appropriation, the Secretary of the Interior had to furlough these ladies. I hope that the Senator will not insist upon the point of order.

Mr. HALE. If the Senator from Illinois has examined this matter, and I have no doubt that he has done so probably more than I have, I will in deference to him withdraw the point of order.

Mr. DAVIS, of Illinois. I am much obliged to the Senator.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALL. After the word "services," in line 369 of section 2, I move to insert:

To enable the Secretary of the Senate to pay to H. B. Littlepage compensation as messenger, from August 16, 1882, to March 4, 1883, $791.80.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. CALL. I wish simply to state that I offer the amendment at the request of the Senator from Virginia [Mr. JOHNSTON], the chairman of the Committee on Revolutionary Claims, who is detained from the Senate by illness. It is recommended by a majority of the Committee on Revolutionary Claims. I ask that the communication from the Senator from Virginia be read.

The PRESIDING OFFICER. The Secretary will read the communication presented by the Senator from Florida.

The Acting Secretary read as follows:

On the 11th of December, 1879, the Senate passed a resolution directing the Sergeant-at-Arms to appoint three additional messengers, one for the Committee on Private Land Claims, one for the Committee on Revolutionary Claims, and one for the Committee on Engrossed Bills, and it was understood and agreed that the messengers so appointed should be designated by those committees respectively.

After the adjournment of the last session of the Senate, the Sergeant-at-Arms removed H. B. Littlepage, messenger to the Committee on Revolutionary Claims, without cause and without notice to or sanction of that committee, and there has been no messenger to that committee since the removal of said messenger. I, as chairman of said committee, as soon as I learned of the action of the Sergeant-at-Arms, protested against it and told Mr. Littlepage that his removal was made without authority, and he has continued to wait upon said committee.

There are ten messengers borne upon the rolls of the Senate appointed by designation of their respective committees under resolutions of the Senate to that effect, and it is evident that if the Sergeant-at-Arms can remove the messengers appointed under the resolutions empowering the committees to designate said messengers without the sanction of said committees, then the power to designate would be of no avail to said committees and the resolutions passed for the purpose of giving them that power would be null and void.

JOHN W. JOHNSTON,
Chairman of the Committee on Revolutionary Claims.

We concur with Mr. JOHNSTON, chairman of the Committee on Revolutionary Claims, in asking compensation for H. B. Littlepage.

H. B. ANTHONY.
H. L. DAWES.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The question being put, there were on a division—ayes 15, noes 13.

The PRESIDING OFFICER. No quorum voting, the Secretary will proceed to call the Senate.

Mr. DAVIS, of West Virginia. I ask for the yeas and nays.

Mr. CALL. I hope there will be no opposition to the amendment.

Mr. HALE. If the vote can be taken over again I think that Senators realizing the importance of not consuming time will vote, so that a quorum will be shown to be here, as there clearly is.

Mr. DAVIS, of West Virginia. Does the amendment come from any committee?

Mr. CALL. It is recommended by the Committee on Revolutionary Claims. I will state to the Senator from West Virginia, by his consent, that I offer the amendment at the request of the Senator from Virginia [Mr. JOHNSTON], who is detained from the Senate by sickness. He states that Mr. Littlepage has been performing the duties of messenger of the committee at his request and by his authority. Whether the Senator from Virginia acted on a wrong construction of law or not, this man has been doing the service he was directed to perform by the Senator from Virginia, and he asks the Senate to allow this compensation.

Mr. DAVIS, of West Virginia. I understand that this claim, if it is one, has been and is now before the Committee on Contingent Expenses. It was also before the Committee on Appropriations, and the parties interested were heard by the Committee on Appropriations, and I believe that committee was unanimous in thinking that the Senate ought not to take any notice of it.

I understand that for cause, for insubordination, as it was stated to the committee, and for neglect of duty, as the Senator from Missouri [Mr. COCKRELL] says, Mr. Littlepage was dropped from the rolls some time last year, and the reason of his removal was in writing furnished to him. No duty whatever has been performed by Mr. Littlepage since, and a person regularly designated for the purpose has been caring for the room of the Committee on Revolutionary Claims, he having been so assigned by the Sergeant-at-Arms.

This is not only a case of dollars and cents, but it is one to determine whether we shall support the Sergeant-at-Arms in dismissing a man who he believes has neglected his duty in any way. I think it is hardly a thing that the Senate ought to take hold of, especially when a committee has looked into it and thought it ought not to report favorably. I understand from the Senator from Florida that it was reported from the Committee on Revolutionary Claims. That is a very singular committee to report a claim arising not within revolutionary times, but this year. That is the committee also for which it is claimed this gentleman performed the services. It hardly is the proper place for the claim to come from. I hope the Senate will not agree to the amendment.

Mr. CALL. I offered the amendment at the request of the Senator from Virginia [Mr. JOHNSTON], who is about to retire from the Senate. He has made a statement in writing, and I will say to the Senator from West Virginia that no man stands higher for truth, for high and honorable character than the Senator from Virginia who is about to retire. He has denied the statement made by the Senator from West Virginia.

I am moved by kindness and a sense of justice and by a knowledge of the suffering and destitution of the man's family. The Senator from Virginia has stated in writing to the committee, and it has been read here and has been reported to his associates on that committee, that Mr. Littlepage was discharged without cause in his opinion and his judgment. He has strictly the right as a Senator, exercised by the several chairmen of committees, particularly the Committee on Engrossed Bills, of which I am a member, of retaining a messenger.

The Senator from Virginia claims the right which he says has always been accorded since he has been here, to authorize the messenger. He denies that there has been any other messenger performing the duties of that committee, and he asks as a matter of personal justice to himself, in which he is joined by his associates upon the committee, that this man shall have the compensation.

Mr. DAVIS, of West Virginia. I understand the Senator from Florida to speak of the Senator from Virginia as being a high-toned, honorable gentleman. Nobody questions that.

Mr. CALL. There is his statement, which speaks for itself.

Mr. DAVIS, of West Virginia. The Senator says that the Senator from Virginia denies what I have stated, and that is his reply. I never made a statement of the case until just now that I know of. This is a case entirely with the officers of the Senate, and is not one in which the Senate ought to interfere unless they want to take the appointment and control of the whole organization, and the responsibility for good order and behavior here from the Sergeant-at-Arms. If Senators think they should do that, then the amendment ought to be agreed to. If we believe that the Sergeant-at-Arms ought to be responsible for the proper conduct of everything belonging to the Senate, then we ought not to adopt the amendment.

Mr. ANTHONY. This grows out of a dispute between our esteemed Senator from Virginia [Mr. JOHNSTON], who is about to leave us, and who during the closing hours of his term is confined at his residence by illness, and our very efficient Sergeant-at-Arms. I do not know anything about the merits of the case, but I certainly could not have voted for the resolution of the Senator from Florida introduced to restore this man to the rolls of the Senate, because I think if we hold the Sergeant-at-Arms responsible for the good order of the Senate he should be allowed to select his own instruments for carrying out our wishes in this respect. But I think, out of regard for the Senator from Virginia, who is about to leave us, this little amount should be allowed to pass without objection. I certainly would not wish to rebuke the Sergeant-at-Arms, for he has removed this man for cause, and I have no doubt for sufficient cause.

Mr. HALE. I hope that we may have a vote. I do not think that we can afford to take any more time on this little matter.

Mr. DAWES. I am on the committee with the Senator from Rhode Island [Mr. ANTHONY], and I join with him in suggesting that this man, under the circumstances, ought to be paid. I had understood that in the arrangement of committees here those that fell to the other side of the Chamber were to be officered as those committees themselves desired, and, as I supposed, the messengers as well as the clerks, under ordinary usage, would be selected by the chairmen. That was one of those committees, and the committee felt as if the chairman ought to have had his voice. I do not know whether there was sufficient cause for removal or not, but, as the Senator from Rhode Island has said, this man has attended upon such duties as the chairman of the committee has required. The Senator from Virginia is now absent, and in his behalf the committee felt that it would be a good thing to adopt the amendment. I hope it will be agreed to.

Mr. DAVIS, of West Virginia. The Senator from Massachusetts is a member of the Committee on Revolutionary Claims?

Mr. DAWES. Yes, sir.

Mr. DAVIS, of West Virginia. Has not a regularly employed messenger attended to that committee-room independent of Mr. Littlepage?

Mr. DAWES. I do not know of my own personal knowledge.

Mr. DAVIS, of West Virginia. Such is my information.

Mr. DAWES. Although the labors of that committee are very arduous, I have not been able so much to attend to the details of the com-

mittee as I should have done had I not been employed on other committees. I have not information personally about what has been transpiring in the committee, but the Senator from Virginia has had a good deal of other kinds of committee work to be done in that committee-room which this gentleman has contributed to relieve the Senator from in that way which those attendant upon committees are in the habit of doing.

Mr. DAVIS, of West Virginia. I understand that a regular messenger employed for that purpose has attended the committee-room all the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The question being put, there were on a division—ayes 20, noes 13; no quorum voting.

Mr. COCKRELL. This matter is of sufficient importance to justify a record of the votes. I ask that the yeas and nays be recorded.

The yeas and nays were ordered.

Mr. SAULSBURY. I shall vote for the amendment of the Senator from Florida, because it appears from the communication of the Senator from Virginia that he had retained this man under the impression that he had the right so to retain him, and that the man performed the services of messenger to that committee. Without entering into any question as to the right of the Senator from Virginia, it is very evident that he, as an honest man, put a construction upon the resolution under which certain messengers were appointed which has induced him to retain this man in the service of the committee. If that is the case and the man has performed the duty, the small pittance which it will take to pay him is not much out of the public Treasury, and at the same time it would relieve the man and it would relieve the Senator who has employed him, if he has made a mistake, from paying him out of his own pocket. I shall therefore vote for the amendment.

Mr. SAUNDERS. Let the amendment be read.

The amendment was read.

Mr. INGALLS. The words "as messenger" should be stricken out. He has not been a messenger and there is no justice in paying him as a messenger when the committee could have had the services of a messenger by applying to the Sergeant-at-Arms under the rule of the Senate. We are now proposing to declare that this man was a messenger when he had been stricken from the rolls of the Senate by the Sergeant-at-Arms, whom we hold responsible for the discipline and good order of his subordinates, declaring that he was a messenger still.

I believe that all employés of the Senate are required to take an oath of office before they enter upon the discharge of their duties. We are establishing here a vicious and pernicious precedent by saying that after a messenger or employé has been discharged and is no longer responsible to the Sergeant-at-Arms or anybody else, and is not under the sanction of an oath, he may be employed at the will of the chairman of a committee without any responsibility to any person whatever. I think that this is going too far.

I do not know anything about Mr. Littlepage, or whatever his name is; I never saw him to my knowledge; but he was not a messenger; he was discharged for cause; and to say that he shall be paid as a messenger is a falsification of the record. It is an injustice to the Sergeant-at-Arms; it is a blow at the dignity and control of the Senate. If it is desired to pay him a gratuity, and those who know best about the matter think it is advisable, I have no objection, but he was not a messenger and should not be paid as a messenger. I move to strike out the words "as messenger."

Mr. ANTHONY. I think the criticism of the Senator from Kansas is very just and that the words "as messenger" should be stricken out. Let it be a gratuity.

Mr. COCKRELL. I hope the amendment I shall propose will be agreed upon by the Senate. I move to strike out "messenger" and insert "employé of Senator JOHN W. JOHNSTON, chairman of the Committee on Revolutionary Claims."

The PRESIDING OFFICER. Will the Senator from Kansas accept that amendment? Otherwise it can not be received, it being an amendment in the third degree.

Mr. INGALLS. I understand that under the statement of the Senator from Virginia that is a correct statement of the relation he sustained toward the committee. If the committee desires to say that irresponsible persons, without the sanction of an oath, having access to all the committee-rooms and to the files and to the body of the Senate, are to be employed at the caprice of anybody, then adopt the amendment as it was offered by the Senator from Florida.

Mr. MORGAN. The Senator from Virginia acted upon an interpretation of the resolution of the Senate which it very well bore. I remember when the resolution was called up in the Senate and passed giving six additional messengers for certain committees, the messengers to be appointed by the Sergeant-at-Arms on the recommendation of the chairmen of the committees, I called attention to the fact that there would be a divided authority which might lead us into conflict and into trouble. It has grown into that condition sooner than I expected.

The Senator from Virginia, it seems from his own report, did not recognize the authority of the Sergeant-at-Arms to remove this messenger who was appointed upon his recommendation, and he takes the ground that if the Sergeant-at-Arms should remove him and then undertake to appoint another, it would be without his recommendation, and that he had no right to do it; that those messengers were appointed for the purpose of being assigned to the committees under the control of the chairmen of the committees, and so the resolution was viewed at the time. It was stated at the time those messengers were authorized to be appointed that those committees needed additional messengers and needed messengers who would be under the control of the chairmen, so that the messenger might remain with the committee according to the will and pleasure of the chairman to do the duty that the committee required of the messenger, putting him upon a different ground in that respect from the ordinary messenger of the Senate whom the Sergeant-at-Arms could change from one committee to another at his pleasure.

This case of divided authority has come up. The honorable chairman of that committee, whom we all know so well how to respect, to honor, and to love, has taken occasion to differ with the Sergeant-at-Arms in respect to the jurisdiction to remove Mr. Littlepage. I do not think that in deciding this question it is at all necessary for us to cast any slur upon the Senator from Virginia. He has acted honorably and properly in this matter and with sufficient and proper firmness if he believed that he was right. He could not at his own pleasure bring this subject to the attention of the Senate whenever he chose to do it. He informed the messenger that his services would be required at the committee, whether Mr. Bright saw proper to remove him or not, and so the matter went on. He did not consider that he was interfering with Mr. Bright's right to exercise discipline over men who were under his control, believing that the resolution of the Senate put Mr. Littlepage under his control as chairman of the committee. Suppose he was wrong about that. Mr. Littlepage has rendered the service. He might have been engaged in other employment. He had the security of a number of Senators that he was to continue a messenger and receive his pay.

In passing upon this subject, although the Senate may not be inclined to sustain the view of the Senator from Virginia on this matter, it is not necessary to say that he is a person in the employment of the Senator from Virginia, for in that view of it of course the Senate would have as much right to pay my servant at home as to pay the servant of the Senator from Virginia in the Senate.

But we have brought on this difficulty by the peculiarity of the resolution we have passed, which should not have been adopted, to which the objection was made at the time, and now having invited the trouble and the Senate having gone into it, I think it is as little as we can do to pay the man we thus imposed on the Senate and the country without censuring him at all.

Mr. PLATT. I think the Senator from Alabama is mistaken in supposing that this messenger was one of the messengers appointed by the resolution of the Senate for additional messengers, to be selected by the chairmen of certain committees.

Mr. MORGAN. That is the way I have understood it, from the reading of the paper at the desk.

Mr. PLATT. I understand that it is not so, but that he was one of the messengers regularly appointed by the Sergeant-at-Arms. I say this because the matter came before the Committee on Contingent Expenses, and if we had supposed that he was a messenger where there was any power of selection on the part of the chairman of the committee I think we should have treated the matter differently from what we did.

Mr. FRYE. This little claim of $700 has occupied the Senate two and a half hours of the last two days of this Congress. I would a great deal rather some wealthy Senator would pay it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from Florida [Mr. CALL].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Florida.

Mr. COCKRELL. What has become of my amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri [Mr. COCKRELL] will be first in order. It will be reported.

The ACTING SECRETARY. It is proposed to strike out "messenger" and to insert:

Employé of Senator JOHN W. JOHNSTON, chairman of the Committee on Revolutionary Claims.

So as to read:

To enable the Secretary of the Senate to pay to H. B. Littlepage compensation as employé of Senator JOHN W. JOHNSTON, chairman of the Committee on Revolutionary Claims, from August 16, 1882, to March 4, 1883, $791.80.

Mr. FRYE. That is too bad.

The amendment to the amendment was rejected.

Mr. LOGAN. I wish to say only a few words. There is a messenger at the room of the committee of which I am chairman. I do not know his name. He is sent there by the Sergeant-at-Arms, as every other Senator understands messengers are sent to the committees. The messenger in this case was discharged by the Sergeant-at-Arms for not attending to his duties. The facts are that the Sergeant-at-Arms one

evening had to perform himself the duty of this messenger. If we are going to propose to pay everybody a Senator may employ because he disagrees with the Sergeant-at-Arms, it is setting a very bad precedent, and I do not believe in it. We have no right to do it.

The Sergeant-at-Arms has a right to deal with the employés according to the manner in which they perform their duties, and the Senate ought not to interfere with his duties. Although I have the highest respect for the Senator from Virginia, yet he, in my judgment, in the employment of this man did that which he had no authority to do. I do not propose to support a Senator in doing that which he had no authority to do any more than I would the Sergeant-at-Arms. The Sergeant-at-Arms did exactly what he had the right to do; the Senator did exactly what he did not have the right to do. I am opposed to paying a dollar to this man.

Mr. HALE. In order to bring the matter to a close, I move to lay the amendment on the table.

Mr. CALL. I ask the Senator from Maine to withdraw the motion.

Mr. FRYE. Is the motion debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. FRYE. I make the point of order.

Mr. CALL. I appeal to the Senator from Maine. The Senator from Virginia is absent, and I am simply doing what he requested me to do. He is sick at home and his term expires to-day.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his motion to lay the amendment on the table?

Mr. HALE. For a moment.

Mr. CALL. The Senator from Illinois [Mr. LOGAN] may be right or wrong. The Senator from Virginia gives this statement on his personal knowledge. I understand that when this occurred this poor man was waiting upon his dying children, two of whom died the same day. I understand that he is a man of excellent character and that he has discharged the duties of messenger of that committee with entire satisfaction from the beginning.

Mr. HALE. If we can have the roll-call at once upon the amendment, I will withdraw my motion to lay it on the table; otherwise I shall insist upon it.

The PRESIDENT *pro tempore*. The motion to lay on the table is withdrawn. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. COCKRELL. What has become of the amendment I offered?

Mr. HALE. That was voted down.

The Principal Legislative Clerk proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Colorado [Mr. TABOR]. I do not know how he would vote on this question, and I withhold my vote.

The roll-call was concluded.

Mr. GROOME. I am paired with the Senator from New York [Mr. MILLER], who is absent from the Chamber; otherwise I should vote "nay."

The result was announced—yeas 27, nays 23; as follows:

YEAS—27.

Anthony,	Garland,	McDill,	Slater,
Barrow,	Grover,	Mahone,	Van Wyck,
Brown,	Hampton,	Maxey,	Vest,
Call,	Jackson,	Miller of Cal.,	Voorhees,
Cameron of Pa.,	Jonas,	Morgan,	Walker,
Cameron of Wis.,	Kellogg,	Rollins,	Williams.
Farley,	Lapham,	Saulsbury,	

NAYS—23.

Bayard,	Frye,	Hoar,	Plumb,
Camden,	George,	Ingalls,	Pugh,
Cockrell,	Gorman,	Logan,	Saunders,
Conger,	Hale,	Morrill,	Sawyer,
Davis of W. Va.,	Harris,	Pendleton,	Sherman.
Edmunds,	Harrison,	Platt,	

ABSENT—26.

Aldrich,	Dawes,	Jones of Florida,	Ransom,
Allison,	Fair,	Jones of Nevada,	Sewell,
Beck,	Ferry,	Lamar,	Tabor,
Blair,	Groome,	McMillan,	Vance,
Butler,	Hawley,	McPherson,	Windom.
Coke,	Hill,	Miller of N. Y.,	
Davis of Ill.,	Johnston,	Mitchell,	

So the amendment was agreed to.

Mr. GORMAN. After line 108 of section 3 I move to insert:

For completion of the Sandy Point light-house, Chesapeake Bay, State of Maryland, $15,000.

Mr. HALE. I raise the point of order that that increases an appropriation already made.

Mr. GORMAN. I trust the Senator from Maine will not make the point of order. An appropriation of $25,000 was made, but it is not sufficient to complete the light-house. It will require $15,000 more. It is a very important point on the Chesapeake Bay; indeed the turning-point of all vessels. The appropriation was made a year ago, and the Board of Trade of Baltimore, as well as the Light-House Board, think it is absolutely necessary for the safety of the trade of that bay.

Mr. HALE. It is an ungracious task to insist upon points of order against amendments offered by Senators who are really earnest and faithful in their duty in pushing them, but I know of no other way to get this bill through and keep its amount down to a reasonable sum than by insisting upon proper points of order.

Mr. GORMAN. I will say to the Senator from Maine that I offered the amendment and had it referred to the Committee on Appropriations, but unfortunately it was not acted upon. I submit that the point of order does not hold in this case.

Mr. HALE. The Committee on Appropriations considered the amendment and rejected it. The committee called in officers from the Light-House Board and put on one or two matters specially recommended by that board as being the most important. While this was stated by the secretary of the board to be an important matter, it was not put first, as not being one of first-class importance; and the committee believe that it can wait.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on the point of order?

Mr. HALE. I do.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. MORGAN. At the end of line 352 of section 2 I move to add:

For payment of amounts found due to such persons as have received partial payments on account of the illegal assessment and collection of taxes on bagging and rope used in the packing and tying of cotton, the amounts that may be due them respectively, according to the books of the Commissioner of Internal Revenue and reported by him to Congress, the sum of $20,749.49.

Mr. HALE. I raise the point of order on that amendment.

Mr. MORGAN. Before the Senator does that will he permit me to make a statement for just a moment?

Mr. HALE. Certainly.

Mr. MORGAN. The purpose of the amendment is to carry into execution section 3220 of the Revised Statutes, which requires the Commissioner of Internal Revenue, subject to regulations to be transmitted by the Secretary of the Treasury, on appeal made to him, to remit, refund, and pay back all taxes erroneously or illegally assessed and collected, &c. It is the general clause of the statutes requiring the paying back of taxes illegally collected, assessed, &c.

The amounts in reference to this matter, as I am informed, have been stated on the books of the Treasury Department. The books of the Commissioner of Internal Revenue show the amounts as stated. A bill was brought into Congress and passed giving the names of the different persons who were to receive this money, but by some misadventure, which I am unable to explain, some names were omitted.

If you notice the amendment which I offer, it is to make an appropriation to pay the money to the claimants whose claims are found adjusted upon the books of the Commissioner of Internal Revenue. It increases no appropriation. It is a mere deficit. I expect it is as clearly a deficiency as any other feature of the bill, being merely to execute the statute. It gives no authority by which this money can be paid to any claimant unless it has been already adjusted upon the books of the Commissioner of Internal Revenue. It saves the parties from suffering in consequence of a mistake of somebody. I do not know whose fault it was in omitting their names at the time the former appropriations were made to carry into execution the statute.

Mr. HALE. When the Senate has these claims submitted to the Department which has jurisdiction over them, and they are there examined, pass the auditors, pass the comptrollers, and are sent in by the Secretary of the Treasury as a regular estimate, it will then come within the rule. I take it it does not now, not being reported by any committee and having no law to justify it.

Mr. MORGAN. I do not suppose that this subject was really submitted to the Department. It was the intention, of course, but the deficiency appears clearly upon the books of the Department.

The PRESIDENT *pro tempore*. The Chair will be obliged to sustain the point of order if it is insisted upon.

Mr. HALE. I insist upon it.

The PRESIDENT *pro tempore*. The Senator from Maine raises the point of order that the amendment is within the rule relating to amendments to appropriation bills. The Chair sustains the point of order.

Mr. SHERMAN. It becomes necessary to cure a provision of existing law in respect to the library, and to have a legislative provision put on this bill. I will explain it in a moment. The Joint Committee on the Library is composed of three members of the Senate and three members of the House of Representatives. They have power under the general provisions of law to pass upon the accounts of the Library, and it is always necessary during the recess of Congress. Ordinarily that has been done by the three Senators on the committee, the Senate being a continuing body, but the office of one of the Senators on the present Committee on the Library will expire to-day, and he will have to be resworn before he can act again. Therefore it is very doubtful whether the legal duty imposed on the Joint Committee on the Library could be performed under the peculiar organization of that committee. The Committee on the Library suggest, in order to cure that difficulty, the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. After line 369 of section 2 it is proposed to add:

That the portion of the Joint Committee of Congress on the Library on the part of the Senate shall, during the recess of Congress, exercise the powers and

discharge the duties conferred by law upon the Joint Committee of Congress upon the Library.

Mr. HOAR. There is an omission in that sentence. If the Senator from Ohio hears it read again he will see that he left out some words.

The amendment was again read.

Mr. HOAR. "The portion remaining in office as Senators" it should read.

Mr. SHERMAN. The Senator thinks it should be a majority? I suppose the three can perform the duty.

Mr. HOAR. But my friend does not understand me. It is a mere accidental omission of a word he intended to use. It does not say what portion. It says that a portion of the Committee on the Library shall do so and so. It should say "the portion remaining in office."

Mr. SHERMAN. I have no objection to that modification.

The PRESIDENT *pro tempore*. The amendment will be so modified, and reported as modified.

The amendment as modified was read, as follows:

That the portion of the Joint Committee of Congress on the Library on the part of the Senate remaining in office as Senators shall, during the recess of Congress, exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library.

Mr. JONES, of Florida. What are those duties?

Mr. SHERMAN. I can read them from the statute:

The unexpended balance of any sums appropriated by Congress for the increase of the general Library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a Joint Committee of Congress upon the Library, to consist of three members of the Senate and three members of the House of Representatives.

It is necessary every week and every month to approve bills of disbursements made by the Librarian under this clause. They have to be approved by this committee of Congress in order to pass the Treasury. The Senator from Massachusetts [Mr. HOAR] being a member of the committee his term expires to-morrow, so that there will not be even three members of the committee to continue in existence. It is necessary to supply that defect.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio [Mr. SHERMAN] as modified.

The amendment as modified was agreed to.

Mr. HALE. I wish to offer an amendment to complete an amendment already agreed to. I move to add after line 369 of section 2:

To pay Hon. John C. Cook $250 for newspaper and stationery allowance for the Forty-seventh Congress.

Mr. JONES, of Florida. Where does that amendment come from? From the committee?

Mr. HALE. It comes from the House of Representatives. It is to meet the case of a member who has been sworn in since the House sent the bill over to us.

Mr. COCKRELL. Is there provision made for the Representative from Missouri who was seated last night? There will be one or two more seated to-day. We had better put in enough to cover the contingency.

Mr. HALE. I am putting them in as fast as they are sent to me from the House. They were unable, of course, to put them in the bill when it was reported to that body, because the seating had not taken place.

Mr. COCKRELL. I think we had better put them in in a lump sum to cover those who will be seated between this hour and 12 to-morrow.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. HALE. Now, I hope we may finish the bill. I have nothing more to present.

Mr. VOORHEES. I am pressed to offer an amendment, and I am assured it has been recommended by the Committee on Contingent Expenses. I am not familiar with the matter, but I offer it as I agreed to do so. After the word "services," at the end of line 369 of section 2, I move to insert:

To enable the Acting Secretary of the Senate to pay T. D. Keleher the sum of $178.70, the same being the difference in pay received by him as laborer on the rolls of the Senate and that received by a messenger from December 1, 1881, to March 1, 1882.

Mr. HALE. I do not think there is any law for that.

Mr. VOORHEES. I stated all I know about it. It received the approval of the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. Has it been referred to the Committee on Appropriations?

Mr. VOORHEES. It was referred to the Committee on Appropriations.

Mr. HALE. It has not been recommended by the Committee on Appropriations.

Mr. VOORHEES. I say it has been recommended by the Committee on Contingent Expenses and referred to the Committee on Appropriations.

Mr. HALE. Has the Committee on Contingent Expenses had regular jurisdiction of this matter, and reported upon it favorably, and sent the report to the Committee on Appropriations?

Mr. VOORHEES. I have been so informed. I have stated my information. There are members of the Committee on Contingent Expenses now on the floor.

Mr. COCKRELL. I should like to see the report they made.

Mr. VOORHEES. I do not think they made any report. At least I am not advised that they did.

The PRESIDENT *pro tempore*. Does the Senator from Indiana move this amendment in pursuance of the direction of the Committee on Contingent Expenses?

Mr. VOORHEES. No; I can not state that.

The PRESIDENT *pro tempore*. The Chair is obliged to sustain the point of order, the rule being that the amendment must be moved under the direction of a committee.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. ROLLINS. I desire to reserve for a separate vote the amendment striking out from line 303 to line 333, inclusive, of section 2.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. BAYARD. I do not desire to offer an amendment to the bill, because——

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Delaware that the question now is on concurring in the amendments made as in Committee of the Whole, except the one reserved. Does the Senator from Delaware rise to that question?

Mr. BAYARD. I was about to remark that there was an amendment adopted in Committee of the Whole that I would be disposed to reserve, but I shall resort to another method of remedying it. It is on page 13, under the judicial title increasing the appropriation made by the House of Representatives for the fees of marshals $30,000, making the sum $150,000. The Senator from Maine gave me the report of the Attorney-General, but it was not clear to me that the amendment increasing the appropriation $30,000 was authorized by that report. Certainly the House of Representatives did not think so, having the same information before them. But I would rather appeal to the judgment of the committee, who have examined it more carefully than I, and I shall therefore not oppose concurrence in the amendment, but I shall, when the bill is through, offer a resolution to ascertain something in regard to the irregular use and employment of special deputy marshals at Congressional elections. I believe not only that it is a wrong *per se* and creates an interference not in the cause and aid of purity of elections, but it has become a gross abuse for the payment of considerable sums of money to a number of mere political strikers and partisans, and there have been men appointed who were not warranted in law to serve at the points where they were so employed, in towns having less than 20,000 inhabitants, in direct violation of the statute to that effect.

I shall offer a resolution of inquiry touching an election which I myself was a witness of, in which I think there was a gross abuse of the law and a violation of its plain features. I shall not further seek to amend this bill in that respect.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, except the one reserved on the request of the Senator from New Hampshire [Mr. ROLLINS].

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment reserved on the request of the Senator from New Hampshire. It will be reported.

The ACTING SECRETARY. The Senate, as in Committee of the Whole, struck out from line 303 to 333, inclusive, of section 2, in the following words:

DISTRICT OF COLUMBIA.

For coroner's jurors' fees in inquest cases prior to July 1, 1882, $96.

For work on streets and avenues for the fiscal year 1882, $3,500.

To meet deficiencies on account of the several items of appropriations for the support of the government of the District of Columbia for the fiscal year 1882, $4,950.

The commissioners of the District are hereby authorized to use a sum not exceeding $2,540.50 of any unexpended balances of the sums appropriated for school purposes by the act making appropriations for deficiencies approved August 5, 1882, in making necessary repairs and improvements on the Amidon, Bannaker, and Analostan school buildings, and said sum is hereby reappropriated for those purposes: *Provided*, That the $1,200 appropriated by the act approved July 1, 1882, "for rent of rooms to accommodate the schools until the Jefferson building is completed," may be expended for said purpose at any time during the present fiscal year. And said commissioners are further authorized to apply the sum of $700 of the amount appropriated for rent of station-houses for the current fiscal year to the purchase of necessary furniture for the station-houses authorized by act approved April 1, 1882: *Provided further*, That one-half of the foregoing sums for the government of the District of Columbia shall be paid from the revenues of the said District.

Mr. ROLLINS. I hope the amendment recommended by the Committee on Appropriations will not be concurred in. I suggested in Committee of the Whole that there might be some mistake about this matter, and I have taken pains to secure possession of the papers which were before the Committee on Appropriations on the part of the House of Representatives. I have carefully examined those papers so far as the limited time would allow me, and am satisfied that the items of appropriation are correct. The papers are here and are accessible to any of the members of our Committee on Appropriations. I hope the amendment will not be concurred in.

Mr. HALE. If the Senator has examined the papers carefully and

is satisfied that the appropriations in the bill are covered by vouchers and recommendations, I do not object.

Mr. ROLLINS. There seems to be a voucher for everything, and all is satisfactorily explained. I think there can be no question but what the appropriations are all right.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

Mr. PLUMB. After line 333 of section 2, I move to add:

That the salaries due all employés of the District of Columbia for services during the fiscal year 1883 and 1884 shall be paid in full, notwithstanding stoppages in the accounts of the District commissioners heretofore reported by the accounting officers of the Treasury.

I will just state the effect of that amendment. Certain stoppages have been made against the commissioners of the District of Columbia on account of the payments which were made to employés for extra services during the last year. The Comptroller now holds that he can not pay to these clerks still in the employ of the District any portion of their wages until he has deducted all the sums thus paid, notwithstanding they were paid on the orders of the commissioners and paid for services actually rendered. They are still pending; and it will disorganize the entire clerical force of the District if this or some similar provision is not passed.

Mr. DAVIS, of West Virginia. I should be glad if the Senator would inform us to what extent this has gone.

Mr. PLUMB. The amount that is charged against these forty-odd employés of the District is about $16,000. The amendment does not in any way relieve anybody from any legal responsibility, but simply requires the Comptroller to pay the salaries of these employés during the coming fiscal year, notwithstanding the payments that heretofore have been made to them upon the order of the District commissioners, and does not in any way determine the legality or illegality of the payments made.

Mr. DAVIS, of West Virginia. But I understand the Senator to say it requires money to be paid. Is it with the consent of the commissioners? Do they approve of it?

Mr. PLUMB. The amendment was prepared by one of the District commissioners.

Mr. DAVIS, of West Virginia. Let the amendment be reported.

The amendment was read.

Mr. DAWES. I suggest the word "suspension."

Mr. DAVIS, of West Virginia. It appears singular that such an amendment is necessary to require any payment that should legally and lawfully be made. I do not understand why such a measure is necessary to have the employés paid any amount that is due them under the law or under the employment of the commissioners. I do not understand the cause.

Mr. PLUMB. I will state how it occurs. The commissioners having some extra work to do, employed persons then in their employ on a salary fixed by law to do that extra work. For instance, they would make a contract with one employé to make up a certain tax-list and pay him $400 for it, for extra work outside of the ordinary time. The Comptroller stopped that in the first instance against the District commissioners, and now holds that he can not pay the employé his regular wages currently earned, but must stop against him the entire amount of $400 taken out of his wages.

Mr. DAVIS, of West Virginia. Why was it stopped?

Mr. PLUMB. Because the Comptroller holds that it is a double salary within the meaning of the law.

Mr. DAVIS, of West Virginia. That is just the point. There is a law to prevent the payment of double salaries, and I can not see why these particular employés should be paid double salaries. Of course the amendment changes existing law, and it is subject to the objection of being introduced to-day. I do not wish, however, to object if it is a proper thing to do.

Mr. PLUMB. I think it is undoubtedly a proper thing to do.

Mr. DAVIS, of West Virginia. We have a Committee on the District of Columbia. I should be glad to know whether they approve of this amendment, or whether they think it ought to be done. I object to it.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia raise a point of order?

Mr. DAVIS, of West Virginia. I object to its consideration to-day.

The PRESIDENT *pro tempore*. It is an amendment, and can not be subject to an objection to consideration like a resolution; but a point of order may be made that it is a legislative proposition.

Mr. DAVIS, of West Virginia. I thought it was offered as a separate resolution.

The PRESIDENT *pro tempore*. It is offered as an amendment to the pending bill.

Mr. DAVIS, of West Virginia. I make the point of order that it changes existing law.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. VOORHEES. For the sake of saving future Congresses from a chronic annoyance, I wish to offer an amendment. The amendment was ruled out on the point of order in Committee of the Whole, and I shall appeal to the Senate, hoping that no point of order will be made and that the subject-matter of it may be sent to the court as provided for.

The PRESIDENT *pro tempore*. The amendment will be read.

The ACTING SECRETARY. After line 338 it is proposed to insert:

That that portion of the Cherokee Nation of Indians residing west of the Mississippi River, and known and designated as "Western Cherokees" or "Old Settlers," by and under the name and style of the "Old Settler Cherokee Indians," be, and they are hereby, authorized to present their claims against the United States, by petition to the Court of Claims of the United States, within one year next after the passage of this act, to recover whatever balance, if any, is justly and equitably due them from the United States under the Cherokee treaties of 1828, 1833, 1835, 1836, and 1846, according to the tenor and effect of said treaties at the dates of their respective ratifications; and to the end that justice may be done, such court shall examine all settlements heretofore made under said treaties and acts of Congress, and other acts and proceedings relating thereto, and correct all errors, if any, that may have been made by any accounting officers or other authority of the Government of the United States in marshaling and settling the accounts for the said "Old Settlers," in improper charges, erroneous calculations, misconstruction of laws and treaties, or misapplication of funds. And the said court, in the examination of said "Old Settlers" claim, shall consider the same with reference to, and be governed by, the said treaties, laws, acts, and proceedings as relate to or affect said "Old Settlers," and shall render judgment on the equities of said claims under the said treaties, laws, acts, and proceedings aforesaid; and either party may appeal from said judgment to the Supreme Court of the United States, and said case, when so appealed, shall have precedence.

Mr. SHERMAN. If that is subject to the point of order I propose to make it, because I do not think it ought to be put on the bill.

Mr. VOORHEES. I appeal to the Senator from Ohio.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson;

A bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands;

A bill (H. R. 5543) to confirm certain entries on the public lands;

A bill (H. R. 5674) for the relief of Edward Bellows; and

Joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883.

GEORGIA REVOLUTIONARY CLAIM.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill laid aside for the consideration of the appropriation bill. The title of the bill will be reported.

The ACTING SECRETARY. "A bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777."

Mr. MAXEY. Mr. President——

Mr. BROWN. At 1 o'clock we were reading the report of the committee.

The PRESIDENT *pro tempore*. The Senator from Texas has the floor.

ROBERT L. M'CONNAUGHEY.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4218) for the relief of Robert L. McConnaughey, to report it without amendment, and I ask unanimous consent that the bill be considered now. I will state to the Senate my reasons. It is a very simple bill. The Senators from North Carolina called my attention to it in the committee, but we had so much business there that it escaped me, and therefore I have not heretofore reported it. It is a good bill. It is sound.

Mr. HARRISON. We can not hear what it is the Senator requests.

Mr. MAXEY. The bill is a House bill granting $200 to a party for carrying the mail for two months. The service is admitted. It is a House bill, having passed that body. The man has never got his pay; and it is reported favorably to the Senate.

Mr. HARRISON. Does the Senator ask for the present consideration of the bill?

Mr. MAXEY. Yes, sir.

Mr. HARRISON. I object. Let it go on the Calendar. We shall reach it there if we go along with the cases on the Calendar.

The PRESIDENT *pro tempore*. If there is no objection the report will be received and the bill placed on the Calendar.

TRANSPORT-BOAT PLANTER.

Mr. MORRILL. I am directed by a majority of the members of the Committee on Finance who were present to report without amendment the bill (H. R. 7626) authorizing a reappraisement of the steam trans-

port-boat Planter, captured by Robert Smalls, and for a distribution of proceeds thereof.

The PRESIDENT *pro tempore*. The report will be received if there be no objection.

Mr. BAYARD. That bill may be from the Committee on Finance, but I never knew that it was considered in the committee before.

Mr. MORRILL. As I stated, I report it from a majority of the committee who were present. We have had no formal meeting; it is impossible to have one; but there are six members of the committee who have consented to the report.

Mr. BAYARD. I merely say that the bill never had been considered in committee, and I never heard of it until the Senator spoke of it just now.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Delaware to object. The Chair thinks it is not the report of the committee, objection being made.

WITHDRAWAL OF PAPERS.

On motion of Mr. MCPHERSON, it was

Ordered, That Louis A. Von Hoffman & Co. and William H. Newman have leave to withdraw from the files of the Senate the papers filed by them in support of their claim against the United States (Senate bill No. 505).

DELAWARE CONGRESSIONAL ELECTION.

Mr. INGALLS. It is important that there should be a brief executive session. I move that the Senate proceed to the consideration of executive business.

Mr. BAYARD. I ask the Senator to withdraw the motion for a moment. I have a resolution of inquiry which I should like to have adopted.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion?

Mr. BAYARD. I will renew it again.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw the motion?

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Delaware will be read for information.

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to report to the Senate the names of the special deputy marshals employed at the Congressional election held in New Castle County, Delaware, in November last, and whether they were qualified voters of the election districts in which they were so employed, and whether any of them were so employed in any town or city having a less population than 20,000 inhabitants.

The PRESIDENT *pro tempore*. Is there objection to the reception and present consideration of the resolution offered by the Senator from Delaware?

Mr. ROLLINS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BAYARD subsequently said: I offered a resolution of inquiry this morning, and the consideration was objected to by the Senator from New Hampshire. He informs me now that he withdraws the objection, and I ask that the resolution be adopted.

Mr. ROLLINS. I have examined the resolution and see no objection whatever.

The resolution was considered by unanimous consent, and agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. INGALLS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-three minutes spent in executive session the doors were reopened.

THE PUBLIC PRINTING.

Mr. GORMAN. I wish to offer a resolution.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to offer at this time for present consideration a resolution which will be read.

The resolution was read, and considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Printing as at present constituted be authorized to sit during the coming recess of the Senate, and instructed to examine and report on the following subjects:

1. The public printing and binding with a view to a reduction of the quantity of work and expenses.
2. The management of the Government Printing Office and Bindery.
3. The wages paid to different classes of employés.
4. The necessity for the branch offices of the Government Printing Office and their cost, including the printing of the Official Gazette of the Patent Office.
5. The number of public documents printed, with suggestions for its reduction.
6. The distribution of public documents, with suggestions for its improvement and for the sale of public documents.

That the committee be authorized to employ a stenographer, and that the needful expenses of the committee and its clerk and the compensation of the stenographer be paid out of the miscellaneous items of the contingent fund of the Senate.

ARMY REGISTER.

Mr. ANTHONY. I ask unanimous consent to offer a resolution for present consideration. It comes from the Committee on Printing.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,000 additional copies of the Army Register for 1883 be printed for the use of the Senate.

NAVAL REGISTER.

Mr. ANTHONY offered the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That 1,000 additional copies of the last Naval Register be printed for the use of the Senate.

DIRECT TAX SALES.

Mr. MAHONE. Under date of 26th of February there was a communication from the Secretary of the Treasury making a report of certain lands that were sold for taxes in certain of the States. I notice the RECORD states that the communication was referred to the Committee on Finance and ordered to be printed; but it does not so appear by the indorsement on the communication itself. I ask that the order be entered for the printing of this document.

Mr. SHERMAN. Has it not been printed?

Mr. MAHONE. It has never been printed. There seems to have been some mistake about it.

The PRESIDENT *pro tempore*. The Senator from Virginia states that an official communication touching the subject of tax sales was sent to the Senate and was referred without an order to print. He asks that an order to print be now entered. Is there objection? The Chair hears none, and the order is made.

ESTATE OF DANIEL CARROLL.

Mr. HOAR. I ask the attention of the Senator from Rhode Island [Mr. ALDRICH] to a point I am disposed to make. When there came up, under the standing order, early this forenoon, a bill for the relief of a family named Carroll, whose land had been injured by the grading of one of the public streets, I moved an amendment to make a general law for such cases instead of this individual case being included in the provisions of the law alone; and upon that amendment being offered, the Senator from Ohio [Mr. SHERMAN], who had not otherwise objected to the bill, interposed an objection. Since that proceeding I have seen a gentleman who appears to me to be worthy of confidence, who says that all similar cases to this, where such improvements were made, were considered by a board of audit of the District of Columbia under a law formerly existing, and that in a very large number of such cases damages were paid; that this case came after the abolition of that board of audit, so that the claimants were unable to receive their damages by reason of the abolition of the board which had jurisdiction to allow them in such cases.

Under those circumstances I ask unanimous consent that when the present order is disposed of the Senate may go back to that case under the pending rule, and that I may be permitted to withdraw the amendment which I moved.

The PRESIDENT *pro tempore*. Can the Senator state to the Chair the number of the bill?

Mr. HOAR. I do not remember. It is the Carroll case.

Mr. ALDRICH. It is House bill No. 6405, Order of Business 1011.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that when the bill now under consideration shall have been disposed of the Senate return to Order of Business No. 1011 for consideration.

Mr. HOAR. Under the same rule as before.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered. The bill regularly under consideration is House bill No. 110.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia, to report it favorably, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed

JEANNETTE COURT OF INQUIRY.

Mr. HAWLEY. I desire to make a report from the Committee on Printing. The Secretary of the Navy communicated to the Senate the record of the proceedings of the court of inquiry convened to investigate the circumstances of the loss in the Arctic seas of the Jeannette. It was referred to the Committee on Naval Affairs, and the question of printing to the Committee on Printing. The Committee on Printing instruct me to report the following resolution:

Resolved, That——

Mr. BROWN. I do not want to make any objection, but the Georgia bill ought to be disposed of.

Mr. HAWLEY. This is a short matter.

Mr. PLUMB. I object, not to the report being made, but to the present consideration of it.

The PRESIDENT *pro tempore*. Objection is made, and the Georgia bill is before the Senate.

GEORGIA REVOLUTIONARY CLAIM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777.

The PRESIDENT *pro tempore*. The Secretary will resume the reading of the report that was interrupted when the Senate proceeded to other business

The Acting Secretary resumed and concluded the reading of the report submitted by Mr. BARROW January 8, 1883, as follows:

The Committee on Revolutionary Claims, to whom was referred the bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777, submit the following report:

On the 31st of October, 1777, by order of the governor and executive council of the State of Georgia, Thomas Stone and Edward Davis were empowered as commissioners to purchase from one Robert Farquhar, of Charleston, South Carolina, certain necessary goods and supplies for the use of the Continental troops at Savannah, Georgia, then in active service under the command of General James Jackson. The purchase was made, the goods delivered, and the contract fully performed by Farquhar on his part. By the terms of the original purchase the price of the goods, which amounted in the then currency to £63,606, was to be scaled, if paid in Continental money, at the rate of $3 to every 32*s.* 6*d.* Carolina currency. The debt was not paid when it fell due.

In the year 1784 Farquhar died, leaving a daughter, Elizabeth W. Farquhar, who, in 1789, married one Peter Trezevant of London. By his will Farquhar had appointed Alexander Chisolm his executor and made his daughter Elizabeth his sole legatee.

In November, 1789, Chisolm applied by petition to the Legislature of Georgia for payment, but it was refused and he was recommended to pursue Stone and Davis, the commissioners. This he declined to do, but instead, as executor as aforesaid, instituted suit in the circuit court of the United States against the State of Georgia, returnable to April term, 1791, for the recovery of his claim. This case was, upon a plea to the jurisdiction, "quashed by the court" and was thereupon renewed in the Supreme Court to August term, 1792, and at February term, 1794, judgment was rendered for the plaintiff and a writ of inquiry awarded. Afterward on June 9, 1794, the plaintiff's attorney served a notice of the intention to execute the writ of inquiry on the first Monday in the following August, which was never done, as this case and all similar suits against the States were swept at once from the records of the court by the constitutional amendment, under the decision in Hollingsworth *et al. vs.* Virginia (Peters' condensed Report, note, vol. 2, page 675).

Meantime, in 1793, Peter Trezevant, as husband of Elizabeth Farquhar and armed with a power of attorney from the executor, Chisolm, applied a second time to the Legislature of Georgia, producing the books of account of Robert Farquhar, containing the original entry in his own handwriting and proving the actual delivery of the goods to the agents of the State by Arthur Fort, esq., who was a member of the council at the time the purchase was made. It was shown also that loan certificates had been issued to these agents, Stone & Davis, leaving no room for doubt that the goods were received. Upon this evidence the Legislature, by joint resolution at the next session, *resolved:*

"That the auditor should be directed to issue audited certificates to the amount of £7,566 10*s.* 1*d.*, expressing in the certificate that they were issued for Continental army supplies, furnished in October, 1777, and that the attorney of the executor shall, on the receipt of said certificates, give a full and ample discharge of all claims against this State. (Journal, 1791-'94.)"

In pursuance of this action of the General Assembly, seven certificates were issued, aggregating the sum named, of one of which the following is a copy:

£1,000. No. 184.

STATE OF GEORGIA, *December* 9, 1794.

These are to certify that the State of Georgia is justly indebted to Peter Trezevant, or bearer, the sum of £1,000 for supplies furnished the Continental army in October, 1777, which said sum will be received in payment of any purchases made by him of confiscated property, that may have been sold pursuant to the act of attainder, or to be otherwise provided for by the Legislature.

ABRAM JONES, *Auditor.*

Trezevant accepted the certificates and executed the requisite receipt.

Two of the certificates were parted with to third persons by Trezevant, and were never again heard from, leaving in his hands five, aggregating £5,000. With these he appeared again before the Legislature of Georgia in 1838, proved the genuineness of the signatures by Seaborn Jones and John A. Jones, esqrs., two gentlemen of high character and sons of Abram Jones, the auditor, and asked for the payment of his claim. A commission was thereupon appointed by resolution of the General Assembly, composed of Jos. Henry Lumpkin (afterward chief-justice of the supreme court of Georgia), Dr. C. Campbell, and Williams Law, the latter the recognized leader of the Savannah bar, and afterward a judge of the superior court; who, after a laborious and thorough investigation, reported in favor of the payment of these certificates by the State, without interest. In speaking of the certificates, the commission said:

"The reasons that have now been assigned force upon us the conviction that the debt acknowledged was really due to Mr. Trezevant, and that the certificates to him were properly issued."

And they finally disposed of the case with the following report:

"The reasons which have now been assigned have brought us to the conclusion that the State is bound by every principle of honor and justice to redeem the certificates held by Mr. Trezevant by the payment of the £5,000 called for by them."

For satisfactory reasons they declined to recommend the payment of interest.

It appears that no further action was taken by the State until the year 1847 when the General Assembly passed an act in accordance with the finding of this commission, providing for the payment to Trezevant of the sum of $22,222.22, which was the exact principal of the debt without interest. For this amount 6 per cent. ten-year bonds of the State were issued January 1, 1848, and on January 1, 1858, when they matured, were paid by the State; the whole amount then paid being $35,555.42, principal and interest. This is the case as between the State of Georgia and Trezevant.

In the year 1787 Congress by ordinance provided for the creation of a commission to audit the claims of the several States against the United States on account of payments made for the common defense during the war of the Revolution, and in 1790 the First Congress passed an act reorganizing the commission and providing for the payment of all claims which had been previous to September 24, 1788, allowed by the States. Afterward this act was amended and the commission continued. By all these enactments the obligation of the United States to refund to the States all money paid by them for the common defense was recognized and acted upon. This claim of Trezevant had not then been allowed by the State, as Trezevant was then suing the State in the circuit court, and also appealing in vain to the Legislature, so that it could not be acted upon by the commission, and was not included in the settlement between the State and the United States.

After the payment of this debt by the State, application was made to the Thirty-sixth Congress to have the amount refunded. The memorial upon this subject was referred to the Committee on Revolutionary Claims in the Senate, who unanimously reported through Mr. Nicholson in favor of its payment, using the following language:

"The case is therefore the plain one of the duty of the National Government to assume the payment of the expenses of the general military defense. The Revolutionary war debts of all the States were assumed upon this principle in 1790, and its correctness is not now open to question."

This report was made February 28, 1860, and the bill was not reached upon the Calendar. The matter was again brought before the Forty-third Congress, and was a second time referred to the Committee on Revolutionary Claims, from which another favorable report was made May 7, 1874, by Mr. JOHNSTON, in which the following language is used:

"Your committee are unable to see any good reason why the United States should not pay this debt. It was a valid claim against the State of Georgia; it was paid by her and is already covered by the spirit of the law of August 5, 1790."

For some reason the bill was not acted upon by the Forty-third Congress.

The matter was again brought to the attention of the Forty-sixth Congress and was referred to the Committee on Claims, in the House of Representatives, from which, on January 16, 1880, through Mr. Samford, an elaborate and comprehensive report was made favorable to the payment of the claim, in which they say:

"The State of Georgia paid, on the 1st day of January, 1858, the sum of $35,555.42, incurred in the common defense, and this sum has never been refunded to her. Your committee think it should be paid, and recommend the passage of the accompanying bill."

For some reason it again failed to reach a vote, and reappeared in the present Congress and was once more referred to the Committee on Claims in the House of Representatives, from which, January 19, 1882, through Mr. H. G. TURNER, a favorable report was made; and at the present session, on the 6th day of December, 1882, the bill passed the House.

The precedent has been established of paying claims of this identical nature.

The report of the House committee above referred to alludes to two cases, as follows:

"In 1832 the State of Virginia presented to Congress a claim for a large amount, which had been adjudged to be due from the State under an agreement by which certain troops were raised for the particular defense of the State, and notwithstanding the claims of Virginia under the assumption act had been audited and settled, Congress assumed the liability because it was incurred in the Revolutionary cause, and provided for its payment in an act passed in that year.

"Again, by an act passed by the Forty-first Congress, July 8, 1870, $678,362.41 was allowed and paid to the State of Massachusetts for interest paid by her on money expended on account of the war of 1812 with Great Britain. By an agreement between Massachusetts and Maine, the State of Maine became entitled to one-third of this sum."

This policy has been steadily adhered to in all subsequent wars in which any expense has ever been incurred by any State on account of the common defense.

Your committee conclude that this claim of the State of Georgia is just and should be paid, and therefore recommend the passage of this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF DANIEL CARROLL.

Mr. ALDRICH. The understanding was that now we should go back and take up Order of Business 1011.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair is informed that an order was made to return to the bill suggested by the Senator from Rhode Island [Mr. ALDRICH].

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736 in the city of Washington.

The bill was reported by the Committee on the District of Columbia with an amendment striking out all after the enacting clause and inserting a substitute.

Mr. HOAR. I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts [Mr. HOAR] is withdrawn. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ALDRICH. The title should be amended so as to read "A bill for the relief of the devisees of the late Daniel Carroll."

The PRESIDING OFFICER. If there be no objection the title will be so amended. The Chair hears no objection.

DISPOSITION OF PRIVATE CLAIMS.

Mr. CAMERON, of Wisconsin. When Order of Business 1047 was reached this morning its consideration was objected to by the Senator from Tennessee [Mr. JACKSON]. I understand that he is ready to withdraw the objection to its present consideration.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his objection to the consideration of House bill 684?

Mr. JACKSON. Yes, sir.

The PRESIDING OFFICER. If there be no objection the Senate will return to the consideration of that bill, which will be read.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 684) to afford assistance and relief to Congress

and the Executive Departments in the investigation of claims and demands against the Government.

Mr. CAMERON, of Wisconsin. The bill was read and considered a good deal at length some time ago.

The PRESIDING OFFICER. The bill will not be read at the present time unless called for.

Mr. JACKSON. I move to amend section 4 by striking out, after the word "taken," in line 6, the words:

Did not give any aid or comfort to said rebellion, but was throughout the war loyal to the Government of the United States.

And inserting:

Was loyal to the Government of the United States at the time when such stores or supplies were taken or furnished, and did not thereafter give any aid or comfort to the said rebellion, but continued loyal to the Government.

So as to read:

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, was loyal to the Government of the United States at the time when such stores or supplies were taken or furnished, and did not thereafter give any aid or comfort to the said rebellion, but continued loyal to the Government, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

As the clause now stands in the bill it requires parties who furnished stores and supplies to have been loyal throughout the war. Under the proclamation of the President, authorized by act of July 17, 1862, a great many took the oath prescribed and furnished supplies after the date at which they took the oath of allegiance and received amnesty. The rule of the Quartermaster's Department is simply this:

When it is shown that, before the taking of the property, the claimant had taken the oath of amnesty and allegiance under the President's proclamation and lived up to it, this office holds heirs loyal and entitled to privileges of the act of 4th July, 1864.

There are a great many cases now pending in the Quartermaster's Department falling within that rule where parties furnished supplies and stores after the date at which they took the oath of amnesty and allegiance, and they fall within the benefits of the act of 1864, and ought to be allowed to get the benefits of this bill.

Mr. CAMERON, of Wisconsin. The act authorizing the Quartermaster-General to receive and pass upon claims for quartermaster and commissary stores became a law on the 4th day of July, 1864. It was subsequently amended; but since 1864 persons in the loyal States, in the State of Tennessee, and in two or three counties of West Virginia were under that law authorized to file their claims in the Quartermaster's Department. The time within which such claims could be filed expired, I think, on the 1st of January, 1880. It was extended from time to time up to 1880. So I assume that all existing claims were filed prior to that time.

This bill if it becomes a law will not apply to the action of the Quartermaster-General in settling any claims on file in his office. It is true that if the Quartermaster-General or the Secretary of the Treasury should send these claims to the Court of Claims for the purpose of being examined, then the provisions of this act would apply to them, but the Quartermaster-General considers himself fully competent to examine and dispose of those claims, so that the probability is that none of those claims or at least very few of them will be sent to the Court of Claims even if this bill becomes a law.

But without any regard to the merits of this amendment I desire to say that all those who are friendly to the passage of the bill think if any amendment be added to this bill at the present stage of the session it will be utterly impossible to get the action of the House of Representatives upon it, and consequently the bill will fail. I consider the bill a very meritorious bill indeed, and hope it will pass. I regret that the Senator from Tennessee has considered it his duty to offer this amendment and I hope the Senate will vote it down.

Mr. COCKRELL. I do hope the Senator from Tennessee will not insist upon this amendment. I am besieged by letters daily to offer amendments to this bill to include another class of claims upon which the Committee on Claims has acted favorably and reported a bill that now stands upon the Calendar reported by the Senator from Tennessee himself. If one amendment is adopted we shall have to go into other amendments. This bill provides for a certain class of claims. If we amend the bill we kill it and lose all. Now why not let this go through and depend upon future legislation to meet other classes of claims? I trust the Senator will withdraw his amendment and let this bill go through, instead of practically killing it by an amendment.

Mr. JACKSON. Mr. President, the bill as it now stands is not perfect, and it is not a proper consideration to address to me or to the Senate that we should withdraw proper amendments in order to let an improper bill go through or, at least, a bill in an improper shape. This amendment is in exact accordance with the law. These claimants ought to have the benefit of any legislation that may be adopted by Congress.

Mr. BUTLER. I trust the Senator from Tennessee will not insist on his amendment. The provisions of this bill have been substantially considered by the Senate and by the other House quite a number of times; and I trust my friend from Tennessee will not insist on his amendment, but allow the bill to pass. As has been said by the Senator from Missouri, if it is found to be imperfect we can amend it hereafter.

I should like to ask the Senator from Wisconsin if he can approximate the number of claims that Congress will be relieved of by virtue of this bill should it become a law?

Mr. CAMERON, of Wisconsin. It is not possible for me to answer that interrogatory with any definiteness. The bill, as the Senator from South Carolina knows, proposes to authorize Congress, or any committee of Congress, or any head of any of the Executive Departments, to send a claim to the Court of Claims for the purpose of ascertaining the facts and reporting the facts to Congress or to the head of a Department, who sends a claim to the court.

The trouble that the Committee on Claims has with claims that are presented to that committee is to arrive at the facts. A half bushel of papers will be thrown down before us without, in many cases, any brief or any statement of the case, and we are expected to take up those papers, go through with the whole of them, and winnow the wheat out of the chaff.

Mr. BUTLER. And nearly all *ex parte*.

Mr. CAMERON, of Wisconsin. All *ex parte*.

Mr. COCKRELL. Certified by justices of the peace whom nobody knows anything about.

Mr. CAMERON, of Wisconsin. The evidence consists of letters and all sorts of papers that would not be competent testimony in any court. I will say that during the present Congress about eight hundred claims have been sent to the Senate Committee on Claims. That committee has reported nearly four hundred of them; about four hundred of them still remain in the committee-room. I have no doubt that if these claims had been sent to the Court of Claims and the facts had been reported to the committee we could have reported upon the whole of them, and I have no doubt the Senate would have been able to dispose of them.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee [Mr. JACKSON].

The amendment was rejected.

Mr. GARLAND. Some few weeks ago when this subject was before the Senate I stated some objections that I had to the bill. I still have the same objections, and I am satisfied in my own opinion that the friends of this measure overestimate its value. I do not believe it is going to accomplish the end which its friends seem to think it will, and if I followed my own convictions about it I should object to its further consideration; but the Senator from Missouri [Mr. COCKRELL] and the Senator from Wisconsin [Mr. CAMERON], who are old members upon the Committee on Claims and have had to go through these matters in all varieties and shapes, seem to be so well convinced that some good will result from this that I shall not make that objection. I will allow the consideration of it, so far as I am concerned, to progress, and shall give it my support, believing at the same time that it is going to fall very far short of their expectations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 2316) for the relief of Daniel Breed; and

An act (S. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate recorded in the land records of the District of Columbia.

The message also announced that the President had on the 3d instant approved and signed the following acts and joint resolution:

An act (S. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri;

An act (S. 1785) for the relief of David Mordecai and J. Randolph Mordecai, composing the commercial firm of Mordecai & Co., of Baltimore, Maryland; and

Joint resolution (S. R. 123) providing for the termination of articles numbered 18 to 25, inclusive, and article numbered 30 of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871.

JOHN LITTLE AND HOBART WILLIAMS.

Mr. SAUNDERS. I wish to ask the unanimous consent of the Senate to take up Senate bill 1327, Order of Business 1158.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to take up Senate bill 1327.

Mr. MAXEY. There is a bill that comes before that relative to the removal of disabilities.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that the Senate is proceeding under the Anthony rule to consider only House bills.

Mr. SAUNDERS. I understand that, and I ask unanimous consent.

Mr. VOORHEES. I appeal to the Senate to give unanimous consent to the Senator from Nebraska.

The PRESIDING OFFICER. Does the Senator from Texas object?

Mr. MAXEY. I had forgotten one thing. I do have a little courtesy about me. I withdraw the objection for the simple reason that we are about unfortunately to lose the services of the Senator from Nebraska to-morrow, and on that ground as a matter of personal favor to him I withdraw the objection, not however waiving the principle.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Nebraska.

The bill (S. 1327) for the relief of John Little and Hobart Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs, with an amendment to strike out all after the enacting clause, and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and required to adjust and settle the claim of the legal owners of said lease, and when adjusted to pay, out of any money in the Treasury not otherwise appropriated, the amount actually expended by them in purchasing said lease, and in prospecting for and mining coal, coal mineral, and fire-clay as aforesaid, and on which they were prevented from realizing a profit, or from recovering by the said action of the Government of the United States: *Provided*, That said amount shall not exceed the sum of $20,000.

Mr. COCKRELL. Let the report be read in that case.

The Acting Secretary read the following report, submitted by Mr. SAUNDERS February 8, 1883:

The Committee on Indian Affairs, to whom was referred the bill (S. 1327) for the relief of John Little and Hobart Williams, have had the same under consideration, and respectfully report:

The bill sets forth that on January 22, 1870, the United States, by its superintendent of Indian affairs, Samuel M. Janney, for the northern superintendency, and Thomas Lightfoot, agent for the Iowa tribe of Indians, and the Iowa tribe of Indians, by its delegates, leased to Ephraim D. Pratt, Lorenzo B. Williams, and John McCague, of Omaha, Nebraska, for the term of twenty-five years, all of the lands of the Iowa tribe of Indians in the States of Kansas and Nebraska, for the purpose of prospecting for and mining coal and coal minerals, including fire-clay; that the Omaha Coal and Mining Company, a corporation existing under the laws of the State of Nebraska, became the owner of the aforesaid lease; that by subsequent assignments of said lease from the Omaha Coal and Mining Company to Jonas Gise, and from Jonas Gise to John Little and Hobart Williams, the said John Little and Hobart Williams, on November 10, 1875, acquired an interest in said lease; that the said John Little and Hobart Williams, before acquiring an interest in said lease, were assured by Barclay White, superintendent of Indian affairs for the State of Nebraska, that the right to prospect for and mine coal and clay on said tract of land under said lease had been sanctioned and allowed by the Government of the United States; that by virtue of said lease, and the assignments thereof, and the assurance given by the superintendent of Indian affairs for Nebraska, the said John Little and Hobart Williams entered upon said land and began prospecting for and mining coal and clay, and while so engaged they were, by order of the United States Government, enjoined from prosecuting said work; and that the said John Little and Hobart Williams invested and expended the sum of $20,000 in acquiring an interest in said lease, and in opening and operating the mines, which sum, nor any part thereof, have they ever recovered, and were prevented from recovering or from realizing a profit on the same by the said action of the United States Government.

The Secretary of the Treasury is authorized and required by the bill to pay to the said John Little and Hobart Williams the sum of $20,000, the amount of money by them expended in purchasing said lease, and in prospecting for and mining coal, coal mineral, and fire-clay, as aforesaid.

There is not sufficient evidence before the committee to establish the fact that John Little and Hobart Williams are the sole assignees of the lease taken by Pratt, Williams, and McCague, nor that they actually expended the sum of $20,000 and never realized any part of it; yet as the agents of the Government represented that the lease was valid, the parties injured are entitled to compensation for what was actually expended and lost through the action of the Department; and the committee therefore report back the bill, and recommend the passage of the following substitute therefor:

"A bill for the relief of the assignees of the Omaha Coal and Mining Company.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby, authorized and required to adjust and settle the claim of the legal owners of said lease, and when adjusted to pay, out of any money in the Treasury not otherwise appropriated, the amount actually expended by them in purchasing said lease, and in prospecting for and mining coal, coal mineral, and fire-clay, as aforesaid, and on which they were prevented from realizing a profit, or from recovering, by the said action of the Government of the United States: *Provided*, That said amount shall not exceed the sum of $20,000."

Mr. COCKRELL. This is a brief case. This case undertakes to make the Government of the United States and the tax-payers of the country responsible because an Indian agent made a lease to somebody of land. Now, we should look to see the authority that these parties had in law to represent the United States, and bind them by this lease. This report is remarkable. The whole first page of it simply sets forth the bill, and then it says:

There is not sufficient evidence before the committee to establish the fact that John Little and Hobart Williams are the sole assignees of the lease taken by Pratt, Williams, and McCague—

No evidence before the committee that these gentlemen are the assignees, or the sole assignees—

There is not sufficient evidence * * * that they actually expended the sum of $20,000 and never realized any part of it; yet as the agents of the Government represented that the lease was valid, the parties injured—

By the false representations of agents who had no authority to make any representation at all—

are entitled to compensation for what was actually expended and lost through the action of the Department; and the committee therefore report back the bill, and recommend the passage of the following substitute therefor.

These Indian agents had no authority to make any verbal representation. They had no authority to make any lease outside of the statutes of the country. They are not general agents of this Government; it has none. The law prescribes the duties and the powers and the rights and the authorities of its officers, and I ask that the Senate be advised where the provisions of law are authorizing these parties to make this lease and bind the tax-payer of this country.

Mr. SAUNDERS. The Senator from Missouri is mistaken when he says that it was an Indian agent who made these contracts. They were made by the superintendent for the northern superintendency, and his action was approved by the Indian Department. This lease was given to parties there to prospect for coal and stone, &c., coal mainly. There was a transfer or two made, and afterward it fell into the hands of the firm of Little & Williams, who made a discovery of coal. About that time the question was raised as to whether the Government had a right to lease Indian lands for the purpose of digging for coal. It was decided by the Department of Justice that they had not that right. Of course the work stopped. These men were ready to go on with their contract as they are to-day, and the contract was made with the superintendent and approved by the Commissioner of Indian Affairs, as will be found by the papers accompanying the bill.

The report, I will say, is made up mainly from the language used by the Commissioner of Indian Affairs. He says he does not find proof that Little & Williams are the real assignees in this case. Therefore he recommends that the bill shall be so changed that it shall read that the "legal owners," whoever they may be, should be entitled to the money actually expended; not $20,000 or any other sum, but the amount actually expended in prospecting, &c., when they were prevented from prosecuting their work, as has been stated, by the action of the Department of Justice.

These gentlemen did their part. They made their contract. They were successors to the original owners of this franchise; they were stopped in the midst of their work; and now, as the best thing they can do, they ask to get back the money they expended. That is all there is of it; that is what the committee recommend. The Senator will find in the papers accompanying the bill a report from the Commissioner of Indian Affairs, giving almost the exact language of this bill, and recommending that it be passed in justice to these men because they can not go on and prosecute their work.

Mr. JONES, of Florida. I wish to ask the Senator from Nebraska a question. Did any advantage result to the Government from this contract?

Mr. SAUNDERS. The Government was to have some advantages from the contract. It was to have a certain percentage of what was realized. Of course, on the discovery of coal, it would belong to the Indians, being on Indian land, but the Government would have gotten more than the individuals.

Mr. JONES, of Florida. The Senator from Missouri made the point that the agents had no authority.

Mr. SAUNDERS. The papers come from the Interior Department; they are not mine. They are the papers made out by the Interior Department. This bill is recommended by the Interior Department.

Mr. COCKRELL. The point I make is that there was no law which gave those agents any right to make that kind of a contract, and these parties negotiating with them negotiated at their risk, and knowing that the Government of the United States was not responsible.

Mr. SAUNDERS. But this contract was made and was approved. They only ask in this bill the amount they actually expended. The Interior Department thinks they are entitled to it, just in the language of this bill; that is, that somebody is entitled to it, and the Department says, let the legal owners of this franchise get the benefit of it, and not Little & Williams unless they can prove that they are the actual owners.

Mr. COCKRELL. In other words, the Department of Justice has decided that this whole thing was void, that there was no authority in law to make this lease in any shape or form. Now, they come in and say that the Government of the United States must be responsible because these Indian agents, without any authority of law and in violation of it, made a contract with parties to go on Indian lands.

Mr. VAN WYCK. Let me ask the Senator from Missouri a question. The Government had delegated certain rights and powers, as it was supposed, to those having charge of the Indians.

Mr. COCKRELL. What does the law authorize?

Mr. VAN WYCK. In pursuance of that power certain officials, representing the Government of the United States, for the benefit of the United States, and especially of the Indians, entered into a contract for the discovery of coal and for mining it. When a private citizen negotiates with a public functionary clothed with the authority of the Government within the lines of its territory, and, as he supposes, within the limits of his authority, I presume he is not called upon to go to the Department of Justice to know whether the persons are clothed with lawful authority and whether they are doing the acts which they are

authorized to do in their authority. It is sufficient for the private citizen to take that for granted when he is negotiating with a person who is representing the Government.

The Senator from Missouri shakes his head. If within the line of his business, if within the line of his duty he is negotiating with a representative of the Government does he hold that it becomes his duty to go and inquire of the Department of Justice whether that agent is authorized?

Mr. COCKRELL. No; not to the Department of Justice to make a lease of land, which everybody knows can not be done.

Mr. VAN WYCK. Is it necessary for him to carry with him the statutes of the United States and the decisions of the courts to ascertain whether a Department can contract with him through a person pretending and presumed to be and actually clothed with authority from the Government? It is not required.

Mr. DAVIS, of West Virginia. We must know the law and not violate it.

Mr. VAN WYCK. I beg the gentleman's pardon. That would be a fearful doctrine that no man dare negotiate with an agent of the Government. The Department from which this man came approved the action taken; the Indian Bureau approved the contract before any work was done. Do gentlemen say that a man must, notwithstanding the approval of the Department, employ a lawyer to examine whether the Department transcended their power and authority? That can not be. A private citizen suffers enough at the hands of the Government without being required to do that; and at this day it is almost impossible, as gentlemen well know, for a man having a claim against the Government to get it. This claim could have been enforced against a private citizen if a private citizen had made such a contract; but the Government made it; it was made through the Indian Department, which represents that branch of the Government. It would be an intolerable doctrine that a citizen dare not negotiate with the agents of the Government. All we ask in this case is that these men shall be repaid the money actually expended.

Mr. JONES, of Florida. I wish to ask the Senator a question. To whom did the benefit inure resulting from this expenditure, if to anybody?

Mr. VAN WYCK. To the Government and these individuals. A contract was made by which they were to develop coal if they found it there.

Mr. JONES, of Florida. They got no title to the land?

Mr. VAN WYCK. They had the privilege to go there; they went there; the money was expended; the question was brought to the Department of Justice, and they said the officers of the Government had transcended their power.

Mr. MORRILL. Will the Senator from Nebraska give way for me to make a motion for a recess?

Mr. VAN WYCK. Wait till we dispose of this bill.

Mr. MORRILL. We can not do it.

Mr. VAN WYCK. I will stop and let the vote be taken. My colleague is unable to stay here after the recess.

Mr. MORRILL. If we take a recess at all we ought to take it from now until 8 o'clock.

Mr. VAN WYCK. Can we not vote on this bill without further debate? I will stop.

Mr. MORRILL. I move a recess until 8 o'clock.

Mr. VAN WYCK. Will not gentlemen consent to vote on this matter if I stop?

Mr. COCKRELL. This bill must be investigated a little further.

Mr. McMILLAN. I ask the Senator from Vermont if he will withdraw his motion and permit me to make a motion to go into executive session?

Mr. MORRILL. I think there will be ample time for that when we come back. I move that the Senate now take a recess until 8 o'clock.

Mr. McMILLAN. I move an executive session.

The PRESIDENT *pro tempore*. The motion for a recess takes precedence.

Mr. McMILLAN. There are quite a number of nominations on the table.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. MORRILL] moves that the Senate now take a recess until 8 o'clock.

The motion was agreed to.

The Senate accordingly (at 5 o'clock and 40 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

The PRESIDENT *pro tempore*. The recess having expired, the Senate resumes its session.

Mr. SHERMAN. Regular order.

JOHN LITTLE AND HOBART WILLIAMS.

The PRESIDENT *pro tempore*. The pending business is the bill (S. 1327) for the relief of John Little and Hobart Williams.

Mr. COCKRELL. That bill was taken up and elicited considerable discussion, and it is a bill that will have to be discussed a great deal more than it has been yet. The Senator from Nebraska [Mr. SAUNDERS] is not here, and it was taken up rather by mutual consent to accomodate him. I ask that we go back to the regular order.

The PRESIDENT *pro tempore*. Was the bill taken up subject to objection?

Mr. COCKRELL. It was taken up by general consent.

The PRESIDENT *pro tempore*. But it being before the Senate the Chair can not set it aside. It requires a motion.

Mr. COCKRELL. This can not be allowed to stop all other business. I move that it be laid on the table. The Senator from Nebraska is not here, and it is a bill that requires debate.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill lie on the table.

The motion was agreed to.

POSTAL MONEY-ORDER SYSTEM.

Mr. COCKRELL. Now I hope we shall proceed under the order.

Mr. SHERMAN. Regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. DAWES. What is the regular order, Mr. President?

The PRESIDENT *pro tempore*. The regular order is the consideration of House bills on the Calendar. The next bill in order is Order of Business No. 1107, being House bill 5661, to modify the postal money-order system, and for other purposes.

Mr. DAWES. I wish to ask unanimous consent to take up a House pension bill.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator for that purpose.

Mr. SHERMAN. Pension bills have had their day, and I think we had better go on with the regular order. We have disposed of the pension cases on the Calendar.

Mr. DAWES. At some time I hope the Senate will allow me to get up this pension bill.

Mr. SHERMAN. We had better go on with the regular order.

The PRESIDENT *pro tempore*. The bill under consideration is House bill 5661, which will be read.

The bill (H. R. 5661) to modify the postal money-order system, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. GEORGE M. ROBESON of New Jersey, and Mr. S. S. COX of New York managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2911) for the relief of the German National Bank of Louisville, Kentucky;

A bill (H. R. 6946) for the relief of Clinton D. Smith;

A bill (H. R. 5200) authorizing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866; and

A bill (H. R. 2638) for the relief of J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7637) making appropriations to supply deficiences in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

KIRK W. NOYES.

The PRESIDENT *pro tempore*. The Secretary will report the next House bill on the Calendar.

The bill (H. R. 5653) for the relief of Kirk W. Noyes was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Kirk W. Noyes, of Paw Paw, Van Buren County, Michigan, the pay and allowances due him for services rendered as first lieutenant of Company D, First Michigan Sharpshooters, from January 1, 1865, to May 1, 1865, deducting therefrom such compensation as he may have received during that period as first sergeant of that company.

Mr. LOGAN. Is there a report on that bill?

Mr. COCKRELL. The Senator from Indiana [Mr. HARRISON] reported it. I am afraid our general bill may not reach the case.

Mr. HARRISON. This bill was reported unanimously from the Committee on Military Affairs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARCENY IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 7226) to punish larceny from the person in the District of Columbia was considered as in Committee of the Whole. It provides that whoever in the District of Columbia commits larceny from the person of another shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by imprisonment not more than six years, or by a fine not exceeding $1,000, or by both such fine and imprisonment; and whoever in the District of Columbia attempts to commit larceny from the person of another, by any overt act done with intent to commit a larceny, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished in the police court of the District of Columbia by imprisonment in the District jail not more than one year, or by fine not exceeding $500, or by both such fine and imprisonment.

The bill was reported to the Senate without amendment.

Mr. LOGAN. There is one thing I should like to ask the Senator from North Carolina. I see the omission of a clause which is commonly in bills of this kind. Where the punishment is inflicted it is not left in the discretion of the court or jury. Would the language employed be construed that it should be in the discretion of the court?

Mr. VANCE. I have not the bill before me; I do not recollect the words. Let it be read again.

Mr. COCKRELL. The bill reads that the person shall "be punished in the police court of the District of Columbia."

Mr. LOGAN. I know; but I refer to the preceding section.

Mr. COCKRELL. The first section reads as follows:

That whoever in the District of Columbia commits larceny from the person of another shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by imprisonment not more than six years, or by a fine not exceeding $1,000, or by both such fine and imprisonment.

Mr. LOGAN. I merely wanted to know if that would be construed to be in the discretion of the court.

Mr. COCKRELL. It would be in the discretion of the court.

The bill was ordered to a third reading, read the third time, and passed.

DISTRICT TAX BILL.

The bill (H. R. 6929) to provide for the collection of taxes in the District of Columbia, and for other purposes, was announced as next in order on the Calendar.

Mr. COCKRELL. That is a bill of some ninety pages. I do not suppose it can be considered now.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the present consideration of the bill?

Mr. INGALLS. I do not understand that the Senator from Missouri objects.

Mr. COCKRELL. I simply remarked that it is a bill of some eighty or ninety pages, and I did not know whether we had time to consider it to-night.

Mr. INGALLS. I propose to ask the Senate to reject the amendment that was reported by the Committee on the District of Columbia to the bill, and to consider the bill as it came from the House, to provide for an assessment of property in the District.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary commenced to read the bill.

Mr. GORMAN. I shall object to that bill.

The PRESIDENT *pro tempore*. The Senator from Maryland objects to the present consideration of the bill, and it goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolutions:

A bill (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of the report of the National Academy of Sciences on sorghum sugar, and the concurrent resolution of the Senate for the printing of 10,000 additional copies of the proceedings of the Yorktown centennial celebration.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the printing of the report of the Commissioner of Education for 1881, with amendments, in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the pending business may be laid aside until I can make a report from the conference committee on the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa presents from a committee of conference a report which will be read.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7395) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have been unable to agree.

WM. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

FRANK HISCOCK,
BENJAMIN BUTTERWORTH,
JO. C. S. BLACKBURN,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. ALLISON. Mr. President, the Senate will observe that this is a general disagreement, but I desire to state that the conferees have substantially agreed upon the various items of appropriation in the bill, the real subjects of difference being the matters of legislation presented to the Senate in the original bill from the House, namely, a provision for the sale of military reservations, a provision altering and changing the law with regard to the homes for volunteer and disabled soldiers, the provision with regard to the ratification of the Sioux treaty, and the provision with regard to the repeal of the pre-emption laws and other provisions in connection with that repeal.

Mr. BECK. Did we not disagree also in regard to the Chelsea Hospital and the Brooklyn navy-yard provisions?

Mr. ALLISON. I omitted to say that we disagreed also with reference to the provisions for sale of lands of the Brooklyn navy-yard and the Chelsea Hospital.

These being matters of substantial difference the Senate conferees did not feel that they had any power or authority to agree to these matters of legislation. Confessedly the provisions with regard to these various matters, or at least three of them, are ineffectual and imperfect and require substantive amendment in order to accomplish what the House propose to do. With reference to these matters of substantial difference the conferees desire the judgment of the Senate.

I will say that there is one other matter of difference which does not relate to a provision for legislation. The House insist that they shall have the power to pay their own employés and officers of every name and nature one month's additional compensation, and they decline to consider that question with the conferees on the part of the Senate unless the Senate will yield that point. I will say that the conferees on the part of the Senate have refused to yield the point unless also it shall contemplate a similar provision for the officers and employés of the Senate. They should stand upon a par, whatever that may be, in the judgment of the Senate conferees.

Mr. HARRIS. I desire to know from the Senator from Iowa whether, while the conferees on the part of the House demand the right to allow such compensation to their own employés, they deny to the conferees on the part of the Senate the same right in respect to the employés of the Senate?

Mr. ALLISON. They do not. They are willing that we shall make any adjustment we choose with reference to our own employés.

Mr. FRYE. Why is not that right?

Mr. ALLISON. That is a matter which we have not yet agreed upon. The Senate is brought face to face with the question whether we shall permit the House of Representatives to put upon these bills such legislation as it sees proper without an opportunity for a full and fair consideration of the matters of legislation by the proper committees of the Senate. As all these matters are new to the Committee on Appropriations, not having been referred to that committee by any of the standing committees of the Senate having proper jurisdiction of the questions involved, it is for the Senate to say what it will do in the premises under the circumstances.

Mr. DAWES. Mr. President, this is not a new question. It comes

up every year in one shape or another with different aspects, but always the same. The question is presented to the Senate now whether legislation independent of appropriation bills shall be forced through Congress under the pressure and by the aid of the necessities of the Government for appropriations.

I think Congress has reached a point where a more serious question can hardly be presented than whether one branch or the other shall surrender its right to consider the wisdom of independent legislation under the pressure of the necessity for appropriations. I will go as far as any Senator can be called upon to go to provide this Government with the means of carrying on the current needs of the Government; but when it comes to the question whether in order to be provided with the necessary appropriations to carry on this Government there shall go along with it that which this branch or the other shall deem to be unwise and imprudent and hasty independent legislation, it comes to be a very serious question in my mind whether the Government of this country shall be thus carried on.

There is but a single measure in all the independent legislation brought into this bill that I have any considerable interest in; but for either branch to say that the necessary demands of this Government for the means to carry on its current functions shall be dependent upon the question whether one branch or the other shall surrender its convictions as to the wisdom of independent legislation, having no reference at all to the appropriations of this Government, reaches further than any consideration that can be presented as to the immediate necessity of meeting the demands of the Government for appropriations. It were better for the Government to make its stand here, and, if necessary, force an extra session of Congress, than for either branch to surrender its free and full and deliberate consideration of the wisdom of every independent measure that may be presented to Congress. For it to have behind it, forcing it through either branch of Congress, the necessity of the Government for appropriation, is to bring to bear upon the consideration of independent legislation a power unknown to the Government and fatal to deliberate legislation in either branch.

I hope that the conferees, whoever they may be, to whom this bill may be committed again, will understand that there is committed to them as grave a question as ever has been committed to conferees, to determine whether either branch shall be permitted to consider upon its merits any independent legislation, or shall be forced to the alternative presented by the other branch, that you shall take this legislation or have no appropriation for the necessities of the Government. There can be no more serious question presented. Everything had better be surrendered here this night than to surrender the independence of this body in deliberating upon the wisdom of any measure. I do not care whether these measures be wise or not, they have no business in an appropriation bill, for an appropriation bill should be stripped of every other consideration but the wisdom of the appropriation itself.

Mr. BECK. I desire to ask the Senator from Massachusetts, as he has had long experience, a question somewhat to guide my own action as one of the conferees on this bill. It is admitted that the legislation now on the bill sent from the House, so far as it relates to the repeal of the pre-emption laws and other matters, is fatally defective as it stands. It is also admitted that the legislation relative to the inmates of soldiers' homes is fatally defective as it stands. I desire to ask the Senator from Massachusetts if the conferees on the part of the Senate would have the right to amend those provisions by independent legislation, for they must be amended by legislation, whether we should be in order in so doing as conferees? Suppose we attempted to do that, would our action be in order under the rules of the Senate?

Mr. DAWES. According to my idea of the power of conferees it would be a departure from the proper practice for the Senate conferees to undertake to incorporate into this independent legislation new matter that had never been presented to either branch for its consideration. I have no doubt that it is within the power of the conferees to consider any particular measure, any particular feature, to correct any mistakes in it, but to introduce into it independent legislation not in the measure itself submitted to the board of conferees is a departure so far from the power of a board of conferees that in my opinion it would be, if I may be permitted the use of the word, a usurpation on their part.

I hope the Senate conferees, the same conferees, if this bill shall be recommitted to them, will understand that the Senate feels as the House has upon former occasions, that to undertake to crowd independent and important legislation through either branch under the force and power of the necessity of the Government for appropriations to carry it on is to avail itself on the part of either branch of a power unknown in the history of this Government in its economy and in the very branch upon which it is founded.

In my opinion the remaining hours of this session can not be better spent than in emancipating this branch or the other, if need be, from the unwise and dangerous power which has crept in upon the legislation of Congress, that has forced through Congress many a time that kind of legislation which outside of an appropriation bill would never find a ratification by independent deliberation and action in one or the other branch of Congress.

Sir, if we shall come out at the end of this session entirely emancipated from that new and dangerous power which is creeping in upon us, we shall accomplish enough to entitle us to the approval of this nation, in whatsoever else we may come short of our duty. I hope no board of conferees appointed by this body will surrender its convictions upon the wisdom of this independent legislation to any consideration of the necessity of providing appropriations for the Government.

Mr. LOGAN. Mr. President, I am very sorry that the situation is as it is in reference to the conferees, both on the part of the House and the Senate. I have very decided opinions in regard to what ought to be done on one or two of the questions that are in controversy.

I have noticed here in the Senate on the different bills that have been proposed by the Committee on Appropriations, where general legislation has been placed upon appropriation bills by the House of Representatives, when the bills came before the Senate, the Senate committee having added amendments, or in other words, having put on legislation also, on a point of order the legislation put on by the Committee on Appropriations of the Senate after mature deliberation has been stricken from the bills, and the legislation put on by the House has been left in, whether proper or not. The rule that has at least been supported by argument in the Senate is that no legislation of a general character ought to find its way into an appropriation bill in either House of Congress.

As to the legislation on the sundry civil bill I desire to say a few words. So far as I am individually concerned I would much rather the bill should fail than to have one portion at least of the legislation adopted which has been put upon it by the House of Representatives. Without going into detail as to the different propositions in the bill put on by the House of the character of general legislation, I will call attention to two.

In this bill the House of Representatives saw proper to repeal what are known as the pre-emption acts. There are quite a number of them. It is impossible, examining that question as we did, to make legislation of a proper character in reference to that particular point without an examination, and a considerable examination, too. Whether it be proper as a general bill before Congress to repeal the acts giving pre-emptions to the people of this country is not the question I now propose to discuss, but the manner in which it is done. It is well known that in the examination of this question the various statutes in reference to it were not examined here in the Senate. The question was not examined in the Senate. The House legislation was stricken out by a vote of the Senate; in other words, the Senate concurred with the Appropriations Committee in striking out the proposition, for the reason that it had not had examination in the Senate or by any committee of the Senate. This is a very important question. It is very important for the Senate of the United States to understand whether they desire to repeal the laws that allow the people of this country pre-emption on the Government lands. It is a very important question to a great many poor people all over this country as to whether the law under which they themselves have been acting for years shall be stricken down on an appropriation bill without any opportunity of an examination by one branch of Congress.

Whether the House of Representatives have fairly examined this question is not for me to say, nor do I say it; but the importance of the subject is such that the provision ought not to be placed on an appropriation bill without at least an opportunity of examination. It is well known that these bills came to the Senate but recently, this bill within the last few days, and there has not been, on account of the multiplicity of appropriation bills, an opportunity for the committee to examine all the various questions that have been placed on the bills.

There is another question on this bill to which I desire to call the attention of the Senate, for I feel very deeply in reference to it, and that is the portion of the bill coming from the House which provides that the poor, lame, halt, blind, and decrepit soldiers in the soldiers' homes shall have their pensions taken away from them for the support of the soldiers' homes for which we provide every year. This proposition was tried in one of the courts of this city. An attempt was made by the Soldiers' Home at Washington city to deprive these soldiers of their pensions and use them for the benefit of the home; but by a pensioner applying to the Court of Claims the court decided that the law gave the man his pension and there was no power to take it away from him except by his own consent. In this bill it is provided in regard to the soldiers in the soldiers' homes of the country, numbering thousands, that all above $5 of their pensions shall be taken possession of by the officers of the soldiers' homes and used for purposes other than the purpose for which the pension is given to the soldier. I say to the Senate I would stand here, if my physical power would allow me to do it, until the final adjournment of the Senate before I would see such an outrage and robbery perpetrated on the poor soldiers who are in these homes; and I give notice now that this bill will have a struggle such as no bill has had in the Senate Chamber before a conference report embracing that provision shall ever pass this body.

The very idea of a pension is to give it to a man for his benefit. The idea of a soldiers' home is that it shall give a home to those who have no home for themselves, to the one-legged, the one-armed, the lame, the blind, and the needy soldiers of this country, where they have had an honorable discharge, and where they are in such a condition that they can not support or maintain themselves, that they shall have the opportunity of having bread and bed at the Government homes made

for the soldiers of this country when they become old and decrepit. But this bill goes upon the theory that if the poor pittance of a pension of $8 a month shall be given to a soldier, and you allow him entrance into a soldiers' home, a portion of that pittance shall be taken away from him. Why? Whenever this Government, with its hundreds of millions of dollars in the Treasury, feels that a man who has been placed in a home by the laws enacted by the representatives of the American people becomes so niggardly, so stingy, so mean that it will rob the soldier of his pension because he is in a home, I say that Government is not worthy of the respect of a poor old pensioned soldier.

This is one of the provisions that the Senate of the United States is asked to agree to without consideration merely because it is a provision of general legislation placed upon an appropriation bill, and, forsooth, unless we agree to this robbery, this outrage, this wrong on the part of the Government of the United States, we are to have no appropriation bill. If that is the case, let us have no bill. If the representatives elected by the people of this country can not maintain themselves before their constituents unless they shall become so economical as to take the poor pittance that is given to the poor and starving soldier and rob him of it for the purpose of moving the machinery of the Government as applicable to soldiers' homes, I say it is time for us to stop and halt in that direction. Whenever my constituents say to me they have no further use for my services because I will not agree to a robbery of the poor and the unfortunate in this country, I say it is time for them to call me home, and I will go.

There are other features of general legislation in this bill almost equally obnoxious to which we are asked to agree or else the bill must fail. In some of the appropriation bills that have been presented to the Senate propositions have been made to put legislation on them that was honest and fair and just legislation, but the Senate failed to agree to such provisions because they were general legislation on an appropriation bill. Twice within the last few days, in reference to a proposition that no man supposed other than that it was fair and right for it to be adjudicated, for it to be examined, it was determined by the Senate it should not find a resting-place in an appropriation bill, because it was general legislation. If legislation is to be placed on such bills let the Senate of the United States determine that the Senate shall have consideration of matters of legislation on appropriation bills as well as the House of Representatives.

Mr. MAXEY. Do I understand the Senator from Illinois to say that an attempt has been made to repeal the entire homestead laws upon an appropriation bill?

Mr. LOGAN. I say that the pre-emption laws are proposed to be repealed in this bill by the House of Representatives and will be repealed if we consent to it.

Mr. MAXEY. I ask the Senator if he has ever heard in any portion of the United States in any recent canvass of any movement made publicly or otherwise by the people asking for a repeal of the homestead or pre-emption laws?

Mr. LOGAN. I never have; and I repeat that whether it is the right thing to do or the wrong thing it certainly is the wrong thing to do on this bill.

Mr. MAXEY. It does not come from the people.

Mr. LOGAN. No, sir. To return to the other proposition that I was discussing, I wish the Senate to understand it. We have had the question in reference to soldiers' homes before us in the Military Committee. I do not know whether the Senator from Texas understood what I said, that after providing thousands and thousands of dollars for the support of the soldiers' homes all over this country they wind up by taking the poor soldier's pension and depriving him of it if he finds a resting place in a soldiers' home.

Mr. MAXEY. If the Senator will pardon me I will say that I perfectly understood it. I know that we investigated that matter critically and carefully in the Military Committee; and I say here in the presence of the Senate that no appropriation bill can take hold of that great question and present such legislation as either House of Congress ought to adopt.

Mr. LOGAN. It took an investigation of weeks, and I might say of months to determine the question in reference to one of these homes in order to provide a law that was ample for the correction of the evils; and in that very law we deny the right to take the pensions away from the soldiers for any purpose whatever.

Mr. President, I say, and I mean what I say, that so far as I am concerned as one Senator I would see half a dozen extra sessions before I would allow this wrong to be perpetrated that is attempted to be done in this bill, at least according to my judgment of right and wrong in the premises.

Mr. DAWES. I want to show to the Senate one single proposition which it is proposed by the House of Representatives that the Government shall stop unless the Senate will ratify. Here is a solemn treaty we entered into with the Sioux Nation, by which we covenant with them that—

> No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all adult male Indians occupying or interested in the same.

Here is an agreement entered into by the chiefs and headmen alone, without regard to other members of the tribe, and an alternative is presented to us by the House of Representatives that the Government shall stop unless the Senate will agree with them in violating a solemn treaty entered into by us with the Sioux Indians. That is one of many propositions that they propose to us the alternative here to-night in the last hours of the session, that unless we will do this great wrong and violate this treaty obligation, whatever of necessity for the Government there is in this bill shall be lost. Sir, I would rather see the Government stop all its functions than to be forced by any such operation as this into a violation of a solemn treaty entered into by the Government with these Indians.

Mr. SHERMAN. Mr. President, I am very glad indeed to see that the Committee on Appropriations appreciate the importance of the question now submitted to them. I have no doubt they have been deeply embarrassed for several years by the weight of labor that is thrown suddenly upon them near the close of each session of Congress. The practice of overloading appropriation bills has arisen within the last twenty-five years. Prior to that time it rarely occurred, because in the early history of the country there was but one, then there were two or three, then four or five appropriation bills, and they were rarely loaded down with any extraneous legislative matter. But in recent years, since the close of the war especially, nearly every appropriation bill has contained a great many legislative provisions.

I remember very well when this contest was first presented in the Thirty-fourth Congress. I was then a member of the other House. The House of Representatives undertook to put a limitation upon the executive power in an appropriation bill. The Senate at once took a decided ground against it and a fierce conflict arose between the two Houses, lasting for more than a month. It ended first in the adjournment of Congress, and then in Congress again being convened in extra session, when the House of Representatives was compelled to abandon that legislative provision. Four years afterward, in 1860, the Senate of the United States undertook to add a great multitude of items not embraced in an appropriation bill sent from the House, cumbering it with legislative provisions, and then for the first time, I believe, in the history of the Government, this question was formally brought before the two Houses, the Senate insisting upon their power to amend appropriation bills to any extent they might desire, and insisting that they could add conditions and qualifications to all appropriations wherever made. The conferees on the part of the House resisted that, and insisted that while they were willing to grant the appropriations in many cases that were asked for, they would not grant them on the conditions imposed.

During that session an agreement was reached between the conferees of the two Houses, and that rule prevailed for some years. The conference on the part of the Senate, I remember, was composed of Mr. Seward, Mr. Hunter, of Virginia, and Mr. Toombs, of Georgia. The conferees on the part of the House were the Senator from Vermont [Mr. MORRILL] and myself, and I forget who was the other conferee. After a consideration of the very question that is now presented to the Senate the conferees of both Houses agreed, and both Houses agreed, that whenever either House made a proposition which was objected to by the other the House making the proposition must recede from it. Acting upon that rule in that case the Senate receded promptly from every objectionable amendment it had put upon the appropriation bill.

Sir, that is the rule of Parliament. The whole theory of two Houses of Congress or of Parliament depends upon the cheerful assent of both Houses to every proposition contained in the bill. It is true that in an appropriation bill there must be a great multitude of appropriations and they must go together; but whenever either House dissents from anything it is right and proper to strike out that objectionable feature. Especially where either House proposes legislation to an appropriation bill, the rule is universal and uniform that the House proposing the provision shall recede from all that is objected to by the other House. That is the only theory upon which any wise legislation by two Houses of Congress or the two Houses of Parliament can be carried on.

There is in Parliament a still more guarded rule. The House of Commons will not allow the House of Lords even to amend an appropriation bill. It is now the law of Parliament that the House of Peers can not strike out any clause of an appropriation bill. The power exercised by the House of Commons had been greatly abused, and therefore it was that the framers of our Constitution gave to the Senate ample power to propose amendments to all kinds of bills. The Senate may propose legislative amendments to an appropriation bill if they choose, but when those legislative amendments are seriously objected to by the other House they ought to be abandoned. There is no other safe rule.

The proposition may properly be made to the Senate or House in the closing hours of a session that it is important to pass a certain legislative provision; and if the proposition is submitted to the other House and their conferees agree to it, and there is no dissent between the two Houses, then there is no great objection to putting on such a provision. It is often a matter of great convenience near the end of a session. But where either House doubts even as to the propriety of any legislative amendment it ought to be at once dropped. Upon no other basis, upon no other principle can the two Houses ever maintain any independent relations to each other.

I never have known and never have read of a case like that which is

presented in this bill. Here is a bill called the sundry civil appropriation bill. It embraces a great multitude of objects of appropriation. The bill embraces a greater variety of topics than any other appropriation bill. The legislative, executive, and judicial appropriation bill is one thing, the naval appropriation bill is another; the Army appropriation bill is another; but here is the sundry civil appropriation bill, embracing a great mass of miscellaneous matter. To this bill there ought to be no legislative provision whatever, or if such a provision is offered by one House it ought to be only such a one as would be consented to cheerfully by the other House.

The idea that we can be compelled, in the expiring hours of this Congress, to undertake to regulate how pensions shall be paid to soldiers, whether when they resort to military asylums they shall be deprived of their pensions, or whether on the other hand that principle which has been for years part of the law of this country, giving to the settler a pre-emption, a prior right to the land which he settles upon and cultivates, where he breaks the soil or cuts down the trees—that we should undertake to repeal this mass of laws, which have been growing in public favor from the time they were started, at this hour of the session, without debate and without consideration by the proper committees, is a monster of absurdity; it is wrong.

Sir, I would see this bill defeated over twenty times; I would come back again in extra session and spend all summer and all next winter rather than see this system of legislation grow any greater than it is. As I said, twenty-five years ago, when a single provision was added by the House that was objected to by the Senate, it excited an angry debate for six weeks and compelled an extra session of Congress. The Senate refused even then to agree to what I considered at the time a righteous provision, and the House receded. Two years later, when the Senate undertook in the same way to force obnoxious provisions on the House, the House indignantly resented it and would have laid the bill on the table if the Senate had not promptly receded.

I agree with the Senator from Illinois and the Senator from Iowa that we ought to put a stop to this plan; that the time has come when we must take our ground. If we put anything on an appropriation bill that the other House object to, or even doubt about, we ought at once to abandon it. When we propose an amendment to such a bill, and the House conferees meet the conferees on the part of the Senate with a firm denial, and say that the House is opposed to the proposition, or that the House has not had time to consider it, or that it involves new principles of legislation, the Senate ought at once to abandon their proposition, however dear it may be or however strong it may be in the judgment of the Senate. When the House propose to put legislation on an appropriation bill, and say, "We will not make the ordinary provisions for the support of the Government in carrying on the operations of the Government unless the Senate will agree to that which the Senate does not desire to agree to," then, as a matter of course, all we have to do is to say, "Very well; we will not agree," and there is the end of it.

I do not believe that the House of Representatives will ever put themselves in that position. They may desire to accomplish some objects of legislation and they may press it upon the Senate conferees, but I believe in the good sense and sober judgment of the members of the House of Representatives. I believe that they will feel that their rights would be more jeopardized by the adoption of this rule than others would be. The Senate is more likely to put on these obnoxious provisions. Therefore the House ought to be willing to adopt the rule of 1869, which was where any proposition is made by either House, either legislative or a casual appropriation, and is objected to by the other, it should be at once abandoned so that the bill should be the joint judgment of both Houses upon every item, whether of appropriation or legislation.

I should be willing to say, not as a matter of instruction but as a matter of principle to be applied not only to this bill but to all others, that wherever a legislative provision is objectionable to either House it should be at once abandoned by the House proposing it, and wherever a new item of appropriation is proposed not provided for by existing law it ought at once to be abandoned whenever objected to by either House, so that the appropriation bills shall be exactly what they were intended to be—a mere medium of carrying into execution existing law. That is the true principle, and if that principle is adopted there will be no difficulty in making an appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

The message also announced that the House had agreed to the concurrent resolution of the Senate for printing 10,000 additional copies of the report of the Commissioner of Fish and Fisheries for the year 1882.

The message further announced that the House had passed a concurrent resolution for the printing of 3,000 copies each of the bulletins of the Bureau of Ethnology of the Smithsonian Institution, Nos. 1 to 12, inclusive, with the necessary illustrations for the use of the Bureau of Ethnology.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

Mr. GARLAND. Has the Senator from Iowa [Mr. ALLISON] made any motion for instruction or for any action of the Senate on this matter?

Mr. ALLISON. I will say in response to the Senator from Arkansas that I have not asked for instructions, but desired the views of Senators with reference to what should be the conduct of any future conference upon these questions.

Mr. GARLAND. To present the question to the Senate, I move that the Senate further insist on and adhere to its action, and ask for a further conference.

Mr. BAYARD. And appoint the same conferees.

Mr. GARLAND. Yes; that can be incorporated.

Mr. PENDLETON. That would be done, of course.

Mr. INGALLS. A motion to adhere is not usual until after there have been at least two conferences.

Mr. GARLAND. I find, if the Senator from Kansas pleases, that there is a difference of opinion in the authorities upon that point. But he wants to get at just what I do. I am willing, if that is the sense of the Senate, to put the motion in this shape: That the Senate further insist upon its action and ask for a further conference, and that the same conferees shall be appointed.

Now, I will say but a very few words, Mr. President. The Senator from Ohio [Mr. SHERMAN] has made this matter so perfectly plain that it occurs to me it is unnecessary to add anything to what he has said; and we can see at once the difficulty we shall be in if any other rule is adopted than that he names. The House of Representatives have an express rule against putting general legislation on an appropriation bill. The Senate has Rule 29, that prohibits it from putting any amendments of general legislation upon an appropriation bill. It is "amendments" under our twenty-ninth rule, because the Senate can only amend an appropriation bill and can not originate it; it is a general rule in the House because the House originates appropriation bills. There is no power on the part of one House to compel the other House to obey its rules; but when the conferees are brought together and they say, "Here is legislation upon an appropriation bill," the first question that presents itself is where did the legislation come from; who proposed it? If it turns out that the Senate proposed it, it is the duty of the Senate to recede from that; if it turns out that the House proposed it first, it is the duty of the House to recede, according to the precedent established in 1859, as cited by the Senator from Ohio; otherwise this matter would be perpetual; we should not even through the solution of an extra session of Congress meet that difficulty, because the same thing could be repeated. If the House had originated the proposition and was disposed to be defiant and not yield to the rule, as laid down in the two manuals, all the Senate can possibly do is to insist upon its action, and move for a further conference, and let the same three Senators be the conferees on their part, with the understanding that they shall insist upon what was done, in the hope that the better judgment of the House may come to it, and in all instances upon this bill as they have proposed the general legislation they will recede from it. I make the motion I indicated.

Mr. BAYARD. Mr. President, I desire merely to express the hope that the vote of the Senate may be unanimous upon this subject. There is no time more opportune than the present to declare by the voice of this body that appropriation bills, bills to provide money to execute existing laws, shall not be the vehicles for general legislation. If we can express this now, and express it unanimously, it will be most beneficial.

As the Senator from Arkansas has well said to-day upon the touch and the test of a question of order all general legislation melts away from an appropriation bill, and the reason for it is obvious. It is not a question as to the merit of the proposition between us and the House; it is as to the manner. That is the point.

Appropriation bills are essential, and they must be passed in the regular time for the support of the Government; but the two Houses may differ, and wisely differ, and their differences ought to be expressed and continued so often as they exist until good sense and mutual accommodation shall bring them together; but there are some things about which the two Houses can not differ. There are some things that may not be drawn in question; and among them is the continuance of the Government under which we live. Upon that subject, an essential, we are not at liberty to differ. Therefore it is that all questions touching general legislation must depart from bills to execute existing laws which are taken as the common consent of both Houses.

I am glad to see on this occasion a disposition to unanimity in the Senate on each side of the Chamber to the wholesome doctrine that

appropriation bills shall be confined to the providing of money to execute existing laws. If we desire to change general laws let us take the proper occasion, present them, amend them, debate them, and differ upon them if you will, and the country can survive although the two Houses may differ; but in regard to the moneys necessary to carry on and pay the expenses of this Government there could be and there ought to be no differences as to the necessity of finding that sum. There is the principle that lies in this matter.

There must be no coercion by one House upon another. We can not let the life of the country, the existence of the nation, depend upon the differences of opinion between the two Houses. There are essentials and non-essentials. We may differ about the last, we can not differ about the first.

Let us therefore, not in a spirit of contention but in a spirit of the broadest arrangement and comity, inform the co-ordinate branch of this Legislature that when we come to provide moneys essential to continue this Government, our voice is as one; but when it comes to changing existing laws we claim the right to differ and to debate the proposition and to place the continuance of good government far beyond the reach of our temporary differences.

That I hold is essential, and upon that I concur with my friend from Illinois and every gentleman who has spoken on that side of the Chamber as well as on this, that we should present a unanimous voice to the co-ordinate branch of the Legislature, not as I say in the spirit of disputation and difference, but upon a broad principle that all reasoning and thinking men will agree is essential for sound and proper and wholesome legislation.

Mr. MAXEY. Mr. President, when I came to the Senate about eight years ago an appropriation bill came from the House to the Senate covered over with important legislation. There was considerable criticism about that. The House was then Democratic. The Senator from Ohio [Mr. SHERMAN], then a Senator as now, made about the same argument that he has made to-night. I believed then that he was right. I have always felt that the system of putting legislation on an appropriation bill was vicious.

At the present session we had the Army appropriation bill. About that I was prepared to express a pretty decided opinion. I do not think it was discussed for twenty minutes here before the Senate became satisfied that the legislation that came up on that bill was unwise. The Senator from Illinois [Mr. LOGAN], who is a fine soldier as we know, did attempt to ameliorate some bad legislation on it by putting in a modification; but he himself admitted that it was better that it should all go out, and fortunately I think it all did go out. So I say in regard to this measure.

Take the matter of pre-emptions, the laws concerning which have been on the statute-book more than forty years. My judgment is that the Committee on Public Lands ought to take that matter up and most thoroughly investigate it before any action should be taken. Take the provision in regard to the soldiers' homes. The Military Committee, I know, have expended much time and much thought upon that matter. It is a complicated and intricate question and can not be settled in the expiring hours of the session upon an appropriation bill.

So on general principles the House which starts legislation in an appropriation bill not belonging there, not pertaining to it, should give way. Why? Because to put it on is in its very nature coercion. It is saying to the other House, "If you do not pass the legislation which we send to you, not appropriate, not germane to the bill, the wheels of the Government must stop." It is not fair.

I believe, as was stated so well by the Senator from Ohio, whenever this House or the other starts original legislation on an appropriation bill, when the other House objects to it, the House starting it should graciously yield the question and let us have an appropriation bill pure and simple, precisely as the committee did in regard to the Army appropriation bill; precisely as the committee did in regard to the naval appropriation bill, so well managed by the Senator from Maine [Mr. HALE]. We should come to a determination to let the appropriation bills be pure and simple, and let legislation come to us through the appropriate committee. Nobody doubts that each House has the right to form its own rules and regulations; but see the difficulty we at once get into here. A bill comes to us from the House originally with legislation upon it. The Senate committee attempts to better that. Rule 29 comes in and says we can not allow on an appropriation bill that character of legislation, and coming from the Senate committee, if the point of order is made it has to go out, and all we have to do is to strike out the legislation which the House has put in it, and then it goes to a conference.

I have taken the same position when the House was Democratic, when the House was Republican, when the Senate was Democratic, and when the Senate was Republican; and notwithstanding that the House will again soon be Democratic, I assert here to-night that in my deliberate judgment, after eight years' experience, there is nothing more dangerous than to allow legislation on appropriation bills. I can give an instance right in point. My attention was called to it in the Military Committee by the Senator from Illinois four or five years ago. He came into the committee-room one morning very indignant, and asked if we knew anything about the increase in the retired-list. There was not a man on that committee who knew it. Why? Because the measure had never been referred to us; and yet there was an increase of from three hundred to four hundred on the retired-list on that bill in one single line, thus increasing the annual expenses of the country at least $150,000. That escaped the attention of the Appropriations Committee. It was unintentional on their part. It is impossible in looking over all these things for every line to be minutely inspected and passed upon, as it would be if each particular matter of legislation should go to the appropriate committee in a separate bill. That is the right way to do it, and then hold every committee responsible, the Judiciary Committee for what comes from that committee; the Military Committee for what comes from that, the Naval Committee for what comes from that, and so on all the way through. Hold each committee responsible, and whatever legislation may be enacted let it come from the appropriate committee. Then the Senate can act advisedly, because they will have the advice and recommendation of the appropriate committee and will have much more assurance that the legislation has been carefully examined. Take the Appropriations Committee, I care not how wise they may be, they can not take all the legislation that has to pass through the Senate and give to the Senate that character of information which would enable us to adopt enlightened legislation. I think we had better just set a rule and let an appropriation bill be an appropriation bill, and every other bill be what it purports to be upon its face, coming from the appropriate committee.

Mr. PLUMB. Mr. President——

Mr. BECK. I do not want to stop this debate. Indeed the conferees on the part of the Senate sought the debate. I am entirely content that it may go on, because it is strengthening our hands and we are obtaining the expression of the Senate on both sides. But I rose to ask that our report might be acted upon. I believe the Senate agrees with us. The bill has one hundred and three pages. We have a good deal to do with it yet; it has to be enrolled, and this Congress expires by limitation in a very few hours. I rose to ask that the vote might be had, but I do not desire to cut off debate.

Mr. PLUMB. I will not detain the Senate long.

The PRESIDING OFFICER (Mr. DAVIS, of Illinois, in the chair). Will the Senator from Kansas allow the vote to be taken?

Mr. PLUMB. Before the report is adopted I want to say what I have to say in this connection. I venture, in opposition to the views which have been stated, to express the hope that the committee will consider and the Senate in its turn will consider not the question as to whether there is legislation on the appropriation bill but as to the character of the legislation.

It is only four years, I think, since the Democratic side of this Chamber unanimously voted that the House of Representatives had a right to impose whatever terms it would upon an appropriation of money, and carried that doctine so far as to compel the adjournment of Congress without the appropriation of the necessary money to carry on the Government, and compelled also the President of the United States to assemble Congress in extra session in order to supply that lack. I am glad to see that they now deprecate what they then favored.

Mr. BAYARD. If the Senator will pardon me, he need not congratulate his Democratic brethren. There was no one more opposed to it than the Senator who now addresses the Senate.

Mr. PLUMB. I am afraid this independence will be somewhat short-lived. I am fearful now when they can make a point by it they will resume their old position.

Mr. BAYARD. Before the honorable Senator became a member of this body I protested against this practice on the part of his associates in both Houses.

Mr. PLUMB. I appeal from the protest of the Senator to the vote which he cast four years ago on the question. He voted with his Democratic associates unanimously in favor of legislation which the House put upon an appropriation bill, and for the assertion of the doctrine upon the part of the House that they had a right to impose whatever terms they would upon the appropriation of money.

Mr. BAYARD. The Senator is absolutely and totally mistaken, and has not the faintest ground for the assertion he now makes.

Mr. PLUMB. I appeal to the record on that point.

Mr. BAYARD. He need not appeal to the record; he may appeal to me.

Mr. PLUMB. It was a unanimous Democratic vote. If the Senator from Delaware was an exception, still what I say lies at the door of his party, if it does not lie at his door.

Mr. BAYARD. I do not talk of party now. I merely wish to say that the Senator's citation is unfortunately incorrect so far as I am concerned in every particular.

Mr. PLUMB. Mr. President, we are very near the close of a session of Congress which we can not extend if we would. I say that now, at this moment, it would be the part of wisdom, the part of patriotism, to put not only legislation upon this appropriation bill but legislation of a kind entirely apart from anything which it contains with reference to the appropriation of money or the objects for which money should be appropriated. I believe that if it were possible to-day to put upon the bill the measure which passed the Senate providing for the electoral count it would be statesmanship to do so. The failure to pass that bill

will be of infinitely more concern to the Senate, to Congress, and to the country, than the enforcement of Rule 29. I shall hope that when this Congress adjourns, so far at least as this bill is concerned, it will have something else to put upon its banner when it goes before the country than that we have enforced an arbitrary rule of this body to the obstruction of necessary legislation.

All rules of this kind of course are subject to exception. We ought to consider the necessity for the legislation which is sought to be put upon the bill, its wisdom in terms. Of course if it did not come from the appropriate committee, if it has not been properly considered, if by reason of that there is doubt as to its scope, as to its accomplishment, if it should be passed, that is proper to be said, and in saying that to stand upon it as a valid objection, and call that to the attention of the other House. But simply to say irrespective of the merits of the legislation, confessing that the legislation itself is good, "we will stand upon the naked fact that our rule prohibits us to put it upon the bill," is, I think, putting us in a very weak, indefensible attitude.

I say this legislation ought to be considered with reference to its merits. I say that we ought not to stand arbitrarily upon the rule and say to a co-ordinate branch of the Legislature which has done its duty according as it understands it to be and in accordance with its own rules, that we will enforce our rule in such a way as not only to prevent them from accomplishing what they desire but that too without discussion as to the merits of that which they propose to us. Their dignity is equal to ours; their responsibility is equal to ours. It is not fair treatment to a co-ordinate branch of this Government to say simply that we refuse concurrence in the proposition that they send to us, because we have got a rule which limits what we ourselves may do, and we will not permit them to do that which they deem to be proper, and estop ourselves from considering it upon its merits.

Mr. ALLISON. I desire to say one word with reference to this legislation which I omitted to say when first up. The bill which I hold in my hand contains ninety-one printed pages. It embraces every variety of appropriation for every Department of this Government. Its detail requires minute and careful examination. It was read for the first time at our Secretary's desk last Saturday—one week ago this day. It was then ordered to be printed. It came to the Committee on Appropriations for the first time on Monday morning of this week. It embraces within its provisions five different topics of legislation, which, under the ordinary rules of procedure of this body, would be considered by five different committees of this body—the Committee on Public Lands, the Committee on Military Affairs, the Committee on Naval Affairs, and so on. Not one of those committees has given the Committee on Appropriations a single indication, during either the last session or this, that a single measure proposed in the bill by the House is necessary legislation. No petition, no memorial, no resolution of this body, no remarks of any Senator on this floor indicated that any one single item on this bill with reference to the legislation upon it should be considered by the Senate at this session. We were confronted when we came to examine this question with all the complicated legislation with reference to our homestead laws, with reference to the timber-culture acts, with reference to our pre-emption laws which have stood upon our statute-book uncontested for forty years.

Mr. BECK. There are $3,000,000 of scrip outstanding.

Mr. ALLISON. And, as the Senator from Kentucky well advises me, by a series of acts passed during the last ten years, the Government of the United States, under existing law, has issued $3,000,000 of its own scrip for public surveys, and upon the face of that scrip has declared that it shall be receivable in payment of pre-emptions. Yet the bill by this singular provision strikes down the value of that scrip without making any provision with reference to it.

So the Committee on Appropriations did not feel in the hurry of the last week of the session that it could take up these great questions and consider them with reference to the legislation which is proposed by the House of Representatives. I make no doubt, and I do not question the fact, that they have matured this legislation; that in the judgment of the House of Representatives it is wise and just legislation; but our Constitution provides that before these questions shall be incorporated into our statute laws they shall pass through the ordeal and judgment of the co-ordinate branch with the House of Representatives, the Senate of the United States.

Therefore, the Committee on Appropriations did not feel itself able to recommend to the Senate whether this legislation was wise or unwise, and now, with the last hours of Congress expiring, in a conference committee we are asked to report to the Senate as conferees amendments to these measures of legislation with reference to all these great questions.

For that reason the committee on the part of the Senate have presented these grave questions to the consideration of its associates for the purpose of ascertaining their judgment, and I am glad to know that they are in such unanimity of sentiment with reference to the difficulties which surround us.

I hope that the House will be notified that we are willing to make another effort to come to an agreement.

Mr. CONGER. There seems to be a desire to have the opinions of Senators upon some of these propositions and not to prolong the debate farther. I wish to say, so far as the repeal of the pre-emption laws is concerned, that a petition by telegraph at the last meeting in the Western States, sent to me within the last two or three days, represents some 35,000 people gathered together to remonstrate against that repeal.

Sir, I have lived all my life of manhood in the midst of a people more than one-half of whom own their farms, who have bought them and lived upon them under the pre-emption law of 1841 and the amendments since that time. It has become a part and parcel of the patrimony of the people that they may go under those laws and find homes. This changes the whole system of forty-two years' experience in that country. This compels the pre-emptor under the pretended homestead clause to wait two and a half years before he can perfect title.

I will not say it, but from what I do know about it I believe that the origin of this attempt to repeal the pre-emption laws of the country exists in the desire of speculators in land, pine lands, river lands, in the fair lands, to prevent pre-emptors from getting homes upon them, and enabling the speculator to lay his hand in the future upon the vast pine lands of the North and upon all the valuable places along the rivers in the arid countries of the West.

That is what I believe, and I say as my opinion here, and I believe I shall be joined by many Senators, that if by some misfortune, if by some error of judgment or lack of resolution, if by some loss of backbone or some weakness of knee-pan, the committee of the Senate should yield in this matter and report a conference agreement to repeal the pre-emption laws, to compel the soldier to release his pension to comply with several of the provisions of this bill, there are many in the Senate who rather than see such a law passed would exercise the gifts of speech they may have until the constitutional limit of this Congress cut off the possibility of the passage of such a law as that.

Even if the committee of conference should agree, I do not fear the passage of a conference report striking down the pre-emption laws. There is power in individuals and there is power in the Senate to prevent its passage in the next sixteen hours, and, thank God, time can come and prevent such an enormity as the repeal of these laws and the change of the pension law to the soldier who is invited to the home of the soldier in this nation.

Those are my sentiments about this matter; and whether it be to stand by the committee of conference in insisting upon the amendments of the Senate striking out these clauses, or whether it be to occupy the time that they may yield to prevent the passage of the bill, they have my views upon the necessity of it in either case, and I am but one of several others who have expressed the same opinion.

Mr. FRYE. There will be no trouble in finding Senators to occupy the time.

Mr. CONGER. The Senator from Maine says there will be no trouble, whatever this committee may do, to occupy in a patriotic manner the few hours remaining after that committee shall report, to prevent the passage of such provisions into law.

Mr. INGALLS. I do not rise to prolong the debate. It would not be in order, I suppose, to instruct the conferees of the Senate, because in that event their conference would be no longer full and free. I hope, however, the conferees on the part of the Senate will understand that it is the unanimous opinion of the Senate that they should adhere to the amendments of the Senate with regard to the sale of military reservations, pensions to occupants of soldiers' homes, the items with regard to naval expenditures, the proposed repeal of the pre-emption laws, and the ratification of the Sioux agreement. I give notice that if they return and report another disagreement, I shall present an ultimatum in the shape of a motion that the Senate adhere.

Mr. GARLAND. My motion is that the Senate insist on its amendments and ask for a further conference.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate insist on its amendments to the sundry civil bill and ask for a further conference. [Putting the question.] The ayes have it. The Chair will appoint the same conferees.

Mr. BAYARD. I hope the Chair will announce that it was the unanimous voice of the Senate.

The PRESIDING OFFICER. There was no dissenting voice whatever. The Chair appoints Mr. ALLISON, Mr. HALE, and Mr. BECK as the conferees on the part of the Senate.

BULLETINS OF THE BUREAU OF ETHNOLOGY.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 3,000 copies each of the bulletins of the Bureau of Ethnology of the Smithsonian Institution Nos. 1 to 12, inclusive, with the necessary illustrations, for the use of the Bureau of Ethnology.

REPORT OF COMMISSIONER OF EDUCATION FOR 1881.

Mr. ANTHONY. There is a resolution of the Senate returned from the House in regard to the publication of the report of the Commissioner of Education. I ask that it be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the

Senate for the printing of the report of the Commissioner of Education for 1881, which were:

In line 4 of the resolution to strike out "four" and insert "six."

In line 5 to strike out "eight" and insert "twelve."

In line 6 to strike out "twenty" and insert "five."

Mr. ANTHONY. I move that the Senate disagree to the amendments, and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. GORMAN, and Mr. BLAIR were appointed.

COMMITTEE SERVICE.

Mr. BROWN. Mr. President, the Senate has imposed upon the Committee on Education and Labor the duty of conducting some very important investigations during the vacation, and the further duty of taking testimony in regard to subjects connected with American labor. It will not be in my power as a member of the committee to attend to those duties during the vacation, and I ask to be excused from further service on the committee during that period, and that another Senator who will have the time to devote to the discharge of those duties be substituted in my place.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BROWN] asks to be excused from service upon the Committee on Education and Labor. The Chair hears no objection, and leave is granted. The Chair appoints the Senator from Florida [Mr. CALL] in place of the Senator from Georgia [Mr. BROWN].

TERRITORY OF ALASKA.

Mr. HARRISON. Mr. President, I wish to ask consent of the Senate to take up the bill for the organization of a provisional government in the Territory of Alaska. As it is known to Senators, we have absolutely no civil government in that vast Territory now. There is already a considerable population, and one that will be greatly increased during the coming season. If there is no objection, I should like to call up the bill reported by the Committee on Territories and offer in its place a substitute which provides not for a full Territorial organization, but for the necessary executive and judicial officers, in order that there may be some security to life and to property in that Territory.

Mr. HOAR. I make no objection to the very important measure which the Senator from Indiana has called up; but after that I give notice that I shall insist on the regular order, which is proceeding with the Calendar of House bills under the rule of the Senator from Ohio [Mr. SHERMAN].

Mr. HARRISON. I will state to the Senator from Massachusetts that I am sacrificing myself a very decided preference for the Calendar because of the importance of this bill which I now present.

Mr. HOAR. I thought if I gave the notice now I should not seem ungracious to the next Senator who asked for a similar favor. I entirely accord with the Senator from Indiana.

Mr. FRYE. The shipping bill is of more importance to this country than the bill providing for a Territorial government in Alaska.

Mr. SHERMAN. I call for the regular order.

The PRESIDING OFFICER. The regular order is House bills reported favorably. The first is Order of Business 1134, being House bill 7240.

DISTRICT REAL-ESTATE ASSESSMENTS.

Mr. INGALLS. House bill 6930 was passed over at the suggestion of the Senator from Maryland [Mr. GORMAN]. It is Order of Business 1130. It was reported adversely from the fact that it was incorporated in the bill of the House 6929, Order of Business 1129, which proposes to revise the entire tax system of the District. This bill, which was reported by the Senator from South Carolina [Mr. BUTLER], merely proposes to levy an assessment on the real estate in the District for the year 1883 and every third year thereafter, and there is no objection to its consideration. It is very important that it should be passed. I ask that it may be taken up.

Mr. SHERMAN. I hope the Senator will allow the bill that has been taken up to be passed.

Mr. INGALLS. There has been no bill taken up and this is the next in order, and under the Senator's own resolution I ask that we proceed with this bill.

Mr. SHERMAN. A bill has been announced as being up.

Mr. INGALLS. Announced out of order.

Mr. SHERMAN. No, announced as next in order.

The PRESIDING OFFICER. The Chair thinks the Senator from Kansas has the right to call up a bill which was passed by informally.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6930) to levy an assessment of the real estate in the District of Columbia in the year 1883, and every third year thereafter, for purposes of taxation.

Mr. PLUMB. I offer an amendment to come in between section 14 and section 15:

That in the payment of delinquent taxes assessed under the provisions of this act, drawbacks heretofore issued in pursuance of law shall be receivable in payment thereof.

Mr. GORMAN. I trust that amendment will not be adopted.

Mr. ALDRICH. It should not be adopted.

Mr. GORMAN. This bill is for the assessment of property in the District of Columbia, and has nothing whatever to do with the collection of taxes. The amendment offered by the Senator from Kansas [Mr. PLUMB] opens up a very wide question about drawback certificates heretofore issued, about which there is great controversy. The effect of the amendment will necessarily be, in my judgment, to destroy the bill and also to do a very great injustice to the tax-payers of this District.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. DONOHOE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7240) for the relief of William H. Donohoe. It provides for the payment to William H. Donohoe, late a private in detachment of the Signal Corps, of $300, for the balance of veteran bounty due him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUPLICATE SAN FRANCISCO MINT CHECKS.

The bill (H. R. 3220) to ratify the issuance of duplicate checks in certain cases by the superintendent of the mint of the United States at San Francisco, was read.

The preamble recites that Henry L. Dodge, as superintendent of the United States mint at San Francisco, did, on January 13, 1881, draw three checks upon the assistant treasurer of the United States at New York, all dated on that day, and all payable to Robert B. Hill, or order, one for $20,000, one for $19,500, and one for $2,500, which were delivered to Hill in purchase of silver bullion for the United States; that it was thereafter made to satisfactorily appear to Dodge that these checks had been, in due course of business, sold, assigned, and delivered to Wells, Fargo & Co., a banking and express corporation, having an office at San Francisco, and that after such sale and delivery, and while in the custody of the corporation, the checks had been destroyed by fire; and that thereafter, on the 25th of February, 1881, upon the application of the corporation, Dodge, as superintendent, did issue and deliver duplicate or second originals of all three of said checks. The bill therefore ratifies and confirms all acts of Dodge, as such superintendent, in issuing these duplicate checks, but the corporation is, within three months, to execute and deliver to the Secretary of the Treasury a bond, with sufficient sureties, to be approved by the assistant treasurer of the United States at San Francisco, conditioned to indemnify the United States against any loss or damage that may arise by the issuance of these three duplicate checks.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WAR DEPARTMENT CONTRACTS.

The bill (H. R. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department, was considered as in Committee of the Whole. It proposes to amend chapter 58 of volume 20 of the United States Statutes at Large, entitled "An act to authorize the Secretary of War to prescribe rules and regulations to be observed in the preparation, submission, and opening of bids for contracts under the War Department," by striking therefrom everything following the words "War Department" and substituting for the part of the act so stricken out the following words:

And he may require every bid to be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond, with good and sufficient sureties, to furnish the supplies proposed or to perform the service required. If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor or guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons.

Mr. SEWELL. This is a bill relative to the character of the bonds given under contracts for furnishing supplies to the War Department, conforming them to those given in the Navy and Post-Office Departments. There is a report in the case; but as this is a bill prepared by the Department and recommended by the Secretary of War, I take it there is no practical necessity for having the report read.

Mr. HOAR. It seems to me that this is a very improper way to describe a statute. There is no such thing as volume 20 of the Statutes at Large. That is a mere binder's mark on the outside of the volume. There are a half dozen years and a half dozen chapters 58 in some volumes of the statutes.

Mr. SEWELL. Will the Senator from Massachusetts allow the report to be read? It will explain the case.

Mr. HOAR. I am speaking of the title of the bill and the description. Volume 20 of the Statutes at Large contains the statutes for the years 1877 to 1879 inclusive. Each session has chapter 58; and there is no authority for publishing these in such volumes.

Mr. SHERMAN. I think the title of the act amended is given in the body of the bill.

Mr. HOAR. Let the description be read again.

The Acting Secretary read as follows:

That chapter 58 of volume 20 of the United States Statutes at Large, entitled "An act to authorize the Secretary of War to prescribe rules and regulations to be observed in the preparation, submission, and opening of bids for contracts under the War Department," be amended by striking therefrom everything following the words "War Department," and substituting for the part of the act so stricken out the following words——

Mr. HOAR. There is no necessity for reading further. If the Senator from New Jersey regards this as an important bill, as the subject-matter is apparent in the body of the bill, although the same mistake occurs both there and in the title, I will not insist, on the last night of our session, upon having it go back to the House to be lost perhaps on such an objection; but it is a very slovenly and vicious kind of bill that the House have sent us.

Mr. SEWELL. I think the bill is sufficient to identify the statute referred to.

Mr. HOAR. I will not insist, if nobody else does, on sending it back.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIXED COMMISSION WITH VENEZUELA.

The joint resolution (H. Res. 277) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in line 12, after the word "as," to strike out "the claimants may offer" and insert "may be material;" so as to read:

Which commission shall be authorized to consider all the evidence presented before the former commission in respect to claims brought before it, together with such other and further evidence as may be material.

Mr. LAPHAM. On consultation with the members of the committee we have concluded, as the amendments reported are merely formal, that it is better they should be disagreed to and the resolution passed as it came from the House. I hope this amendment, therefore, will be rejected.

The amendment was rejected.

The next amendment of the Committee on Foreign Relations was, in line 21, before "awards," to strike out "said" and insert "such."

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

POST-ROUTES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7327) to establish certain post-routes.

Mr. CONGER. I suppose there is no necessity for reading all of that bill, but I should like to have the last route under the head of "Michigan" read.

Mr. HALE. I think the rule of the Senate requires all bills to be read.

Mr. COCKRELL. Let the bill be read.

The Principal Legislative Clerk proceeded to read the bill till reaching the first amendment reported by the Committee on Post-Offices and Post-Roads, which was, under the head of "Alabama," in line 8, to strike out "Attalla" and insert "Atalla."

Mr. MAXEY. Let the amendments be considered as agreed to unless objection is made.

Mr. SHERMAN. Let the bill be read as amended.

The PRESIDING OFFICER. The amendments will be stated as they are reached in the reading.

Mr. COCKRELL. Let all the amendments under each State be adopted at once.

Mr. SHERMAN. As this bill has been printed and lies on our tables and is manifestly a formal matter, I move to dispense with its reading. This has been done a dozen times.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BECK. I have offered before a substitute for this bill; I intend to offer it again, and the Senate can vote it down if it pleases. If there ever was a bill that is a farce year by year it is this bill; and the very suggestion made by the Senator from Missouri clearly shows it. I move to strike out all after the enacting clause and insert:

That the Postmaster-General is hereby authorized to place such mail facilities on the several highways established by law in the States and Territories as the public interest in his judgment requires.

That is all there is of the bill, or ever was in it.

Mr. GARLAND. I agree with the Senator from Kentucky; but the difficulty about that is that we are now acting on a House bill and we had better not touch that. If we send it back we shall probably get nothing.

Mr. BECK. I did not think of that. I beg pardon. I withdraw the amendment.

Mr. SHERMAN. I think we had better dispense with the reading.

The PRESIDING OFFICER. The Chair hears no objection. The question is on the amendment of the Committee on Post-Offices and Post-Roads, which are printed with the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HILL. I offer from the committee the following amendment——

Mr. COCKRELL. I understood the Senator to say there would be no amendments offered to this bill, but they would be to the next bill.

Mr. HILL. Except three amendments to correct misspelled words.

Mr. COCKRELL. Very well.

The ACTING SECRETARY. Under the head of "Kentucky," in line 180, after the word "to," it is proposed to strike out "Eagle" and insert "Engle;" so as to read:

From College Hill to Engle.

The amendment was agreed to.

Mr. HILL. In line 193, I move to strike out "Whitley C. H." and insert "Williamsburgh;" so as to read:

From Williamsburgh, via Mullis and Evans, to Carpenter.

The amendment was agreed to.

Mr. HILL. In line 265, I move to strike out "Baldwin" and insert "Baldwyn;" so as to read:

From Baldwyn to Ryan's Well.

The amendment was agreed to.

Mr. HILL. In line 501, I move to strike out "Ungelina" and insert "Angelina;" so as to read:

From Rockland, via Worden's Ferry, on the Angelina River, to Boren Mills.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HILL. There is a supplementary bill of the same character which I desire to have taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7679) to establish certain post-routes.

The PRESIDING OFFICER. The reading of the bill will be dispensed with, unless there be objection. The question is on the amendments of the Committee on Post-Offices and Post-Roads, printed with the bill.

The amendments were agreed to.

Mr. HILL. I submit the following amendment: After line 75, under the head of "Florida," to insert:

From Lake Eustice to Tavarez.

The amendment was agreed to.

Mr. HILL. Under the head of "Michigan," after line 162, I move to add:

From Alpena to Thunder Bay Island, via Sugar Island.

The amendment was agreed to.

Mr. HILL. Under the head of "Minnesota," after line 188, I move to insert:

From Evansville, in Douglas County, via Elbow Lake, to Herman, in Grant County, Minnesota.

The amendment was agreed to.

Mr. HILL. After line 215, under the head of "Missouri," I move to insert:

From Cuba, Crawford County, Missouri, to T. E. Renick's farm, in Franklin County, Missouri, on Bourbois River.
From Sedalia to Lookout, in Pettis County, Missouri.

The amendment was agreed to.

Mr. HILL. Under the head of "Nevada," after line 221, I move to insert:

From Genoa to Alda Mill, in Red Cannon mining district.

The amendment was agreed to.

Mr. COCKRELL. Under the head of "Missouri," in line 208, I move to strike out "Weanbleau" and insert "Weaubleau;" so as to read:

From Wheatland to Weaubleau, Hickory County.

The amendment was agreed to.

Mr. HILL. After line 258, under the head of "North Carolina," I move to insert:

From Sutton's to Hall's Cross-Roads, in Franklin County.
From Wilmington to Myrtle Grove Sound.

The amendment was agreed to.

Mr. GORMAN. I offer the following amendment: On page 5, after line 170, under the head of "Maryland," I move to insert:

From Poplar Springs, via Florence and Daisey, to Woodbine, in Howard County.
From Farlie to Mills' Cross-Roads, to Hainesville, to Werlin Station, in Kent County.

The amendment was agreed to.

Mr. HARRIS. On page 13, under the head of "Tennessee," after line 298, I move to insert:

From Gas to Boonshill.
From Sumac to Young.
From Bolivar, via Pine Top, Minnie, Montezuma, to Henderson.

The amendment was agreed to.

Mr. SLATER. I move to amend, on page 12, under the head of "Oregon," by inserting after line 271:

From Howard's to Mitchell's.
From Baker City, via Lenox's, Biggs', O'Brien's, and Clover Creek, to Lagrange.

The amendment was agreed to.

Mr. COCKRELL. Under the head of "Missouri," after line 215, I move to insert:

From Long Branch to Rome, in Audrain County.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BROWN. It seems to me there are two or three of the printed bills here, and it is difficult to get at the facts exactly as to what bill we are acting on. I move, under the head of "Georgia," after line 91, to insert:

From Gaddistown to Canada.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT RELIGIOUS CORPORATIONS.

The PRESIDING OFFICER. Under the order adopted the Senate will proceed with the consideration of House bills on the Calendar.

The bill (H. R. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia was considered as in Committee of the Whole. It proposes to amend sections 534, 536, 537, 541, and 542 of the Revised Statutes of the United States relating to the District of Columbia so as to read respectively as follows:

SEC. 534. Such society or congregation may assume a name, and any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed, may be elected or appointed according to the rules or discipline governing the church or denomination to which said society or congregation may belong.

SEC. 536. The trustees shall hold office during the period stated in their certificates, and vacancies in the office of trustee may be filled by election or appointment as provided in section 534; and rules and regulations may be adopted in relation to the management of the estate and the duties of trustees, or for their removal from office, in accordance with the rules or discipline governing the church or denomination to which such society or congregation may belong, not inconsistent with the Constitution of the United States and the laws in force in the District.

SEC. 537. At the expiration of the term of service of any of the trustees, one or more successors may be elected or appointed, as provided in section 534, and a certificate of their appointment or election shall be made, verified, filed, and recorded as provided in section 535.

SEC. 541. The trustees shall have power, under the direction of the society or congregation or the authority by whom they were elected or appointed, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations, and bequests shall be appropriated and used as directed by the person making the same.

SEC. 542. The trustees shall have power, under the direction of the society or congregation or the authority by whom they were elected or appointed, to execute mortgages, or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold, or to lease the same for a term not exceeding ten years. And such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARZEL ALTMANN.

The bill (H. R. 832) for the relief of Marzel Altmann was considered as in Committee of the Whole. It proposes to authorize Marzel Altmann to enter one hundred and sixty acres of public lands, or less, in a body, in any of the land districts in the State of Minnesota, as a homestead, after a *bona fide* residence of six months thereon, and subject to all the provisions of the homestead act except as to limit of time of residence thereon.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PRINTING OF INTERNAL-REVENUE AND TARIFF BILL.

Mr. MORRILL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed in pamphlet form 1,500 copies of the act passed at the present session entitled "An act to reduce internal revenue, and for other purposes," for the use of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That A. S. Meguire have leave to withdraw from the files of the Senate all of the papers in the claim of Thomas J. League.

DAMAGES IN PATENT-INFRINGEMENT CASES.

The bill (H. R. 6018) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents, was announced as next in order.

Mr. GORMAN. I object to the consideration of that bill.

Mr. HARRISON. Do I understand the Senator from Maryland to object to the consideration of the bill?

Mr. GORMAN. Yes, sir.

Mr. HARRISON. Then I move that the Senate take up the bill notwithstanding the objection.

Mr. LOGAN. That can not be done under the order.

Mr. HARRISON. Certainly we can do it.

Mr. HOAR. Not under the Sherman order.

Mr. FRYE. That can not be done under the rule adopted.

The PRESIDING OFFICER. The Chair thinks this point has not been raised before.

Mr. HARRISON. I do not think there is anything in the rule to interfere with the control of the Senate over a bill which is reached in regular order.

The PRESIDING OFFICER. The rule is to consider House bills and House resolutions which have been reported favorably and which are on the Calendar. It is governed by the Anthony rule; and if objection is made to the consideration of a bill it can be proceeded with by a majority.

Mr. HOAR. I do not want to interfere with this bill, because I am bound not to do so; but I think the Chair is wrong in his ruling. The Anthony rule provided expressly that there should be a certain order of business unless otherwise ordered. It is that which authorizes a Senator to move to proceed to a matter that is objected to under the Anthony rule. The Sherman rule made no such exception; but the Sherman rule required that we should go on with the House bills unobjected to in their order.

The PRESIDING OFFICER. It does not say "unobjected."

Mr. HOAR. I understand it was that we should go on with House bills, and then——

Mr. HARRISON. If the Senator from Massachusetts will allow me, I thought he was to make an argument——

Mr. HOAR. I did not object to the bill. I hope the Senator will have consent to its consideration.

The PRESIDING OFFICER. Here is the Sherman rule, and not a word is said on the subject of an objection. The Senate is to proceed to the consideration "of House bills reported favorably, commencing at the point reached when the Calendar was last under consideration." There is nothing said about unobjected cases.

Mr. HOAR. There was a subsequent unanimous consent at a later period that the right of objection should attach under the Sherman rule.

The PRESIDING OFFICER. When was that done?

Mr. HOAR. After the Sherman rule was adopted.

The PRESIDING OFFICER. That may have been done when the present incumbent was not in the chair.

Mr. GORMAN. An amendment was adopted to that effect this morning, on motion of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. The Senator from Indiana can object to every other bill on the Calendar and finally reach this.

Mr. HARRISON. How can I reach it by objecting to everything?

Mr. HOAR. You can then get this up.

Mr. HARRISON. I can move to take this up in competition with every other Senator's motion to take up something else. I insist on my motion, and I wish to say just a word or two upon it.

This is a bill in which the people, certainly of the Western States, have a very vital interest. It is known to every Senator, especially of the Western States, that our people have been subjected to a most intolerable grievance and outrage in connection with these patent suits. There are pending now in the United States circuit court of my State a large number of such cases. They are brought against farmers and others who purchase innocently small patented articles. In the great majority of cases in the courts the amount claimed in the way of damages is not more than $10, and yet persons living two hundred miles from the place where the Federal court is held are sued by the owners of patents for the pittance of $10, when the marshal's fee for serving the writ is twice as much as the amount of damages demanded in the action.

So gross has been this outrage and so oppressive is this practice that it is bringing the Federal jurisdiction into disrepute with many people in the West.

I ask the Senate now to sustain me in an effort to pass this bill. I am not asking to go to extremes in this matter; I am not asking for legislation that will not recognize the fair and just rights of inventors. I believe in securing to the men whose genius and thought devised these great inventions, or even the smaller ones, fair compensation; but I do not believe that the law should tolerate any longer a practice so unjust

and oppressive as this is. I ask the Senate to sustain me in having present action upon the bill, that we may secure against any recovery for costs at least men who are prosecuted under these circumstances.

Mr. GORMAN. Mr. President——

Mr. LOGAN. Let the bill be read, Mr. President, so that we may understand the debate in reference to it.

Mr. GORMAN. I was simply going to say that in my judgment this bill involves a very great question, which ought to be carefully considered. There are a great many rights covered by it. I think, under the rule adopted this morning, other bills to which a single objection has been made have gone over without the slightest controversy.

The PRESIDING OFFICER. What was the rule adopted?

Mr. GORMAN. During the morning hour the Senator from Massachusetts [Mr. HOAR] moved that the Anthony rule be applied to all bills that come up under the order offered by the Senator from Ohio [Mr. SHERMAN], and under that a single objection disposes of any bill.

The PRESIDING OFFICER. If the Anthony rule was applied to it the whole provision of the Anthony rule would apply, and that allows a majority to take up a bill notwithstanding an objection.

Mr. GORMAN. I do not desire to obstruct legislation, and as the Senator from Indiana thinks that this bill is important and that it can be considered to-night I withdraw the objection.

Mr. LOGAN. Let the bill be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6018) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents.

The bill was reported from the Committee on Patents with an amendment to strike out all after the enacting clause and insert:

That in any suit hereafter brought, in any court having jurisdiction in patent cases, for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and not for sale, and not in any manufacturing process, if the plaintiff shall not recover the sum of $20 or over he shall recover no costs against the defendant, unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit: *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States.

SEC. 2. That in all suits hereafter brought as aforesaid against a defendant other than a manufacturer or seller of such patented article, device, process, invention, or discovery, the plaintiff shall, at the commencement of such suit, deposit with the clerk of the court in which the same is commenced the sum of $50 as security for the costs and expenses of the defendant in such suit; and if the defendant shall finally prevail in such suit the court shall allow costs, and a reasonable sum, not exceeding $50, for counsel to the defendant, the sum so deposited to be applied by the clerk toward the payment of said costs and counsel fee. A failure by the plaintiff to make such deposit shall, on motion, be ground for the dismissal of the suit.

Mr. HARRISON. I have some amendments to offer to the amendment of the committee. In line 12 of the first section, I move to strike out "twenty" and insert "fifty."

The amendment to the amendment was agreed to.

Mr. HARRISON. In lines 12 and 13, I move to strike out "he shall recover no costs against the defendant" and insert "the defendant shall recover costs."

Mr. PLATT. I regret that the Senator from Indiana feels it necessary to move this amendment. I sympathize entirely with him in his desire to prevent imposition upon the people of the country by those persons who are selling patented articles, but I am glad to say that the committee has considered this matter very carefully, and I believe that the amendment reported by the committee will effectually prevent it. I do not think the Senator from Indiana in his zeal, and smarting, perhaps under injuries which have been inflicted upon his constituents, ought to go so far as to destroy all property in patents or to put any burden on honest patentees which is too hard to be borne. I hope this amendment will not be adopted.

Mr. HARRISON. I do not care to make any argument upon it. It seems to me that the object of the amendment of the committee was to protect a person who bought a small article where the damage to be recovered would not be more than $50, if he was an innocent buyer.

Mr. HOAR. It seems to me that the committee has got a very severe system and an efficient remedy, especially with the amendment already made by the Senator from Indiana, without going further; and if you go further you will do a thing which is unjust in itself, and which is liable, to say the least, to very grave constitutional doubt.

The amendment provides that anybody who sues a person under a claim that he is infringing his patent must pay into court a sum of money to secure the defendant's costs. In the next place, if he does not recover more than $50 he does not get any costs himself; and he deposits $50 as security for the costs and expenses of the defendant. Then, in addition, you give this defendant what you give to no other defendant in the courts of the United States, an allowance for reasonable counsel fees, so as to make the plaintiff pay for the defendant's lawyer. Now, if you go further than that and say that a man who has got a good claim and who does not happen to prove quite $50 damages shall pay the whole costs, you have done what it seems to me is a very great injustice, and I think it is very doubtful in a constitutional point of view whether you can provide for the recovery of costs against a man to whom you gave a right to the exclusive use of his own invention by the Constitution. He has established his invention; he has established his right; and still you say he shall pay the costs provided he does not recover over so much.

There are cases where you give a man a choice of two or three courts and you say that if he brings suit in the Supreme Court when he has got a lower court, a magistrate's or a common pleas court, the plaintiff shall not recover costs because he has no right to go to this high court except on a suit of a certain amount and he makes his claim of damages there at his peril. But this is the only tribunal open to the patentee for a right which is clearly his by the Constitution, and which in the case supposed in the statute he establishes. It seems to me if you deprive him of costs, make him pay the defendant's lawyer, and make him deposit before he starts what you require of no other claimant, a sum of money, it is pretty harsh to go further and say that the other side shall recover costs against him.

Mr. HARRISON. I think the Senator misinterprets the provision we are now considering. Under the first section the plea of being an innocent buyer without notice would be simply a defeat of costs; it would not be an answer to the suit at all. It would simply be a plea or suggestion as to the recovery of costs in the case; and the provision as to attorney fees does not apply in that at all; it applies simply in a case where the party is defeated upon his claim for an infringement or for an unlawful use of a patented article and the defendant prevails on the merits. That is the only one case in which he can recover counsel fees under this bill.

Then it has no relation to what I am discussing in the amendment I propose in the other section, because the provision as to counsel fees does not apply to that class of cases; and unless the plaintiff in such a case is made to pay costs, the effect is this: he recovers the $20, $30, or $40, or whatever it may be; he sues a man who he knows is an innocent buyer and against whom he can not recover costs; puts him to the expense of summoning witnesses two hundred miles from where he lives to prove the fact that he bought innocently, and yet puts him in for his own costs. I do not think it severe to say that when that man sues in the Federal courts for a petty cause of action like this he shall pay the costs unless he recovers enough to show that the action was really proper to be brought. If a man brings an action in one of the circuit courts in a county in Indiana, when he could sue in the defendant's township before a justice of the peace, he would have to pay the costs.

Mr. HOAR. But I suppose Indiana, like every other State, affords a man a tribunal where if he has a good claim he can establish it.

Mr. HARRISON. Certainly; the local tribunal.

Mr. PLATT. May I ask the Senator from Indiana a question?

Mr. HARRISON. Yes, sir.

Mr. PLATT. Does the Senator know of any instance in our laws where a person recovering not more than a certain sum for damages shall be obliged to pay costs to the defendant, although on the merits the plaintiff prevails? Does he believe that such a provision is clearly constitutional? I know he does not want to get any unconstitutional provision into this bill, for that would simply defeat his object.

Mr. HARRISON. I see nothing in the world unconstitutional about this. The provision is only that if a man sues in a certain jurisdiction and does not recover a certain amount he shall pay the costs. Many of the States have such provision in their laws. It is true, as the Senator from Massachusetts has said, that under our State laws another opportunity is afforded him; but under the patent laws there is none. That is the very trouble. If these suits could be prosecuted in the immediate neighborhood where the men live, the burden would not be so great as it is now. It is absolutely a judicial outrage to bring a man one hundred and fifty or two hundred miles to answer in the Federal courts for a small sum like this.

Mr. HOAR. I have given great thought and study to the endeavor to devise a fair and just remedy which shall cut up by the roots the abuse of which the Senator from Indiana complains; but I admit very frankly that I approach this question from the point of view of a person representing inventors and patentees, and largely sympathizing with them. Representing or sympathizing with an honest patentee I hope does not lead anybody of a fair and just mind to sympathize with a blackmailer. I only want to look out for common justice to that class of men who I am sure the Senator from Indiana will join with me in demanding ought to have their just and fair rights; that is, the honest inventors. The defendants in the suits where honest inventors' patents are infringed are not poor farmers, are not men at a distance from the places where the courts are held, are not men unable to employ lawyers; they are great and powerful corporations, railroad and manufacturing companies who desire to take without compensation the product of the brains of these inventors.

Mr. HARRISON. I say to the Senator that that class of persons will get no protection under the bill as it is.

Mr. HOAR. It seems to me that the amendment reported by the committee is sufficiently strict, and that the Senator from Indiana would insure the passage of the bill without resistance here or in the other branch of Congress if it goes there, if he could possibly concur with the committee in not presenting this part of his amendment, which seems to us unjust.

Mr. HARRISON. I have yielded to the committee a great deal. I am not sure that the sense of the Senate would not accept the House bill as it stood; but I am not pressing that point and I do not desire to argue this further. I ask a vote of the Senate on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the Committee on Patents.

The amendment to the amendment was rejected.

Mr. HARRISON. I offer another amendment. In line 15 of section 1 I move to strike out the word "actual" before "notice" and insert it before the word "knowledge;" so that it will read "had actual knowledge or notice of the existence of such patent."

Mr. EDMUNDS. That makes it better undoubtedly.

Mr. PLATT. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. HARRISON. One other amendment. In line 16 of section 1, after the word "patent," I move to insert "and that the article or thing purchased or used by him was an infringement of such patent."

Mr. HOAR. How could he know a profound question of law?

Mr. PLATT. I hardly think the Senator from Indiana on reflection will insist upon that. It seems to me it is going entirely too far. If he has knowledge of the patent he ought not to come in and claim to be an innocent purchaser.

Mr. HARRISON. Let me illustrate what the question is. The suits with which our people are most troubled are the driven-well suits. The question there was one of infringement between two patents. The Supreme Court of the United States recently, only eight judges sitting, divided four and four on the question whether the patent used infringed on Green or whether his was the better patent. Some persons may know that Green had a patent; but are they to be charged as not having bought innocently unless they know there is an infringement and that the article they are buying is an article that the dealer has no right to sell?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON] to the amendment of the committee.

Mr. HARRISON. On that I ask for a division.

Mr. HOAR. Let the amendment be read.

The ACTING SECRETARY. In line 16 of section 1, after the word "patent," it is proposed to insert "and that the article or thing purchased or used by him was an infringement of such patent."

Mr. HOAR. I suggest whether something like this would not be nearer what the Senator claims: "And of the claim that such use was an infringement of the same?"

Mr. HARRISON. I have no objection to that?

Mr. PLATT. Very well; let the amendment be modified in that way.

The PRESIDING OFFICER. Will the Senator from Massachusetts state his proposition?

Mr. HOAR. After the word "patent," in line 16 of section 1, insert "and of the claim that such use was an infringement of the same."

The PRESIDING OFFICER. The Senator from Indiana accepts the modification of the Senator from Massachusetts.

Mr. HOAR. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana as modified to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HARRISON. One other amendment. In section 2, lines 7, 8, 9, and 10, read:

> And if the defendant shall finally prevail in such suit, the court shall allow costs, and a reasonable sum, not exceeding $50, for counsel, to the defendant.

I do not think there should be any provision there for the recovery of costs. That follows as a matter of course, and it might be a limitation on the preceding section. I move to strike out the words "costs and;" so as to read "the court shall allow a reasonable sum." Of course he recovers costs if he prevails.

Mr. PLATT. There is no objection to that.

Mr. HARRISON. And put in the word "fee" after "counsel."

Mr. PLATT. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HOAR. Now I desire to give notice that during the consideration of the remaining House bills on the Calendar reported favorably I shall insist that the effect of the order of the Senate is that one objection carries a bill over; that it is subject to the five-minute rule of debate, and that it is not in order to move to take up a bill, notwithstanding the objection, until the Calendar is completed.

The PRESIDING OFFICER. The Chair inquired of the Reporter, and he said his notes showed that the Anthony rule was applied to the Sherman order, and the Chair thinks if it applies in one respect it applies in all.

Mr. SHERMAN. I do not think the question will arise.

Mr. HOAR. When the question arises I will state my view.

The PRESIDING OFFICER. The present occupant of the chair may not be here then; but the Chair in advance states that he understands the whole Anthony rule applies, not one portion of it alone. The Reporter says that was the motion adopted; and one part of the Anthony rule is that when a bill is objected to the Senate may proceed to consider it, notwithstanding the objection, by a majority vote.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. BENJAMIN BUTTERWORTH of Ohio, and Mr. JOSEPH C. S. BLACKBURN of Kentucky, managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;

A bill (H. R. 5653) for the relief of Kirk W. Noyes;

A bill (H. R. 5661) to modify the postal money-order system, and for other purposes; and

A bill (H. R. 7226) to punish larceny from the person in the District of Columbia.

EXTRADITION OF FUGITIVES FROM JUSTICE.

The bill (H. R. 7289) to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief-justice of said court, the powers and duties now conferred upon said chief-justice relative to the extradition of fugitives from justice was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERNEST F. UNLAND.

The bill (H. R. 3243) for the relief of Ernest F. Unland was considered as in Committee of the Whole. It provides for the payment to Ernest F. Unland, of Pekin, Illinois, of $796.71, being the amount paid by him in error on the 18th of October, 1880, into the United States Treasury, to effect a compromise of a judgment of forfeiture and costs held by the United States against the distillery and premises of the City Distilling Company of Pekin, the judgment and costs having already been quashed by executive pardon of August 24, 1880, granted to the owners of the distillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LICENSES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6928) to regulate licenses in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment.

The Acting Secretary proceeded to read the amendment, which was to strike out all after the enacting clause and insert a substitute.

Mr. HARRIS. I should like to suggest to the chairman of the committee, or to the Senator having this bill in charge, that it is hardly necessary to consume time in considering it, inasmuch as a substitute is reported for it. If the substitute be adopted and sent to the House no one can think for a single moment that it is possible for our amendment to be concurred in so that it may become a law. Hence I think we had better devote the time to other business.

Mr. MCDILL. I hope the Senator will not make objection.

Mr. ROLLINS. I hope we shall go through with the bill.

Mr. HARRIS. I will not interpose an objection.

The reading of the matter proposed by the amendment to be substituted for the House bill was resumed and concluded, as follows:

> That it shall be the duty of every person who is required by the provisions of existing law to have a license to sell liquor by retail, to be drunk on the premises, to keep the same at all times displayed in a conspicuous position in his place of business, and to exhibit the same on demand of the proper officer; and it is hereby made the duty of the major of police to see that no person required to have a license to sell liquor by retail to be drunk on the premises shall be engaged in such business without the proper license; and he is hereby authorized to direct any member of the police force to enter any premises where there are good grounds for believing that the provisions of law relating to the sale of liquor at retail to be drunk on the premises are being violated, for the purpose of ascertaining whether there is any such violation.
>
> SEC. 2. That every place, except kept by apothecaries, where distilled or fermented liquors, wines, or cordials are sold in quantities less than one pint, or to be drunk on the premises, shall be regarded as a bar-room, sample-room, or tippling-house. And the possession of distilled, fermented, or other intoxicating liquors, with the means and appliances for carrying on the business of disposing of the same, to be drunk where sold, shall constitute the premises a beer saloon, bar-room, sample-room, or tippling-house within the meaning of this act.

And no spirituous, vinous, or malt liquors shall be sold except in compliance with the provisions of this act, nor to minors, nor intoxicated persons, nor on Sunday, nor shall any bar or other place where liquors are usually sold be open on Sunday during any part of the day or night; and all such places shall be kept closed after 12 o'clock midnight and until 4 o'clock in the morning.

SEC. 3. That any person violating any of the provisions of this act shall be liable to a fine not exceeding $200, and in addition thereto his license may be revoked by the commissioners. And it is hereby made the special duty of the police department to promptly arrest and bring before the proper officers all persons who may violate any of the provisions of this act, and see that they are duly prosecuted to final trial and judgment.

SEC. 4. That the police court shall, upon complaint duly made before the judge thereof for that purpose, issue a warrant against any person for the violation of any of the provisions of this act, which warrant may be addressed to any policeman, and made returnable before the police court. Such judge issuing such warrant shall keep a docket, stating the names of the persons issued against, the date, to whom directed, for what offense, and on whose information.

SEC. 5. That the fines, penalties, and forfeitures provided for in this act shall be imposed by judgment or sentence in the police court upon information filed therein, on behalf of the District of Columbia, by the attorney of the District, or by his regular or special assistant, as nearly as possible in the mode prescribed in the act of Congress entitled "An act to establish a police court for the District of Columbia, and for other purposes," approved June 17, 1870.

SEC. 6. That in all informations it shall be sufficient to set forth, in brief and clear terms, the nature of the charge which may be preferred against any individual or individuals; and no information shall be quashed on account of misnomer, technicality, or mere clerical errors, where the matter complained of is stated so as to clearly indicate to the party accused the matter or thing which he is called on to answer; but all such errors may be amended in the police court, on motion, at the time of trial, or on appeal to the criminal court.

SEC. 7. That in any case of appeal from the decision of the police court to the criminal court of said District, in which the defendant shall on appeal be duly convicted of any violation of any of the provisions of this act, and shall fail immediately to pay or secure the payment of such fine, penalty, or forfeiture imposed by law for such offense, such person shall be committed to the workhouse till such fine or penalty and costs thereon be paid; but in no case, in the event of non-payment, shall such imprisonment be for a period less than five nor more than ninety days for any one offense.

SEC. 8. That all fines, penalties, and forfeitures imposed for any violation of any of the provisions of this act, upon information, filed as aforesaid, shall be collected and applied to the use of the District unless otherwise specially provided.

SEC. 9. That section 1 of an act entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," approved June 19, 1878, be, and the same is hereby, amended to read as follows: "That there shall be, and hereby is, levied a tax or license of $2 each per annum upon all dogs owned or kept in the District of Columbia, said tax or license to be collected as other licenses in said District are or may be collected; and it shall be unlawful for any person to keep or harbor any animal of the dog kind until he has complied with the provisions of this act; and any person so unlawfully keeping or harboring any dog shall, on conviction thereof, be liable to a fine of not more than $20 for each offense."

SEC. 10. That all acts and parts of acts inconsistent herewith are hereby repealed. And this act shall take effect from and after its passage. But it shall not be construed and held to release or extinguish any fine, penalty, forfeiture, or liability incurred under any other law or ordinance of the District of Columbia, but the same shall be prosecuted to final trial and judgment the same as if this act had never been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. MCDILL. I wish to amend section 3 by adding after the word "act," in the second line, the words "or any act relating to licenses."

The amendment to the amendment was agreed to.

Mr. MCDILL. I want to add the same words after the word "act," in the fourth line of section 4.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole as amended was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGES IN GEORGIA.

The bill (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK DRONEY.

Mr. DAWES. I should like to have put on its passage a House pension bill. It is Order of Business 1065, being the bill (H. R. 718) granting a pension to Patrick Droney. It was passed over. I will state to the Senate the exact condition of it. There was an adverse report in this case; but since it was made, the Senate in another case, upon full discussion and upon the yeas and nays, reversed the decision of the committee, and this is a case precisely like the one that has been passed by the Senate on the yeas and nays.

Mr. CAMERON, of Wisconsin. It does not follow that the Senate will adhere to its decision.

Mr. DAWES. I know; but if the Senate does not adhere, that will be the end of it. The report of the committee, which was adverse, was overruled by the Senate on full discussion and on the yeas and nays.

Mr. JACKSON. It was understood that adverse reports should not be taken up.

Mr. DAWES. I know it can not be done except by unanimous consent.

Mr. SHERMAN. I call for the regular order.

The PRESIDING OFFICER. The next House bill will be stated.

DES MOINES RIVER LANDS.

The bill (H. R. 6597) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes was announced as next in order.

Mr. GARLAND. I object to the consideration of the bill.

Mr. ALLISON. I hope the Senator from Arkansas will not object to the bill. It is a simple bill allowing these people to enter the courts. It affects a great many people in my State.

Mr. GARLAND. It is a simple bill that the Senate has sat down on three or four times.

Mr. ALLISON. I hope it will not sit down on it at this hour of the night.

Mr. GARLAND. I say that it will be debated here until 12 o'clock to-morrow, the time for the session to expire. I object to its consideration.

Mr. ALLISON. I move to proceed to its consideration.

Mr. LAPHAM. It will be impossible to dispose of this bill in the remaining hours of this session.

The PRESIDING OFFICER. Objection is made. The question is, Will the Senate proceed to the consideration of the bill, notwithstanding the objection? [Putting the question.] The noes appear to have it.

Mr. MCDILL. I call for a division.

Mr. FRYE. If this is taken up the rest of the Calendar is gone.

The question being put, the ayes were 11.

Mr. ALLISON. I call for the yeas and nays on the consideration of this bill.

The yeas and nays were ordered.

Mr. GORMAN. I raise the point of order that under the rule adopted this morning a single objection will cause any bill to be passed over.

The PRESIDING OFFICER. The Chair can not tell unless he sees everything that has been done.

Mr. SHERMAN. I hope the yeas and nays will be ordered, and then we can dispose of the bill in that way.

The PRESIDING OFFICER. If the point of order is withdrawn, the yeas and nays can be taken.

Mr. SHERMAN. We can dispose of it quicker by taking the yeas and nays than by discussing the point of order.

Mr. GROOME. The President *pro tempore* has ruled several times to-day that a single objection takes a bill over.

Mr. ALLISON. So it does, but I move to consider this bill notwithstanding the objection.

The PRESIDING OFFICER. The President of the Senate was here when the rule was adopted. The yeas and nays are demanded on taking up the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 33; as follows:

YEAS—20.

Allison,	Ingalls,	Mahone,	Sewell,
Cameron of Wis.,	Jones of Nevada,	Miller of Cal.,	Sherman,
Conger,	Kellogg,	Mitchell,	Tabor,
Harrison,	McDill,	Plumb,	Vance,
Hill,	McMillan,	Sawyer,	Van Wyck.

NAYS—33.

Blair,	Frye,	Lamar,	Rollins,
Brown,	Garland,	Lapham,	Saulsbury,
Call,	George,	Maxey,	Slater,
Camden,	Gorman,	Miller of N. Y.,	Vest,
Coke,	Groome,	Morgan,	Walker,
Davis of Ill.,	Harris,	Morrill,	Williams.
Davis of W. Va.,	Hawley,	Platt,	
Edmunds,	Hoar,	Pugh,	
Fair,	Jackson,	Ransom,	

ABSENT—23.

Aldrich,	Cameron of Pa.,	Hale,	McPherson,
Anthony,	Cockrell,	Hampton,	Pendleton,
Barrow,	Dawes,	Johnston,	Saunders,
Bayard,	Farley,	Jonas,	Voorhees,
Beck,	Ferry,	Jones of Florida,	Windom.
Butler,	Grover,	Logan,	

So the motion was not agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

A bill (H. R. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department;

A bill (H. R. 7240) for the relief William H. Donohoe;

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department;

Joint resolution (S. R. 139) authorizing the printing of 2,500 extra

copies of the report of the health officer of the District of Columbia; and

Joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports.

AMERICAN SHIPPING.

The bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen was announced as next in order.

Mr. COKE. This is a bill of considerable length, containing fifteen pages. It is an exceedingly important bill. It will lead necessarily to a great deal of debate, because it makes radical changes in the navigation laws; it changes a number of sections of the Revised Statutes, it makes changes in the tariff laws, and makes very general changes with reference to the entire subject of American shipping. I do not believe that such a bill as this should be taken up at this time of night. I do not believe that it can be examined properly in the time that intervenes between now and final adjournment. To take it up now and act upon it would not allow that consideration which the importance of the subject entitles it to receive.

I therefore, in view of these facts, while I dislike to make an objection, object to the consideration of the bill.

Mr. CONGER. I could not hear what the Senator from Texas said.

The PRESIDING OFFICER (Mr. DAVIS, of Illinois). He objects to the consideration of the bill.

Mr. FRYE. I hope the Senator from Texas will not object. I ask the Senator to hear me just one moment.

Mr. CONGER. I wanted to say a word.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. CONGER. I will give way in a moment. Preparatory to a motion to take up the bill, notwithstanding the objection, I desire to say that the House and the Senate at the last session by joint action appointed a joint committee to examine this matter, to listen to the complaints of shipping men and the requests of shipping men as to amendments of the law. That joint committee met and spent several days in taking the testimony and opinions of men on the subject of improvements in our shipping laws. They reported to the House and to the Senate by way of a bill and a report the result of their examinations. They spent a great deal of time in pursuance of the joint order of the two bodies. The House passed in an amended form the bill reported by the joint committee.

While the bill does not go to the extent which the select committee desired, still it does take up the subject of the burdens and imperfections of the laws and makes recommendations to Congress for an improvement of those laws.

This bill is the result of the House action upon the subject. The Senate Committee on Commerce, of which the Senator from Texas [Mr. COKE] is a member, were unanimous in their recommendation of the main provisions of the bill as the joint select committee were unanimous in reporting the bill which was presented to this body.

There are provisions in this bill which probably the Senate would not adopt. There is one provision in the bill with which the Senate would not concur, and a provision in the amendment of the Senate Committee to the bill which perhaps might not be agreed to. Aside from those two provisions, two sections of the bill, I do not think there is a single objection in the mind of any one whatever to the passage of the remaining portion of the bill.

I hope we may submit to the Senate the bill, make the amendments which the Senator from Texas and I desire, and send the bill back to the House for their concurrence in our amendments. I hope the objection will be withdrawn, and that we may take up the bill and see if we can not amend it so that it shall be satisfactory to all and become a law, and do that which we have been trying for years to do, pass some law for the benefit of American transportation and commerce on the high seas. This is a step in the right direction, and when properly amended, I think there will be no objection to it. There can be none except to those matters relating to the change of tonnage tax and the contracts for carrying the mails. I have heard no objection from any one except to those two provisions. With the exception of section 15, which relates to the tax on tonnage, and section 22, which relates to the carrying of mails, I have not been advised that there is any objection to any of the provisions of the bill, even by the Senator from Texas.

Mr. COKE. I ask the Senator if he is also willing to strike out section 14?

Mr. CONGER. That is the present law.

Mr. FRYE. That is existing law.

Mr. VEST. There is no doubt about that section. It is the law now.

Mr. COKE. Why re-enact it if it is already the law?

Mr. VEST. Because the committee thought the enactment ought to be consistent entirely and that the acts ought to be systematized and go together. That is no new enactment.

Mr. CONGER. There was a provision in the bill as reported by the select committee in addition to that section. The House struck that out and left the law just as it is, as I understand. Section 15 is one in which there are changes in regard to tonnage, and section 22 in regard to the carrying of the mails. I understood from the Senator from Texas and from others that with those two sections considered and perhaps stricken out, to all the other sections as yet there was no objection. I ask the Senator from Texas to withdraw his objection.

Mr. COKE. With the understanding that the section relating to tonnage and the section relating to postage shall be stricken out, I withdraw my objection.

Mr. CONGER. I can not say what the Senate may do, but I say for myself I am willing that these two sections shall be stricken out.

Mr. COKE. With that understanding I withdraw the objection.

Mr. CONGER. Now I will yield to the Senator from Maine [Mr. FRYE].

Mr. FRYE. The objection having been withdrawn, I do not wish to say anything.

Mr. CONGER. The Senator from Missouri [Mr. VEST] has charge of the bill.

Mr. FRYE. I will say to the Senator from Missouri that I feel an intense interest in the provision which the Senate committee have put on for the carrying of the mails; and also in section 15, relating to tonnage, but from inquiry, and careful inquiry, I have satisfied myself that if we put those two provisions into the bill it is the end of the bill. Therefore reluctantly I consent in behalf of the ship-building interests which I represent that those two sections may be taken out of the bill.

Mr. COKE. I make no objection to the consideration of the bill.

WILLIAM D. MARTIN.

Mr. HARRIS. I ask the indulgence of the Senator from Missouri and the Senate to allow me to make a report from a committee at this moment. The Committee on Finance, to whom was referred the bill (H. R. 3837) for the relief of William D. Martin, direct me to report it without amendment, and with the recommendation that it be passed.

The PRESIDENT *pro tempore*. Is there objection to the present reception of the report? The Chair hears none. Does the Senator from Tennessee ask for its immediate consideration?

Mr. HARRIS. No, sir; I simply desire that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

UTAH COMMISSION.

Mr. BROWN. I introduced the other day a resolution instructing the Public Printer to print the report and the rules and regulations in the case of the Utah commissioners. The Public Printer sent a messenger to see me about it, to know where he could get the rules and regulations and oaths prescribed by the Utah commissioners. I sent a message to the Secretary of the Interior asking for them, and he sent me a copy of what he had. I was able to procure from the Senator from Vermont [Mr. EDMUNDS], now in the chair, a pamphlet that he had bound, but he could not guarantee that they were really the regulations. I sent that to the Secretary of the Interior and had it compared, and I was unable to make out what was exactly the report. I want now to introduce a resolution instructing the Utah commissioners to report those facts, together with certain other facts that some of us think are essential, because we think they have transcended their legal boundary, and ask that they be instructed to make the report on the first Monday of December next.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to offer at this time a resolution. It will be read for information.

The resolution was read, as follows:

Resolved, That the Utah commissioners are hereby instructed to report to the Senate on the first Monday in December next all rules and regulations adopted by them, with copies of all oaths prescribed for voters and for all officials of every character in the Territory of Utah, together with all removals from office, if any, and all appointments to office made by them. And that they report whether by their order or direction or by virtue of any rule prescribed by them any person or persons in said Territory has or have been denied the right to vote or to hold office on account of the opinion of such person or persons on the subject of polygamy or bigamy, or as to the lawfulness of polygamy or bigamy. And that they report whether such cases not ordered by them have come within their knowledge in practice.

Resolved, That said commissioners are further instructed to report what number of persons, as nearly as they can ascertain, have been excluded from voting or holding office on account of the practice or the alleged practice of polygamy or bigamy, who have not been convicted of such practice in any court having competent jurisdiction to try and on conviction to sentence such persons to be punished according to law.

Mr. FRYE. How did that get in here in place of the shipping bill?

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to consider the resolution at this time. The Chair had it read for information in order to call for objection.

Mr. BROWN. It is simply calling on the Utah commissioners to make a report.

Mr. HOAR. I should like before that goes through to inquire of the Senator from Georgia if the law creating those commissioners imposed upon them the duty of reporting to either branch of Congress upon its order?

Mr. BROWN. I am not censuring them for not having reported, but I propose to call upon them to report to the Senate.

Mr. HOAR. The Senator does not understand my question. I do

not understand that the Senate of the United States has a right to order any public officer to do anything except in the case of heads of Departments, where the law reserves that power to either branch of Congress.

Mr. FRYE. To save any further trouble I object to the consideration of the resolution.

Mr. HOAR. I was going to object unless the Senator could answer that question affirmatively.

Mr. INGALLS. Let it lie over under the rule until to-morrow.

Mr. BROWN. Then it will only have to lay over two minutes, as it lacks but two minutes of being midnight, and I will call it up to-morrow.

Mr. FRYE. I call for the regular order.

PRINTING OF TAX AND TARIFF BILL.

Mr. HAWLEY. I have two small matters from the Committee on Printing which I should like to have attended to now, if they are to be attended to at all. I report favorably from that committee a resolution which I send to the Chair.

The PRESIDENT *pro tempore*. It will be read for information.

The resolution was read, as follows:

Resolved, That there be printed in pamphlet form 1,500 copies of the act passed at the present session entitled "An act to reduce internal revenue, and for other purposes," for the use of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the reception of the resolution at this time?

Mr. HARRIS. Precisely a similar resolution was referred to the Committee on Printing two hours ago at the instance of the Senator from Vermont [Mr. MORRILL].

Mr. HAWLEY. This is precisely the same resolution. It is now reported back.

The PRESIDENT *pro tempore*. Is there objection to considering the resolution at this time?

The resolution was considered by unanimous consent, and agreed to.

THE JEANNETTE INQUIRY.

Mr. HAWLEY, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 5,500 additional copies of the "report of the proceedings of the court of inquiry to investigate the loss of the steamer Jeannette in the arctic seas" be printed, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Secretary of the Navy.

AMERICAN SHIPPING.

The PRESIDENT *pro tempore*. The regular order will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen.

Mr. MAXEY. I understand that section 15 is agreed to be stricken out.

Mr. FRYE. I will vote myself to strike it out.

Mr. MAXEY. Then section 22 down to and including line 30——

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with, and the amendments will be acted upon after the bill is read.

The Acting Secretary proceeded to read the bill, and read to section 15.

Mr. COKE. If in order I will move to strike out section 15.

The PRESIDENT *pro tempore*. That is not in order until the reading is concluded.

The reading of the bill was resumed and concluded.

The PRESIDENT *pro tempore*. The first amendment of the Committee on Commerce is, on page 9, to strike out section 13.

Mr. BAYARD. I suggest that on page 10, at the end of section 14, in line 14, these words should be inserted:

Provided, That this section shall not apply to vessels built prior to January 1, 1883.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Committee on Commerce to strike out section 13. We have not yet reached section 14.

Mr. BAYARD. I beg pardon.

Mr. VEST. The Senator from Delaware will permit the question to be taken first on the pending amendment.

Mr. BAYARD. I will await action on the amendments of the committee.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee striking out section 13, which will be read.

The Acting Secretary read as follows:

SEC. 13. That all masters and owners of vessels shall have the right to ship and pay off the men they employ and that all laws or parts of laws requiring the payment of any remuneration to the shipping commission for the shipment of seamen, if shipped by said masters or owners, be, and the same are hereby, repealed: *Provided*, That the duties performed by the shipping commissioner at home ports shall be performed by the collector of the several ports of the United States, and that no fee shall be charged for said services.

The amendment was agreed to.

The next amendment of the Committee on Commerce was to strike out, after "section 14," the words:

That section 2514 of the Revised Statutes be amended so as to read as follows: "SEC. 2514."

Mr. VEST. That is a mere formal amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The suggestion of the Senator from Delaware will now be received.

Mr. BAYARD. I suggest, if it be agreeable to the committee, that I should move an amendment now at the end of section 14, after the words "legal representatives," to insert:

Provided, That this section shall not apply to vessels built prior to January 1, 1883.

The obvious necessity for the amendment I think will appear, as without it there would be no limitation for recoupment against the Treasury for vessels built at any time in the history of the Government.

The PRESIDENT *pro tempore*. The Chair will entertain the amendment now if there be no objection, but other amendments of the Committee on Commerce are still undisposed of.

Mr. VEST. Let the amendments of the committee be disposed of first.

The PRESIDENT *pro tempore*. Objection is made, and the next amendment of the Committee on Commerce will be reported.

The next amendment of the Committee on Commerce was to insert as section 22 the following:

SEC. 22. That section 3976 of the Revised Statutes of the United States and all other compulsory laws and parts of laws that oblige American vessels to carry the mails of the United States arbitrarily or that prevent the clearance of vessels until they shall have taken mail matter on board, be, and the same are hereby, repealed; and that section 4009 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows, to wit:

"SEC. 4009. For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile, on the trip each way, of actual nautical miles traveled between terminal points, for each trip actually made; but such service shall be performed only under contract entered into by the Postmaster-General, after legal advertisement, with the lowest responsible bidder, and the aggregate amount to be expended for such service shall not exceed $1,500,000 per annum. The ships with which such contracts shall be made shall be ships of American registry only, and contracts shall be for a term of not less than four years; and the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided. And all vessels engaged in such contracts shall in time of war be subject to purchase or charter by the United States at reasonable rates; and all foreign vessels or sailing vessels carrying the mails of the United States may be allowed a sum not exceeding the sea postage now allowed by law."

Mr. COKE. I ask the Senate to non-concur in this amendment of the committee. I hope it will be disagreed to.

Mr. BAYARD. I understand that amendment will not be pressed and I will make no argument against it. It is a subsidy, and therefore it ought not to be adopted.

Mr. CONGER. I desire to say in justice to the committee and this whole subject that the remark of the Senator from Delaware is not correct. This is not a subsidy in any sense of the word whatever. It is open to bidders; it is exactly like every bid for mail contracts on land in the United States, the same law and the same provision, with what we have not had in land contracts, a limitation of the amount governing the discretion or power of the Postmaster-General to be paid per mile on the route and a limitation of the whole amount to be used in this service, it in any event not to exceed $1 per mile going and returning and as much less as the bids may be, and not to exceed in the expenditure for the sea-service in carrying the mail $1,500,000. The provision is exactly the same and for the same object, but with more careful limitations than is made on all the star-routes and on all the steamboat routes for carrying the mail on our inland waters and on land.

I am sorry to hear the Senator from Delaware say that this is in any sense a subsidy, because the committee took particular pains to make it a matter of contract open to bids from anybody and everybody who might come in complying with the requirement that it should be an American vessel.

I do not know whether it will be best to adopt or reject this provision. If the provision be rejected, then section 15 should be. Under our present tonnage laws all vessels, foreign and domestic, pay a duty of 30 cents per ton per year. The result of it is that our American vessels making long voyages, perhaps six months, ten months, a year, or more than a year, as some of them do, into the remote island regions, Australia and that region, with which they trade, pay 30 cents a ton per year for one voyage or less than one voyage a year it may be, or for half a year, while foreign vessels passing between the United States and Liverpool, Bremen, or Havre, which make ten trips a year, pay but 30 cents a year tonnage.

The object of the committee was not to oppress our own vessels by increasing the tonnage tax, but to make vessels which have the benefit of our lights and our harbor improvements pay the same tonnage dues that the English law charges upon American vessels. We have made in section 15 the law correspond exactly with the English law under different heads, as there is a tonnage tax which includes light tax, sound tax, harbor tax, and things of that kind.

Our object was to make a change in the tonnage dues and make contracts with out own lines of vessels to carry the mails under a contract and under bids open to all. The two go together. The result would be in changing this tonnage tax to increase the burdens upon our own lines making short trips back and forth to Europe, to which we were all opposed and should be opposed. If such a law were enforced, the remedy for the hardship upon our own vessels would be in giving them these mail contracts, not a subsidy but a right to earn more money by carrying the mail for the reason that they would have to pay increased tonnage under the section.

These two sections should go or fall together. I believe it would be well to make our tonnage dues correspond to the English tonnage dues, but I do not believe it would be well to do it unless we can pay for mail contracts made with any vessels or lines that desire to enter into them subject to the limitations and restrictions provided in this bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Commerce to insert section 22.

Mr. BAYARD. I regret, sir, that I should not have had more opportunity to discuss a bill of this importance, but the impression has been given to me that the amendment was not to be pressed.

The question of the repeal in section 22 of the obligatory features compelling all American ships to carry the mails is a very debatable one. It would seem harsh in one respect, but there is the fact in connection with it that the mails are after all the very arteries of commerce itself, and the vessel that carries the letters carries the orders to fill her with cargo. Merchandise is commanded by correspondence, and the vessel whose duty it is or whose interest it is to become the carrier of merchandise must therefore be benefited by carrying the correspondence that demands transportation.

I do not propose to argue that question in the abstract or the general policy, nor do I care now to open up a question that is almost endless, if we were to consider, in the few hours left of this session, the policy or impolicy of paying bounties to ships in the shape of subsides. I have declared myself too often in opposition to the payment of public moneys for private ends in that way, whether it be by means of the protection *per se* of a tariff or by means of a bounty directly paid to ships, as proposed in this case.

I only can say that I hope the amendment will not be pressed by those having charge of the bill and that it will be defeated in Committee of the Whole, because I am satisfied when the bill comes into the Senate it will be open to opposition upon the principle of granting subsidies to private individuals to assist them in their private undertakings and for their own behalf.

I hope the amendment will not be accepted by the Senate.

Mr. VEST. Mr. President——

Mr. ALLISON. I ask the Senator from Missouri to yield to me to take up a case that will take but a moment. It is the second case on the Calendar. It relates to a constituent of mine, and I am compelled to be absent from the Senate on a conference committee.

Mr. BAYARD. Let the shipping bill be laid aside informally.

Mr. ALLISON. Informally. My bill will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to lay aside the pending order informally in order that the Senate may consider House bill No. 301.

STEPHEN P. YEOMANS AND ANDREW LEECH.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech. It directs the Secretary of the Treasury to pay Stephen P. Yeomans, late register of the United States land office at Sioux City, Iowa, $7,500, in full for all extraordinary services or expenses rendered or incurred by him during his term of office as such register, and to pay Andrew Leech, late receiver of the United States land office at Sioux City, Iowa, $4,050, in full as indemnity for all extraordinary expenses incurred by him during his term of office as such receiver.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN SHIPPING.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the shipping bill, and the question is on agreeing to the amendment reported by the Committee on Commerce to insert section 22 as a new section.

Mr. VEST. Mr. President, the Senator from Delaware [Mr. BAYARD] has characterized the proposed section which provides for the payment of ocean postage as a subsidy. I desire simply to say that I have never voted for a subsidy; that I never propose to vote for one; and I want the Senator from Delaware to make good his assertion that this is a subsidy. The postage which is paid on the inland routes of the United States has no assailants; it is conceded to be just and proper. The special committee on shipping unanimously reported that the same principle should apply to the ocean routes. I ask the Senator from Delaware if he does not think that principle to be correct and just?

Under the laws of the United States as they now exist, a steamship which carries the mails of the United States 5,000 miles receives 2 cents for every letter; and the proof before the special committee of which I was a member was that the expenses of carrying the mails from the steamships in San Francisco up to the office of the consul at that port exceeded the total amount of the postage received by the line in carrying the letter for 3,000 miles. Does the Senator from Delaware say that that is right? Is there a Senator upon this floor who will stand here to-day in his place and say that is just or proper?

I have no connection with any mail line whatever. I have not the slightest connection with Mr. John Roach, with the Northern Pacific Line, or any other line. I do not know a stockholder. I do not know an officer. I simply, as a member of the committee, have recommended that the same sort of postage should be paid upon the ocean routes as is paid upon the inland routes of the United States. Is there any Senator here who will stand in his place and say that this principle is not correct? I pause for a reply. If the Senator from Delaware will say now that the same principle should not apply upon the ocean as upon the land, I want him to say it.

Mr. BAYARD. I did not expect to argue the principle and the very much-vexed question in regard to this matter of ocean mail carriage; but there occur to my mind very obvious differences between a route within our own territory and through our own territory of mail facilities for our own people and the connection between foreign lands and our people. I do not mean to say that there is not a general service of the same character, but I do mean to say that there is a different practical effect between carrying the mail throughout the continuous territory of a single government and transporting it across the ocean to a foreign people and a different government.

I am not prepared to state all the incidents and the philosophy of the question, but there is a very obvious distinction between carrying mails from route to route and point to point within the territory of the United States and expanding their transportation over the high seas to foreign lands.

The very fact of correspondence by mail is a tie in human intercourse all the stronger within a country and weaker without the country. You can not expand the mails as they were expanded some years ago from what was then the frontier, where the home of the Senator from Missouri now lies, to the Pacific coast, without touching territory that has become the habitation of American citizens. Where once there was a wilderness there are now populous and thriving towns. Where once there was a desert are now active scenes of trade and intercourse between our own people, and nothing has tended so much to create that as the extension of mail-routes. It is the communication by mail that brings men closer together, that creates commerce, that creates intercourse, and by creating commerce and intercourse creates the postal revenue that makes what is called a self-sustaining mail-route.

Such things can never occur by sea, and they do always occur by land. When the Senator from Missouri asks me for a difference between the two, I think I have answered him reasonably; I do not say satisfactorily to him, perhaps not fully to myself or to the Senate, but I have given him an answer why a mail-route across the trackless ocean is different from a mail-route across the land embraced within the territorial jurisdiction of the United States. A mail-route is an artery of life on the land, but it can not be so termed upon the sea. The sea is not within the jurisdiction of the United States: it is the common territory of all people and of all governments, over which we have no more control than they; perhaps to-day we have less.

I did not mean in using the word "subsidy" to offend the sensibilities of any Senator who has voted against subsidies. I only meant to say that in effect if we voted one million and a half of money to-day for the highest bidder upon ocean mail-routes, the condition of shipbuilding and ship-owning in this country would probably leave the bids without active competition.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator's five minutes have expired.

Mr. VEST. I hope his time will be extended. This is a very important question and there ought not to be any limitation on debate.

The PRESIDING OFFICER. If there is no objection the Senator from Delaware will proceed.

Mr. BAYARD. I was not aware that the five-minute rule had been adopted.

Mr. INGALLS. It is very important that there should be an executive session as early as possible, and on that account I hope that the rules will be enforced, so that we may save all the time that can be properly devoted to those matters.

Mr. COKE. If the Senator from Delaware will permit, I will observe that I interposed an objection to the consideration of this bill which would not have been withdrawn if the friends of the bill had not agreed that sections 15 and 22 should go out of it; and I do not see how any debate can properly be had on those sections.

Mr. BAYARD. I had that impression.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. I hope the Senator will not press that motion.

Mr. INGALLS. For a few moments only. There are some nominations that should be referred.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS].

Mr. BAYARD. May I say one word? I ask that I may be permitted to state one fact.

Mr. INGALLS. I withdraw the motion for a moment.

The PRESIDING OFFICER. The motion is withdrawn. The Senator from Delaware will proceed.

Mr. BAYARD. I merely wish to assure the Committee on Commerce of my appreciation of the care which they have bestowed upon this bill, of my sense of its great importance, and of my great desire that it should become a law; and I must apologize for the fact that I stand here to criticise their measures at a time when I did not expect to be called on to do so, that I am not able to do so more satisfactorily and at greater length, for just in proportion to the importance of measures comes our duty to consider them carefully.

I only say this lest my friends who have charge of this bill may suppose that I have the slightest desire to obstruct its passage. I had the idea in common with the Senator from Texas that this proposition would not be pressed.

Mr. VEST. I will say——

The PRESIDING OFFICER. The Senator from Kansas moves an executive session.

Mr. VEST. The Senator from Kansas will allow me to say a word.

Mr. FRYE. Will not the Senator give ten minutes to finish the bill?

Mr. BAYARD. I have no more to say. I have expressed my opinion upon the bill.

Mr. INGALLS. I will move for an executive session at 1 o'clock.

The PRESIDING OFFICER. The motion for an executive session is withdrawn for the present; and the Senator from Missouri has the floor upon the pending question.

Mr. VEST. I am so anxious to pass some sections of the bill that I shall give way to the Senator from Maine [Mr. FRYE] without answering the Senator from Delaware [Mr. BAYARD].

Mr. FRYE. When the bill was taken up, as a friend of the bill, as a friend of this section, and as a member who has fought for a provision of this kind for ten years, and recognizing the condition of the Senate at this moment, recognizing what a division of the Senate might develop, recognizing the fact that an executive session is a necessity, recognizing the fact that the other House is within ten or twelve hours of dissolution, recognizing the importance to our shipping interests of the enactment into law of the earlier provisions of this bill, I stated that, notwithstanding I was as strong and warm a friend of what the Senator called a "subsidy"—I would just as lief he should call it that as anything—notwithstanding I am as warm a friend as there is on earth of that provision, I consented that, so far as I was concerned, it should go out of this bill, and I hope now that section 15 will go out of the bill, and that then the bill will be passed and sent to the House before the ten minutes are up.

Mr. CONGER. I made the same statement myself, that I should be willing both sections should go out. I merely wanted to explain it.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce, adding section 22 to the bill.

The question being put, it was declared that the noes appeared to prevail.

Mr. MILLER, of New York. I call for the yeas and nays.

Mr. COKE. I move to strike out section 15.

The PRESIDING OFFICER. The Senator from New York calls for the yeas and nays on the previous amendment.

Mr. FRYE. I hope the Senator will not do that. The Senator knows perfectly well I am as desirous of having that part of the law of the land as any Senator here can possibly be, and I have been over to the House to see what can be done, and I am entirely confident that unless these sections are stricken out the bill can not become a law.

Mr. MILLER, of New York. I object to the Senator telling us what can be done in the House in regard to this measure. I had the honor of being a member of the joint committee which considered this whole question. There were other items of vast importance that were put into it that were believed to be important by that entire committee, particularly the one relating to drawbacks, which were not only stricken out by the House, but which the Senate committee, after fully considering it, decided to leave out, and they put in place of it this one in regard to carrying the mails by ocean.

What the Senator from Missouri and the Senator from Michigan have said in regard to the injustice of compelling American ships to carry these mails for the sea postage could be elaborated and hours of talk could be made upon it, and figures could be brought here to show that the pay they now receive is a mere bagatelle, and that in many cases it is not even sufficient to pay the cartage for carrying the mails from the post-office to the dock and from the steamer and delivering them to the post-office in the foreign country. Still you compel every American ship, before she can sail out of a port, before she can get a clearance anywhere, that she shall take on board and furnish suitable room and accommodations for carrying all such mails as may be delivered to that ship by a postmaster or by a consul in any foreign country where our ships may touch.

I do not hesitate to say that there is not enough in this bill worth talking about or worth delaying the Senate for a single moment, except the amendment which is now proposed to be given away by the friends of this measure and by Senators who rise here and tell us that they have fought for this measure, and they are willing to continue to fight for it. There are a few little burdens taken off the shipping interest in this bill, but they are insignificant.

The trouble with our merchant marine to-day is not the cost of building ships, it is not consular fees, it is not advance wages, it is not the shipping commission, but it is the fact that it does not pay to run ships. If the American people want to revive their merchant marine, they can only do it by paying suitable and fair rates for carrying foreign mails. All other nations do it. Out of $250,000 which we are paying yearly for carrying foreign mails, more than $200,000 is paid to foreign steamship companies, and less than $50,000 to American steamship companies.

If we want to do anything to revive American shipping, we can only do it by putting in some such provision as this. It is not in any sense a subsidy; it is simply that the Postmaster-General shall contract with the lowest bidder for the carrying of the foreign mails, and he is limited in the price which he shall pay to $1 per mile, and he is limited in the total amount which he can contract to a yearly expenditure of one million and a half of dollars.

We collect to-day out of the tonnage tax alone more money than it is proposed in this bill to pay to all American ships for carrying the mails. We collect out of the tonnage tax upon foreign steamships coming into our ports and foreign sailing vessels about $1,500,000, and that is all that under any circumstances would be given to American ships for carrying the mails. The money which we thus take into the Treasury, I insist, can not be better expended, it can not be appropriated for any more worthy purpose than for the purpose put into this amendment and attached to this bill. If that is to fall, then I do not hesitate to say that the bill instead of being an act to encourage American shipping, to build up an American merchant marine, will simply prove a delusion and a snare, and that there is little or nothing in it.

I stand here to protest against the friends of this measure, against those who have worked in the committee to perfect it, giving it away in this way and saying that it is done simply because if this shall be put in the bill will be defeated in the House. We have no right to consider that question at all. The committee have given this subject full and fair and open consideration, and as one of the committee I demand that the sense of the Senate shall be tested upon it. For that reason I demanded the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. SAULSBURY. I wish to say that I see no necessity for this provision. Only a few years ago when this same question was before the Senate we had a communication from the Postmaster-General stating explicitly that he had no difficulty in having the mails carried for the regular sea-postages.

Why, therefore, should we attempt now to increase the expenses of the Postal Department by giving the sum named in this section? The Postmaster-General has not informed the Senate that he has any difficulty in having the mails carried at the regular sea-postages, and why we are so anxious to spend the public money in this manner, which will inure to the benefit of the private interests of John Roach to the prejudice of other men engaged in building vessels, I can not tell. Gentlemen may think the compensation is not adequate, and yet the owners and masters of vessels are perfectly willing to take the mail and carry it to every part of the world at the present sea-postage allowed.

Mr. PLUMB. Will the Senator from Delaware allow me to say that there is no American ship which can clear from any American port except on condition of carrying the mails for the postage? Consequently they have no option as to whether they will carry the mail, for they must carry the mail or they can not clear.

Mr. SAULSBURY. A communication from the late Postmaster-General stated explicitly, as my colleagues on the Post-Office Committee will doubtless remember, that he had no difficulty in having the mails carried. Can the Senator from Kansas state that the present Postmaster-General has met with any difficulty whatever in having the mails carried over the sea? I am sure there never has been any complaint from the Postmaster-General that he was unable to have the mails transported for the present sea-postage.

I can see no reason, therefore, for depleting the Treasury to this large amount for that service, when it is not required by the Postmaster-General or by the postal service. Gentlemen dislike a mail subsidy, and I suppose no member of the Senate or of the committee who has had the bill in charge desires to give away the public money, but at the same time that is the effect of it. We can have the mails carried as effectively for the sea-postage as we can for this pay. There is no complaint, there never has been any complaint, that the mails of this country can not be transported across the seas for the regular sea-pay. Why, therefore, should we appropriate hundreds of thousands and millions of dollars to have a service performed that has been performed in the past and which can hereafter be performed for the regular sea-pay?

Mr. VEST. I do not want to discuss this question. The Senator from Maryland [Mr. GROOME] suggests that I should not do it now; but I do not choose that what has been said by the Senator from Delaware [Mr. SAULSBURY] that this is a subsidy, and that this is a payment to Mr. John Roach, should go without notice. I have not the slightest sympathy with the views of Mr. John Roach on the question of American shipping; and if any gentleman will do the special committee on shipping the honor to examine the testimony that was taken and the questions which were put by the members of that committee he will see that I was not at all in sympathy with Mr. John Roach and with his views in regard to the causes which have produced the present decline of American shipping.

I do not propose, as a matter of course, at this late stage in the session to go into a discussion of what I believe are the reasons why the maritime interests of the United States have come to their present condition. To-day of the entire commerce of the United States 85 per cent. is carried in foreign bottoms, and only 15 per cent. in American bottoms. The great question presented now to the American Congress is why is this thing so? I have in my hand the answers of the Postmaster-General as to the amount paid to steamships for carrying the ocean mails of the United States. Two hundred and eighty-seven thousand dollars is paid to American vessels for carrying the mails of the United States, and over $5,000,000 is paid to-day to foreign steamships and to foreign vessels. What the committee wish to do is to increase the amount of postage paid to American vessels if possible.

The Senator from Delaware [Mr. SAULSBURY] says that this is a subsidy paid to Mr. John Roach. It is not so, Mr. President. That simply amounts to the assertion that Mr. John Roach alone can build these steamships and can carry the mails. The fact is now that one single line, I speak of the transatlantic lines, that from Philadelphia to Liverpool, which is partially in the control of American owners, has been compelled to put its ships under the British flag, for, as the president of that company told me to-day, out of eight steamships two of them only are under the American flag and six of them are under the British flag, and out of seventy-nine lines in transatlantic commerce really but two American steamship lines are engaged in that great traffic and commerce.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. INGALLS. I renew my motion for an executive session. It will not take ten minutes.

Mr. VEST. If we go into executive session that will be the last of the shipping bill.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of executive business.

The question being put, there were on a division—ayes 11, noes 20; no quorum voting.

Mr. INGALLS. Let the Senate be called.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. INGALLS. I wish, if I may be allowed to say a word, that the Senate would consent to a very brief executive session for the purpose of referring nominations on the table. It may not require more than five minutes. It is very essential, because they can not be reported if they are not referred.

Mr. HARRIS. If the Senator from Missouri will consent to take a vote upon the passage of this bill in the next few minutes, would it not be better that we dispose of this bill, and then everybody will be ready to go into executive session?

Mr. PLUMB. Let the vote be taken again on going into executive session. ["No objection."]

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS], that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. EDMUNDS. I understand from the Chair that a quorum is in the Chamber.

The PRESIDING OFFICER. Yes, a quorum is in the Chamber.

Mr. EDMUNDS. So the record will be right.

The Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session, the doors were reopened.

ORDER OF BUSINESS.

Mr. VANCE. There is a little bill on the Calendar, giving a constituent of mine $200, which has been favorably reported. I ask for its consideration.

The PRESIDING OFFICER (Mr. GARLAND). There is already a pending question before the Senate. The Senator will have to move to postpone the consideration of the pending order.

Mr. VANCE. I ask unanimous consent to call it up. I will not take a moment. That favor has been extended to several other Senators.

Mr. INGALLS. What has become of the shipping bill?

The PRESIDING OFFICER. That is pending, and the Senator from North Carolina asks unanimous consent that it be laid aside for the purpose of taking up the bill he has indicated.

Mr. INGALLS. What does the Senator from Maine say to that?

Mr. FRYE. I want to go on with the shipping bill.

The PRESIDING OFFICER. The Senator from North Carolina asks for unanimous consent.

Mr. FRYE. I object.

The PRESIDING OFFICER. The Senator from Maine objects.

Mr. VANCE. I am very sorry he does.

Mr. PLUMB. I want to ask the same favor for the purpose of having the same reply. I ask to take up House bill 7462.

The PRESIDING OFFICER. Does the Senator from Missouri object to the request of the Senator from Kansas?

Mr. VEST. Of course I do.

The PRESIDING OFFICER. It can only be done by unanimous consent.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen, the pending question being on the amendment of the Committee on Commerce to insert section 22 as an additional section in the bill.

Mr. VEST. The Senator from New York [Mr. MILLER], I believe, asked for the yeas and nays on the pending motion.

The PRESIDING OFFICER. The yeas and nays have been ordered on the demand of the Senator from New York.

Mr. VEST. In order to get any portion of the shipping bill through I hope the Senator from New York will withdraw the call for the yeas and nays and let this objectionable section be stricken out and let us get just as much of the bill as we can.

Mr. FRYE. I join with the Senator from Missouri in making the request.

Mr. PLUMB. I want simply to say that unless section 22 be stricken out the shipping bill is not going to pass. The question of shipping is one of those things that the people of my part of the county are not supposed to know all about. I do not know, of course, the many regulations that apply to it, and many things that persons of experience and interest in the matter know; but I look at the thing from the standpoint of the whole country. I want that which ministers to the commerce and the prosperity of the entire country. I want something which gives us an outlet at the mouth of the Mississippi for the flour, the wheat, the pork, and the beef of Kansas and of Missouri, and of all the Mississippi Valley. We have had here, presumably under the auspices and by the direction of those who live on the eastern shores of this country, who have been potential in its legislation, obstructive legislation in regard to the shipping interests of the country. They have controlled it; they have made it; they have imposed upon this country a hide-bound policy; they have built a Chinese wall around it, and have prevented the development of the internal portion of the country in order to minister to their own profit. They have seen fit for some purpose or other to introduce a shipping bill. They have become dissatisfied with their own policy.

So far as this bill is concerned, irrespective of section 22, it is a matter of no possible consequence, as I understand it, to anybody except to the people who maneuver the few wooden ships represented by the shipbuilding interest of the State of Maine and some few localities of that kind. If we can not have a policy which shall minister to the foreign commerce of this country, which shall give it a chance to be enlarged, to be developed, to carry all the products of this country under the American flag, if it is to be carried on upon the two-penny policy that has heretofore prevailed, if they are nursing and keeping up specific interests, then I do not want any shipping bill at all. I do not think any shipping bill will be passed at this session unless we can have a better consideration of this question and from a better standpoint. As part of my remarks I send up to the desk to have read——

Mr. VEST. I hope the Senator will allow it to be printed in his remarks, and not have it read now.

The PRESIDING OFFICER. The five minutes of the Senator from Kansas have expired.

Mr. VEST. The Senator can not kill the bill by reading documents. Now, Mr. President, I want to say to my friend——

The PRESIDING OFFICER. The Senator from Missouri has already spoken on the amendment, and under the rule he can not speak again.

Mr. VEST. I have spoken once.

The PRESIDING OFFICER. A Senator can not speak twice, under the rule.

Mr. VEST. I have not spoken twice.

The PRESIDING OFFICER. The Senator spoke on the amendment before the Senate went into executive session. The question is on agreeing to the amendment adding section 22 as an additional section, on which the yeas and nays have been ordered.

Mr. PLUMB. I move to amend the amendment, after the word "port," in line 13. I move to strike out the words "a sum not exceeding $1 per mile, on the trip each way, of actual nautical miles traveled between terminal points for each trip actually made."

Mr. VEST. I have not spoken on this question.

The PRESIDING OFFICER. The Senator from Kansas has the floor, if he wants it, first.

Mr. PLUMB. I will yield to the Senator from Missouri.

Mr. VEST. I believe there ought to be free shipping. I have an amendment pending here in favor of free ships. The Senator from Kansas [Mr. PLUMB] says he will vote for it; but I do not believe that at this stage of the session that amendment can be properly disposed of. In the mean time I recognize the fact that there are certain amendments to the shipping laws that ought to be made. The State of Missouri has not one single ship, and yet I know and feel that the maritime interests of the United States affect that State as much as they do the States upon the Atlantic seaboard.

The Senator from Kansas says that this is no time to consider such a bill as this. It is true, sir, that we can not go into this whole question of free ships, that we can not now at this stage of the session discuss the question entirely; but we can make one step in the right direction, and there are certain sections in this bill about which there can be no sort of controversy. There are sections in this bill about which Senators from the Atlantic seaboard, from the Pacific seaboard, from the Middle States, from the Western States have all agreed. Why can not we take up these sections of the bill and pass them? The question as to postage can be disposed of now by putting it off till next session. I do not insist upon it, although I believe in the principle that is asserted in the amendment that the committee has offered; but all I ask now is that we should take up this bill and pass upon the sections about which there can be no dispute from any quarter of the Union, from any Senator, whether he represents a State upon the seaboard or one of the internal States in this country.

Mr. BAYARD. Why not ask the Senator from New York to withdraw his call for the yeas and nays and let us go on then?

Mr. VEST. I have asked the Senator from New York to do that. Let us go on just as far as we can at this stage of the session, and then at the next session let us take up the same question and try to frame a perfect measure. Let us then take up the reports that have been made and dispose of the whole question.

Mr. MILLER, of New York. The Senator from Missouri has appealed to me to withdraw my demand for the yeas and nays. In connection with the Senator from Missouri and the Senator from Michigan I gave a great deal of attention to this measure. We came to the unanimous conclusion that has been reported here to the Senate; and particularly upon the amendment relating to the repeal of the present compulsory laws compelling American ships to carry the mails there was not a single dissenting voice; and so it was upon the other proposition contained in the amendment, by which the Postmaster-General is authorized to contract, after advertisement, by perfectly open bidding, for the carrying of our mails at a rate not exceeding $1 per mile actually traveled upon the high seas, limited also in his total expenditure to a million and a half dollars.

We believed that in that section alone we were doing more for the cause of the American marine, for the building up of our merchant marine, than in all the other sections which are contained in this bill. And I do not hesitate to reiterate my faith that there is more in that one single section than in all the other sections combined; for if the evidence taken by the joint committee of the two Houses of Congress proved anything, it was that the trouble with the American merchant marine to-day was in the cost of running, that it was more expensive to run American vessels with American seamen and American officers than to run foreign vessels; and the question how this difference could be met, how we could encourage our own merchant marine, was answered very largely by this proposition put into this bill.

But, Mr. President, as both of the members of the sub-committee who served with me, the Senator from Michigan and the Senator from Missouri, have here publicly on the floor of the Senate abandoned their own child and their own proposition, and have now appealed to me to withdraw even my demand for the yeas and nays, I suppose I must do so. But, Mr. President, there has been no obstruction in my demand for the yeas and nays. I simply desired to test the judgment of the Senate upon this question; but it is looked upon by those two Senators and perhaps by a majority of the Senate that that is obstruction. As I say, the members of the committee who were particularly instrumental in proposing this amendment and putting it on the bill have themselves publicly abandoned it and appealed to me to withdraw my call for the yeas and nays; and although I feel that it is unwise, although I feel that we are sacrificing nearly everything that there is in the bill, I feel bound to yield to their judgment rather than to be found obstructing this bill. I withdraw the demand for the yeas and nays.

The PRESIDING OFFICER. The Senator from New York withdraws his call for the yeas and nays.

Mr. PLUMB. I object to the further consideration of the bill.

Mr. FRYE. I move to consider the bill notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Maine moves that notwithstanding the objection the Senate continue the consideration of the bill.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I offer a privileged report from a conference committee.

The Acting Secretary read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 11, 13, 21, 22, 27, 31, 41, 42, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 12, 14, 15, 16, 17½, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 43, 44, 48, 49, 51, and 52; and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment insert the following:

"And the salaries due all District employés for current services shall be paid in full, notwithstanding suspensions heretofore made in the accounts of the commissioners of the District by the accounting officers of the Treasury."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,319.43;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"To pay D. F. Murphy, Official Reporter of the Senate, for extra services and for clerk-hire paid out by him, $1,000, for the second session of the Forty-seventh Congress."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Charles Carter for cleaning extra room of Committee on Appropriations, $60."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay W. B. Green, for clerical work in completing the records of the Committee on Accounts, a sum equal to one month's pay, $180."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "second" and insert "seventh;" and the Senate agree to the same.

EUGENE HALE,
WM. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The PRESIDING OFFICER. Will the Senate agree to this report?

The report was concurred in.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I rise to a parliamentary inquiry, This bill is now before the Senate by a vote of the Senate. As I understand, that takes it out of the limitation of debate imposed by the Anthony rule.

The PRESIDING OFFICER. That is the understanding of the present occupant of the chair.

Mr. VEST. What is the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to strike out certain words, which will be read.

Mr. BUTLER. Before those words are read, I move that the Anthony rule be applied to this bill.

The PRESIDING OFFICER. The Senator from South Carolina moves that what is known as the Anthony rule as to the limitation of debate be applied to the consideration of this bill. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. The amendment is to strike out, in line 13, page 14, the words:

A sum not exceeding $1 per mile, on the trip each way, of actual nautical miles traveled between terminal points, for each trip actually made.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Commerce, upon which the yeas and nays were ordered, but the call was withdrawn. The Secretary will now report the amendment.

Mr. BAYARD. That amendment was rejected on a vote of the Senate, and the yeas and nays being withdrawn it stands rejected.

The PRESIDING OFFICER. Such is the fact. The amendment was rejected by a vote of the Senate.

Mr. COKE. Then section 22 falls.

The PRESIDING OFFICER. That is the state of the question.

Mr. COKE. I move that section 15 be stricken out.

The PRESIDING OFFICER. That motion has been made and carried.

Mr. COKE. I did not know the Chair had declared that motion carried.

Mr. FRYE. Now I move the adoption of the committee's amendment to section 13.

The PRESIDING OFFICER. The question now is on the adoption of the committee's amendment to strike out section 13, which will be read by the Secretary.

The Acting Secretary read the section proposed to be stricken out, as follows:

SEC. 13. That all masters and owners of vessels shall have the right to ship and pay off the men they employ, and that all laws or parts of laws requiring the payment of any remuneration to the shipping commission for the shipment of seamen, if shipped by said masters or owners, be, and the same are hereby, repealed: *Provided*, That the duties performed by the shipping commissioner at home ports shall be performed by the collector of the several ports of the United States, and that no fee shall be charged for said services.

The amendment was agreed to.

The next amendment was to strike out of section 14 the following words:

SEC. 14. That section 2514 of the Revised Statutes be amended so as to read as follows.

The amendment was agreed to.

Mr. PLUMB. What has become of section 22?

The PRESIDING OFFICER. Section 22 was stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POSTMASTERS' SALARIES.

Mr. SAWYER. I ask unanimous consent to take from the table House bill No. 7611, to adjust the salaries of postmasters. The occasion of it is the change from the 3-cent to the 2-cent postage, and it is very important that the bill pass. I have examined it and most of the committee have, though we have not had a formal meeting. I think there will be no objection to the bill.

Mr. CONGER. I ask that the next bill on the list, the Dakota land-district bill, take its place first, and then I will yield to the Senator from Wisconsin.

Mr. SAWYER. Why not let this bill go through?

The PRESIDING OFFICER. The Secretary will report the bill indicated by the Senator from Wisconsin by title.

The Acting Secretary read the title of the bill (H. R. 7611) to adjust the salaries of postmasters.

The PRESIDING OFFICER. If there be no objection the bill is before the Senate as in Committee of the Whole, and it will be read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAKOTA LAND DISTRICTS.

Mr. PUGH. I ask the consent of the Senate to allow me to call up a House joint resolution, which will not take more than five minutes. I have not before asked the Senate for such a favor.

Several SENATORS. Regular order.

The PRESIDING OFFICER. If there is objection, it requires a vote of the Senate.

Mr. CONGER. If the Senator will allow one bill to pass I shall not object.

Several SENATORS. Regular order.

The PRESIDING OFFICER. The Secretary will report the next bill in order under the rule.

The bill (H. R. 7462) to create three additional land districts in the Territory of Dakota was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON AND ATLANTIC RAILROAD.

The next House bill on the Calendar was the bill (H. R. 6625) to authorize the Washington and Atlantic Railroad Company to extend a railroad into and within the District of Columbia.

Mr. PLUMB. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BUTLER. I move that the Senate take a recess until 10 o'clock in the morning. ["No!" "No!"]

Mr. MCMILLAN. We have a few cases left.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess——

Mr. MCMILLAN. I hope the Senator will withdraw the motion.

Mr. BUTLER. I withdraw the motion for the present.

LOUISA F. STONE.

The PRESIDING OFFICER. The Secretary will report the next House bill on the Calendar under the rule.

The bill (H. R. 6889) for the relief of Mrs. Louisa F. Stone was considered as in Committee of the Whole. It provides for the payment to Mrs. Louisa F. Stone, widow of the late Dr. Thomas J. Stone, of $170 for professional services rendered by her late husband to the United States troops stationed at Leonardtown, Maryland, during the months of October and November, 1863.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 832) for the relief of Marzel Altmann;

A bill (H. R. 3220) to ratify the issuance of duplicate checks in certain cases by the superintendent of the mint of the United States at San Fransisco;

A bill (H. R. 3243) for the relief of Ernest F. Unland;

A bill (H. R. 6236) to amend certain sections of the Revised Statutes, relating to the District of Columbia.

A bill (H. R. 7289) to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief-justice of said court, the powers and duties now conferred upon said chief-justice relative to the extradition of fugitives from justice; and

Joint resolution (H. Res. 277) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela.

E. S. MONTELL.

The bill (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell, was considered as in Committee of the Whole. It proposes to pay to E. S. Montell, executrix of the estate of James E. Montell, deceased, of Baltimore, Maryland, $859.20, or so much thereof as the executrix shall prove, to the satisfaction of the Commissioner of Internal Revenue, that James E. Montell expended in the purchase of revenue-stamps to stamp seventy-two cases of smoking-tobacco purchased by him from S. Rosenfeld & Co., of Baltimore, upon which a tax had been previously paid under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

C. H. MILLER.

The bill (H. R. 6308) for the relief of C. H. Miller was considered as in Committee of the Whole. It provides for the payment to C. H. Miller of the sum of $318, being the amount of three Oregon war bonds numbered 860, 861, and 862, for $100 each, and the accrued interest, purchased by him of Patrick Miller, of Portland, Oregon, in 1870, as to which there has been an alleged defective assignment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES KORTZENBORN.

The bill (H. R. 4926) for the relief of Charles Kortzenborn was considered as in Committee of the Whole. It provides for the payment to Charles Kortzenborn of $125 for the redemption of certain internal-revenue stamps for a special tax which he purchased in the year 1875 and never used; but the stamps are to be delivered to the Treasury Department to be canceled.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SAINT VINCENT PORT OF ENTRY.

The bill (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry, in lieu of Pembina, in the Territory of Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ABBIE SHARP.

The bill (H. R. 306) for the relief of Abbie Sharp was announced as next in order.

Mr. COCKRELL. That is not reported favorably.

The PRESIDENT *pro tempore*. It is reported without recommendation. It will be laid aside, not being reported favorably.

Mr. DAWES. I should like to know what the rule is. The rule excludes adverse reports only.

Mr. COCKRELL. No; it includes only favorable reports.

Mr. DAWES. I should like to know what it is.

The PRESIDENT *pro tempore*. The order of the Senate was in these words:

First, that the Senate proceed to the consideration of the pending pension bills after the unfinished business is disposed of; second, to House bills reported favorably, commencing at the point reached when the Calendar was last under consideration.

Several SENATORS. Proceed.

The PRESIDENT *pro tempore*. The next bill will be reported.

MAIL CONTRACTS.

The joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General was considered as in Committee of the Whole. It validates and declares to be in force the contracts executed by the Postmaster-General for routes numbered 6772, in the State of New York, under advertisement of February 10, 1881; 3266, in the State of Massachusetts, under advertisement of February 10, 1881; 23532, in the State of Illinois, under advertisement of June 20, 1879; 10295, in the District of Columbia, under advertisement of March 10, 1882.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

C. W. BUTTON.

The bill (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia was considered as in Committee of the Whole. It provides for the payment to Charles W. Button, editor and proprietor of the Lynchburgh Virginian, of $80.93, the balance due him on account for advertising the sale of property levied on by E. Boyd Pendleton, late collector of the United States internal revenue for the fifth district of Virginia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOSEPH WESCOTT & SON.

The bill (H. R. 3850) for the relief of Joseph Wescott & Son was considered as in Committee of the Whole. It proposes to appropriate $3,468 for the purpose of paying Joseph Wescott & Son, of Portland, Maine, a balance due to them for cut granite furnished by them, under contract and otherwise, for the construction of two stairways in the east wing of the State, War, and Navy Departments building in Washington, and to reimburse them for cut granite omitted by mistake from their estimates for that contract, and for other granite ordered by the Government independently of said contract.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROBERT L. M'CONNAUGHEY.

The bill (H. R. 4218) for the relief of Robert L. McConnaughey was read by its title.

The PRESIDENT *pro tempore*. This bill was reported to-day. Is there objection to its present consideration? The Chair hears none, and it will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to Robert L. McConnaughey, of North Carolina, of $200, for carrying the mails in the year 1866 on route No. 5151, in the State of North Carolina.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DR. DAVID S. BOOTH.

The bill (H. R. 151) for the relief of David S. Booth, M. D., was read by its title.

The PRESIDENT *pro tempore*. This bill was reported to-day, and is subject to objection. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to David S. Booth, of Sparta, Randolph County, Illinois, of $1,781.89, in full payment of all claims he may have against the Government of the United States for bounty due him as assistant surgeon on board of the ram Queen of the West on account of the capture and destruction of the rebel vessels A. W. Baker, Moro, Berwick Bay, and City of Vicksburg.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM D. MARTIN.

The bill (H. R. 3837) for the relief of William D. Martin was read by its title.

The PRESIDENT *pro tempore*. This bill was reported to-day. Is there objection to its present consideration?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William D. Martin, of Bedford County, Virginia, $47.25, being the amount of tax assessed and penalty imposed for non-payment thereof, which was collected from and paid by Martin to the collector for the fifth district of Virginia, upon forty-seven gallons of brandy which were swept away and destroyed by a flood in the James River, in November, 1877, and without fault or improper negligence of Martin.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PATRICK HORAN.

The bill (H. R. 6501) granting a pension to Patrick Horan was read by its title.

The PRESIDENT *pro tempore*. This bill was reported to-day. Is there objection to its present consideration? The Chair hears none.

The bill was read.

Mr. PLATT. Let that bill be read again.

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary that he was mistaken. The bill was not reported to-day, but was reconsidered to-day and restored to the Calendar. The bill is now before the Senate as in Committee of the Whole.

The bill was read. It proposes to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

Mr. PLATT. Was that reported favorably? It was up the other day and objected to and passed over.

Several SENATORS. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL February 27:

The Committee on Pensions, to whom was referred House bill 6501, granting a pension to Patrick Horan, have examined the same, and report:

The Committee on Invalid Pensions, in the consideration of the above bill, report as follows:

"The petitioner, Patrick Horan, of Joliet, Illinois, was enrolled on or about September 15, 1861, as a teamster of the quartermaster's department, by Captain G. E. D. Diamond, at Saint Louis, Missouri. He was never discharged, but paid last at Fort Riley, Kansas, and sent back to Saint Louis on the 28th of November, 1866.

"While serving as a teamster he was taken prisoner of war at the battle of Poisons Springs, and was confined at Camp Ford, Tyler, Texas, from about April, 1864, to about the middle of February, 1865. While a prisoner he was without shelter or covering of any kind, and in June, 1864, was exposed to a rain-storm of fourteen days' duration. During his confinement he dug a hole in the ground, in which he slept. In consequence of his exposure and suffering he was stricken with paralysis, from which disease he has been suffering to the present time.

"His statement as to his imprisonment, exposure, and incurrence of paralysis in rebel prisons is corroborated by the testimony of Henry B. Clark, himself an inmate of said prisons, and by the testimony of John B. Arnold, of the Chicago Mercantile Battery.

"The evidence also shows that prior to and on his arrival at said prison he was in sound health. The testimony of neighbors, of Joliet, Illinois, shows that upon his return to Joliet, after the war, he was afflicted with paralysis, which has continued to the present time, making him completely unable to perform any physical labor.

"Dr. W. Dougall, of Will County, Illinois, states that since 1874 petitioner has been under his treatment; that he has carefully studied his case; that he is suffering from "locomotor ataxia," caused by exposure and sleeping upon damp ground; that it gradually grows worse; is incurable, and will soon render him entirely helpless. His claim was rejected by the Pension Office, on the ground that petitioner was not in the military service of the United States, and therefore does not come under the general provisions of the pension law; but the Pension Bureau is of opinion that his claim is a meritorious one and should be allowed by "special act;" and that, if such special act is granted, the pension should commence from the date of its passage at such rate as the claimant, upon examination, may be found to be entitled to.

"Your committee find the facts set forth in the above report substantially correct. There can be no doubt from the evidence on file that his disability originated while in the discharge of his duties as teamster in the Quartermaster's Department; in other words, he was performing actual service for the Government and while so engaged became permanently disabled, and, as is stated by examining surgeons, "he is incapacitated for obtaining his subsistence by manual labor," and "his disease is incurable."

"Your committee believe this to be a meritorious case, and in justice the claimant should receive the relief asked for, and therefore recommend the passage of the bill."

Mr. PLATT. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects to the consideration of the bill. Under the rule it goes over.

SAMUEL CHASE BARNEY.

Mr. GROOME. This morning, upon the objection of the Senator from Illinois [Mr. LOGAN], a bill upon the Calendar, No. 1022 in the Order of Business, went over. The Senator from Illinois has since examined the bill and no longer objects. I ask that it may now be taken up and passed.

The PRESIDENT *pro tempore*. The title will be read.

The ACTING SECRETARY. A bill (H. R. 660) for the relief of Samuel Chase Barney.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to go back on the Calendar and take up a bill, the title of which has just been read. Is there objection to the present consideration of this bill? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 660) for the relief of Samuel Chase Barney.

Mr. GROOME. I move to amend the bill by striking out all after the word "that," in line 3, and insert——

Mr. MORRILL. Is there a report in that case? If there is I should like to hear it.

Mr. GROOME. There is a voluminous report made by the committee of the House at this Congress. The Senator from Illinois, who objected this morning, has examined that report carefully and is satisfied that the bill ought to pass in its amended form.

Mr. MORRILL. I should like a brief statement of the facts.

Mr. GROOME. I made a statement this morning to the Senate, but I can make it again if required.

Mr. MORRILL. I should like to know what the bill means.

Mr. COCKRELL. Let the amendment be reported.

The ACTING SECRETARY. It is proposed to strike out all after the word "that," in line 3, and insert:

The President be, and he hereby is, authorized, if he deems it proper, to nominate and, by and with the advice and consent of the Senate, to appoint Samuel Chase Barney, late a lieutenant in the United States Navy, to be a lieutenant in the Navy on the retired-list, and from and after his appointment he shall be

entitled to the pay of a retired lieutenant of the Navy, but the said Samuel Chase Barney shall not receive any pay or allowance for the period between his dismissal from the Navy and his reappointment by authority of this act.

Mr. PLATT. I think the Senator from Maryland ought to state what this man was dismissed from the Navy for.

Mr. GROOME. I will state that in a single word. This gentleman was unfortunate in his marital relations and his wife obtained a divorce from him and the custody of the children. After her death litigation ensued about the guardianship of the children, and the father took possession of them after a decree of the circuit court that a decision of the orphan's court giving another party the guardianship was *coram non judice* and that the father was entitled to the guardianship. That act of the father was misrepresented to the President of the United States in such terms that he summarily dismissed the officer. This bill is to reinstate him, and thus to right as far as may be the wrong which was done him and which, so far as the President was concerned, was doubtless done unintentionally.

Mr. HAWLEY. Was there a court-martial?

Mr. MORRILL. When were the facts ascertained?

Mr. GROOME. It never could be ascertained until 1876, when Mr. Robeson was Secretary of the Navy, what the cause of the dismissal was. The officer demanded the cause in a few days after the dismissal, but could get no reply to his communication and never did ascertain the cause until Mr. Robeson informed him in answer to inquiries made by him that the only cause ascertainable by the records of the office was certain letters making charges against him of misconduct in taking possession of his children.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DR. JOHN B. READ.

Mr. PUGH. I now ask the Senate to take up the House joint resolution 338.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent to take up a House resolution, which will be read.

The Acting Secretary read by its title the joint resolution (H. Res. 338) in relation to the claim made by Dr. John B. Read against the United States, for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

Mr. INGALLS. Has that been read before?

The PRESIDENT *pro tempore*. It has been read twice, once to-day, and is subject to objection.

Mr. INGALLS. I object until there is some explanation made.

Mr. PUGH. The resolution explains all the facts on its face. Dr. Read claims that he was the inventor of the present system of projectiles and that the Government of the United States, under a contract with the Secretary of War, tried experiments with the projectiles and that they went into use in the Government service and are now in use by the Government. He claims that under that contract he was to receive such compensation as a board of Army officers, appointed by the Secretary of War, should find that he was entitled to upon all the facts. This is a resolution authorizing the Secretary of War to appoint that board with power to investigate and report all the facts and the value of the projectiles to the Government, if any; what use was made of them by the Government, if any, and to report all the evidence to the next Congress.

Mr. INGALLS. I have an indistinct recollection, Mr. President, that some claimant of this name (whether it is the same individual or not I do not know) had an invention of this kind that he sold to the confederate government and subsequently himself went into the rebel service, which he had an entire right to do if he saw fit. If this is the same individual and the same claim and it is a fact that his invention was used by the enemies of the Government of the United States by his consent and procurement, I should hesitate some time to give my consent to the resolution.

Mr. PUGH. I ask the Senate to allow the investigation to be made by this board of all the facts in regard to it and in reference to the character of the claim The use that the Government has made of the invention does not conclude the Government against making any inquiry when this board makes its report. It is a matter open for all time.

Mr. INGALLS. Will the Senator state to me who Dr. Read is?

Mr. PUGH. He lives in the city of Tuscaloosa, Alabama.

Mr. INGALLS. Was the invention used in the confederate army?

Mr. PUGH. I understand that it was.

Mr. INGALLS. And sold by him?

Mr. PUGH. I do not know whether there was a sale or an appropriation by the confederate government without his consent or with it. I understand that it was used and that it has been in use by the Government of the United States since the close of the war and before, and that it is now in the use of the Government.

Mr. INGALLS. If Dr. Read should succeed in securing compensation from the Government of the United States after having sold his invention to the Confederate States and having it employed against the United States he would be a very fortunate man.

Mr. PUGH. I do not claim that he is entitled to anything under the report of the board until Congress allows it to him upon the evidence that is found by the board.

Mr. INGALLS. I think I shall object, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Kansas objects. The resolution can not be further considered.

CLARA WIBLE.

Mr. VAN WYCK. From the Committee on Pensions I desire to report two House bills which should have been reported a few days ago and placed upon the Calendar. I ask consent to report them at this time.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to report at this time two bills from the Committee on Pensions. Is there objection? The Chair hears none.

The bill (H. R. 3267) granting a pension to Clara Wible was considered as in Committee of the Whole. It proposes to place the name of Clara Wible, widow of John M. Wible, deceased, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was reported to the Senate without amendment.

Mr. HAWLEY. Is there a report in that case?

Mr. VAN WYCK. Yes, sir.

Mr. HAWLEY. Has it been considered in committee?

Mr. VAN WYCK. It has been considered in committee and is reported by the committee.

Mr. HAWLEY. Is it a short report?

The PRESIDENT *pro tempore*. The report will be read for information.

The Acting Secretary read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3267) granting a pension to Clara Wible, have examined the same, and report as follows:

The facts are substantially stated in the House report, which your committee adopts as its own, including recommendations thereof:

"The Committee on Invalid Pensions, to which was referred the bill (H. R. 3267) granting a pension to Clara Wible, has had the same under consideration, and begs leave to submit the following report:

"The claimant is the widow of John M. Wible, who, according to the evidence before this committee, was killed in an engagement with the forces of the confederate general, John Morgan, at Salem, Indiana, July 10, 1863.

"Wible belonged to a command composed of citizens of Orange, Harrison, and Washington Counties, Indiana, under the command of Major J. A. Cravens, organized to repel the invasion of the State by said Morgan.

"Major Cravens and others testify to the death of John M. Wible at the time, place, and circumstances above set forth.

"The command was not mustered into the service of the United States, and therefore the widow is not entitled to pension under the general pension laws. Congress, however, has granted relief in similar cases by special legislation, and, being of opinion that this is a case equally meritorious, the committee reports favorably on the bill and asks that it do pass."

The bill was ordered to a third reading, read the third time, and passed.

JOHN GLENN.

Mr. VAN WYCK. I send up the other bill. The facts are substantially the same as in the other case. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2294) granting a pension to John Glenn. It proposes to place on the pension-roll the name of John Glenn, late a member of the Indiana State Militia, who was wounded and disabled in the Morgan raid in July, 1863.

The bill was reported to the Senate without amendment.

Mr. HAWLEY. I should like to have somebody on the committee explain to us a little about that case. During the raids of John Morgan and others there were a great number of citizens of Ohio and adjoining States who turned out to repel the invasion. I found it a little difficult to say a word against a pension to the widow of a man who was killed, but here is a pension for a man who was wounded in repelling one of those raids. If the Committee on Pensions say it is all right I shall make no particular objection any further. But there were thousands of people who turned out any length of time from one up to three or four weeks all over that country, and finally Morgan went back. It is a little difficult to tell where the line is to be drawn. Perhaps not everybody who got sick during those few weeks should have a pension. I will not object if the Committee on Pensions say it is right.

Mr. VAN WYCK. The committee have reported it, sir.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5538) to reduce internal-revenue taxation.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5538) to reduce internal-revenue taxation, and

for other purposes; and it was thereupon signed by the President *pro tempore*.

RETIRED ARMY OFFICERS.

Mr. COCKRELL. No. 1089 in the Order of Business is precisely similar to a bill that was passed by the Senate and sent to the House and is now on the Speaker's table there. This bill has been reported favorably from the Committee on Territories. It was passed over on the objection of the Senator from Kansas; but the Senator from Connecticut assures me that the Senator from Kansas has withdrawn his objection. I therefore ask that the bill he taken up and passed. It will only take a second.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ROLLINS. I move that the Senate proceed to the consideration of executive business.

Mr. MILLER, of New York. I hope not at this moment.

Mr. CALL. I hope the Senator from New Hampshire will yield for a moment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. ROLLINS].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

MEMORIAL.

The PRESIDING OFFICER (Mr. DAVIS, of Illinois, in the chair) presented a memorial of the Legislature of Montana in regard to the military reservation at Fort Keogh; which was referred to the Committee on Military Affairs.

YACHTS.

Mr. MILLER, of New York. The Committee on Commerce, to whom was referred the bill (H. R. 1226) to amend section 4214 of the Revised Statutes, relating to yachts, have instructed me to report it back without amendment and ask for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to amend section 4214 of the Revised Statutes of the United States so as to read:

SEC. 4214. The Secretary of the Treasury may cause yachts, used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned in compliance with the provisions of sections 4133 to 4135, to be licensed on terms which will authorize them to proceed from port to port in the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title: *Provided*, That all charges for license and inspection fees for any pleasure vessel or yacht shall not exceed $5, and for admeasurement shall not exceed 10 cents per ton.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GRAIN-SHOVEL PATENT.

Mr. CALL. I have a motion here to which I think there will be no objection from any quarter. On the 29th day of May, 1882, I asked the Senate to reconsider the vote by which the bill (S. 1057) for the relief of George Milsom, Henry Spendelow, and George V. Watson was indefinitely postponed. The bill was postponed upon the motion of the Senator from Missouri [Mr. COCKRELL], who consents now, inasmuch as no further action can be had, that it shall be reconsidered. I ask unanimous consent, so that it may come before another Congress.

The PRESIDING OFFICER. The Senator from Florida asks for a reconsideration.

Mr. CALL. There is no objection to the reconsideration. It is simply in order that the parties may come before the next Congress without prejudice.

The PRESIDING OFFICER. Is there objection to the reconsideration?

Mr. HAWLEY. I do not understand what advantage a reconsideration would give them in the next Congress. That patent has been quite fully discussed. It is an application for the renewal of a patent, which has been discussed here and rejected.

Mr. INGALLS. What is the patent?

Mr. HAWLEY. It is the grain-shovel patent.

Mr. CALL. If the Senator from Connecticut sees any advantage to any one in opposing the motion, I have made it at the request of the Senator from New York and other parties, and if there is objection to it I will withdraw it.

Mr. HAWLEY. I voted against that on my best judgment and after much consideration. I feel bound to object.

WIDOW OF J. C. UNDERWOOD.

Mr. LAPHAM. I ask, Mr. President, to take up the Senate resolution reported from the Committee on Privileges and Elections for the relief of Mrs. Underwood, widow of John C. Underwood.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. Yes, sir; there is objection.

Mr. LAPHAM. I hope not.

The PRESIDING OFFICER. An objection carries over.

Mr. LOGAN. I ask permission to take from the table a House bill which will take but a moment. It is in relation to a bridge.

Mr. LAPHAM. I do not understand that an objection carries the Underwood resolution over.

The PRESIDING OFFICER. Yes, sir.

Mr. LAPHAM. I move to take it up.

The PRESIDING OFFICER. The Senator from New York moves to take up the Underwood resolution.

Mr. LAPHAM. If there is a bill under consideration, I will wait until that is disposed of.

Mr. COCKRELL. The case is simply this——

Mr. LOGAN. Let my bill be acted on.

Mr. LAPHAM. I will wait until the bill is disposed of.

ILLINOIS RIVER BRIDGE.

The PRESIDING OFFICER. The bill called up by the Senator from Illinois will be reported.

Mr. LOGAN. It was reported yesterday and I have had it lying on the table, and I ask it to be taken up. Three bills came over from the House, one for the Missouri River, which has been passed, one for the Connecticut River, which has been passed, and this for the Illinois, which has not yet been passed.

The PRESIDING OFFICER. It was referred, but has it been reported back? The Secretary says not.

Mr. LOGAN. I move to discharge the committee.

The PRESIDING OFFICER. It was not referred, the Secretary says. It is lying on the table, having been read twice.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYTLE MONUMENT.

Mr. PENDLETON. I ask the Senate to consider the bill (H. R. 6408) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio.

Mr. COCKRELL. There is an adverse report.

Mr. PENDLETON. I hope there will be no objection.

Several SENATORS (to Mr. COCKRELL). Do not object.

Mr. COCKRELL. Justice is justice, and right is right. There have been about one hundred of these bills reported adversely and postponed indefinitely. If this is taken up I shall insist on reconsidering all of them and having them all passed and having the Senate go back upon its record and upon the record of the committee. I object.

Mr. PENDLETON. I will agree to take up anything the Senator wants.

The PRESIDING OFFICER. The Senator from Missouri objects; therefore the bill is not before the Senate.

Mr. PENDLETON. I move to take up the bill, notwithstanding the objection.

Mr. COCKRELL. Let the bill be read for information.

The bill was read.

Mr. COCKRELL. That bill was reported adversely; it was postponed indefinitely; and that vote was by consent reconsidered, not for the purpose of being passed. There was no such intimation; and I say to the Senator from Ohio if he had intimated that that was the purpose of the reconsideration it would not have been reconsidered. Now, it is not fair, it is not right, that the Senator should come in at this time and undertake to pass it in such a style.

Mr. PENDLETON. A bill is never reconsidered for the purpose of not being passed.

The PRESIDING OFFICER. The Senator from Missouri objects; and the Senator from Ohio moves that the bill be considered notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6408) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio.

Mr. COCKRELL. I move an amendment. I ask the Secretary to get the record of all these other bills that were postponed, so that I can offer them all as amendments to this bill.

The PRESIDING OFFICER. Not all together?

Mr. COCKRELL. I will offer each one separately.

The PRESIDING OFFICER. The bills are not here.

Mr. COCKRELL. A page can go to the document-room and get all the condemned-cannon bills, every one of them. The Senator from Iowa, the chairman of the Committee on Appropriations, is deeply interested in one of these bills, and he had it put on the Calendar, so that it has not been indefinitely postponed. That is Senate bill 2321.

The PRESIDING OFFICER. Will the Senate postpone this for a moment until these other bills can be got?

Mr. HAMPTON. I move to postpone this bill temporarily with a view of making a motion.

Mr. PENDLETON. I will not object to a temporary postponement.

TENEDORE TEN EYCK.

Mr. HAMPTON. I ask unanimous consent to take up Senate bill 1745.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1745) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers.

The bill was reported from the Committee on Military Affairs with an amendment.

Mr. INGALLS. Is there a report in that case?

Mr. HAMPTON. There is a report.

Mr. INGALLS. Let us hear it read.

Mr. HAMPTON. I will read the report, and I beg to say to the Senate that it is the unanimous report of the Military Committee:

The Committee on Military Affairs, to whom was referred the bill (S. 1745) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers, beg leave to report:

That an examination of the papers shows the following facts: Captain Ten Eyck entered the volunteer service as a private, and was commissioned as a captain in the Eighteenth United States Infantry in 1862. In 1863 he was brevetted major, United States Army, for gallant conduct, and at the battle of Chickamauga he was taken prisoner. After his exchange he rejoined his regiment, serving with it on the western frontier until 1871, when he was dropped from the rolls under the provisions of the act of Congress of July 15, 1870. As a general rule the committee have not recommended the restoration to the Army of officers dropped under the operation of this act, and they make an exception in the case of Captain Ten Eyck only for the following reasons:

In 1870, while on sick leave, and a confirmed invalid on account of diseases contracted in the line of duty, he was ordered before a medical board for examination, with a view to retirement. This board, composed of two Army surgeons, while admitting the chronic character of the disease from which Major Ten Eyck was suffering, reported him as, in their opinion, fit for duty. But his health has not been restored, and certificates from a large number of prominent physicians, laid before the committee, show that from the time of his examination to the present he has been a great sufferer and a confirmed invalid. This fact indicates that the examining board were mistaken in the opinion they expressed, that Major Ten Eyck would be fit for duty. Subsequent events have shown that his health had been permanently impaired at the time of his examination, and that he can look for no improvement in the future. In view of these facts your committee regard this case as an exceptional one, where justice requires that Major Ten Eyck should be placed on the retired-list. They therefore recommend the passage of the bill as amended by adding in the twelfth line the words "and provided further that he shall receive no pension from and after the passage of this act."

Now, Mr. President, I simply have one word to say. The certificates brought before the committee from the most distinguished surgeons prove that Major Ten Eyck was at the time of his examination a confirmed invalid, and he is now probably on his death-bed. I am told that he will hardly live until he can be placed on the retired-list. As this is a unanimous report from the committee, I ask the indulgence of the Senate, and request that the bill may be passed.

The amendment reported from the Committee on Military Affairs was to add to the bill:

And provided further, That he shall receive no pension from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYTLE MONUMENT.

The PRESIDING OFFICER. The Senator from Missouri moves an amendment to the bill of the Senator from Ohio, which will be read.

The ACTING SECRETARY. It is proposed to add to the bill the following:

That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, to the Dubuque Veteran Corps, Dubuque, Iowa, four condemned cast-iron cannon and twenty cannon-balls, to be placed on their lot in the Linwood Cemetery.

Mr. HAWLEY. I hoped that when the bill called up by the Senator from Ohio was taken up the Senate would quietly content itself with voting it down; but I confess that the Senator from Missouri is quite right in principle in desiring to add all the rest of the rejected bills. The Committee on Military Affairs, as I think the Senate has been informed several times, inquired into this matter and was entirely willing that these various people erecting monuments should have their condemned cannon if there were such on hand.

We found on inquiry there were no more left of the kind adapted to this use. I told the Senate the other day that there are a large number of old cannon still at some of the forts and some of the stations near the cities which are so large that nobody will carry them away. The Government does not transport them and deliver them. It merely gives permission under these bills for people to go and get them. There are no cannon left, and we have been denying a large number of these applications. I have assisted in denying one from my own State. I explained the state of facts and it has been accepted gracefully by the people concerned. Now I hope the Senate will vote the whole thing down.

Mr. CONGER. I should like to inquire whether the adverse report on all the bills for giving condemned cannon all through the country was made with any reference to having four left for this bill?

Mr. PLATT. This was reported adversely.

Mr. HAWLEY. This was reported adversely and indefinitely postponed, but a motion to reconsider was made.

Mr. CONGER. It would look a little as if the adverse report upon all the rest would leave an opening for somebody to come in now. If that is the case, I should like to know it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

Mr. HAWLEY. If there be nobody else to do it, I move to lay the bill on the table.

Mr. PENDLETON. I hope that will not be done.

The PRESIDING OFFICER. The motion is not debatable. The Senator from Connecticut [Mr. HAWLEY] moves to lay the bill on the table.

The motion was agreed to.

Mr. LOGAN. I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and the Senate (at 3 o'clock and 45 minutes a. m.) took a recess until 4 o'clock, at which time it reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech;

A bill (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia; and

A bill (H. R. 6930) to levy an assessment of the real estate in the District of Columbia in the year 1883, and every third year thereafter, for purposes of taxation.

RECESS.

Mr. HAWLEY. I am just informed by an officer of the House that the sundry civil bill has only just got to the House. I think we had better take a recess for ten minutes.

Mr. ALLISON. I think we may take a recess for fifteen minutes.

Mr. VAN WYCK. Allow me to introduce a resolution first.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate take a recess for fifteen minutes.

The question being put, there were on a division—ayes 13, noes 7.

Mr. VAN WYCK. I call for the yeas and nays.

The yeas and nays were ordered.

The Principal Legislative Clerk proceeded to call the roll. Having called three names without a response,

Mr. HAWLEY. No one has answered to his name. I ask leave by unanimous consent to withdraw my motion.

Mr. VAN WYCK. I object.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I only asked the privilege of submitting a resolution, to which the Senator objected.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Connecticut to ask leave to withdraw his motion?

Mr. HAWLEY. I was going to ask unanimous consent to withdraw it in the interest of business.

The PRESIDENT *pro tempore*. It does not require unanimous consent. It can be withdrawn by leave of the Senate, as the Chair understands.

Mr. HAWLEY. I withdraw it, if I may do so by the rules.

The PRESIDENT *pro tempore*. The question is, Shall the Senator from Connecticut have leave to withdraw his motion for a recess? [Putting the question.] The ayes have it.

Mr. VAN WYCK. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. Is the demand for the yeas and nays seconded? Only two Senators rising, not one-fifth of the Senators present, the yeas and nays are not ordered. The motion for a recess is withdrawn.

SUNDRY CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

Mr. ALLISON. I call up the conference report on the sundry civil bill and ask the Senate to adopt it.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the conference report on the sundry civil bill, so called, be now taken up. The Chair hears no objection, and it will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 31, 38, 40, 43, 56, 57, 58, 67, 73, 74, 77, 83, 84, 88, 89, 90, 91, 99, 102, 112, 116, 119, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20, 24, 25, 27, 28, 30, 32, 35, 39, 41, 42, 48, 49, 51, 59, 61, 62, 63, 64, 65, 66, 68, 70, 71, 72, 75, 76, 78, 81, 85, 86, 87, 93, 94, 95, 96, 100, 101, 103, 105, 106, 108, 109, 110, 111, 113, 114, 115, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 134, and agree to the same.

Amendments numbered 2 and 3: That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with an amendment as follows: In lieu of "$1,500" insert "$1,800;" and in lieu of "$2,500" insert "$3,000;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$630,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$485,700;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$361,000;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and strike out in line 6, page 10 of the bill, the word "ten" and insert "seven;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and in line 8, page 10 of the bill, strike out "fifteen" and insert "twelve;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: On page 35, line 10 of the bill, after the word "approved," insert "March 3;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "for the tracts occupied by" and insert "to the United States in trust only for the benefit of;" and in line 10 of the amendment, after the word "Osages," insert "now occupying said tract, as they respectively occupy the same, before the payment of said sum of money;" and after the word "money," in line 11, strike out the balance of said amendment; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert:

"For the purpose of procuring the assent of the Sioux Indians as provided by article 12 of the treaty between the United States and the different bands of the Sioux Nation of Indians made and concluded April 29, 1868, to agreement made with said Sioux Indians transmitted to the Senate February 3, 1883, by the President, with such modification of said agreement as will fully secure to them a title to the land remaining in the several reservations set apart to them by said agreement, and to the Santee Sioux the proceeds of that portion of their separate reservation not allotted in severalty, $10,000, or so much thereof as may be necessary, to be immediately available and to be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and in line 10, page 10 of the bill, strike out "1,000" and insert "700;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert $10,000; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and strike out after the word "dollars," in line 26, page 21 of the bill, down to and including line 4, page 22; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"FOR THE NATIONAL BOARD OF HEALTH.

"For compensation and personal expenses of members of the board, $10,000."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,500;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "for the enlargement and construction of such military posts as in the judgment of the Secretary of War may be necessary, $200,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: Strike out of said amendment the words "for West India reports, $4,000," and in lieu of "$12,000" insert "$7,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,500;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out "fifty" and insert "thirty-five;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with amendments as follows: In line 27, page 32 of the bill, after the word "dollars," insert "the same to be immediately available;" and in lines 3 and 4 of said amendment strike out the words "next fiscal," and add after the word "year" "1884;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 16, page 33 of the bill, after the word "law," insert "and exclusive of officers detailed for Arctic Sea service;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments as follows: In lieu of "forty-five" insert "twenty-five," and after the word "mules," in line 14, page 34 of the bill, insert the words "and six horses;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of "$4,500" insert "$3,100;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,651.75;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "and," insert the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,402,000;" and the Senate agree to the same.

Amendments numbered 132 and 133: That the House recede from its disagreement to the amendments of the Senate numbered 132 and 133, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter proposed to be inserted by said amendments insert:

"To enable the Acting Secretary of the Senate and the Clerk of the House to pay the officers and employés of the Senate and House of Representatives, respectively, borne on the annual and session rolls, on the 3d day of March, 1883, one month's extra pay at the rate of compensation then paid them by law, which sum shall be immediately available.

"That a joint commission consisting of three Senators, to be appointed by the Presiding Officer of the Senate, and three members-elect of the Forty-eighth Congress, to be appointed by the Speaker of the House of Representatives, shall during the recess of Congress consider the question of the salaries and compensation of the officers and employés of the Senate and House, respectively; and also the number of such employés necessary for the official transaction of the business of the two Houses, and shall report to the two Houses on the second Monday of December next their conclusions with reference to the whole subject, and shall recommend legislation respecting the same, if in their judgment any legislation is necessary."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
FRANK HISCOCK,
BENJ. BUTTERWORTH,
JO. C. S. BLACKBURN,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

CAPITOL POLICE.

Mr. INGALLS. Upon the Calendar is a joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay. It was read twice and referred to the Committee on Appropriations of the Senate August 2, 1882, and reported August 8, 1882, by the Senator from Iowa [Mr. ALLISON], from that committee. For some reason the Senator from Iowa is unwilling to call up the joint resolution, and requests me to do it. As all the other employés have received additional compensation, I can see no reason why the same benefaction should not be extended to the members of the Capitol police. I therefore ask that the joint resolution may receive the action of the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. Shall the joint resolution be read the third time? [Putting the question.] The "noes" appear to have it. The "noes" have it; and the third reading of the joint resolution is refused.

Mr. GARLAND. I move that the Senate take a recess until the hour of 10 o'clock.

The motion was agreed to; and (at 4 o'clock and 53 minutes a. m., Sunday, March 4) the Senate took a recess until 10 o'clock a. m.

MORNING SESSION.

The PRESIDENT *pro tempore* (at 10 o'clock on Sunday, March 4). The recess having expired, the Senate resumes its session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's Headquarters at Newburgh, New York.

The message also announced that the House had passed a joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution for the printing of 8,000 extra copies of the report of the Commissioner of Forestry.

The message announced that the House insisted on its amendments to the concurrent resolution of the Senate for the printing of the report of the Commissioner of Education for 1881, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. T. VAN HORN of Missouri, Mr. JOHN A. ANDERSON of Kansas, and Mr. SAMUEL J. RANDALL of Pennsylvania, the managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 151) for the relief of David S. Booth, M. D.;

A bill (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry in lieu of Pembina, in the Territory of Dakota;

A bill (H. R. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

A bill (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories;

A bill (H. R. 2294) granting a pension to John Glenn;

A bill (H. R. 3837) for the relief of William D. Martin;

A bill (H. R. 3850) for the relief of Joseph Wescott & Son;

A bill (H. R. 3267) granting a pension to Clara Wible;

A bill (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia;

A bill (H. R. 4218) for the relief of Robert L. McConnaughey;

A bill (H. R. 4926) for the relief of Charles Kortzenborn;

A bill (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell;

A bill (H. R. 6308) for the relief of C. H. Miller;

A bill (H. R. 6889) for the relief of Mrs. Louisa F. Stone;

A bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois;

A bill (H. R. 7462) to create three additional land districts in the Territory of Dakota; and

Joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General.

PREPARATION OF INTERNAL-REVENUE DIES, ETC.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a joint resolution received from the House of Representatives.

The joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate, was read the first time by its title.

Mr. ALLISON. The resolution just read is one that ought to pass at this session. I ask that it may be considered now.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the House joint resolution the title of which has just been read be now taken up for consideration. Is there objection?

The joint resolution was read the second time at length and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. ALLISON. This is made necessary by the passage of the internal-revenue bill yesterday.

The joint resolution was ordered to a third reading, read the third time, and passed.

CAPITOL POLICE.

Mr. DAVIS, of West Virginia. Mr. President, last session the House of Representatives passed a joint resolution, No. 281, and yesterday or this morning early I understand that it was called up and voted down without much consideration. The fact is that all the employés at both ends of the Capitol have been allowed an extra month's compensation except the Capitol police. I am directed by the Committee on Appropriations to ask the Senate to reconsider its decision this morning and put this resolution on its passage. I believe it to be right and just that the Capitol police should be treated as all others have been treated here.

I ask that the vote of this morning rejecting the joint resolution be reconsidered.

Mr. LAPHAM. I only desire to add that this resolution proceeds on the supposition that the Capitol police are entitled first of all others to the consideration of having an extra month's pay, and I trust the motion to reconsider will prevail.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the vote of the Senate taken to-day by which the third reading of this House joint resolution was refused be reconsidered.

The motion was agreed to.

The PRESIDENT *pro tempore*. The vote is reconsidered. The joint resolution will now be read for information.

The joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay was read.

The PRESIDENT *pro tempore*. The question now is, Shall the joint resolution be read the third time?

Mr. SHERMAN. I simply mean to say that I want to vote against the proposition, but I do not intend to call for the yeas and nays. I am opposed to all these propositions introduced in the last hours of the session to appropriate money out of the Treasury to pay people for services they have not rendered, or rather to pay them for time in which they have not worked, and to increase their pay under the name of a nominal bounty by allowing thirty days' additional pay. I simply wish to vote against it. I know it to be ineffective. For many years I know such resolutions have passed, but they are not right.

Mr. DAVIS, of West Virginia. I have usually, perhaps uniformly, voted with the Senator from Ohio in the direction he now indicates; but here is a distinction, and a very broad one. The entire force of the Capitol at both ends have been allowed an extra month's salary, but the police in some way have been omitted. This resolution was passed, it will be seen by reference to it, by the House at the last session and sent over here and recommended unanimously by the Committee on Appropriations. I am this morning directed by that committee to call it up, believing it to be just. I agree with the Senator from Ohio, and I am glad to say that the Committee on Appropriations at the two ends of the Capitol have now come to the conclusion that hereafter they will prevent this, and make the practice more uniform generally, directing by law what shall be paid, and when it shall be paid, and not have these continual extras at the end of the session. This ought to pass.

Mr. SHERMAN. I will simply say that that virtuous resolution has been announced on the passage of every measure of this kind for the last twenty years; the next year they will not do it, and they will never do it again, and yet every year at the end of the session appeals of this kind are brought to Senators and we yield.

Mr. DAVIS, of West Virginia. I understand it is proposed to make a law for the future. I hope there will be no change of it and no resolution to give extra allowances hereafter. This is meritorious and ought to pass.

The PRESIDENT *pro tempore*. The question is on ordering the joint resolution to a third reading.

The resolution was ordered to a third reading, read the third time, and passed.

LIST OF PENSIONERS.

Mr. BECK. The Secretary of the Interior sent us on the first instant, and it is now on our table, a response to a resolution calling for an alphabetical list of the pensioners on the roll January 1, 1883. I want to call it up and ask that it be printed.

The PRESIDENT *pro tempore*. The Senator from Kentucky presents from the Committee on Appropriations a communication from the Secretary of the Interior on the subject of alphabetical lists of pensioners and moves that it be printed for the use of the Senate.

The motion was agreed to.

COMMITTEE ON PENSIONS.

Mr. VAN WYCK. I offer the following resolution from the Committee on Pensions:

Resolved, That the Committee on Pensions be continued as now constituted until the first Monday of December next, and that it have authority to sit during the vacation to consider bills to revise the pension laws and continue the examination ordered by the Senate as to extortion by agents or attorneys in pension and other claims, and shall have power to send for persons and papers, and to employ a stenographer; and the expenses shall be paid from the contingent fund of the Senate.

Mr. INGALLS. Does that come from the committee through its chairman?

The PRESIDENT *pro tempore*. The Chair is not informed.

Mr. VAN WYCK. The chairman is not here.

Mr. INGALLS. I desire to be informed, is it the action of the committee?

Mr. VAN WYCK. It is the wish of the committee.

Mr. INGALLS. Is it the action of the committee?

Mr. VAN WYCK. Yes, sir, the action of the committee.

Mr. INGALLS. Have they voted to have this resolution passed?

Mr. VAN WYCK. Not by vote, but they have expressed their opinion.

Mr. INGALLS. I then object to the consideration of the resolution.

The PRESIDENT *pro tempore*. Objection is made, and the resolution can not be considered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a concurrent resolution authorizing the Committee on Enrolled Bills to correct a clerical error in the bill (H. R. 7611) to adjust the salaries of postmasters.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7327) to establish certain post-routes; and it was thereupon signed by the President *pro tempore*.

CORRECTION OF A BILL.

The PRESIDENT *pro tempore*. The Chair asks unanimous consent to lay before the Senate a resolution from the House of Representatives on the subject of correcting an error in an enrolled bill.

The Acting Secretary read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills be, and they are hereby, authorized to correct a clerical error in the bill of the House (H. R. 7611) to adjust the salaries of postmasters, by inserting after the word "two" the word "hundred," under the third class, where the gross receipts do not exceed $2,700.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive business the doors were reopened.

REPORT OF COMMISSIONER OF FORESTRY.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chair lays before the Senate a House concurrent resolution, which will be referred to the Committee on Printing:

Resolved by the House (the Senate concurring), That there be printed 8,000 extra copies of the third annual report of the Commissioner of Forestry, transmitted to the House in May last by the Commissioner of Agriculture; 5,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the Commissioner of Forestry.

Mr. MILLER, of New York. I hope it will be considered at once.

Mr. ANTHONY. It may as well be considered at once.

The PRESIDING OFFICER. The Senator from Rhode Island can report it.

WIDOW OF J. C. UNDERWOOD.

Mr. LAPHAM. Pursuant to notice I gave last night I move to call up the resolution for the relief of Mrs. Underwood.

The PRESIDING OFFICER. The regular order is the Calendar, under the Anthony rule. The Senator from New York moves to lay aside the Calendar for the purpose of taking up the resolution he has indicated.

Mr. COCKRELL. I hope it will not be done. It will take all morning and nothing else will be done.

Mr. LAPHAM. It can not take but a little time. I trust it will be done.

Mr. MILLER, of New York. Before that is called up, I ask consent to take up the House resolution about printing the forestry report and act upon it. I did not understand that anybody objected to it.

Mr. LAPHAM. I did not design to interfere with that.

REPORT OF COMMISSIONER OF FORESTRY.

The PRESIDING OFFICER. The Chair understands that under the statute there should be the reference of the resolution to the Committee on Printing.

Mr. ANTHONY. That is so.

The PRESIDING OFFICER. That reference has been made. Is the committee ready to report.

Mr. ANTHONY. Yes, sir.

The PRESIDING OFFICER. The Chair will receive the report.

Mr. ANTHONY. I will say that this resolution comes to us too late for us to get an estimate, although we have an idea of what the cost of the work will be. It is very late to send us resolutions for printing of this kind; but I have consulted my colleagues on the committee, and they have concluded to report it favorably without amendment and ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in.

WIDOW OF J. C. UNDERWOOD.

The PRESIDING OFFICER. The Senator from New York [Mr. LAPHAM] now moves to lay aside the Calendar.

Mr. LAPHAM. I desire to say one word before this motion is put. This resolution, which is a Senate resolution, coming from the Committee on Privileges and Elections, grants the widow of the late John C. Underwood——

The PRESIDING OFFICER. The Chair is informed by the Secretary that the resolution to which the Senator refers is a Senate resolution now upon the Calendar. He is entitled, therefore, to call it up without laying the Calendar aside under the regular order.

Mr. LAPHAM. I supposed that was so, and I asked to take it up with that view. Now I desire to say in reference to it that this is a resolution for the relief of the widow of the late Judge Underwood, of Virginia. He was chosen, by what was known as the Peirpont government, one of the Senators to represent that State in this body. Mr. Segar and Judge Underwood were elected at the same time. Neither of them was ever permitted to take a seat in the Senate, and yet the government which chose them was the recognized government of the State of Virginia for more than two years. The Senator from Virginia [Mr. JOHNSTON], now a member of this body, was appointed a judge by that government and administered justice in that State for a period of nearly two years. Judge Underwood died, leaving a widow and a daughter, and they are in needy circumstances. They ask now simply that the amount of money which he expended in good faith in his efforts to secure a seat here shall be reimbursed by this resolution. I can not see why any one can object to it. There are repeated instances in the history of this body in which members of the House of Representatives, who were receiving their pay as members of Congress during all the time, have been granted compensation for their efforts to secure seats here which were unavailing. The books are full of precedents in favor of just such relief as is asked in this case; and in the case of Mr. Segar, who was chosen at the same time with Judge Underwood, the same committee, the Committee on Privileges and Elections of this body, reported in his favor two years ago that he should be paid the sum of $5,000 to cover his expenses while he was making his efforts to secure a seat here.

There is another precedent, and a very striking one, and that grows out of the election of Hon. George Vickers, a Senator from Maryland, set by the Senate in 1872. I have the report of the committee of this body signed by Judge Thurman, Mr. Rice, Mr. Carpenter, Mr. Hill, and Mr. ANTHONY—a report made, if I remember aright, by Mr. Thurman from the Committee on Privileges and Elections. The committee state the question raised by the following letter:

JUNE 8, 1872.

Hon. HENRY B. ANTHONY,
President pro tempore of the Senate:

Hon. Philip Francis Thomas was elected to the Senate of the United States by the Legislature of Maryland, for six years, commencing on the 4th of March, 1867, and ending on the 4th of March, 1873.

Mr. Thomas was not admitted to his seat, and did not receive any compensation from the United States.

On the 7th of March, 1868, George Vickers was elected to the Senate for the balance of the term, ending March 4, 1873.

Under the late decision made in the case of Hon. Mr. RANSOM, of North Carolina, am I not entitled to compensation from March 4, 1867, to March 4, 1868?

GEORGE VICKERS.

And they report—

That, according to the practice of each House of Congress since the passage of the act of July 12, 1862, Mr. Vickers was entitled to pay commencing March 4, 1867. His case differs in no essential particular from that of Mr. RANSOM, Senator from North Carolina, in which this construction of the act was approved by the Senate at the present session. But Mr. Vickers did not draw his pay for the year commencing March 4, 1867, to which he was entitled.

Your committee report the following resolution and recommend its adoption:

Resolved, That George Vickers, a Senator from Maryland, is entitled to receive pay as such for the year commencing March 4, 1867.

A. G. THURMAN.
B. F. RICE.
M. H. CARPENTER.
JOSHUA HILL.
H. B. ANTHONY.

There is a much stronger case than this. Now it is said that Judge Underwood held the office of district judge in the State of Virginia during the period covered by his efforts to secure a seat here. What of that? Suppose he did hold such office. He had a right to choose between continuing in that office and becoming a Senator, and he had a

right to make all reasonable and proper efforts to secure his seat here, which of course would have vacated his office of judge. If he spent his salary in an honest effort to secure his seat here, as this report finds he did, why should he not be reimbursed?

It seems to me, Mr. President, that this is a very strong case; and when we come down to the fact that this amount of money was given to Mr. Segar, who was elected at the same time, it seems to me that the discrimination against this poor widow and her daughter would be an unjust discrimination and reflect discredit instead of honor upon the Senate.

Now, I do trust that on this legislative yesterday, a day occurring in a season when, in the opinion of the Christian world the minds of men are chastened and purified, a day given to noble and charitable and patriotic deeds, the Senate will not so far forget itself as to refuse to this widow and her daughter that which was given to the gentleman who was elected with the husband and father at the same time. I trust that even my friend from Missouri, who is so vehement at times in his denunciation against these measures, will remember that this act will reflect credit upon him as well as upon all the rest of us. "So shines a good deed in a naughty world," and I commend the maxim to the consideration of my friend from Missouri.

REPORT OF COMMISSIONER OF EDUCATION FOR 1881.

Mr. HAWLEY. I ask leave to submit a report concerning the disagreeing votes of the two Houses on the resolution for printing the annual report of the Commissioner of Education for 1881.

The PRESIDING OFFICER. The Senator from Connecticut asks for the present consideration of the conference report made by him. Will the Senate now consider the report? The Chairs hears no objection, and it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the resolution to print 32,000 copies of the report of the Commissioner of Education for 1881, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives numbered 1 and 2.

That the Senate recede from its disagreement to the amendment numbered 3, and agree to the same with an amendmenf as follows: Insert in lieu of the proposed amendment the word "twelve."

JOS. R. HAWLEY,
H. W. BLAIR,
A. P. GORMAN,
Managers on the part of the Senate.

R. T. VAN HORN,
SAM. J. RANDALL,
J. C. SHERWIN,
Managers on the part of the House.

The report was concurred in.

WIDOW OF J. C. UNDERWOOD.

The PRESIDING OFFICER. The question recurs on the resolution submitted by the Senator from New York [Mr. LAPHAM].

Mr. COCKRELL. Mr. President, I have some few objections to the passage of this resolution. It will take me an hour or two probably, or more, to get all the data together which will be presented to the Senate before this resolution is acted upon.

Mr. INGALLS. Has the resolution yet been read?

The PRESIDING OFFICER. It has been read.

Mr. INGALLS. I did not hear it. I should like to hear it.

The PRESIDING OFFICER. The resolution will be read for information.

The Acting Secretary read the resolution, as follows:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. INGALLS. Have the committee made any report in writing?

The PRESIDING OFFICER. The Chair is informed that there is no report in writing. It was reported by the Committee on Privileges and Elections May 19, 1882.

Mr. LAPHAM. Yes, sir, there is a report.

The PRESIDING OFFICER. There is a report in writing. Does the Senator from Missouri yield for the reading of the report?

Mr. COCKRELL. Certainly.

The Acting Secretary read the following report, submitted by Mr. LAPHAM May 29, 1882:

The Committee on Privileges and Elections, to whom was referred the petition of Maria G. Underwood, administratrix of John C. Underwood, deceased, asking payment for salary and mileage of the said John C. Underwood from the 4th of March, 1865, to the 4th of March, 1871, have considered the same, and respectfully report:

That on the 9th day of December, 1864, the petitioner's intestate was duly elected a Senator from the State of Virginia, for the term of six years from the 4th day of March, 1865; that he received a certificate of such election in the words and figures following:

"VIRGINIA, to wit:

"The Legislature of this State having, on the 9th day of December, 1864, in pursuance of the Constitution for the United States, chosen John C. Underwood, esquire, a Senator from this State for six years from the 4th day of March next, I, Francis H. Peirpont, being governor of the Commonwealth, do hereby certify the same to the Senate of the United States.

"Given under my hand and the seal of the Commonwealth this the 14th day of December, 1864.

"[SEAL OF VIRGINIA.] F. H. PEIRPONT.

"By the governor:

"W. J. COWING,

"*Secretary of the Commonwealth.*"

That the said John C. Underwood duly presented his certificate and credentials as aforesaid, on the 9th day of March, 1865, to the Senate of the United States, and made efforts to obtain his seat in the said Senate, traveling from his home in Virginia to the city of Washington from time to time, and incurred a very considerable expenditure of time and money in so doing; that on the same day of the election of said John C. Underwood one Joseph Segar was also duly elected a Senator from said State, and presented his credentials to the Senate; that neither the said Segar nor the said Underwood were admitted to take their seats in the Senate; that the said Segar duly presented his memorial to the Senate during the Forty-fifth Congress, at its second session, asking payment for his salary and mileage as Senator from the 9th of December, 1864, to the 4th of March, 1869, which was referred to the Committee on Privileges and Elections, and the committee recommended the passage of a resolution in words and figures following:

"*Resolved*, That there be allowed and paid out of the contingent fund of the Senate to Joseph Segar the sum of $5,000, in full compensation for his expenses in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia."

Which resolution was adopted by the Senate, and the amount therein named was paid to the said Segar. The report of the committee in Segar's case contained the following statements:

"If the petitioner had been admitted to the seat which he claimed, his salary and mileage would have amounted to more than $21,000. He was not admitted, and having never performed the duties of a Senator, under the most recent precedent he is not entitled to compensation and mileage as such. By the same precedent, if he prosecuted in good faith and on reasonable grounds a claim for such seat, he should be allowed a moderate compensation for the expenses incurred by him in such prosecution."

On the 23d day of February, 1863, the Legislature of Virginia assembled at Wheeling, in said State, the greater portion of the State, including the city of Richmond, its former seat of government, being then in rebellion, and elected one Bowden a United States Senator from that State. Said Bowden was admitted to his seat, the Senate thereby recognizing the legal existence of the Legislature which elected him. West Virginia, including the city of Wheeling, was then erected into a separate State. The Legislature of Virginia, after such formation of a new State, assembled at the city of Alexandria, and continued the functions of a State Legislature of Virginia. Said Bowden died on the 2d of January, 1864, and said Segar was elected to succeed him at the same time of the election of John C. Underwood, as aforesaid.

The committee in Segar's case further reported as follows:

"The Alexandria government was recognized as a valid State organization by President Lincoln in his amnesty proclamation of December 8, 1863. It gave its constitutional assent to the adoption of the thirteenth amendment of the Constitution of the United States, and its assent is treated by Mr. Seward in his proclamation announcing the adoption of the amendment as necessary thereto.

"Under these circumstances the petitioner was well warranted in presenting his claim to a seat in the Senate. If the practice then prevailing were now acted upon he would receive full salary and mileage. The Senate in the cases of Ray and McMillan, at the present session, preferred to allow to such claimants only a compensation for reasonable and moderate expenses. As this is a new rule, it would be clearly unjust to require of claimants to furnish minute items and vouchers. We think the sum of $5,000 a reasonable and moderate allowance to Mr. Segar for three years' prosecution of his claim. We therefore recommend the passage of the accompanying resolution."

The cases of said Underwood and Segar are alike in all respects, except the terms for which they were chosen. It is true no actual service as Senator was rendered by either, but each stood ready to perform his duties whenever the Senate should allow it; that the said Underwood performed no such service was the fault of the Senate, not his. The precedents fully justify the allowance to said Segar and the allowance asked by the petitioner. The House of Representatives has frequently paid large sums of money to unsuccessful contestants for seats in that body; and the Senate, at the same session during which the allowance was made to Segar, also paid Messrs. Ray and McMillan, and has also paid two claimants for seats from the State of Georgia, although none of them were allowed to occupy their seats in the Senate. The valuable services rendered by said Underwood to the Government in its struggle for national supremacy are matters of history and need not here be repeated. We think the sum allowed and paid to Mr. Segar is a precedent which should be followed in this case, and recommend the passage of the accompanying resolution:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

COMPILATION OF TARIFF LAWS.

Mr. MORRILL. I desire to offer an order.

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. COCKRELL. I yield.

Mr. MORRILL. I offer the following order.

Ordered, That the Committee on Finance of the Senate prepare a compilation and index of existing tariff laws, together with tabulated comparative statements of the rates of duties and imposts under the several tariff acts since the organization of the Government; and such other statistics relating thereto as the committee may deem proper.

Mr. COCKRELL. I should like to amend that so as to include the rates under the existing tariff act just passed.

Mr. MORRILL. This will include that.

Mr. COCKRELL. Then it is all right.

The order was agreed to.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution reported by the Committee on Privileges and Elections in relation to the administratrix of John C. Underwood.

Mr. LAPHAM. I ask that the memorial of Mrs. Underwood be read.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri has the floor.

Mr. COCKRELL. I yield to listen to the memorial. These things will have to be read anyway.

The Acting Secretary read as follows:

Memorial of Maria G. Underwood, administratrix of J. C. Underwood.

The undersigned, a citizen of Virginia, respectfully asks your attention to these facts:

On the 8th day of December, 1864, John C. Underwood was elected United States Senator by the Virginia Legislature (see credentials on file in the secretary's office) for the term of six years from March 4, 1865. He at once presented his credentials, and as in duty bound to his State and himself made the usual effort to obtain the seat, and in passing hither and thither between the seat of Government and his home in Virginia incurred necessarily very considerable expenditure of time and money.

Now, as the action of the Senate induced his election as Senator by the Alexandria Legislature, and this expenditure and expectation, is not the Senate responsible for it, and bound alike in consistency and justice to make some indemnity?

This seems the manifest equity, if not the law of the case. Nor is precedent wanting. The House of Representatives very recently voted $5,000 to each of four unsuccessful contestants. And the Senate itself paid the two Georgia claimants, though they had not occupied seats for a moment; and the Senate has paid Messrs. McMillan and Ray of Louisiana their expenses, and Hon. Joseph Segar, who was elected on the same day and by the same Legislature as your memorialist's husband, the sum of $5,000, the Senate committee having, without division, reported that resolution.

The Supreme Court, too, in the case of Virginia *vs.* West Virginia, has affirmed the legality of the Wheeling or West Virginia government, and in doing that it settled also the legitimacy of the Alexandria government; for the two are in principle, origin, progress, and result as identical as any two human things can by possibility be, the latter being, indeed, a fac-simile or duplicate of the former.

The State of West Virginia, formed of and by the loyal people of Northwest Virginia separating from the old State, which had seceded, is styled by the court "the new-born State;" and in reciting the creation and history of the "State of West Virginia," it says: "The first step taken in this matter was taken by the organic convention of the State of Virginia, which, in 1861, reorganized that State and formed for it what was known as the 'Peirpoint government,' an organization which was recognized by the President and by Congress as the State of Virginia, and which passed the four statutes set forth in the exhibits in the bill of complaint."

Under this government we lived from May, 1863, till it was supplanted by military rule, in 1867, under the reconstruction acts, and under it we had the blessings of a well-ordered, peaceful, and free government. We had a judiciary worthy of the palmiest days of Virginia. In her court of appeals she had Judges Joynes and Moncure, the peers of Spencer Roane, John Wickham, and Daniel Call, while in her circuit courts she had jurists who would do honor to any government. One of them was JOHN W. JOHNSTON, now one of her Senators in Congress.

A government that was formed under circumstances so interesting and honorable deserves respect, sympathy, and admiration.

A government is a government, and a State a State, without regard to size. The little State of Delaware, scarcely equal in extent to a single county in Virginia, is as much and as proud a State as her empire sister, New York, just (to use an illustration of Vattel) as a "dwarf is as much a man as a giant, and the smallest republic as much a state as the greatest empire."

But the one basis on which this claim immovably stands is, that the action of the exalted body invited him to seek and to accept, through the Alexandria legislature, a seat in this body. Its faith is plighted and ought to be sacredly observed. Public faith has been denominated the philosophy of nations, and in the judgment of your memorialist the Senate is as much bound in honor to do all it can to allow your memorialist pay to the time the Alexandria government was superseded by the reconstruction measures, as it is to pay the interest on the public debt.

Hon. John C. Underwood performed no actual service as Senator, it is true; neither did the two Georgia Senators who were fully paid. But he was ready to do the duties of a Senator whenever the Senate should allow him. That he did not was their fault, not his.

For these several reasons, the action of the Senate itself, the recognition by Congress of the basis of the claim, the obligations of the public faith, and, lastly, the opinion of the Supreme Court, whose decisions are to all wise and good citizens the highest of American law, your memorialist respectfully asks your honorable bodies to make her, as administratrix of John C. Underwood, deceased, such allowance as to them in equity and good conscience shall seem fit. Whether she shall receive a session's pay, or pay until the termination of the Alexandria government, or any at all, she submits to your judgment.

MARIA G. UNDERWOOD, *Administratrix.*

The PRESIDENT *pro tempore.* On this resolution the Senator from Missouri is entitled to the floor.

SALARY OF COLLECTOR OF CUSTOMS AT CHICAGO.

Mr. MORRILL. I ask, before the Senator from Missouri proceeds, to make a report from the Committee on Finance on the bill (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

Mr. LOGAN. If there be no objection I ask for the consideration of that bill. This is a bill to reduce the salary of the collector of customs at Chicago, and it is only about ten lines. I should be very glad if the Senate would allow it to be acted on. It has been in that committee for a year. The salary is now paid in fees, which amounts to sometimes twice the amount of this. This fixes the salary at $7,000 and requires him to pay the balance of the fees over into the Treasury of the United States. I hope the Senate will allow the bill to pass. It will take but a moment.

The PRESIDENT *pro tempore.* The Senator from Illinois asks unanimous consent to consider at this time the bill just reported from the Committee on Finance. Is there objection?

Mr. INGALLS. Let it be read for information.

The PRESIDENT *pro tempore.* The bill will be read for information.

The Acting Secretary read the bill. It provides that from and after the 30th of June, 1882, the salary of the collector of customs of the district of Chicago, Illinois, shall be $7,000 per annum, in lieu of all salary, commissions, fees, and charges now allowed by law as compensation of that officer. All fees and emoluments now received by him and applied to his compensation under the provisions of existing law, from and after the 30th of June, 1882, are to be accounted for and paid into the Treasury of the United States.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill?

Mr. INGALLS. I understood the Senator from Illinois to say this was a reduction.

Mr. LOGAN. I do say so.

Mr. INGALLS. What is the present compensation?

Mr. LOGAN. That is a matter I can not state. It ranges, I am told, from $10,000 to $14,000 in fees and commissions. This requires the fees to be returned to the Treasury and the officer paid a stipulated salary.

Mr. MAXEY. I ask if the reading was correct that this is for payment from and after the 30th day of June, 1882, so that it is retrospective?

Mr. LOGAN. I do not think that will affect the bill. I do not want it to go back to the House.

The PRESIDENT *pro tempore.* The Chair hears no objection to the present consideration of the bill, and it is before the Senate in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections in relation to the administratrix of John C. Underwood.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. COCKRELL. I yield.

Mr. HOAR. I desire to state in about three sentences this case as it appears to me, and I have the leave of the Senator from Missouri to do it.

This is a case where the petitioner's husband incurred certain expenses in prosecuting a title to a seat in the Senate. The committee propose to reimburse those reasonable expenses—not to pay the salary. The salary would amount to $22,000. The reasonable expenses are but $5,000. The petitioner's husband held another office under the United States at the time, that of judge, and drew a salary for that office.

Now, it is settled upon the precedents of the Senate, from the beginning of the Government, that where there is a reasonable and fair ground for claiming a seat in this body, it is a public duty to prosecute that claim and bring it to the judgment of the Senate, and persons so doing are reimbursed. There was very clearly a reasonable ground of claim in this case.

The petitioner's title to a seat in the Senate rests upon the same constitutional authority as the assent of the State of Virginia to its division and the creation of the State of West Virginia stands. It rests upon the same constitutional authority as one of the amendments to the Constitution of the United States. So it is clear that the petitioner is within the class of precedents which allows a compensation for actual expenses incurred in the prosecution of a reasonable claim.

Then, does the fact that the petitioner's husband held another United States office furnish a reason why these reasonable expenses should not be allowed? That also is settled by abundant and recent precedent. A person holding the office of Senator of the United States, exercising its functions and drawing its salary, has four or five times within the last few years been held entitled to the reasonable expenses incurred in defending the title. The Senator from South Carolina [Mr. BUTLER], the Senator from Kansas [Mr. INGALLS], the Senator from Louisiana [Mr. KELLOGG], and I think one or two others holding this United States office and drawing its salary have been awarded by the Senate and have received from the Senate the actual expenses or a portion of the actual expenses so reasonably and necessarily incurred.

Mr. COCKRELL. I should like to ask the Senator which one of the Senators to whom he refers held a United States office which disqualified him from holding the position of Senator?

Mr. HOAR. None of them. They held a United States office as Senator. The office of Judge of United States court was a United States office which disqualified the holder from receiving the position of Senator when his title was conferred; and thereby of course he would have vacated the United States office of judge. The question——

Mr. COCKRELL. Will the Senator permit me?

Mr. HOAR. No, let me finish this sentence, if you please.

The question is, was it this man's public duty? Suppose he had been a postmaster, suppose he had been a district attorney, suppose he had been an officer of a State, a governor, elected Senator, and there was a fair and reasonable ground of claim, was there any reason on earth that he should not prosecute that claim? Was it not his duty? Suppose my honorable friend from Tennessee [Mr. HARRIS], who graces one of the seats from that State, had in the close contest which he has just passed through, by fraud, or by a legal judgment, or in any other way been denied the seat to which he has been elected, would it not have been his duty to prosecute his claim, his public duty? If that be true, then suppose he had been a postmaster, or a governor, or a judge. This

is not a question of two salaries; it is a question of whether the man sitting as judge or governor, or acting as postmaster, or district attorney, or whatever else, ought to employ a lawyer, to summon witnesses, to employ proper and just and pure agencies to prosecute his claim to a seat here. If that is denied him he goes on with his old office; if that is allowed him he vacates his old office and takes his seat as Senator.

Mr. GARLAND. I want to ask the Senator a question. Does the Senator remember the reasons alleged for the non-admission of Underwood to a seat?

Mr. HOAR. I am unable to state at this moment.

Mr. GARLAND. Why was he not admitted, does the Senator recollect, because this is a matter of importance to govern other cases that may arise?

Mr. HOAR. I do not suppose I can state a clear constitutional reason. As I understand it, the persons then governing the country were divided somewhat about the legality of the existence of the State of Virginia. The State of Virginia died out and ended for a while; but the State of Virginia was a constitutional State. The little fragment at Alexandria and the little fragment at Fortress Monroe or Yorktown or wherever else performed as great duties as ever were performed by a State in this Union. If the State of Virginia were not *de facto*, and being *de facto*, then for the time being *de jure* a constitutional State, there is no thirteenth amendment. If it were not *de facto* and therefore for the time being *de jure* a constitutional State, you, sir, have no title to the seat which you hold as a Senator from the State of West Virginia [addressing Mr. DAVIS, of West Virginia].

This is not a question of the legality of all the proceedings during the war. It is a question whether it was not an honest public duty of a man chosen by a State, or by a community which had as much show of title to deem herself a State and with a title to a seat unquestioned from the Legislature acting for and governing so much of the territory of Virginia as was not in rebellion—whether it was not his public duty to prosecute that title, and whether therefore we should not reimburse him his expenses so incurred. The Senate having that question before it, has decided it once. The colleague of this man, whose title to a seat stood on precisely the same ground, was allowed his compensation for prosecuting that title.

Is there a Senator on this floor who, if he had been chosen Senator from the State of Virginia, with a Legislature, with a governor, with a share in the adoption of the constitutional amendments and which had given its constitutional assent to the division of that State, would not have felt it his duty to himself and his people to present that claim? It can not make the slightest difference that, while his lawyer and his witnesses were presenting the claim here, he was performing the functions of another office elsewhere. It is not two salaries, but expenses that we are talking about. There can not be any more reason for denying this allowance than there would have been for denying to the honorable Senator from Kansas or from South Carolina or from Louisiana, while they were performing so ably the duties of Senators of the United States, a reasonable compensation for defending the title which they owed not to themselves but to the community which had honored them to defend by all reasonable and constitutional and honest methods.

Mr. COCKRELL. I should like the Senator from Massachusetts, who is a great constitutional lawyer, to answer this proposition: John C. Underwood was duly appointed and confirmed a United States judge on the 25th day of January, 1864——

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. Will the Senator from Missouri allow me to offer a privileged resolution?

Mr. COCKRELL. I suppose I shall have to yield to my good friend.

Mr. ANTHONY. I offer the following resolution:

Resolved, That a committee of two members of the Senate be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress having finished its business is now ready to close its session by adjournment.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore*. How shall this committee be appointed?

Mr. ANTHONY. By the Chair.

The PRESIDENT *pro tempore*. Is there objection? The Chair names the Senator from Rhode Island [Mr. ANTHONY] and the Senator from Delaware [Mr. BAYARD] as the committee.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore:*

Joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's Headquarters at Newburgh, New York;

Joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate; and

Joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay.

WITHDRAWAL OF PAPERS.

Mr. BROWN. I wish to offer an order for the withdrawal of some papers.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. BROWN. I ask him to yield until I obtain an order for the withdrawal of papers.

Mr. COCKRELL. I yield for that purpose.

Mr. BROWN. I submit the following order:

Ordered, That W. O. Tuggle, agent of the State of Georgia, have leave to withdraw from the files of the Senate under the usual rule, there having been no unfavorable report in said case, the papers in the case in which a bill passed the Senate at the present session to repay to the State of Georgia $27,175.50, money advanced by said State for the defense of her frontier against the Indians from 1795 to 1818, and not heretofore repaid.

Mr. COCKRELL. I desire to ask the Senator from Georgia a question for information before the resolution passes. I ask whether the State of Georgia has not another claim pending against the United States; and would it not be, in view of that fact, very important that copies of these papers under the rule should be left on the files of the Senate?

Mr. BROWN. I do not expect anything else than to conform to the rule. I understand that when there is an adverse report copies should be left. I will state to the Senator from Missouri that this is a case where the rights of Georgia were made so plain at this session that the bill passed the Senate with very little opposition, but it failed to be reached in the House of Representatives. It is desired that the agent of the State should be authorized to withdraw the papers.

Mr. BARROW. Furthermore, Mr. President, the claim to which the Senator from Missouri refers is one that these papers will throw no light upon at all. It is entirely a different transaction.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the order submitted by the Senator from Georgia [Mr. BROWN]?

Mr. PLATT. Let it be reported again.

The PRESIDENT *pro tempore*. It will be read for information.

The order was again read.

Mr. CONGER. Are those the papers upon which the claim of the last century was allowed?

The PRESIDENT *pro tempore*. The Chair is unable to inform the Senator from Michigan.

Mr. BROWN. I can not hear the Senator from Michigan.

The PRESIDENT *pro tempore*. Gentlemen in the rear of the seats are appealed to to cease conversation or withdraw to the cloak-room. The Sergeant-at-Arms will see that the request is executed.

Mr. CONGER. I inquired whether the papers referred to were those accompanying the claim of 1777 on which the Senate acted last night.

Mr. BROWN. No; this is another claim entirely, that the Senate passed at this session almost unanimously. The bill passed here and went over to the House of Representatives, and it has not been reached there and not acted on, and I simply ask the usual order, that the agent of the State of Georgia have leave to withdraw the papers and take them away, as is usual in such cases. It is nothing but the common order to withdraw papers under the usual rule.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this order? The Chair hears none. The Chair will take it to be agreed to if there be no objection; and it is so ordered.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution in relation to the administratrix of John C. Underwood.

Mr. COCKRELL. The question I desired to propound to the distinguished Senator from Massachusetts was this: I have the record, and will read it whenever it is necessary, but I make this statement, that the records of the Senate show that John C. Underwood was duly confirmed a United States judge on the 25th of January, 1864, before his election or pretended election to the United States Senate, and he qualified and took upon himself the duties of that office, and he held that office from a time prior to the date of his alleged election until long after the expiration of the alleged term for which he was elected, all that time drawing the pay and emoluments of the office of judge. Now, in clause 2 of section 6 of article 1 of the Constitution this language is used:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

"No person holding any office under the United States shall be a member of either House during his continuance in office." Judge Underwood did not resign. How could he be a Senator?

Mr. HOAR. Why, Mr. President, suppose he did hold another office; it is not incompatible with one office under the Constitution to prosecute a claim for another. This is not a request for two salaries. Suppose he had been a member of the House of Representatives; suppose a member of the House of Representatives had been elected to fill the unexpired term of one of our friends who went into the Cabinet; he could not hold two offices at the same time, but he might properly, and it might

be his duty as a citizen, to prosecute his claim to the office of Senator, and if he employed counsel, or summoned witnesses, or had printing done, what has the fact that he was performing the duties of his other office to do with his claim to be repaid for that printing and counsel fee and those witnesses?

Mr. LAPHAM. Both the Georgia Senators were sitting in the other House, and drawing their pay at the very time they were allowed for their expenses as claimants here.

Mr. HOAR. The Senator from New York reminds me that both the Georgia members, whose case he cited, sat in the other House and drew their pay, and still were allowed the expense of prosecuting their title here.

Mr. COCKRELL. I do not know to what Georgia Senators reference is made, but am I to understand that the Georgia members while members of the House of Representatives were prosecuting a claim to a seat in the United States Senate which was then in existence?

Mr. HOAR. So the Senator from New York says.

Mr. COCKRELL. I should like to be shown the record of that.

Mr. HOAR. Allow me to answer a question in the Yankee fashion by another. I am told now the reference is to the Louisiana claimants, Kay and McMillan, and not to any cases from Georgia; but that is immaterial. What in the world has that to do with it? Suppose the Chief-Justice of the United States were elected a Senator from the State of Ohio, as my honorable and distinguished friend from Illinois was elected a Senator from that State, he sitting and holding his court, and he deemed it his duty to prosecute that claim and to accept that office if it were established, why should he not do it? And doing it, if it were a fair claim to prosecute, why should he not be allowed the expenses of doing it? Is a contestant of a doubtful claim to relinquish all other human occupations?

Mr. COCKRELL. I do not think the Senator has fully answered the point.

Mr. LAPHAM. I desire to make one further suggestion.

Mr. COCKRELL. I yield.

Mr. LAPHAM. The salary of Judge Underwood during the period covered between the time of his election and the time when the government of Virginia was supplanted by military rule would have amounted to over $21,000. It is not his salary we are giving him at all; we are giving simply a sum of money to cover the expenses incurred by him in good faith in his efforts to get his seat.

Mr. COCKRELL. I should like the Senator from New York, who is a distinguished constitutional lawyer, to answer this question; the Senator from Massachusetts did not answer it. I hold in my hand the alleged credentials; they are dated on the 14th day of December, 1864, and they purport to give him a right to a seat from the 4th day of March, 1865. These credentials, according to the records of the Senate, were presented in the Senate of the United States on the 9th of March, 1865. Judge Underwood claimed that he was then a Senator and had been since the 4th of March, 1865. It was a right to a present seat, a right which had begun on the 4th of March, 1865, to which he was prosecuting his title. He was United States judge at and before and during all that time. How could he hold one office and prosecute a present right to another; not a prospective right, but an absolute present right? He never resigned his position of judge.

Mr. LAPHAM. There is no difficulty whatever in that. He had a perfect right to hold the office which he had received prior to his election as Senator until it was decided whether or not he could take his seat as Senator. That very thing was done by General Blair and General Schenck, both of whom were elected to Congress; but they held on to their offices as generals until it was determined that they were entitled to their seats in the House.

Mr. COCKRELL. That was a military, not a civil office.

Mr. LAPHAM. That does not make any difference. It is not the salary of the office that the petitioner in this case is asking, I repeat; it is simply compensation for expenses incurred.

Mr. COCKRELL. Mr. President, I do not think the Senator from New York has answered the question, and I do not think it can be answered.

Mr. LAPHAM. I have endeavored to answer it.

Mr. COCKRELL. I know. Let me make my point a little clearer.

Mr. LAPHAM. I will state now——

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. The Chair asks indulgence to read to the Senate a note received from the Senator from Nevada [Mr. FAIR].

March 3, 1883.

Mr. PRESIDENT: I respectfully ask to be excused from further service on the Committee on Education and Labor.

JAMES G. FAIR.

The question is, Will the Senate excuse the Senator from Nevada from further service on that committee?

The question being put, it was determined in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed Mr. FRANK HISCOCK of New York, Mr. GEORGE M. ROBESON of New Jersey, and Mr. J. D. C. ATKINS of Tennessee a committee of three members of the House to join a similar committee of the Senate to wait on the President of the United States to inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7611) to adjust the salaries of postmasters; and it was thereupon signed by the President *pro tempore*.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections in relation to the administratrix of John C. Underwood.

Mr. COCKRELL. I will hear the Senator from New York.

Mr. LAPHAM. A single word only. The constitutional provision to which the Senator from Missouri refers prohibits a man from accepting a Federal office while he holds the office of Senator. If Judge Underwood had been appointed judge after he was elected Senator, and had accepted that office, I grant that would have vacated all claim to the office of Senator; but he had been appointed a judge before he was elected Senator, and he had a right when he was elected Senator to get the Senatorial seat if he could properly do so. It was not incompatible with the provision at all.

Mr. COCKRELL. Now, I am sure the Senator has just reversed in his mind and in his argument the provision of the Constitution. It is this:

And no person holding any office under the United States shall be a member of either House during his continuance in office.

The Senator from New York did not meet this point, that no person holding any office under the United States shall be a member of either House during his continuance in office. It is not whether a member of either House can accept another office, but the question is, under this clause of the Constitution can any person holding any office under the United States be eligible to and legally and constitutionally prosecute a right to a seat either in the Senate or House?

COMMITTEE SERVICE.

Mr. MORGAN. The Senator from Missouri yields to me for a moment to make a motion that the Chair fill the vacancy in the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] moves that the Chair be authorized to fill the vacancy in the Committee on Education and Labor occasioned by the resignation of the Senator from Nevada [Mr. FAIR]. Is there objection? The Chair hears none. The Chair will appoint the Senator from Alabama [Mr. PUGH] to fill the vacancy.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and it was thereupon signed by the President *pro tempore*.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution in relation to the administratrix of John C. Underwood.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. COCKRELL. I wanted to direct the attention of the Senator from New York to that peculiar language of the Constitution which he seems to have reversed in his argument and interpretation of the Constitution; that is, that a Senator or Member could prosecute a claim to some other office. That is not the question.

No person holding any office under the United States shall be a member of either House during his continuance in office.

Judge Underwood was at and before the date of the beginning of this term a United States judge holding an office under the United States, confirmed by the Senate, drawing his regular salary, and he did not resign that office. He held it during the entire Senatorial term and he held it long after that term and drew the regular salary. I say under the Constitution he had no right to prosecute a claim to a seat in the United States Senate and no right to incur any costs in prosecuting such a claim. If he believed his right was valid, legal, and constitutional, he should have given up the prior right to the United States judgeship. That is the point I make.

Mr. CAMERON, of Wisconsin. Mr. President, I rise to a parliamentary inquiry. The inquiry is this: Is this resolution being considered under the Anthony rule or not?

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from New York can probably give the present occupant of the chair some information on that point.

Mr. HOAR. It is a resolution on the Calendar.

Mr. LAPHAM. I moved to take it up, and it was taken up by a vote.

The PRESIDING OFFICER. The resolution was on the Calendar, and it was taken up by a vote of the Senate.

Mr. COCKRELL. Does the Senator from Wisconsin want five minutes to speak?

Mr. CAMERON, of Wisconsin. If I did want five minutes there is no prospect of my getting them.

Mr. COCKRELL. I will yield if the Senator wants five minutes to explain this case, for I wish light upon it.

Mr. CAMERON, of Wisconsin. Go on.

Mr. COCKRELL. I will yield with pleasure because I want to get at the facts of the case. Here is a grave constitutional problem.

Mr. CAMERON, of Wisconsin. I desire a vote. I do not desire to discuss it.

Mr. LAPHAM. I trust we shall have a vote upon the resolution.

Mr. COCKRELL. I raised this constitutional question; the Senator from New York dared not meet the question. It is a plain proposition. I challenge him to show to the Senate how a United States judge holding that office and drawing that salary had a right to go and lobby around the corridors of the United States Senate for a seat upon the Senate floor while he was drawing his pay as a judge. I want the Senator to explain that to the Senate to show how it was that he could do this.

Mr. LAPHAM. Both the Senator from Massachusetts and myself have done that, and done it fully. It is unnecessary to repeat it to consume time.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution in relation to the administratrix of John C. Underwood.

Mr. INGALLS. Mr. President, there may have been a more fragile and insubstantial and nebulous claim than this presented for the consideration of the Senate at some time in its history, but I do not now recall it. The original vice of the proposition of the Senator from New York appears to me to be in the assumption that there ever was a State from which this claimant could have been accredited as a member of the Senate of the United States. Three or four hundred people in a time of war, when the entire territory of the State of Virginia, with the exception of a small fringe along the coast of the Potomac River, was in the control of the rebel government, assembled at Alexandria, and under the guns of the Federal fleet and forts assumed to exercise the functions of a State government.

Mr. LAPHAM. Why, it was the consent of that State that gave us one of the constitutional amendments.

Mr. INGALLS. The Senator from New York informs me with a menacing gesture of his fist that it was the assent of this assumed State government that rendered the fourteenth amendment of the Constitution valid. I beg to assure that Senator that so absolutely without foundation is that assertion that the States of Virginia and West Virginia were compelled by acts of Congress, as a consideration for their admission into the Union under the reconstruction acts——

The PRESIDENT *pro tempore.* Will the Senator from Kansas permit the Chair to receive a communication from a committee of the Senate?

Mr. INGALLS. I proceed with great difficulty in my argument under so many interruptions, but I yield.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. Mr. President, the committee appointed by the two Houses of Congress to wait upon the President of the United States and inform him that if he had no further communication to make they were ready to adjourn, have performed the duty assigned them. The President informed us that he had no further communication to make.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate for the printing of the report on industrial education furnished by the Commissioner of Education, with amendments, in which it requested the concurrence of the Senate.

WIDOW OF J. C. UNDERWOOD.

The PRESIDENT *pro tempore.* The Senator from Kansas [Mr. INGALLS] is entitled to the floor on the Underwood resolution.

Mr. COCKRELL. If the Senator will yield a moment, I move that this resolution be indefinitely postponed.

The PRESIDENT *pro tempore.* Does the Senator from Kansas yield for that purpose?

Mr. INGALLS. I was proceeding to say that so absolutely destitute of foundation was the claim that the validity of the fourteenth amendment rested upon the assumed assent of this alleged State government in Virginia under which the claimant asserts that he was accredited here, that under the reconstruction acts it was expressly demanded by Congress as a condition precedent for the readmission of Virginia that it should assent to the validity of the fourteenth amendment to the Constitution. After the exercise of a very few brief functions this State government at Alexandria vanished,

> And, like this insubstantial pageant faded,
> Leave not a rack behind.

And so far from this claimant ever having had a standing before the Senate of the United States, his credentials were never even referred to a committee.

Mr. COCKRELL. That is correct; I have the record.

Mr. INGALLS. After a very brief consideration they were ignominiously and contumeliously rejected by the Senate as unworthy of consideration.

Mr. President, this claim bears a venerable aspect. It is getting to be rock-ribbed and ancient as the sun. At every session of Congress since I have been here, again and again, *iterum iterumque*, the claim of Underwood for alleged services as a Senator in this body is presented here with exactly the same result.

Mr. LAPHAM. Will the Senator tell me where it was ever presented before it was submitted in the last session of Congress?

Mr. INGALLS. I have been familiar with this case by name, although I do not know that I have ever been personally introduced to it.

Mr. LAPHAM. This is the first time.

Mr. INGALLS. I have been familiar with this case by name for a great many years. It dates back to a period when we may say that the memory of man runneth not to the contrary. [Laughter.] I congratulate the Senator from New York upon his vigorous presentation of this antiquated claim, which I venture to say will never be urged by any member of this body who has been here longer than a single Congress. Now, Mr. President——

Mr. LAPHAM. Permit me——

The PRESIDENT *pro tempore.* Does the Senator from Kansas yield?

Mr. INGALLS. Yes, sir.

Mr. LAPHAM. If the Senator will permit me I beg to say that at the last session of this Congress this resolution was presented by me, as the organ of the Committee on Privileges and Elections, and that is the first time, as far as my information goes, that it ever has been brought to the consideration of the Senate.

Mr. INGALLS. Well, Mr. President, I hope it will be the last time. [Laughter.]

Mr. LAPHAM. That is another question.

Mr. COCKRELL. I move that the resolution be indefinitely postponed.

The PRESIDENT *pro tempore.* The Senator from Missouri moves that this resolution be indefinitely postponed.

Mr. SAULSBURY. On that motion I desire to say, the resolution being reported from a committee of which I am a member, that I never consented to its being reported, but was opposed to it in committee as I am here.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Missouri that the resolution be indefinitely postponed.

The motion was agreed to.

COMMISSION TO ADJUST SALARIES OF CONGRESSIONAL EMPLOYÉS.

The PRESIDENT *pro tempore.* The Chair, assuming that what is called the sundry civil bill will be or has been signed by the President of the United States, in pursuance of the command of a provision in that statute appoints Senator PLATT of Connecticut, Senator CAMERON of Wisconsin, and Senator COCKRELL of Missouri, to be commissioners on the part of the Senate to inquire into the salaries of the officers of the two Houses, and the Secretary will inform the House of Representatives of this appointment.

STATUE OF PROFESSOR HENRY.

Mr. HOAR. Mr. President, I desire to make a statement to the Senate. Some weeks ago both Houses of Congress accepted the invitation of the Regents of the Smithsonian Institution to attend the unveiling of the statue of Professor Henry, and the Senate voted in conjunction with the House that a committee of a certain number of Senators, I think nine, and fifteen members of the House, should represent the two Houses on the occasion. I am informed at the desk that that committee has not been appointed. I ask unanimous consent that the Presiding Officer be authorized to designate that committee after the adjournment, in case he shall not be able to do it before.

The PRESIDENT *pro tempore.* The Senator from Massachusetts asks unanimous consent that the Presiding Officer of the Senate may be authorized after the adjournment to designate the committee on the part of the Senate to attend the ceremonies of the unveiling of the statue of

Joseph Henry, which is to take place after the adjournment of Congress. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 2299) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas.

The message also announced that the House had appointed Mr. FRANK HISCOCK of New York, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. WILLIAM H. FORNEY of Alabama, the members on the part of the House of the joint committee authorized in the sundry civil appropriation bill for the next fiscal year, to consider the question of the salaries and compensation of the employés of the Senate and House of Representatives, and also as to the number of such employés necessary for the official transaction of business of the two Houses.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports;

An act (S. 171) in relation to certain fees allowed registers and receivers;

An act (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

An act (S. 729) for the relief of Charles H. Tompkins, of the United States Army;

An act (S. 826) for the relief of Powers and Newman, and D. and B. Powers.

An act (S. 964) for the relief of Joseph C. Irwin;

An act (S. 1821) prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes;

An act (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;

An act (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

Joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

ADJOURNMENT.

The PRESIDENT *pro tempore* (at the hour of 12 o'clock m.). Senators, the hour has arrived at which, under the Constitution and laws of the United States, the Forty-seventh Congress terminates, and it becomes the duty of the Chair therefore to declare this session adjourned without day, and in doing so he wishes to each one of you a pleasant and safe journey to his home, and to all of you every felicity in the future of your lives.

The Senate stands adjourned without day.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 3, 1883.

The House met at 11 o'clock a. m. The Chaplain, Rev. F. D. POWER, offered the following prayer:

O God! Thou art our God; and we worship Thee. Thou art our Father; and we adore Thee. In Thee we "live and move and have our being." We confess our dependence upon Thee. We praise Thee for Thy majesty and give Thee thanks for Thy great glory. Every day bears testimony to Thy tender mercies which are over all Thy works. Thou art God; and there is none else beside Thee.

For all the care that Thou hast shown these Thy servants during the days of their service to the state, for all the wise and useful legislation that Thou hast permitted them to do, for the guidance and mercy that Thou has shown our nation, we praise Thee, O Lord.

We thank Thee for all that Thou hast done for us and for all that Thou hast permitted us to do for Thee and for men.

And now, O Lord, during the closing hours of this Congress, we pray the forgiveness of all our errors and sins. We pray that Thou wilt grant restoration in safety to their homes to these Thy servants. We pray for their guidance, blessing, and usefulness, and for them in the end the gift of eternal life.

The Lord in great mercy keep and bless the Republic, and these Thy servants, and all who exercise authority and rule in the land, and make Thine own name glorious among us forevermore. We ask it in the name of Christ. Amen.

THE JOURNAL.

The Clerk proceeded to read the Journal. During the reading the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5543) to confirm certain entries on the public lands.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins, of the United States Army;

A bill (S. 964) for the relief Joseph C. Irwin;

A bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

THE JOURNAL.

The Clerk resumed the reading of the Journal.

On motion of Mr. SPRINGER, by unanimous consent, the further reading of the Journal was dispensed with.

CORECTIONS.

Mr. CALDWELL. Mr. Speaker, I find on examination of the RECORD of March 2, on the passage of the river and harbor bill my vote is not recorded. I voted in the negative. I wish the correction made.

The SPEAKER. The correction will be made.

Mr. KNOTT. My vote is not recorded on the river and harbor bill. I was paired with the gentleman from Colorado [Mr. BELFORD]. Had I been present, I would have voted in the negative and Mr. BELFORD in the affirmative.

The SPEAKER. Pairs are only announced once.

GLACIATION, BIRDS, ETC.

Mr. TOWNSEND, of Ohio, by unanimous consent, from the Committee on Commerce, reported back the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish, as soon as convenient, to the Speaker of this House copies of documents in possession of his Department containing observations on glaciation, birds, natural history, and the medical notes upon cruises of revenue-cutters in the year 1881.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALEX. B. THOMAS AND WILSON GRICE.

Mr. URNER, from the Committee on Accounts, reported back the following resolution:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, directed to retain upon the laborers' roll, until otherwise ordered, the name of Alex. B. Thomas, now in charge of the cloak-room, at the rate of $60 a month.

Mr. MATSON. I offer an amendment to insert the name of Wilson Grice at the same pay. I wish to say to the House that the employé named in the resolution is on that side of the House. By reason of extra work required during the vacation, it is necessary one should be employed on our side. I think I voice the sentiment of this side of the House that we should like to have Mr. Grice.

Mr. MATSON'S amendment was adopted; and the resolution as amended was adopted.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LABORERS.

Mr. URNER also, from the Committee on Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be, and is hereby, authorized to employ three additional laborers, whose compensation shall be at the rate of $60 per month each, to be employed in arranging and placing away the books and other documents in the Clerk's document-room and transferring the original documents to the newly fitted quarters in the upper story of the House in the Capitol: *Provided*, Such employment shall not continue beyond the period of three months, and shall be paid for out of the contingent fund of the House.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORT OF 1883.

Mr. VAN HORN, of Missouri, by unanimous consent, called up the

Mr. HOAR. It is a resolution on the Calendar.

Mr. LAPHAM. I moved to take it up, and it was taken up by a vote.

The PRESIDING OFFICER. The resolution was on the Calendar, and it was taken up by a vote of the Senate.

Mr. COCKRELL. Does the Senator from Wisconsin want five minutes to speak?

Mr. CAMERON, of Wisconsin. If I did want five minutes there is no prospect of my getting them.

Mr. COCKRELL. I will yield if the Senator wants five minutes to explain this case, for I wish light upon it.

Mr. CAMERON, of Wisconsin. Go on.

Mr. COCKRELL. I will yield with pleasure because I want to get at the facts of the case. Here is a grave constitutional problem.

Mr. CAMERON, of Wisconsin. I desire a vote. I do not desire to discuss it.

Mr. LAPHAM. I trust we shall have a vote upon the resolution.

Mr. COCKRELL. I raised this constitutional question; the Senator from New York dared not meet the question. It is a plain proposition. I challenge him to show to the Senate how a United States judge holding that office and drawing that salary had a right to go and lobby around the corridors of the United States Senate for a seat upon the Senate floor while he was drawing his pay as a judge. I want the Senator to explain that to the Senate to show how it was that he could do this.

Mr. LAPHAM. Both the Senator from Massachusetts and myself have done that, and done it fully. It is unnecessary to repeat it to consume time.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

WIDOW OF J. C. UNDERWOOD.

The Senate resumed the consideration of the resolution in relation to the administratrix of John C. Underwood.

Mr. INGALLS. Mr. President, there may have been a more fragile and insubstantial and nebulous claim than this presented for the consideration of the Senate at some time in its history, but I do not now recall it. The original vice of the proposition of the Senator from New York appears to me to be in the assumption that there ever was a State from which this claimant could have been accredited as a member of the Senate of the United States. Three or four hundred people in a time of war, when the entire territory of the State of Virginia, with the exception of a small fringe along the coast of the Potomac River, was in the control of the rebel government, assembled at Alexandria, and under the guns of the Federal fleet and forts assumed to exercise the functions of a State government.

Mr. LAPHAM. Why, it was the consent of that State that gave us one of the constitutional amendments.

Mr. INGALLS. The Senator from New York informs me with a menacing gesture of his fist that it was the assent of this assumed State government that rendered the fourteenth amendment of the Constitution valid. I beg to assure that Senator that so absolutely without foundation is that assertion that the States of Virginia and West Virginia were compelled by acts of Congress, as a consideration for their admission into the Union under the reconstruction acts——

The PRESIDENT *pro tempore.* Will the Senator from Kansas permit the Chair to receive a communication from a committee of the Senate?

Mr. INGALLS. I proceed with great difficulty in my argument under so many interruptions, but I yield.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. Mr. President, the committee appointed by the two Houses of Congress to wait upon the President of the United States and inform him that if he had no further communication to make they were ready to adjourn, have performed the duty assigned them. The President informed us that he had no further communication to make.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate for the printing of the report on industrial education furnished by the Commissioner of Education, with amendments, in which it requested the concurrence of the Senate.

WIDOW OF J. C. UNDERWOOD.

The PRESIDENT *pro tempore.* The Senator from Kansas [Mr. INGALLS] is entitled to the floor on the Underwood resolution.

Mr. COCKRELL. If the Senator will yield a moment, I move that this resolution be indefinitely postponed.

The PRESIDENT *pro tempore.* Does the Senator from Kansas yield for that purpose?

Mr. INGALLS. I was proceeding to say that so absolutely destitute of foundation was the claim that the validity of the fourteenth amendment rested upon the assumed assent of this alleged State government in Virginia under which the claimant asserts that he was accredited here, that under the reconstruction acts it was expressly demanded by Congress as a condition precedent for the readmission of Virginia that it should assent to the validity of the fourteenth amendment to the Constitution. After the exercise of a very few brief functions this State government at Alexandria vanished,

> And, like this insubstantial pageant faded,
> Leave not a rack behind.

And so far from this claimant ever having had a standing before the Senate of the United States, his credentials were never even referred to a committee.

Mr. COCKRELL. That is correct; I have the record.

Mr. INGALLS. After a very brief consideration they were ignominiously and contumeliously rejected by the Senate as unworthy of consideration.

Mr. President, this claim bears a venerable aspect. It is getting to be rock-ribbed and ancient as the sun. At every session of Congress since I have been here, again and again, *iterum iterumque*, the claim of Underwood for alleged services as a Senator in this body is presented here with exactly the same result.

Mr. LAPHAM. Will the Senator tell me where it was ever presented before it was submitted in the last session of Congress?

Mr. INGALLS. I have been familiar with this case by name, although I do not know that I have ever been personally introduced to it.

Mr. LAPHAM. This is the first time.

Mr. INGALLS. I have been familiar with this case by name for a great many years. It dates back to a period when we may say that the memory of man runneth not to the contrary. [Laughter.] I congratulate the Senator from New York upon his vigorous presentation of this antiquated claim, which I venture to say will never be urged by any member of this body who has been here longer than a single Congress. Now, Mr. President——

Mr. LAPHAM. Permit me——

The PRESIDENT *pro tempore.* Does the Senator from Kansas yield?

Mr. INGALLS. Yes, sir.

Mr. LAPHAM. If the Senator will permit me I beg to say that at the last session of this Congress this resolution was presented by me, as the organ of the Committee on Privileges and Elections, and that is the first time, as far as my information goes, that it ever has been brought to the consideration of the Senate.

Mr. INGALLS. Well, Mr. President, I hope it will be the last time. [Laughter.]

Mr. LAPHAM. That is another question.

Mr. COCKRELL. I move that the resolution be indefinitely postponed.

The PRESIDENT *pro tempore.* The Senator from Missouri moves that this resolution be indefinitely postponed.

Mr. SAULSBURY. On that motion I desire to say, the resolution being reported from a committee of which I am a member, that I never consented to its being reported, but was opposed to it in committee as I am here.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Missouri that the resolution be indefinitely postponed.

The motion was agreed to.

COMMISSION TO ADJUST SALARIES OF CONGRESSIONAL EMPLOYÉS.

The PRESIDENT *pro tempore.* The Chair, assuming that what is called the sundry civil bill will be or has been signed by the President of the United States, in pursuance of the command of a provision in that statute appoints Senator PLATT of Connecticut, Senator CAMERON of Wisconsin, and Senator COCKRELL of Missouri, to be commissioners on the part of the Senate to inquire into the salaries of the officers of the two Houses, and the Secretary will inform the House of Representatives of this appointment.

STATUE OF PROFESSOR HENRY.

Mr. HOAR. Mr. President, I desire to make a statement to the Senate. Some weeks ago both Houses of Congress accepted the invitation of the Regents of the Smithsonian Institution to attend the unveiling of the statue of Professor Henry, and the Senate voted in conjunction with the House that a committee of a certain number of Senators, I think nine, and fifteen members of the House, should represent the two Houses on the occasion. I am informed at the desk that that committee has not been appointed. I ask unanimous consent that the Presiding Officer be authorized to designate that committee after the adjournment, in case he shall not be able to do it before.

The PRESIDENT *pro tempore.* The Senator from Massachusetts asks unanimous consent that the Presiding Officer of the Senate may be authorized after the adjournment to designate the committee on the part of the Senate to attend the ceremonies of the unveiling of the statue of

Joseph Henry, which is to take place after the adjournment of Congress. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 2299) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas.

The message also announced that the House had appointed Mr. FRANK HISCOCK of New York, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. WILLIAM H. FORNEY of Alabama, the members on the part of the House of the joint committee authorized in the sundry civil appropriation bill for the next fiscal year, to consider the question of the salaries and compensation of the employés of the Senate and House of Representatives, and also as to the number of such employés necessary for the official transaction of business of the two Houses.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports;

An act (S. 171) in relation to certain fees allowed registers and receivers;

An act (S. 719) for the relief of the representatives of Sterling T. Austin, deceased;

An act (S. 729) for the relief of Charles H. Tompkins, of the United States Army;

An act (S. 826) for the relief of Powers and Newman, and D. and B. Powers.

An act (S. 964) for the relief of Joseph C. Irwin;

An act (S. 1821) prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes;

An act (S. 1829) to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;

An act (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

Joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

ADJOURNMENT.

The PRESIDENT *pro tempore* (at the hour of 12 o'clock m.). Senators, the hour has arrived at which, under the Constitution and laws of the United States, the Forty-seventh Congress terminates, and it becomes the duty of the Chair therefore to declare this session adjourned without day, and in doing so he wishes to each one of you a pleasant and safe journey to his home, and to all of you every felicity in the future of your lives.

The Senate stands adjourned without day.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 3, 1883.

The House met at 11 o'clock a. m. The Chaplain, Rev. F. D. POWER, offered the following prayer:

O God! Thou art our God; and we worship Thee. Thou art our Father; and we adore Thee. In Thee we "live and move and have our being." We confess our dependence upon Thee. We praise Thee for Thy majesty and give Thee thanks for Thy great glory. Every day bears testimony to Thy tender mercies which are over all Thy works. Thou art God; and there is none else beside Thee.

For all the care that Thou hast shown these Thy servants during the days of their service to the state, for all the wise and useful legislation that Thou hast permitted them to do, for the guidance and mercy that Thou has shown our nation, we praise Thee, O Lord.

We thank Thee for all that Thou hast done for us and for all that Thou hast permitted us to do for Thee and for men.

And now, O Lord, during the closing hours of this Congress, we pray the forgiveness of all our errors and sins. We pray that Thou wilt grant restoration in safety to their homes to these Thy servants. We pray for their guidance, blessing, and usefulness, and for them in the end the gift of eternal life.

The Lord in great mercy keep and bless the Republic, and these Thy servants, and all who exercise authority and rule in the land, and make Thine own name glorious among us forevermore. We ask it in the name of Christ. Amen.

THE JOURNAL.

The Clerk proceeded to read the Journal. During the reading the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5543) to confirm certain entries on the public lands.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins, of the United States Army;

A bill (S. 964) for the relief Joseph C. Irwin;

A bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes.

THE JOURNAL.

The Clerk resumed the reading of the Journal.

On motion of Mr. SPRINGER, by unanimous consent, the further reading of the Journal was dispensed with.

CORECTIONS.

Mr. CALDWELL. Mr. Speaker, I find on examination of the RECORD of March 2, on the passage of the river and harbor bill my vote is not recorded. I voted in the negative. I wish the correction made.

The SPEAKER. The correction will be made.

Mr. KNOTT. My vote is not recorded on the river and harbor bill. I was paired with the gentleman from Colorado [Mr. BELFORD]. Had I been present, I would have voted in the negative and Mr. BELFORD in the affirmative.

The SPEAKER. Pairs are only announced once.

GLACIATION, BIRDS, ETC.

Mr. TOWNSEND, of Ohio, by unanimous consent, from the Committee on Commerce, reported back the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish, as soon as convenient, to the Speaker of this House copies of documents in possession of his Department containing observations on glaciation, birds, natural history, and the medical notes upon cruises of revenue-cutters in the year 1881.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALEX. B. THOMAS AND WILSON GRICE.

Mr. URNER, from the Committee on Accounts, reported back the following resolution:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, directed to retain upon the laborers' roll, until otherwise ordered, the name of Alex. B. Thomas, now in charge of the cloak-room, at the rate of $60 a month.

Mr. MATSON. I offer an amendment to insert the name of Wilson Grice at the same pay. I wish to say to the House that the employé named in the resolution is on that side of the House. By reason of extra work required during the vacation, it is necessary one should be employed on our side. I think I voice the sentiment of this side of the House that we should like to have Mr. Grice.

Mr. MATSON's amendment was adopted; and the resolution as amended was adopted.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LABORERS.

Mr. URNER also, from the Committee on Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be, and is hereby, authorized to employ three additional laborers, whose compensation shall be at the rate of $60 per month each, to be employed in arranging and placing away the books and other documents in the Clerk's document-room and transferring the original documents to the newly fitted quarters in the upper story of the House in the Capitol: *Provided*, Such employment shall not continue beyond the period of three months, and shall be paid for out of the contingent fund of the House.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL REPORT OF 1883.

Mr. VAN HORN, of Missouri, by unanimous consent, called up the

Senate amendment to the joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883.

The amendment was read, as follows:

At the end of line 11 insert:

"And the sum of $20000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of the publication."

The amendment was concurred in.

Mr. VAN HORN moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VOLUSIA BAR.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury in regard to the establishment of a light on Volusia Bar, Saint George River, Florida; which was referred to the Committee on Commerce, and ordered to be printed.

OCEAN FREIGHTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Chief of the Bureau of Statistics relative to ocean freights on exports and imports for the year ending June 30, 1882; which was referred to the Committee on Commerce, and ordered to be printed.

COOK VS. CUTTS.

The SPEAKER. The question now recurs on the adoption of the following resolution, on which the previous question was ordered:

Resolved, That M. E. Cutts was not elected as a Representative from the sixth Congressional district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That John C. Cook was duly elected as a Representative from the sixth district of Iowa, and is entitled to a seat on the floor of this House.

Mr. RANNEY demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Mr. MOULTON and Mr. RANNEY were appointed.

The yeas and nays were ordered (50 voting in favor thereof).

The question was taken, and it was decided in the affirmative—yeas 154, nays 81, not voting 56; as follows:

YEAS—154.

Aiken,	De Motte,	Jones, George W.	Robinson, Jas. S.
Armfield,	Deuster,	Jones, James K.	Robinson, Wm. E.
Atherton,	Dibrell,	Kenna,	Rosecrans,
Atkins,	Dowd,	King,	Scales,
Barbour,	Dugro,	Klotz,	Scoville,
Beach,	Dunn,	Knott,	Scranton,
Belmont,	Dunnell,	Lacey,	Sessinghaus,
Beltzhoover,	Ellis,	Ladd,	Shultz,
Berry,	Ermentrout,	Latham,	Simonton,
Blanchard,	Evins,	Leedom,	Singleton, Jas. W.
Bland,	Flower,	Lewis,	Singleton, Otho R.
Bliss,	Ford,	Mackey,	Smith, A. Herr
Bragg,	Forney,	Manning,	Sparks,
Brewer,	Fulkerson,	Martin,	Speer,
Brumm,	Garrison,	Matson,	Springer,
Buchanan,	Geddes,	McKenzie,	Steele,
Buckner,	Gibson,	McLane, Robt. M.	Stockslager,
Burrows, Jos. H.	Grout,	McLean, Jas. H.	Talbott,
Cabell,	Guenther,	McMillin,	Thomas,
Caldwell,	Gunter,	Mills,	Thompson, P. B.
Calkins,	Hall,	Money,	Townshend, R. W.
Carlisle,	Hammond, N. J.	Moore,	Tucker,
Cassidy,	Hardenbergh,	Morey,	Turner, Henry G.
Chapman,	Hardy,	Morrison,	Turner, Oscar
Clardy,	Harmer,	Morse,	Tyler,
Clark,	Haseltine,	Moulton,	Upson,
Clements,	Hatch,	Muldrow,	Valentine,
Cobb,	Haselton,	Murch,	Vance,
Coleriek,	Herbert,	Mutchler,	Van Aernam,
Converse,	Hewitt, G. W.	Paul,	Wait,
Covington,	Hitt,	Peelle,	Warner,
Cox, Samuel S.	Hoblitzell,	Peirce,	Wellborn,
Cox, William R.	Hoge,	Randall,	Wheeler,
Cravens,	Holman,	Ray,	Whitthorne,
Culberson,	Houk,	Rice, John B.	Williams, Thomas
Curtin,	House,	Rice, Theron M.	Wise, George D.
Darrall,	Hutchins,	Rich,	Wise, Morgan R.
Davidson,	Jacobs,	Richardson, J. S.	
Davis, Lowndes H.	Jadwin,	Ritchie,	

NAYS—81.

Aldrich,	Errett,	McCook,	Spooner,
Anderson,	Farwell, Chas. B.	Miles,	Strait,
Barr,	Farwell, Sewell S.	Miller,	Taylor, Joseph D.
Bayne,	Fisher,	Neal,	Taylor, Ezra B.
Belford,	Harris, Benj. W.	Norcross,	Townsend, Amos
Bingham,	Heilman,	O'Neill,	Updegraff,
Bisbee,	Henderson,	Page,	Urner,
Bowman,	Hepburn,	Parker,	Van Horn,
Briggs,	Hill,	Payson,	Wadsworth,
Browne,	Horr,	Pettibone,	Walker,
Buck,	Hubbs,	Prescott,	Ward,
Burrows, Julius C.	Humphrey,	Ranney,	Washburn,
Candler,	Jones, Phineas	Reed,	Watson,
Cannon,	Jorgensen,	Richardson, D. P.	Webber,
Carpenter,	Joyce,	Robinson, Geo. D.	West,
Crapo,	Kasson,	Ryan,	White,
Davis, George R.	Lindsey,	Sherwin,	Willits,
Dawes,	Lord,	Skinner,	Wood, Walter A.
Deering,	Lynch,	Smalls,	
Dezendorf,	Mason,	Smith, J. Hyatt	
Dwight,	McCoid,	Spaulding,	

NOT VOTING—56.

Black,	Doxey,	Marsh,	Robeson,
Blackburn,	George,	McClure,	Ross,
Blount,	Godshalk,	McKinley,	Russell,
Butterworth,	Hammond, John	Mosgrove,	Shallenberger,
Camp,	Harris, Henry S.	Nolan,	Shelley,
Campbell,	Haskell,	Oates,	Smith, Dietrich C.
Caswell,	Herndon,	Pacheco,	Stone,
Chace,	Hewitt, Abram S.	Phelps,	Thompson, Wm. G.
Cook,	Hiscock,	Phister,	Van Voorhis,
Cornell,	Hooker,	Pound,	Williams, Chas. G.
Crowley,	Hubbell,	Reagan,	Willis,
Cullen,	Kelley,	Reese,	Wilson,
Cutts,	Ketcham,	Rice, Wm. W.	Wood, Benj.
Dingley,	Le Fevre,	Robertson,	Young.

So the resolutions were agreed to.

The following pairs were announced:

Mr. CASWELL with Mr. HERNDON.

Mr. CROWLEY with Mr. HEWITT of Alabama.

Mr. WILLIAMS, of Wisconsin, with Mr. NOLAN.

Mr. KETCHAM with Mr. BLACK.

Mr. HASKELL with Mr. WILLIS.

Mr. ROBESON with Mr. BLOUNT.

Mr. SMITH, of Illinois, with Mr. COOK.

Mr. HISCOCK with Mr. BLACKBURN.

Mr. RICE, of Massachusetts, with Mr. REAGAN.

Mr. SHALLENBERGER with Mr. DEUSTER.

On motion of Mr. CALKINS, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. CALKINS moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MOULTON. I now ask that Mr. Cook be sworn in.

Mr. J. C. COOK, having appeared at the bar of the House, was duly qualified, taking the oath prescribed by section 1756 of the Revised Statutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 5674) for the relief of Edward Bellows;

A bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson; and

A bill (H. R. 4757) to exclude the public lands of Alabama from the operation of the laws relating to mineral lands.

ORDER OF BUSINESS.

Mr. KELLEY. I rise to a privileged report.

Mr. CALKINS. I call up another election case under the instruction of my committee, the last one, the case of Lee against Richardson.

The SPEAKER. The Clerk will read the resolutions.

Mr. KELLEY. A conference report is in order, I believe? I present a privileged report from the committee of conference on the tariff bill.

The SPEAKER. It is a privileged report. But the right to proceed to the consideration of the contested-election case is also a question of privilege, and one of the highest constitutional character—the right of a man to his seat.

Mr. KELLEY. Then I raise the question of consideration.

The SPEAKER. The Chair will submit the question. Will the House proceed to the consideration of the contested-election case?

The question being taken, the House divided; and there were—ayes 68, noes 70.

Mr. CALKINS. Let us have tellers.

Tellers were refused (not one-fifth of the last vote rising in favor thereof).

So the House refused to proceed to the consideration of the contested-election case.

INTERNAL REVENUE AND TARIFF.

Mr. KELLEY. Mr. Speaker, I present the report of the committee of conference on the disagreeing votes of the two Houses on the tariff revision bill. Before the report is read I desire to make a brief statement to the House, pointing out one or two typographical or clerical errors which gentlemen may notice in the printed report.

Mr. BAYNE. Is this report submitted for present consideration?

Mr. KELLEY. As I have said, I desire before the Clerk begins to read the report to say to the members of the House that the conference report is before them in print——

Mr. BAYNE. I desire to reserve the right to make the point of order against the submission of this report.

Mr. TOWNSHEND, of Illinois. The point of order is reserved.

The SPEAKER. The report is not formally presented as yet.

Mr. TOWNSHEND, of Illinois. If it is desired to make the point of order now I will do so, otherwise I will withhold the point.

Mr. KELLEY. If the House will kindly hear me, I will be glad to make a statement for which I think members will be grateful. The committee of conference have caused their report to be printed in bill

form, that it may be accessible to every member, a thing that never has been done before in connection with the consideration of a tariff or tax measure. In the preparation of the bill a clerical mistake or two occurred to which I wish to invite the attention of gentlemen. On page 24 of the printed report the words "earthen-ware, stone, and crockery"——

Several MEMBERS. What line?

Mr. KELLEY. If gentlemen will permit me to read a carefully prepared statement which will tell them, I will be glad to do it.

The SPEAKER. The Chair thinks before the gentleman from Pennsylvania proceeds the report ought to be formally presented.

Mr. KELLEY. I have formally presented the report. If the Chair thinks it ought to be read——

The SPEAKER. The gentleman sent the report forward and then said he desired to make a preliminary statement. The Chair suggests, however, that it had better be formally presented before the gentleman makes the statement.

Mr. HUBBELL. I ask that the report be read.

Mr. BAYNE. I think it had better be read. If, however, the report is now considered as formally presented, I desire to make the point of order against it.

The SPEAKER. The Clerk will read the title of the report.

The Clerk read as follows:

Report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 5538, to reduce internal-revenue taxation.

Mr. BAYNE. Now I raise the question of order.

Mr. KELLEY. In order now to enable members to know what this is, I ask leave to make the statement which I had already begun.

The SPEAKER. The gentleman from Pennsylvania will suspend. The gentleman from Pennsylvania [Mr. BAYNE] raises the point of order. The gentleman will state it.

Mr. BAYNE. I rise to the point of order against the report. Under the language of Rule XXIX I make the point of order that this report does not conform to the rule. That rule provides:

And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

I understand, Mr. Speaker, that there is no such explicit statement accompanying this report. Therefore I make the point that it can not be received under the rules of the House.

The SPEAKER. The Chair will inquire of the gentleman from Pennsylvania [Mr. KELLEY] whether there is accompanying the report a statement signed by the conferees as to the effect of the amendments agreed to by the conference committee upon the bill?

Mr. KELLEY. Yes, sir; I wish to state that there is an index accompanying the bill of changes proposed by the committee of conference, giving the page and line of the report, which is appended to every printed report in the hands of members of the House.

The SPEAKER. The Chair is only dealing with those papers which have been furnished to the House. The Chair desires to ask if there is such a report as the rule requires.

Mr. KELLEY. I send it up, sir, to the desk as accompanying the report. It is on the last pages of the printed report.

The SPEAKER. The Chair thinks the matter to which the gentleman refers does not form such a statement as to bring it within the terms of strict compliance with the rule.

Mr. KELLEY. Well, sir, we believe that it is a compliance with the rule.

The SPEAKER. If there is anything in the form of an accompanying statement the gentleman had better send it to the desk.

Mr. BLACKBURN. I desire to call the attention of the Chair to the fact that the accompanying statement must be in writing, signed by the members of the conference committee selected by the House as its managers upon the conference, and it must be a statement so explicit in its terms as to enable the House to understand the effect of the different changes made in the bill.

Mr. KELLEY. The statement accompanying the bill goes over every amendment made in the bill.

The SPEAKER. The index to which the gentleman from Pennsylvania refers is simply appended to the report. There is no trouble about that. The rule, however, requires a written statement. There is no point made on the report, as the Chair understands; but the point of order is made that no statement such as is required by the rule accompanies it.

Mr. BAYNE. The point of order I made is that there is no explicit statement accompanying the report.

The SPEAKER. The Chair understands the point of order made by the gentleman. This is a question of fact. If there be no such accompanying statement the Chair would recommend that the report be withdrawn until one can be prepared and furnished.

Mr. THOMPSON, of Kentucky. I object to its being withdrawn.

The SPEAKER. It is a mere question of fact with which the Chair is now dealing, as to whether or not there is such a statement.

Mr. HASKELL. I desire to make a statement of fact.

The SPEAKER. The written paper is what the Chair is looking for.

Mr. BLACKBURN. A report which was offered yesterday was refused because of the absence of the accompanying detailed statement.

The SPEAKER. The Chair will hear the gentleman from Kansas [Mr. HASKELL], not to reason this, but if there is any such paper as is required by Rule XXIX the Chair will hear the gentleman in regard to that.

Mr. HASKELL. There is. That is what I want to state.

The SPEAKER. The Chair will state to the gentleman from Kansas if there is such a paper and it is furnished it will put an end to all this discussion; but it can not be furnished by talk.

Mr. HASKELL. Will the Speaker give me a chance to state the fact?

The SPEAKER. If the paper is here that will be the best evidence that the rule has been complied with.

Mr. HASKELL. The rule has been followed strictly by the committee. The statement required under the rule was from the peculiar condition of a tariff bill made a part and parcel of the conference report. The conference report is signed, and accompanying it and forming a part of it and covered by the same signatures is the report required under the rule. But the conference committee, for the purpose of giving the House more accurate information than even the rule required, took this bill and had it printed with every line marked and with an index to it.

Mr. HAMMOND, of Georgia. Is it signed?

Mr. HASKELL. The report is signed and is on the desk. The statement required under the rule as to the condition of the bill is in the report of the conference committee and lies before this House signed. The printed copy is not signed. That was given to the House by the courtesy of the committee, and is more than the rule required.

Mr. McMILLIN. I desire to know when this signed report was presented.

Mr. HASKELL. It was presented just now.

Mr. McMILLIN. Where and by whom was it signed?

Mr. HASKELL. It is signed by the conference committee.

Mr. McMILLIN. My question is as to the statement required by Rule XXIX. When was that signed?

Mr. HASKELL. That is a part and parcel of the report. And it has been printed so as to give the House more full information than could possibly be given by any written statement.

Mr. McMILLIN. I wish the gentleman to state whether he has not signed that paper since he was on the floor.

Mr. HASKELL. I signed the conference report in conference. Does the gentleman understand good plain English?

Mr. McMILLIN. I understand good plain English and I understand an evasion.

Mr. HASKELL. In the conference committee the report of the conference and the statement required by the rule were incorporated in one document; and the signature made in the conference committee covers the report and this explanation required by the rule.

Mr. McMILLIN. I understood the Speaker to hold that the written report required under the rule was not presented; and hence my inquiry.

Mr. CALKINS. I desire to ask the gentleman from Kansas a question. The report presented this morning by the chairman of the Committee on Ways and Means was signed as I understand by the conferees on the part both of the Senate and the House?

Mr. HASKELL. Yes, sir.

Mr. CALKINS. Do I understand, and is it the fact, that the little printed index that is appended to this bill forms also a part of the report which is upon the Speaker's table and which has been presented to the House by the chairman of the committee?

Mr. HASKELL. It does.

Mr. CALKINS. And that that also is signed by the conferees on the part of the House?

Mr. HASKELL. Yes, sir; the whole thing is included.

Mr. BURROWS, of Michigan. May I ask for the reading of the signatures to the report?

Mr. THOMPSON, of Kentucky. I object to the filing of any additional papers.

Mr. BURROWS, of Michigan. There seems to be some question about the signatures. Is the paper signed? That is questioned here.

The SPEAKER. The report is signed. There is no controversy about the report.

Mr. KELLEY. It was signed in the conference last evening.

Mr. TOWNSHEND, of Illinois. As I understand, the paper sent up to the Speaker is not a report; it is simply a statement, and I make the point of order——

The SPEAKER. The gentleman is making the same point of order that is now pending.

Mr. ROBINSON, of Massachusetts. I suppose every gentleman wants to get at the substance and not linger on mere technicalities. Therefore, Mr. Speaker——

Mr. BLACKBURN. Let us have order. The gentleman from Massachusetts can not be heard.

The SPEAKER. The House will come to order.

Mr. ROBINSON, of Massachusetts. I suppose no one is making objections simply to delay on this last day of the session and that everybody will try to facilitate the consideration of this proposition. Now, I submit when it is said the statement must be in writing, that is not in the rule at all. "A detailed statement;" that is all. Not a detailed statement in writing. And even if the rule employed the words "in writing," it has always been held that print is sufficient.

The SPEAKER. There is no trouble about that question; the requirements would be satisfied if the statement was in print.

Mr. ROBINSON, of Massachusetts. The Chair says there is no trouble about that question; then I pass on. The Chair ruled last night, and I beg to call his attention to it, in regard to the statement to accompany the conference report on the Army bill, on the objection made by the gentleman from Wisconsin [Mr. BRAGG] that the statement was not sufficient, that the Chair would not undertake to decide whether it was sufficient or not; there was a statement that was signed. I do not profess to give the exact words of the Chair, but they were something to that effect. Of course I would not misrepresent or misstate at all.

The only point is, whether there is a statement here sufficiently in detail to give the House upon consideration a true understanding of the changes proposed by the conference report. What is the statement? I understand, and if I am in error I will be corrected, that the conferees on the part of the House have signed as that statement the latter part of this report; that is sent up as the statement.

Now, is that sufficiently detailed to give everybody an understanding of what we are trying to do? That is all there is about it. What does that statement do? It takes every subject in the bill and refers to that subject by reference to printed pages and lines of the document which we have before us. And any gentleman who can read, and we all can, by looking at that statement can turn right back to the report and find for instance that "50 per cent." is stricken out in one place and "40 per cent." inserted. Now, everybody knows what that means. All the way through it is stated in the same way.

I trust that the Chair will not upon the merest technicality, I hope nobody will insist that there has been no compliance with the rule, when it is plain that the spirit of the rule is answered entirely. Of course we all understand that if it is held that this must wait, it will not take many minutes, for the conference committee have only to withdraw the report, and in a few moments prepare and submit a statement.

Mr. BLACKBURN. That will raise another question, whether it can be withdrawn in face of objection.

Mr. ROBINSON, of Massachusetts. I think it can be.

Mr. BLACKBURN. We have not raised that question yet.

Mr. ROBINSON, of Massachusetts. I understand that.

Mr. BLACKBURN. On the point of order I wish to say this: The chairman of the Committee on Ways and Means [Mr. KELLEY] tells this House that undertaking to comply with Rule XXIX he files with the report what he states is an index of the changes proposed. Now, I insist that is not a compliance either substantially or technically with the second clause of Rule XXIX.

I admit that the gentleman from Massachusetts [Mr. ROBINSON] is correct when he says that it is not necessary that this statement shall be in writing; I am willing that it should be in print. But I say that no verbal statement will suffice.

I say that yesterday a committee of conference undertook through the chairman of the Committee on Military Affairs [Mr. HENDERSON] to submit a report without compliance with that rule, and the report was refused, and I say that neither the present occupant of the chair nor any one of his predecessors, since the adoption of this rule, ever allowed a conference committee to make a report that was not accompanied with a statement either in print or in writing, which complied substantially with the second clause of the twenty-ninth rule. The census report from a conference committee was rejected on that very ground. That second clause of Rule XXIX provides:

> And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

Now, I hold this bill in my hand with its index; and I ask the chairman of the Committee of Ways and Means to tell me what information can this House get, what can any member of this House ever ascertain or know, as to the results or effects of proposed amendments from the two pages of printed matter—not two pages, a page and a half—which they have brought here entitled an index?

And let me say further, this committee was sent out to deal with more subjects than one. The highest constitutional prerogative known to this House was intrusted to its keeping. It was directed to inquire into the question as to whether the constitutional prerogatives of this House had been invaded. Now, let the chairman of the Committee of Ways and Means tell me where or how, from this printed index, this House is to find out what conclusion its conferees reached upon that high question of prerogative.

Is there aught either of verbal statement (which is not to be accepted) or of written matter or of printed matter which will form any guide to any member of this House as to what course that committee of conference has taken on that question, or what the effect of their report is to be?

More than that; they bring us back a report of one hundred and fourteen pages of print, exclusive of their index. The index upon which they rely to comply with this requirement of the rule does not indicate to us a single solitary sentence, line, word, or syllable that was ever proposed in this House or offered in the Senate by way of amendment.

There is no compliance with this rule. The conferees stand here at this instant asking us to accept a report without any guide at all given to us by which we may ascertain not only how they have discharged their duties but whether they have discharged them at all or not. They were charged by this House with the duty of investigating whether the Senate had transgressed the limitations of the Federal Constitution. I find no statement here in answer; I hear none from the chairman of the committee.

Mr. HASKELL. Will the gentleman allow me to interrupt him?

Mr. BLACKBURN. Certainly.

Mr. HASKELL. Then I desire to call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the fact that the resolution which charged the conference committee with the investigation of that constitutional question said that it "may make a report if it found it necessary."

Mr. BLACKBURN. I thank the gentleman for that word.

Mr. REED. If the gentleman will permit me to remind him of the scene in this House when he himself rebuked the gentleman from Georgia [Mr. HAMMOND] for even raising that question, perhaps he will spare us much of this discourse on the constitutional question.

Mr. BLACKBURN. The gentleman from Maine will permit me to suggest to him that I did no such thing. I simply stated, and the RECORD will show it, that the resolution introduced by the gentleman from Georgia was not, so far as I knew, the result of a party conference or caucus—that and nothing more.

Now, I thank the gentleman from Kansas [Mr. HASKELL] for his suggestion. He admits that this conference report makes no reply as to the manner in which these conferees have discharged the duties imposed upon them by the House. He answers by way of confession and avoidance and says that the resolution under which the committee acted made it discretionary with the conference committee to inquire into and report upon the constitutional prerogative of this House or not. Now, I want to know, Mr. Speaker, whether that resolution was introduced with a view of answering the purpose to which it seems now to be prostituted. Was it to mislead, was it to misguide, was it to deceive, was it to impose upon this House by making us believe that a committee of conference was going to inquire into that matter and vindicate the dignity and rights of this House, when in point of fact there was no such purpose? Such is the result.

Mr. CALKINS. I suggest to the gentleman whether the point of order now presented does not go simply to the sufficiency of the statement submitted, which is a matter within the control of the House?

Mr. BLACKBURN. That is, I take it, fairly debatable under this point of order; for the second clause of the twenty-ninth rule declares that the conferees shall accompany their report with a detailed statement showing precisely the result of the changes or amendments recommended.

Mr. CALKINS. But when there is in fact a statement, can the Speaker rule upon the question of its sufficiency? Is not that a matter for the House?

Mr. BLACKBURN. That is the very question, whether any such statement as is required by the rule is here. I insist that it is not, and that no other report can come from this conference committee and be considered by this House until it shall meet the requirement of the rule and respond to the duty with which the conference committee stands charged. It is incumbent upon the Chair to see that the duties imposed upon that committee have been met and that the rules of this House have been observed in the manner of procedure adopted by the committee.

Mr. TOWNSHEND, of Illinois. The gentleman will allow me to remind him before he takes his seat that this paper which is pretended to be a statement of the conference committee is not signed by the Senate conferees.

Mr. BLACKBURN. I not only insist upon all I have claimed but I insist that the report when it shall be submitted to this House for consideration shall be accompanied by a statement which, whether in writing or in print, shall fully come up to the demand of the rule, and shall be signed—not here on the floor at the eleventh hour—by the conferees on the part of the House and the conferees on the part of the Senate as well.

Mr. REED. Does the gentleman hold that the Senate conferees must conform to a rule of the House?

Mr. BLACKBURN. I mean to say that under the practice known in this House from its organization until now no conference report was ever submitted here that was not signed by the Senate conferees as well as the conferees of the House.

I ask consent to append to my remarks portions of the discussion which took place on the adoption of this rule when the report of the

Committee on Rules revising the rules of the House was under consideration in the last Congress:

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

Mr. WILLIAMS, of Wisconsin. I offer the following as an amendment to the rule which has just been read.

The Clerk read as follows:

"And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate."

"So that, if adopted, the rule will read as follows:

"'The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition; and such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House from the reading of the report what effect such amendments or propositions will have upon the measures to which they relate.'"

Mr. BLACKBURN. Let me suggest to the gentleman from Wisconsin, speaking for myself, and I doubt not the Committee on Rules, that there is no objection to the proposed amendment except in this: it must of necessity be effected by incorporation into the joint rules of the two Houses. This House has no power by any action which it may propose to bind the conferees on the part of the Senate; so that, to accomplish the purpose which the gentleman's amendment seeks to reach, there must be a provision made in the joint rules between the two Houses that will bind the conferees of both. Of course the same conference report made to this House must be made to the Senate, and we can not bind the Senate through its conferees to anything unless we do it by a general rule. I am in favor of the gentleman's proposion.

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Mr. BLACKBURN. Will the gentleman from Wisconsin allow me to suggest an amendment which has been suggested to me by the remarks of the gentleman from Pennsylvania? A conference report must be a report to the two Houses, and must be identical in word and line and syllable. But if the gentleman by his amendment will simply require that the members of the conference on the part of the House shall append that statement to their conference report, I will support it.

Mr. WILLIAMS, of Wisconsin. I very gladly accept the suggestion of the gentleman from Kentucky.

The CHAIRMAN. What is the modification of the amendment suggested by the gentleman from Kentucky?

Mr. BLACKBURN. It is that the amendment be altered so as simply to require the House members of a committee of conference to append to their conference report a statement of the points covered by the numbers of the amendments which the conference report embraces.

Mr. CANNON, of Illinois. I hope it will not be said, "append to their report," but that the statement will be included in the report to the House. Then the House conferees, in obedience to the House rule, would not consent to a report until the information the rule requires is embodied in the regular conference report, the duplicates respectively for the House and for the Senate being the same.

Mr. BLACKBURN. We can not coerce the Senate by a rule of this House.

Mr. CANNON, of Illinois. I am speaking of what would be the practical working of such a rule.

Mr. BLACKBURN. A conference report means the report of the conference committee of the two Houses. The reports to the two Houses must be duplicates the one of the other. There can not be a syllable in the conference report made to this House that is not embraced in the report made to the Senate. We can not compel the Senate to do what is here suggested; but I pledge myself I will use my best endeavors as a member of the Committee on Rules and of the Joint Committee on Rules to have this incorporated into a joint rule to govern the two Houses. While assenting to the idea of the gentleman from Wisconsin, I am in favor of so modifying his amendment as to require the House members of the committee of conference to furnish with each conference report an explanation by a statement in detail of the points in controversy covered by such report.

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Mr. KEIFER. I understand the reports must be identical, and that is the reason why I do not want to modify this rule so as to require the House members of the committee to state something in addition to the report.

Mr. HAYES. The House members of the committee of conference could not live up to this rule in case it should be adopted.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. BLACKBURN. I will say to the gentleman that I do not see anything inexplicable or difficult of comprehension in the suggestion I have made. Does not the gentleman know as well as he may know anything that there is under general parliamentary law no power given to a committee of conference to inject anything into a conference report that is not already in dispute between the two Houses?

Mr. KEIFER. Let me answer the question by asking the gentleman if he does not know that in a conference report made to a former Congress a whole body of legislation, amounting to a long bill, amounting to pages of print, as it appeared afterward, in reference to postal matters, was introduced into a conference report, because there was a little dispute about some post-office matter? Does not the gentleman know that the whole matter of postage on different classes of mail matter was reorganized in a conference report, although up to that time we had not heard anything of it?

Mr. BLACKBURN. I do not know to what the gentleman refers, unless it be the Brazilian mail feature; if so, that was lost.

Mr. KEIFER. Yes, that was lost; it was adopted in the Senate and lost in the conference; but that is not what I refer to.

Mr. BLACKBURN. I have only this to say; the gentleman from Wisconsin [Mr. WILLIAMS] and myself understand each other. I am in favor of requiring the House members of every conference committee to accompany every conference report with an explanatory statement, showing exactly what points are covered by that report. I am in favor of putting that in the rules of the House, if the gentleman will consent to so modify his amendment.

Mr. WILLIAMS, of Wisconsin. Allow me to make a single suggestion. My amendment goes simply to the matter of form rather than to that of substance. It requires that the conference committee shall use apt and proper words instead of numbers in their report. Now, can there be any doubt in the world that if we adopt a rule requiring the members of our committee of conference to adopt a certain form of report, the members of the conference committee on the part of the Senate will accept it? I am willing to accept any amendment which the gentleman may propose, if it will accomplish the purpose I have in view.

Mr. RANDALL (the Speaker). Then accept his modification.

Mr. WILLIAMS, of Wisconsin. I will accept it.

The SPEAKER. The Chair must dispose of this question.

Mr. COX, of New York. Will the Chair hear me for one moment?

The SPEAKER. For what purpose?

Mr. COX, of New York. On the point of order. I wish to call the attention of the Chair to a very conspicuous illustration of the carrying out of this rule. When in a former Congress I made here a report as the chairman of the Census Committee, Mr. CONGER, of Michigan, then a member and now a Senator, raised the point of order that I must make out a written statement of the meaning and intent of the conference report. My friend from Kentucky [Mr. THOMPSON] occupied the chair for half an hour, and I was compelled to write the statement here on the floor of the House. It does not matter whether the statement be written now, or whether it has been written; whether it be in print or manuscript. The object of this rule, Mr. Speaker, is to give the House an explanation of what the conference report means. There is no other object in the rule. A mere oral statement does not comply with the rule. It has been decided again and again on points of order made on both sides that the statement must not be merely oral, but must be submitted in writing or print.

The SPEAKER. The Chair is ready to dispose of this question.

Mr. KELLEY. I desire to submit a fuller statement from the committee.

The SPEAKER. The question here seems to be a very simple one, and it is not a new one. On yesterday the Chair did say, as has been stated by the gentleman from Massachusetts [Mr. ROBINSON], that it was not called upon to decide the effect of a report. The point of order was made by the gentleman from Wisconsin [Mr. BRAGG] that the conference report itself was not sufficiently explicit. The Chair declined to go into that question, declined to undertake to analyze the report, and decide for the House or the conferees what language should be used in it. That is as far as the Chair went on the occasion referred to. But prior to that, on yesterday, the gentleman from Illinois [Mr. HENDERSON] presented a conference report, and it was discovered there was no statement at all accompanying it, and the report was not received.

Mr. ROBINSON, of Massachusetts. May I be allowed to interrupt the Chair for a moment?

The SPEAKER. Certainly.

Mr. ROBINSON, of Massachusetts. I beg to correct the Chair by saying at the time the point of order was made the report of the committee on conference had not been read, but only the statement, as will appear by inspection of the RECORD. Therefore the point of order was only made against the statement.

The SPEAKER. If the gentleman will look a little closer at the RECORD he will see that the language used was this: The gentleman from Wisconsin said, "I make the point of order against that report that it does not conform to the rules of the House." That was the language, and it was on that the Chair used the language the gentleman from Massachusetts has quoted. The rule provides that the statement accompanying the report of the committee of conference shall show the effect of proposed changes. Both the statement and report had been read, and the point was made against the report and not the statement.

The question is presented whether this conference report can be received from the conferees at all without an accompanying statement, and under the rule it is perfectly clear that it can not.

Then the question is whether there is an accompanying statement. At the time the point of order was made the Chair was not able to ascertain anything that purported to be an accompanying statement was in existence. Since that point of order was made a paper has been furnished at the desk which is entitled "Index to changes proposed by the committee of conference," which seems to be signed by a majority of the conferees on the part of the House. But this does not purport to be an accompanying statement giving any sort of effect to proposed changes. The Chair thinks there should be an accompanying statement and the report can not be received until there is one for consideration. It does not require unanimous consent to withdraw the report.

Mr. KELLEY. I present, Mr. Speaker, the conference report with a written statement signed by a majority of the managers on the part of the House.

Mr. BLACKBURN. I make the point of order that it must be signed on the part of the conferees of the Senate as well. [Cries of "No!"]

The SPEAKER. The practice is the other way. The House rules could not require the Senate conferees to sign such a statement.

Mr. BLACKBURN. I think the Chair misunderstands me.

Mr. TOWNSHEND, of Illinois. In support of the point of order of the gentleman from Kentucky I should like to have an extract from the Manual read.

Mr. BLACKBURN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. The Chair misunderstands me. It is not the accompanying statement I am anxious should be signed by the conferees of the Senate, but the conference report.

The SPEAKER. That is signed by a majority of the conferees of the Senate as well as of the House.

Mr. BLACKBURN. Does the Chair say it is signed by the conferees of the Senate as well as the conferees of the House?

The SPEAKER. It is signed by the conferees on the part of the Senate as well as on the part of the House. The Chair thought it was the accompanying statement to which the gentleman referred.

Mr. BLACKBURN. No; it was to the report.

Mr. REED. I do not think the gentleman from Kentucky referred to the accompanying statement; but there is confusion in his mind between the conference report and the statement accompanying it which will be cleared up in a little while.

Mr. BLACKBURN. I am delighted to know that, but I have not become so thoroughly confused on this question as not to be able to determine whether I favor tariff legislation or not. I wish the gentleman from Maine was equally as clear.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] presents the conference report with an accompanying statement, and the accompanying statement will now be read by the Clerk.

The Clerk read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 5538) to reduce internal-revenue taxation submit the following written statement in explanation of the conference report:

As agreed in conference the bill provides for an estimated aggregate reduction of $67,000,000. Of this amount it is estimated that about $35,000,000 will result from the changes made in the internal-revenue laws and thirty to thirty-two million dollars in customs duties.

The only distinct method of informing the House with precision, the effect of the changes made in detail, is to furnish an index of those changes and accompany the same with references to the page and line of the bill in which the changes are made. The same being read as a part of this statement will give to the House accurate information of such changes effected by the conference report. They submit as a part of this statement said index and the clauses of the bill so changed.

WM. D. KELLEY,
D. C. HASKELL,
EMORY SPEER,
Managers on the part of the House.

Index to changes proposed by committee on conference.

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Sheet or tagger-iron	31	604	Do	80	1800
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Anchors, mill-irons, &c	33	650	Lime, borate of	87	1991
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Mr. CARLISLE. I make the point of order that this is not such a statement as is required by the rule; all that it does is to state the effect of the proposed amendments of the Senate; whereas the rule requires a statement sufficiently explanatory to show the effect of the propositions reported by the committee. What has been just read is an attempt to state how much this legislation, if enacted into a law, would reduce the revenues; but it makes no attempt whatever to state what would be the effect of the various changes proposed by the committee of conference, or made by them in the Senate amendments such as the rule requires.

Mr. KASSON. I would like to call attention to the fact——

The SPEAKER. One moment.

The Chair will state in response to the gentleman from Kentucky that the language contained in this statement does not appear to bear out the criticism he makes, that it refers only to the amendments of the Senate. It relates to the proposed amendments reported by the conference committee; and the index accompanying the report of the committee is made a part of this statement, the index showing the proposed changes made by the conference committee. The Chair can not pass upon the effect of the statement, or the question as to whether or not it covers all that it might contain; or hold that it should be more full and explicit and embody all that every member of the House might desire it to embody. The Chair believes this to be a statement entitled to be called such under the rule; and although, as the Chair has said, it may not go to the extent that every gentleman might desire, the Chair thinks it is nevertheless a statement within the meaning of the rule, and therefore overrules the point of order.

Mr. KELLEY. I desire now, Mr. Speaker, the Clerk to read a brief memorandum which I attempted to read as preliminary to the report. I will then propose to make a brief statement of the effects of the report.

Mr. SPRINGER. I desire to inquire whether the reading of this report is waived by permitting the gentleman to begin his argument or explanation at this time?

Mr. KELLEY. These are a part of my remarks that I am sending to the desk.

The SPEAKER. The Chair understands the gentleman from Illinois to ask if it is proper to begin the discussion before the reading of the report, if the reading shall be called for?

Mr. SPRINGER. Yes, sir.

Mr. KELLEY. I do not yield the floor to the gentleman.

The SPEAKER. The Chair thinks if the report is to be read, its reading ought to precede any debate upon it.

Mr. KELLEY. This is not debate. It is an explanation of the effect, or rather an explanation as to certain typographical errors which crept into the preparation of the report and were printed with it.

Mr. SPRINGER. My object is simply to reserve the right to demand the reading. I do not desire that right to be waived.

The SPEAKER. Reserving the right of gentlemen to demand the reading of the report, if desired, the Chair will direct the Clerk to read what has been forwarded to the desk by the gentleman from Pennsylvania.

The Clerk read as follows:

Correct the report as follows: On page 24 of the printed report the words "earthen, stone, and crockery" should have been inserted after the word "bisque," in line 418, and the words in lines 421 and 422 printed in Roman should be struck out. At the beginning of line 427 the word "or" should be inserted, and in the same line the words "printed, painted, dipped, or cream-colored" should be struck out. In line 429, after the word "fifty," the word "five" should be inserted, so it will read "fifty-five."

On page 36, in lines 716 and 717, the words "and on steel circular-saw plates" should be stricken out; and at the end of line 718 the following should be added: "and on steel circular-saw plates there shall be paid 1 cent per pound in addition to the rate provided for in this act."

On page 64 the exception provided in lines 1422 and 1423 should be inclosed in parentheses.

Mr. SPRINGER. The statement furnished by the gentleman from Pennsylvania refers to the changes to be made in the bill as a part of it. But, of course, that being a detailed statement or report embodying the whole tariff, we can not vote upon the proposition without hearing it read.

The SPEAKER. Does the gentleman demand the reading of the report?

Mr. SPRINGER. Of course.

The SPEAKER. The Clerk will read.

Mr. HASKELL. That demand for the reading is a demand for the reading of the statement accompanying the report, I presume?

The SPEAKER. It is a demand for the reading of the report, as the Chair understands.

Mr. HASKELL. Does that go farther than reading the amendments to the text?

The SPEAKER. It goes to the extent of reading the whole report, whatever it is. The Chair will not undertake to say what it is, not having examined. Whatever the report contains, however, if it be a matter which the House is required to vote upon, will have to be read if the demand for the reading is made.

Mr. PAGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. Does the Chair rule that this bill is to be read?

The SPEAKER. The Chair did not so rule. The Chair holds that the report is to be read if demanded.

Mr. PAGE. What is the report?

The SPEAKER. The Clerk will read it, whatever it is. All matters that the House is required to vote directly upon must be read upon the demand of any one member.

Mr. ANDERSON. As that report is so long, will not the gentleman from Illinois withdraw the demand?

Mr. BERRY. No. I demand its reading.

Mr. HASKELL. That requires the reading only of the amendments.

Mr. SPRINGER. I do not suppose the House would undertake to pass a bill revising and amending the entire tariff from schedule as to the very end of the whole tariff system, without having it read in the presence and hearing of the House.

The SPEAKER. This is not debatable. The Chair simply directs the Clerk to read the report as submitted.

Mr. ROBINSON, of Massachusetts. If the gentleman or any gentleman demands the reading, there is nothing else in order but that reading. I hope, therefore, we will proceed at once, so as not to consume any more time.

The SPEAKER. The Clerk will read.

The Clerk began the reading of the report.

Mr. SPRINGER. What is the Clerk reading?

The SPEAKER. The Clerk is reading the report of the committee of conference.

Mr. SPRINGER. I can not hear the reading.

Mr. VAN HORN. Is there no rule of this House that prevents cruelty to the clerks?

Mr. FLOWER. I would like to ask if the gentleman from Illinois [Mr. SPRINGER] can not relieve the Clerk?

Mr. SPRINGER. I will ask that by unanimous consent the Speaker be authorized to employ such additional reading-clerks as may be necessary for the remainder of this session.

Mr. McCOOK. If this is to be read, let it be read at once.

Mr. ROBINSON, of Massachusetts. There are enough of us here who will volunteer to assist the clerks in the reading. We appreciate the fact that their labors have been heavy, and this is a very lengthy report. I myself will certainly assist in this labor, if necessary.

Mr. McCOOK. We will be willing, any of us, to do that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had chosen Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, President *pro tempore* of the Senate in the place of Hon. DAVID DAVIS, resigned.

The message further informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.

The message also informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles, namely:

A bill (H. R. No. 4676) for the relief of certain officers of the Army for services actually performed during the rebellion; and

A bill (H. R. No. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866.

SALARIES OF POSTMASTERS.

Mr. KNOTT. I ask unanimous consent that the bill just received from the Senate, the bill (H. R. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866, with amendments by the Senate, be taken from the Speaker's table, when I shall move that the Senate amendments be concurred in.

There was no objection.

The amendments of the Senate were read, as follows:

Page 1, line 9, strike out "direct official application or."
Page 1, line 32, strike out "application."
Page 2, line 4, before "entitled" insert "or legal representative."

The amendments of the Senate were concurred in.

Mr. KNOTT moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL REVENUE AND TARIFF.

The Clerk proceeded to read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate disagreed to by the House of Representatives to the bill (H. R. 5538) to reduce internal-revenue taxation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Strike out sections 1, 2, and 3, and insert the following:

[NOTE.—The bill as passed by the Senate is printed in roman. The changes made by the conference committee are indicated as follows: Parts struck out are inclosed in brackets; parts inserted are printed in italic.]

That the taxes herein specified imposed by the laws now in force be, and the same are hereby, repealed, as hereinafter provided, namely: On capital and deposits of banks, [and] bankers, *and national banking associations*, except such taxes as are now due and payable; and on and after the first day of July, eighteen hundred and eighty-three, the stamp tax on bank checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section thirty-four hundred and thirty-seven of the Revised Statutes: *Provided*, That no drawback shall be allowed upon articles embraced in said schedule that shall be exported on and after the first day of July, eighteen hundred and eighty-three: *Provided, further*, That on and after May fifteenth, eighteen hundred and eighty-three, matches may be removed by manufacturers thereof from the place of manufacture to warehouses within the United States without attaching thereto the stamps required by law, under such regulations as may be prescribed by the Commissioner of Internal Revenue.

SEC. 2. That [from] *on* and after the first day of May, eighteen hundred and eighty-three, dealers in leaf tobacco shall annually pay twelve dollars; dealers in manufactured tobacco shall pay two dollars and forty cents; all manufacturers of tobacco shall pay six dollars; manufacturers of cigars shall pay six dollars; peddlers of tobacco, snuff, and cigars shall pay special taxes as follows: Peddlers of the first class, as now defined by law, shall pay thirty dollars; peddlers of the second class shall pay fifteen dollars; peddlers of the third class shall pay seven dollars and twenty cents; and peddlers of the fourth class shall pay three dollars and sixty cents. Retail dealers in leaf tobacco shall pay two hundred and fifty dollars, and thirty cents for each dollar on the amount of their monthly sales in excess of the rate of five hundred dollars per annum: *Provided*, That farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising at retail directly to consumers, to an amount not exceeding one hundred dollars annually.

SEC. 3. That hereafter the special tax of a dealer in manufactured tobacco shall not be required from any farmer, planter, or lumberman who furnishes such tobacco only as rations or supplies to his laborers or employés in the same manner as other supplies are furnished by him to them: *Provided*, That the aggregate of the supplies of tobacco so by him furnished shall not exceed in quantity one hundred pounds in any one special tax year; that is, from the first day of May in any year until the thirtieth day of April in the next year: *And provided further*, That such farmer, planter, or lumberman shall not be, at the time he is furnishing such supplies, engaged in the general business of selling dry goods, groceries, or other similar supplies in the manner of a merchant or storekeeper to others than his own employés or laborers.

SEC. 4. That [from] *on* and after [July] *May* first, eighteen hundred and eighty-three, the internal taxes on snuff, smoking, and manufactured tobacco, shall be eight cents per pound; and on cigars which shall be manufactured and sold or removed for consumption or sale on and after the first day of [July] *May*, eighteen hundred and eighty-three, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: On cigars of all descriptions, made of tobacco or any substitute therefor, three dollars per thousand; on cigarettes weighing not more than three pounds per thousand, fifty cents per thousand; on cigarettes weighing more than three pounds per thousand, three dollars per thousand: *Provided*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers at the time such reduction shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the reduction, but the same shall not apply in any case where the claim [is less than ten dollars and] has not been [ascertained or] presented within [thirty] *sixty* days following the date of the reduction; and such rebate to manufacturers may be paid in stamps at the reduced rate; *and no claim shall be allowed or drawback paid for a less amount than ten dollars.* It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That from and after the passage of this act every manufacturer of tobacco or snuff shall, in addition to all other requirements of law, print on each package, or securely affix by pasting on each package containing tobacco or snuff manufactured by or for him, a label on which shall be printed the number of the manufactory, the district and State in which it is situated, and these words:

NOTICE.

The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under penalties of law, not to use this package for tobacco again.

SEC. 6. That [from] *on* and after the first day of July, eighteen hundred and eighty-three, the following sections shall constitute and be a substitute for title thirty-three of the Revised Statutes of the United States:

TITLE XXXIII.

DUTIES UPON IMPORTS.

SEC. 2491. All persons are prohibited from importing into the United States from any foreign country, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion. No invoice or package whatever, or any part of one, in which any such articles are contained shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are liable to be proceeded against, seized, and forfeited by due course of law. All such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as prescribed in the following section: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section.

SEC. 2492. Whoever, being an officer, agent, or employé of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than five thousand dollars or by imprisonment at hard labor for not more than ten years, or both.

SEC. 2493. Any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the preceding sections is made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error.

SEC. 2494. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

SEC. 2495. Any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2496. No watches, watch-cases, watch-movements, or parts of watch-movements, *or any other articles* of foreign manufacture, which shall copy or simulate the name or trade-mark of any domestic manufacture, shall be admitted to entry at the custom-houses of the United States, unless such domestic manufacturer is the importer of the same. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer [of watches] who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury

shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

SEC. 2497. No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 2498. The preceding section shall not apply to vessels, or goods, wares, or merchandise, imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

SEC. 2499. There shall be levied, collected, and paid on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this title as chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles on which different rates are chargeable, there shall be levied, collected, and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials the duty shall be assessed at the highest rates at which the component material of chief value may be chargeable. *If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates: Provided*, That non-enumerated articles similar in material and quality and texture, and the use to which they may be applied, to articles on the free list, and in the manufacture of which no dutiable materials are used, shall be free.

SEC. 2500. Upon the reimportation of articles once exported of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles.

SEC. 2501. A discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

SEC. 2502. There shall be levied, collected, and paid upon all articles imported from foreign countries, and mentioned in the schedules herein contained, the rates of duty which are, by the schedules, respectively prescribed, namely:

SCHEDULE A.—CHEMICAL PRODUCTS.

Glue, twenty [five] per centum ad valorem.
Beeswax, twenty per centum ad valorem.
Gelatine and all similar preparations, thirty per centum ad valorem.
Glycerine, crude, brown or yellow, of the specific gravity of one and twenty-five hundredths or less at a temperature of sixty degrees Fahrenheit, not purified by refining or distilling, two cents per pound.
Glycerine, refined, five cents per pound.
Fish-glue or isinglass, twenty-five per centum ad valorem.
Phosphorus, ten cents per pound.
Soap, hard and soft, all which are not otherwise specially enumerated or provided for in this act, and castile soap, twenty per centum ad valorem.
Fancy, perfumed, and all descriptions of toilet soap, fifteen cents per pound.
Sponges, twenty per centum ad valorem.
Sumac, ground, three-tenths of one cent per pound, and sumac extract, twenty per centum ad valorem.
Acid, acetic, acetous, or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one thousandths, two cents per pound; exceeding the specific gravity of one and forty-seven one-thousandths, ten cents per pound.
Acid, citric, ten cents per pound.
Acid, tartaric, ten cents per pound.
Camphor, refined, five cents per pound.
Castor beans, or seeds, fifty cents per bushel of fifty pounds.
Castor oil, eighty cents per gallon.
Cream of tartar, six cents per pound.
Dextrine, burnt starch, gum substitute, or British gum, one cent per pound.
Extract of hemlock, and other bark used for tanning, not otherwise enumerated or provided for in this act, twenty per centum ad valorem.
Glucose, or grape sugar, twenty per centum ad valorem.
Indigo, extracts of, and carmined, ten per centum ad valorem.
Iodine, resublimed, forty cents per pound.
Licorice, paste or roll, seven and one-half cents per pound; licorice juice, three cents per pound.
Oil of bay-leaves, essential, or bay rum essence or oil, two dollars and fifty cents per pound.
Oil, croton, fifty cents per pound.
Oil, flaxseed or linseed, and cotton-seed oil, twenty-five cents per gallon; seven and one-half pounds weight to be estimated as a gallon.
Hemp-seed oil and rape-seed oil, ten cents per gallon.
Soda and potassa, tartrate, or rochelle salt, three cents per pound.
Strychnia, or strychnine, and all salts thereof, fifty cents per ounce.
Tartars, partly refined, including lees crystals, four cents per pound.
Alumina, alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake, and alum in crystals or ground, [fifty] *sixty* cents per hundred pounds.
Ammonia, anhydrous, liquefied by pressure, twenty per centum ad valorem.
Ammonia aqua, or water of ammonia, twenty per centum ad valorem.
Ammonia muriate of, or sal-ammoniac, ten per centum ad valorem.
Ammonia, carbonate of, twenty per centum ad valorem.
Ammonia, sulphate of, twenty per centum ad valorem.
All imitations of natural mineral waters and all artificial mineral waters, thirty per centum ad valorem.
Asbestos, manufactured, twenty-five per centum ad valorem.
Baryta, sulpate of, or barytes, unmanufactured, ten per centum ad valorem.
Baryta, sulphate of, or barytes, manufactured [twenty per centum ad valorem], *one-fourth of one cent per pound.*
Refined borax, five cents per pound.
Pure boracic acid, five cents per pound; commercial boracic acid, four cents per pound; borate of lime, three cents per pound; crude borax, three cents per pound.
Cement, Roman, Portland, and all others, twenty per centum ad valorem.
Whiting and Paris white, dry, one-half cent per pound; ground in oil, or putty, one cent per pound.
Prepared chalk, precipitated chalk, French chalk, red chalk, and all other chalk preparations which are not specially enumerated or provided for in this act, twenty per centum ad valorem.
Chromic acid, fifteen per centum ad valorem.
Chromate of potash, three cents per pound.
Bi-chromate of potash, three cents per pound.
Cobalt, oxide of, twenty per centum ad valorem.
Copper, sulphate of, or blue vitriol, three cents per pound.
Iron, sulphate of, or copperas, three-tenths of one cent per pound.
Acetate of lead, brown, four cents per pound.
Acetate of lead, white, six cents per pound.
White lead, when dry or in pulp, three cents per pound.
When ground or mixed in oil, three cents per pound.
Litharge, three cents per pound.
Orange mineral, and red lead, three cents per pound.
Nitrate of lead, three cents per pound.
Magnesia, medicinal, carbonate of, five cents per pound.
Magnesia, calcined, ten cents per pound.
Magnesia, sulphate of, or Epsom salts, one-half of one cent per pound.
Potash:
Crude, carbonate of, or fused, and caustic potash, twenty per centum ad valorem.
Chlorate of, three cents per pound.
Hydriodate, iodide and iodate of, fifty cents per pound.
Prussiate of, red, ten cents per pound.
Prussiate of, yellow, five cents per pound.
Nitrate of, or saltpeter, crude, one cent per pound.
Nitrate of, or refined saltpeter, one and one-half cents per pound.
Sulphate of, twenty per centum ad valorem.
Soda:
Soda-ash, one-quarter of one cent per pound.
Soda, sal, or soda crystals, one-quarter of one cent per pound.
Bi-carbonate of, or super-carbonate of, and saleratus, calcined or pearl ash, one and one-half cents per pound.
Hydrate or caustic, one cent per pound.
Sulphate, known as salt cake, crude or refined, or niter cake, crude or refined, and Glauber's salt, twenty per centum ad valorem.
Soda, silicate of, or other alkaline silicate, one-half of one cent per pound.
Sulphur:
Refined, in rolls, ten dollars per ton.
Sublimed, or flowers of, twenty dollars per ton.
Wood-tar, ten per centum ad valorem.
Coal-tar, crude, ten per centum ad valorem.
Coal tar, products of, such as naphtha, benzine, benzole, dead oil, and pitch, twenty per centum ad valorem.
All coal-tar colors or dyes, by whatever name known and not specially enumerated or provided for in this act, thirty-five per centum ad valorem.
All preparations of coal-tar, not colors or dye, not specially enumerated or provided for in this act, twenty per centum ad valorem.
Logwood and other dyewoods, extracts and decoctions of, ten per centum ad valorem.
Ultramarine, five cents per pound.
Turpentine, spirits of, twenty cents per gallon.
Colors and paints, including lakes, whether dry or mixed, or ground with water or oil, and not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
The pigment known as bone black, and ivory-drop black, and bone char, twenty-five per centum ad valorem.
Ocher and ochery earths, umber and umber earths, and sienna and sienna earths, when dry, one-half of one cent per pound; when ground in oil, one and one-half cents per pound.
Zinc, oxide of, when dry, one and one-fourth cent per pound.
Zinc, oxide of, when ground in oil, one and three-fourths cent per pound.
All preparations known as essential oils, expressed oils, distilled oils, rendered oils, alkalis, alkaloids, and all combinations of any of the foregoing, and all chemical compounds and salts, by whatever name known, and not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
Preparations: all medicinal preparations known as cerates, conserves, decoctions, emulsions, extracts, solid or fluid; infusions, juices, liniments, lozenges, mixtures, mucilages, ointments, oleo-resins, pills, plasters, powders, resins, suppositories, sirups, vinegars, and waters, of any of which alcohol is not a component part, and which are not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
All barks, beans, berries, balsams, buds, bulbs, and bulbous roots, and excrescences, such as nutgalls, fruits, flowers, dried fibers, grains, gums, and gum-resins, herbs, leaves, lichens, mosses, nuts, roots and stems, spices, vegetables, seeds (aromatic, not garden seeds), and seeds of morbid growth, weeds, woods used expressly for dyeing, and dried insects, any of the foregoing of which are not edible, but which have been advanced in value or condition by refining or grinding, or by other process of manufacture, and not specially enumerated or provided for in this act, ten per centum ad valorem.
All non-dutiable crude minerals, but which have been advanced in value or condition by refining or grinding, or by other process of manufacture, not specially enumerated or provided for in this act, ten per centum ad valorem.
All ground or powdered spices not specially enumerated or provided for in this act, five cents per pound.
All earth or clays, unwrought or unmanufactured, not specially enumerated or provided for in this act, one dollar and fifty cents per ton.
All earths or clays, wrought or manufactured, not specially enumerated or provided for in this act, three dollars per ton; china clay, or kaoline, three dollars per ton.
Proprietary preparations, to wit: All cosmetics, pills, powders, troches, or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils or preparations or compositions recommended to the public as proprietary articles, or prepared according to some private formula, as remedies or specifics for any disease or diseases, or affections whatever, affecting the human or animal body, including all toilet preparations whatever, used as applications to the hair, mouth, teeth, or skin, not specially enumerated or provided for in this act, fifty per centum ad valorem.
Alcoholic preparations:
Alcoholic perfumery, including cologne water, two dollars per gallon and fifty per centum ad valorem.
Distilled spirits, containing fifty per centum of anhydrous alcohol, one dollar per gallon.
Alcohol, containing ninety-four per cent. anhydrous alcohol, two dollars per gallon.
Alcoholic compounds, not otherwise specially enumerated or provided for, two dollars per gallon for the alcohol contained and twenty-five per centum ad valorem.
Chloroform, fifty cents per pound.
Collodion, and all compounds of pyroxyline, by whatever name known, fifty

cents per pound; rolled or in sheets, but not made up into articles, sixty cents per pound, and when in finished or partly finished articles, *sixty cents per pound and* twenty-five per centum ad valorem.

Ether, sulphuric, fifty cents per pound.

Hoffman's anodyne, thirty cents per pound.

Iodoform, two dollars per pound.

Acid, tannic, and tannin, one dollar per pound.

Ether, nitrous, spirits of, thirty cents per pound.

Santonine, three dollars per pound.

Amylic alcohol, or fusel oil, ten per centum ad valorem.

Oil of Cognac, or oenantic ether, four dollars per ounce.

Fruit ethers, oils, or essences, two dollars and fifty cents per pound.

Oil or essence of rum [or bay rum essence or oil], fifty cents per ounce.

Ethers of all kinds, not specially enumerated or provided for in this act, one dollar per pound.

Coloring for brandy, fifty per centum ad valorem.

Preparations: All medicinal preparations known as essences, ethers, extracts mixtures, spirits, tinctures, and medicated wines, of which alcohol is a component part, not specially enumerated or provided for in this act, fifty cents per pound.

Varnishes of all kinds, forty per centum ad valorem; and on spirit varnishes, one dollar and thirty-two cents additional per gallon.

Opium, crude, containing nine per cent. and over of morphia, one dollar per pound. The importation of opium, containing less than nine per cent. morphia is hereby prohibited.

Opium, prepared for smoking, and all other preparations of opium not specially enumerated or provided for in this act, ten dollars per pound; but opium prepared for smoking, and other preparations of opium deposited in bonded warehouses shall not be removed therefrom for exportation without payment of duties, and such duties shall not be refunded.

Opium, aqueous extract of, for medicinal uses, and tincture of, as laudanum, and all other liquid preparations of opium, not specially enumerated or provided for in this act, forty per centum ad valorem.

Morphia or morphine, and all salts thereof, one dollar per ounce.

SCHEDULE B.—EARTHENWARE AND GLASSWARE.

Brown earthenware, common stoneware, gas-retorts, and stoneware not ornamented, twenty-five per centum ad valorem.

China, porcelain, parian, and bisque, *earthen, stone, and crockery* ware, including plaques, ornaments, charms, vases, and statuettes, painted, printed, or gilded, or otherwise decorated or ornamented in any manner, sixty per centum ad valorem.

China, porcelain, parian, and bisque ware, plain white, and not ornamented or decorated in any manner, fifty-five per centum ad valorem.

All other earthen, stone, and crockery ware, white, glazed, *or* edged, [printed, painted, dipped, or cream-colored,] composed of earthy or mineral substances, not specially enumerated or provided for in this act, fifty-*five* per centum ad valorem.

Stoneware, above the capacity of ten gallons, twenty per centum ad valorem.

Encaustic tiles, thirty-five per centum ad valorem.

Brick, fire-brick, and roofing and paving tile, not specially enumerated or provided for in this act, twenty per centum ad valorem.

Slates, slate pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate, thirty per centum ad valorem.

Roofing-slates, twenty-five per centum ad valorem.

Green and colored glass bottles, vials, demijohns, and carboys (covered or uncovered), pickle or preserve jars, and other plain, molded, or pressed green and colored bottle glass, not cut, engraved, or painted, and not specially enumerated or provided for in this act, [thirty per centum ad valorem] *one cent per pound*; if filled, and not otherwise in this act provided for, said articles shall pay, [exclusive of contents,] thirty per centum ad valorem in addition to the duty on the contents.

Flint and lime glass bottles and vials, and other plain, molded, or pressed flint or lime glassware, not specially enumerated or provided for in this act, forty per centum ad valorem; if filled, and not otherwise in this act provided for, said articles shall pay, exclusive of contents, forty per centum ad valorem in addition to the duty on the contents.

Articles of glass, cut, engraved, painted, colored, printed, silvered, stained, silvered, or gilded, not including plate-glass, or looking-glass plates, forty-five per centum ad valorem.

All glass bottles and decanters, and other like vessels of glass, shall, if filled, pay the same rates of duty, in addition to any duty chargeable on the contents, as if not filled, except as in this act otherwise specially provided for.

Cylinder and crown glass, polished, not exceeding ten by fifteen inches square, two and one-half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, four cents per square foot; above that, and not exceeding twenty-four by thirty inches square, six cents per square foot; above that, and not exceeding twenty-four by sixty inches square, twenty cents per square foot; all above that, forty cents per square foot.

Unpolished cylinder, crown, and common window-glass, not exceeding ten by fifteen inches square, one and three-eighths cents per pound; above that, and not exceeding sixteen by twenty-four inches square, one and seven-eighths cents per pound; above that, and not exceeding twenty-four by thirty inches square, two and three-eighths cents per pound; all above that, two and seven-eighths cents per pound: *Provided*, That unpolished cylinder, crown, and common window-glass, imported in boxes containing fifty square feet, as nearly as sizes will permit, now known and commercially designated as fifty feet of glass, single thick and weighing not to exceed fifty-five pounds of glass per box, shall be entered and computed as fifty pounds of glass only; and that said kinds of glass imported in boxes containing, as nearly as sizes will permit, fifty feet of glass, now known and commercially designated as fifty feet of glass, double thick and not exceeding ninety pounds in weight, shall be entered and computed as eighty pounds of glass only; but in all other cases the duty shall be computed according to the actual weight of glass.

Fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window-glass, not exceeding ten by fifteen inches square, seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square, one cent per square foot; above that, and not exceeding twenty-four by thirty inches square, one cent and a half per square foot; all above that, two cents per square foot. And all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

Cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square, three cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, five cents per square foot; above that, and not exceeding twenty-four by thirty inches square, eight cents per square foot; above that, and not exceeding twenty-four by sixty inches square, twenty-five cents per square foot; all above that, fifty cents per square foot.

Cast polished plate-glass, silvered, or looking-glass plates, not exceeding ten by fifteen inches square, four cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, six cents per square foot; above that, and not exceeding twenty-four by thirty inches square, ten cents per square foot; above that, and not exceeding twenty-four by sixty inches square, thirty-five cents per square foot; all above that, sixty cents per square foot.

But no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay, in addition thereto, thirty per centum ad valorem upon such frames.

Porcelain and Bohemian glass, chemical glassware, painted glassware, stained glass, and all other manufactures of glass or of which glass shall be the component material of chief value, not specially enumerated or provided for in this act, forty-five per centum ad valorem.

SCHEDULE C.—METALS.

Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites, [fifty] *seventy-five* cents per ton. Sulphur ore, as pyrites, or sulphuret of iron in its natural state, containing not more than three and one-half per centum of copper, [fifty] *seventy-five* cents per ton: *Provided*, That ore containing more than [three and one-half] *two* per centum of copper, [dry assay,] shall pay, in addition thereto, two and one-half cents per pound for the copper contained therein.

Iron in pigs, iron kentledge, spiegeleisen, [and] wrought and cast scrap-iron, *and scrap-steel, three-tenths of one cent per pound*, [six dollars and fifty cents per ton;] but nothing shall be deemed scrap-iron or scrap-steel except waste or refuse iron or steel that has been in actual use and is fit only to be remanufactured.

Iron railway-bars, weighing more than twenty-five pounds to the yard, seven-tenths of one cent per pound.

Steel railway-bars and railway-bars made in part of steel, weighing more than twenty-five pounds to the yard, [seven-tenths of one cent per pound,] *seventeen dollars per ton.*

Bar-iron, rolled or hammered, comprising flats not less than one inch wide, nor less than three-eighths of one inch thick, [eighteen dollars per ton] *eight-tenths of one cent per pound*; comprising round iron not less than three-fourths of one inch in diameter, and square iron not less than three-fourths of one inch square, [twenty dollars per ton] *one cent per pound*; comprising flats less than one inch wide, or less than three-eighths of one inch thick; round iron less than three-fourths of one inch and not less than seven-sixteenths of one inch in diameter, and square iron less than three-fourths of one inch square, [twenty-two dollars per ton] *one and one-tenth of one cent per pound: Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem: *Provided further*, [That on all iron manufactured with charcoal as fuel, farther advanced in manufacture than iron in pigs, there shall be three dollars per ton additional to the duty imposed on the same manufactured with other fuels.] *That all iron bars, blooms, billets, or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of twenty-two dollars per ton.*

Iron or steel tee rails, weighing not over twenty-five pounds to the yard, *nine-tenths of one cent per pound;* [and] iron or steel flat rails, punched, eight-tenths of one cent per pound.

Round iron, in coils or rods, less than seven-sixteenths of one inch in diameter, and bars or shapes of rolled iron not specially enumerated or provided for in this act, one and [one-tenth] *two-tenths* of one cent per pound.

[Armor or other plate iron or steel, or combination of iron and steel, finished or unfinished, not less than one and a half inches thick, one-and one-half of one cent per pound.]

Boiler or other plate iron, sheared or unsheared, skelp-iron, sheared or rolled in grooves, one and one-fourth cents per pound; [and] sheet-iron, common or black, thinner than one inch and one-half and not thinner than number twenty wire gauge, *one and one-tenth of* one cent per pound; thinner than number twenty wire gauge and not thinner than number twenty-five wire gauge, one and two-tenths of one cent per pound; thinner than number twenty-five wire gauge and not thinner than number twenty-nine wire gauge, one and five-tenths of one cent per pound; thinner than number twenty-nine wire gauge, and all iron commercially known as common or black taggers iron, whether put up in boxes or bundles or not, thirty per centum ad valorem: *And provided*, That on all such iron and steel sheets or plates aforesaid, *excepting on what are known commercially as tin-plates, terne-plates, and taggers tin, and hereafter provided for*, [not thinner than number twenty-nine wire gauge,] when galvanized or coated with zinc or spelter, *or other metals*, or any alloy of those metals, *three-fourths of* one cent per pound additional.

Polished, planished, or glanced sheet-iron, or sheet-steel, by whatever name designated, two *and one-half* cents per pound: *Provided, That plate or sheet or taggers iron, by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid, or by any other material or process, and which is cold rolled, shall pay one-quarter cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron.*

Iron or steel sheets, or plates, or taggers iron, coated with tin or lead, or with a mixture of which these metals is a component part, by the dipping or any other process, and commercially known as tin-plates, terne-plates, and taggers tin, one cent per pound; corrugated or crimped sheet iron or steel, one and four-tenths of one cent per pound.

Hoop, or band, or scroll, or other iron, eight inches or less in width and not thinner than number ten wire gauge, one cent per pound; thinner than number ten wire gauge and not thinner than number twenty wire gauge, one and two-tenths of one cent per pound; thinner than number twenty wire gauge, one and four-tenths of one cent per pound: *Provided*, That all articles not specially enumerated or provided for in this act, whether wholly or partly manufactured, made from sheet, plate, hoop, band, or scroll iron herein provided for, or of which such sheet, plate, hoop, band, or scroll iron shall be the material of chief value, shall pay one-fourth of one cent per pound more duty than that imposed on the iron from which they are made, or which shall be such material of chief value.

Iron and steel cotton-ties, or hoops for baling purposes, not thinner than number twenty wire gauge, thirty-five per centum ad valorem.

Cast-iron pipe of every description, one cent per pound.

Cast-iron vessels, plates, stove-plates, andirons, sad-irons, tailors' irons, hatters' irons, and castings of iron, not specially enumerated or provided for in this act, one and one-quarter of one cent per pound.

Cut nails and spikes, of iron or steel, one and one-quarter of one cent per pound.

Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, two and one-half cents per thousand; exceeding sixteen ounces to the thousand, three cents per pound.

Iron or steel railway fish-plates, or splice-bars, one and [one-half] *one-fourth* of one cent per pound.

Malleable iron castings, not specially enumerated or provided for in this act two cents per pound.

Wrought iron or steel spikes, nuts, and washers, and horse, mule, or ox shoes, two cents per pound.

Anvils, [two cents per pound] *anchors or parts thereof, mill-irons and mill-cranks of wrought iron, and wrought iron for ships, and forgings of iron and steel, for vessels, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more, two cents per pound.*

Iron or steel rivets, bolts, with or without threads or nuts, or bolt-blanks, and finished hinges or hinge-blanks, two and one-half of one cent per pound.

Iron or steel blacksmiths' hammers and sledges, track tools, wedges, and crow-bars, two and one-half of one cent per pound.

Iron or steel axles, parts thereof, axle-bars, axle-blanks, or forgings for axles,

without reference to the stage or state of manufacture, two and one-half of one cent per pound.

Forgings of iron and steel, or forged iron, of whatever shape, or in whatever stage of manufacture, not specially enumerated or provided for in this act, two and one-half cents per pound.

Horseshoe-nails, hob-nails, and wire-nails, and all other wrought-iron or steel nails, not specially enumerated or provided for in this act, four cents per pound.

Boiler tubes, or flues, or stays, of wrought iron or steel, three cents per pound.

Other wrought iron or steel tubes or pipes, two and one-quarter cents per pound.

Chain or chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, one and three-quarter cents per pound; less than three-fourths of one inch and not less than three-eighths of one inch in diameter, two cents per pound; less than three-eighths of one inch in diameter, two and one-half cents per pound.

Cross-cut saws, eight cents per linear foot.

Mill, pit, and drag saws, not over nine inches wide, ten cents per linear foot; over nine inches wide, fifteen cents per linear foot.

Circular saws, thirty per centum ad valorem.

Hand, back, and all other saws, not specially enumerated or provided for in this act, forty per centum ad valorem.

Files, file blanks, rasps, and floats of all cuts and kinds, four inches in length and under, thirty-five cents per dozen; over four inches in length and under nine inches, seventy-five cents per dozen; nine inches in length and under fourteen inches, one dollar and fifty cents per dozen; fourteen inches in length and over, two dollars and fifty cents per dozen.

Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; bands, hoops, strips, and sheets of all gauges and widths; plates of all thicknesses and widths; steamer, crank, and other shafts; wrist or crank pins; connecting-rods and piston-rods; pressed, sheared, or stamped shapes, or blanks of sheet or plate steel, or combination of steel and iron, punched or not punched; hammer-molds or swaged steel; gun-molds, not in bars; alloys used as substitutes for steel tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings, all of the above classes of steel not otherwise specially provided for in this act, valued at [five] *four* cents a pound or less, forty-*five* per centum ad valorem; above [five] *four* cents a pound and not above [nine] *seven* cents *per pound*, two [and one-fourth] cents per pound; valued above [nine] *seven* cents *and not above ten cents* per pound, [three] *two* and [one-fourth] *three-fourths* cents per pound; *valued at above ten cents per pound, three and one-fourth cents per pound: Provided*, That on all iron or steel bars, rods, strips, or steel sheets, of whatever shape, and on all iron or steel bars of irregular shape or section, cold-rolled, cold-hammered, or polished in any way in addition to the ordinary process of hot-rolling or hammering, [and on steel circular saw plates,] there shall be paid one-fourth cent per pound, in addition to the rates provided in this act, *and on steel circular saw plates there shall be paid one cent per pound in addition to the rate provided for in this act.*

Iron or steel beams, girders, joists, angles, channels, car-truck channels, [tees] *TT*, columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, one and one-fourth of one cent per pound.

[Steel wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, and other railway tires, or parts thereof, wholly or partly manufactured, two and one-fourth of one cent per pound.]

Steel wheels and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, and other railway tires, or parts thereof, wholly or partly manufactured, two and one-half of one cent per pound; iron or steel ingots, cogged ingots, blooms or blanks for the same, without regard to the degree of manufacture, two cents per pound.

Iron or steel rivet, screw, nail, and fence-wire rods, round [or flat], in coils and loops, not lighter than number five wire gauge, *valued at three and one-half cents or less per pound*, six-tenths of one cent per pound. Iron or steel, flat with longitudinal ribs for the manufacture of fencing, six-tenths of a cent per pound.

Screws, commonly called wood screws, two inches or over in length, six cents per pound; one inch and less than two inches in length, eight cents per pound; over one-half inch and less than one inch in length, ten cents per pounds; one-half inch and less in length, twelve cents per pound.

Iron or steel wire, smaller than number five and not smaller than number ten wire gauge, one and one-half cents per pound; smaller than number ten and not smaller than number sixteen wire gauge, two cents per pound; smaller than number sixteen and not smaller than number twenty-six wire gauge, two and one-half cents per pound; smaller than number twenty-six wire gauge, three cents per pound: *Provided*, That iron or steel wire covered with cotton, silk, or other material, and wire commonly known as crinoline, corset, and hat wire, shall pay four cents per pound in addition to the foregoing rates: *And provided further*, That no article made from iron or steel wire, or of which iron or steel wire is a component part of chief value, shall pay a less rate of duty than the iron or steel wire from which it is made either wholly or in part: *And provided further*, That iron or steel wire-cloths, and iron or steel wire-nettings, made in meshes of any form, shall pay a duty equal in amount to that imposed on iron or steel wire of the same gauge, and two cents per pound in addition thereto: [*And provided further*, That wire rope and wire strand, of iron or steel wire, shall pay the same rates of duty that are levied on the wire of which they are made and one-fourth of one cent per pound additional: *And provided further*, That on all of the kinds of iron or steel, or articles or manufactures of iron or steel hereinbefore in this act enumerated, except fence-wire, when galvanized or coated with any metal or alloy, or mixture of metals by any process whatsoever, not including paints, there shall be paid (excepting on what are known commercially as tin plates, terne plates, and taggers tin, and hereinbefore provided for) one-fourth cent per pound in addition to the rates provided in this act.] *There shall be paid on galvanized iron or steel wire (except fence wire) one-half of one cent per pound in addition to the rate imposed on the wire of which it is made. On iron wire rope and wire strand, one cent per pound in addition to the rates imposed on the wire of which it is made. On steel wire rope and wire strand, two cents per pound in addition to the rates imposed on the wire of which it is made.*

Steel, not specially enumerated or provided for in this act [thirty] *forty-five* per centum ad valorem: *Provided*, That all metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by the combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable iron castings, shall be classed and denominated as steel.

No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any partly manufactured article of iron or steel, or upon any manufacture of iron and steel.

Argentine, albata, or German silver, unmanufactured, twenty-five per centum ad valorem.

Copper, imported in the form of ores, two and one-half cents on each pound of fine copper contained therein; regulus of and black or coarse copper, and copper cement, three and one-half cents on each pound of fine copper contained therein; old copper, fit only for remanufacture, clippings from new copper, and all composition metal of which copper is a component material of chief value not specially enumerated or provided for in this act, three cents per pound; copper in plates, bars, ingots, Chili, or other pigs, and in other forms, not manufactured, or enumerated in this act, four cents per pound; in rolled plates, called brazier's copper, sheets, rods, pipes, and copper bottoms, and all manufactures of copper, or of which copper shall be a component of chief value, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

Brass, in bars or pig, old brass, and clippings from brass or Dutch metal, one and one-half cent per pound.

Lead ore, and lead dross, one and one-half cent per pound.

Lead, in pigs and bars, molten and old refuse lead run into blocks and bars, and old scrap lead, fit only to be remanufactured, two cents per pound.

Lead, in sheets, pipes, or shot, three cents per pound.

Nickel, in ore, matte, or other crude form not ready for consumption in the arts, fifteen cents per pound on the nickel contained therein.

Nickel, nickel oxide, alloy of any kind in which nickel is the element of chief value, fifteen cents per pound.

Zinc, spelter, or tutenegue, in blocks or pigs, and old worn-out zinc, fit only to be remanufactured, one and one-half cent per pound; zinc, spelter, or tutenegue in sheets, two and one-half cents per pound.

Sheathing, or yellow metal, not wholly of copper, nor wholly nor in part of iron, ungalvanized, in sheets, forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces per square foot, thirty-five per centum ad valorem.

Antimony, as regulus or metal, ten per centum ad valorem.

Bronze powder, fifteen per centum ad valorem.

Cutlery, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

Dutch or bronze metal, in leaf, ten per centum ad valorem.

Steel plates, engraved, stereotype plates, and new types, twenty-five per centum ad valorem.

Gold-leaf, one dollar and fifty cents per package of five hundred leaves.

Hollow-ware, coated, glazed, or tinned, three cents per pound.

Muskets, rifles, and other fire-arms, not specially enumerated or provided for in this act, twenty-five per centum ad valorem.

All sporting breech-loading shot-guns, and pistols of all kinds, thirty-five per centum ad valorem.

Forged shot-gun barrels, rough-bored, ten per centum ad valorem.

Needles for knitting or sewing machines, thirty-five per centum ad valorem.

Needles, sewing, darning, knitting, and all others not specially enumerated or provided for in this act, twenty-five per centum ad valorem.

Pen-knives, pocket-knives, of all kinds, and razors, fifty per centum ad valorem; swords, sword-blades, and side-arms, thirty-five per centum ad valorem.

Pens, metallic, *twelve cents per gross*; pen-*holder* tips and pen-holders, or parts thereof, [forty] *thirty* per centum ad valorem.

Pins, solid-head or other, thirty per centum ad valorem.

Britannia ware, and plated and gilt articles and wares of all kinds, thirty-five per centum ad valorem.

Quicksilver, ten per centum ad valorem.

Silver leaf, seventy-five cents per package of five hundred leaves.

Type-metal, twenty per centum ad valorem.

Chromate of iron, or chromic ore, fifteen per centum ad valorem.

[Metallic] *Mineral* substances in a crude state, and metals unwrought, not specially enumerated or provided for in this act, twenty per centum ad valorem.

Manufactures, articles, or wares, not specially enumerated or provided for in this act, composed wholly or in part of iron, steel, copper, lead, nickel, pewter, tin, zinc, gold, silver, platinum, or any other metal, and whether partly or wholly manufactured, [thirty-five] *forty-five* per centum ad valorem.

SCHEDULE D.—WOOD AND WOODEN WARES.

Timber, hewn and sawed, and timber used for spars and in building wharves, twenty per centum ad valorem.

Timber, squared or sided, not specially enumerated or provided for in this act, one cent per cubic foot.

Sawed boards, plank, deals, and other lumber of hemlock, white-wood, sycamore, and bass-wood, one dollar per one thousand feet, board measure; all other articles of sawed lumber, two dollars per one thousand feet, board measure. But when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid for each side so planed or finished, fifty cents per one thousand feet, board measure.

And if planed on one side and tongued and grooved, one dollar per one thousand feet, board measure.

And if planed on two sides, and tongued and grooved, one dollar and fifty cents per one thousand feet, board measure.

Hubs for wheels, posts, last-blocks, wagon-blocks, ore-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only, twenty per centum ad valorem.

Staves of wood of all kinds, ten per centum ad valorem.

Pickets and palings, twenty per centum ad valorem.

Laths, fifteen cents per one thousand pieces.

Shingles, thirty-five cents per one thousand.

Pine clapboards, two dollars per one thousand.

Spruce clapboards, one dollar and fifty cents per one thousand.

House or cabinet furniture, in piece or rough, and not finished, thirty per centum ad valorem.

Cabinet ware and house furniture, finished, thirty-five per centum ad valorem.

Casks and barrels, empty, sugar-box shooks, and packing-boxes, and packing-box shooks, of wood, not specially enumerated or provided for in this act, thirty per centum ad valorem.

Manufactures of cedar-wood, granadilla, ebony, mahogany, rose wood, and satin wood, thirty-five per centum ad valorem.

Manufactures of wood, or of which wood is the chief component part, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

Wood, unmanufactured, not specially enumerated or provided for in this act, twenty per centum ad valorem.

SCHEDULE E.—SUGAR.

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic test as follows, viz:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of one and forty-hundredths cent per pound, and for every additional degree or fraction of a degree shown by the polariscopic test, they shall pay four-hundredths of a cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely:

All sugar above No. 13 and not above No. 16 Dutch standard, two and [fifty hundredths] *seventy-five hundredths* cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard, three cents per pound.

All sugars above No. 20 Dutch standard, three and fifty-hundredths cents per pound.

Molasses testing not above fifty-six degrees by the polariscope, shall pay a duty of four cents per gallon; molasses testing above fifty-six degrees, shall pay a duty of eight cents per gallon.

Sugar candy, not colored, five cents per pound.

All other confectionery, not specially enumerated or provided for in this act, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, valued at thirty cents per pound or less, ten cents per pound.

Confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound, fifty per centum ad valorem.

SCHEDULE F.—TOBACCO.

Cigars, cigarettes, and cheroots of all kinds, two dollars and fifty cents per pound and twenty-five per centum ad valorem; but paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

Leaf tobacco, of which eighty-five per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers, and of which more than one hundred leaves are required to weigh a pound, if not stemmed, seventy-five cents per pound; if stemmed, one dollar per pound.

All other tobacco in leaf, unmanufactured, and not stemmed, thirty-five cents per pound.

Tobacco stems, fifteen cents per pound.

Tobacco, manufactured, of all descriptions, and stemmed tobacco, not specially enumerated or provided for in this act, forty cents per pound.

Snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented or otherwise, of all descriptions, fifty cents per pound.

Tobacco, unmanufactured, not specially enumerated or provided for in this act, thirty per centum ad valorem.

SCHEDULE G.—PROVISIONS.

Animals, live, twenty per centum ad valorem.
Beef and pork, one cent per pound.
Hams and bacon, two cents per pound.
Meat, extract of, twenty per centum ad valorem.
Cheese, four cents per pound.
Butter, and substitutes therefor, four cents per pound.
Lard, two cents per pound.
Wheat, twenty cents per bushel.
Rye and barley, ten cents per bushel.
Barley, pearled, patent, or hulled, one-half cent per pound.
Barley malt, per bushel of thirty-four pounds, twenty cents.
Indian corn or maize, ten cents per bushel.
Oats, ten cents per bushel.
Corn-meal, ten cents per bushel of forty-eight pounds.
Oat-meal, one-half cent per pound.
Rye-flour, one-half cent per pound.
Wheat-flour, twenty per centum ad valorem.
Potato or corn starch, two cents per pound; rice starch, two and a half cents per pound; other starch, two and a half cents per pound.
Rice, cleaned, two and one-fourth cents per pound; uncleaned, one and one-half cent per pound.
Paddy, one and one-fourth cent per pound.
Rice-flour and rice-meal, twenty per centum ad valorem.
Hay, two dollars per ton.
Honey, twenty cents per gallon.
Hops, eight cents per pound.
Milk, preserved or condensed, twenty per centum ad valorem.
Fish:
Mackerel, one cent per pound.
Herrings, pickled or salted, one-half of one cent per pound.
Salmon, pickled, one cent per pound; other fish, pickled, in barrels, one cent per pound.
Foreign-caught fish, imported otherwise than in barrels or half barrels, whether fresh, smoked, dried, salted, or pickled, not specially enumerated or provided for in this act, fifty cents per hundred pounds.
Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than five inches long, four inches wide, and three and one-half inches deep, ten cents per whole box; in half boxes, measuring not more than five inches long, four inches wide, and one and five-eighths deep, five cents each; in quarter boxes measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and a quarter deep, two and one-half cents each; when imported in any other form, forty per centum ad valorem.
Fish preserved in oil, except anchovies and sardines, thirty per centum ad valorem.
Salmon, and all other fish, prepared or preserved, and prepared meats of all kinds, not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
Pickles and sauces, of all kinds, not otherwise specially enumerated or provided for in this act, thirty-five per centum ad valorem.
Potatoes, fifteen cents per bushel of sixty pounds.
Vegetables, in their natural state, or in salt or brine, not specially enumerated or provided for in this act, ten per centum ad valorem.
Vegetables, prepared or preserved, of all kinds, not otherwise provided for, thirty per centum ad valorem.
Chicory root, ground or unground, burnt or prepared, two cents per pound.
Vinegar, seven and one-half cents per gallon. The standard for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar; and all import duties that may by law be imposed on vinegar imported from foreign countries shall be collected according to this standard.
Acorns, and dandelion root, raw or prepared, and all other articles used or intended to be used as coffee, or as substitutes therefor, not specially enumerated or provided for in this act, two cents per pound.
Chocolate, two cents per pound.
Cocoa, prepared or manufactured, two cents per pound.
Fruits:
Currants, Zante or other, one cent per pound.
Dates, plums, and prunes, one cent per pound.
Figs, two cents per pound.
Oranges, in boxes of capacity not exceeding two and one-half cubic feet, twenty-five cents per box; in one-half boxes, capacity not exceeding one and one-fourth cubic feet, thirteen cents per half box; in bulk, one dollar and sixty cents per thousand; in barrels, capacity not exceeding that of the one hundred and ninety-six pounds flour-barrel, fifty-five cents per barrel.
Lemons, in boxes of capacity not exceeding two and one-half cubic feet, thirty cents per box; in one-half boxes, capacity not exceeding one and one-fourth cubic feet, sixteen cents per half box; in bulk, two dollars per thousand.
Lemons and oranges, in packages, not specially enumerated or provided for in this act, twenty per centum ad valorem.
Limes and grapes, twenty per centum ad valorem.
Raisins, two cents per pound.
Fruits, preserved in their own juices, and fruit-juice, twenty per centum ad valorem.

[Sweetmeats, and jellies of all kinds, thirty-five per centum ad valorem.]

Comfits, sweetmeats, or fruits preserved in sugar, spirits, syrup, or molasses, not otherwise specified or provided for in this act, and jellies of all kinds, thirty-five per centum ad valorem.

Nuts:
Almonds, five cents per pound; shelled, seven and one-half cents per pound; filberts, and walnuts, of all kinds, three cents per pound.
Peanuts or ground beans, one cent per pound; shelled, one and one-half cent per pound.
Nuts, of all kinds, shelled or unshelled, not specially enumerated or provided for in this act, two cents per pound.
Mustard, ground or preserved, in bottles or otherwise, ten cents per pound.

SCHEDULE H.—LIQUORS.

Champagne, and all other sparkling wines, in bottles containing each not more than one quart and more than one pint, seven dollars per dozen bottles; containing not more than one pint each and more than one-half pint, three dollars and fifty cents per dozen bottles; containing one-half pint each, or less, one dollar and seventy-five cents per dozen bottles; in bottles containing more than one quart each, in addition to seven dollars per dozen bottles, at the rate of two dollars and twenty-five cents per gallon on the quantity in excess of one quart bottle.

Still wines, in casks, fifty cents per gallon; in bottles, one dollar and sixty cents per case of one dozen bottles containing each not more than one quart and more than one pint, or twenty-four bottles containing each not more than one pint; and any excess beyond these quantities found in such bottles shall be subject to a duty of five cents per pint or fractional part thereof; but no separate or additional duty shall be collected on the bottles: *Provided*, That any wines imported containing more than twenty-four per centum of alcohol shall be forfeited to the United States: *Provided further*, That there shall be no allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits.

Vermuth, the same duty as on still wines.

Wines, brandy, and other spirituous liquors imported in bottles, shall be packed in packages containing not less than one dozen bottles in each package; and all such bottles, except as specially enumerated or provided for in this act, shall pay an additional duty of three cents for each bottle.

Brandy, and other spirits manufactured or distilled from grain or other materials and not specially enumerated or provided for in this act, two dollars per proof gallon; each and every gauge or wine gallon of measurement shall be counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind imported shall be the same as that which is defined in the laws relating to internal revenue; but any brandy or other spirituous liquors imported in casks of less capacity than fourteen gallons shall be forfeited to the United States.

On all compounds or preparations of which distilled spirits are a component part of chief value, not specially enumerated or provided for in this act, there shall be levied a duty not less than that imposed upon distilled spirits.

Cordials, liquors, arrack, absinthe, kirschwasser, ratafia, and other similar spirituous beverages or bitters, containing spirits, and not specially enumerated or provided for in this act, two dollars per proof gallon.

No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof; and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon.

Bay-rum, or bay-water, whether distilled or compounded, one dollar per gallon of first proof, and in proportion for any greater strength than first proof.

Ale, porter, and beer, in bottles or jugs of glass, stone, or earthen ware, thirty-five cents per gallon; otherwise than in bottles or jugs of glass, stone, or earthen ware, twenty cents per gallon.

Ginger ale or ginger beer, twenty per centum ad valorem, but no separate or additional duty shall be collected on bottles or jugs containing the same.

SCHEDULE I.—COTTON AND COTTON GOODS.

Cotton thread, yarn, warps, or warp-yarn, whether single or advanced beyond the condition of single, by twisting two or more single yarns together, whether on beams or in bundles, skeins or cops, or in any other form, valued at not exceeding twenty-five cents per pound, ten cents per pound; valued at over twenty-five cents per pound, and not exceeding forty cents per pound, fifteen cents per pound; valued at over forty cents per pound, and not exceeding fifty cents per pound, twenty cents per pound; valued at over fifty cents per pound, and not exceeding sixty cents per pound, twenty-five cents per pound; valued at over sixty cents per pound and not exceeding seventy cents per pound, thirty-three cents per pound; valued at over seventy cents per pound and not exceeding eighty cents per pound, thirty-eight cents per pound; valued at over eighty cents per pound, and not exceeding one dollar per pound, forty-eight cents per pound; valued at over one dollar per pound, fifty per centum ad valorem.

On all cotton cloth not bleached, dyed, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, two and one-half cents per square yard; if bleached, three and one-half cents per square yard; if dyed, colored, stained, painted, or printed, four and one-half cents per square yard.

On all cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and not exceeding two hundred threads to the square inch, counting the warp and filling, three cents per square yard; if bleached, four cents per square yard; if dyed, colored, stained, painted, or printed, five cents per square yard: *Provided, That on all cotton cloth not exceeding two hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over eight cents per square yard; bleached, valued at over ten cents per square yard; dyed, colored, stained, painted, or printed, valued at over thirteen cents per square yard, there shall be levied, collected, and paid a duty of forty per centum ad valorem.*

On all cotton cloth exceeding two hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, four cents per square yard; if bleached, five cents per square yard; if dyed, colored, stained, painted, or printed, six cents per square yard: *Provided*, That on all *such* cotton cloths not bleached, dyed, colored, stained, painted, or printed, valued at over ten cents per square yard; bleached, valued at over twelve cents per square yard; and dyed, colored, stained, painted, or printed, valued at over fifteen cents per square yard, there shall be levied, collected, and paid a duty of forty per centum ad valorem.

On stockings, hose, half-hose, shirts, and drawers, and all goods made on knitting machines [and] *or* frames, composed wholly of cotton, and not herein otherwise provided for, thirty-five per centum ad valorem.

On stockings, hose, half-hose, shirts, and drawers, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, and composed wholly of cotton, forty per centum ad valorem.

Cotton cords, braids, gimps, galloons, webbing, goring, suspenders, braces, and all manufactures of cotton, not specially enumerated or provided for in this act, and corsets, of whatever material composed, thirty-five per centum ad valorem.

Cotton laces, embroideries, insertings, trimmings, lace window-curtains, cotton damask, *hemmed handkerchiefs*, and cotton velvet, forty per centum ad valorem.

Spool-thread of cotton, seven cents per dozen spools, containing on each spool not exceeding one hundred yards of thread; exceeding one hundred yards on each spool, for every additional one hundred yards of thread or fractional part thereof in excess of one hundred yards, seven cents per dozen.

SCHEDULE J.—HEMP, JUTE, AND FLAX GOODS.

Flax straw, five dollars per ton.

Flax, not hackled or dressed, twenty dollars per ton.

Flax, hackled, known as "dressed line," forty dollars per ton.

Tow, of flax or hemp, ten dollars per ton.

Hemp, manila, and other like substitutes for hemp not specially enumerated or provided for in this act, twenty-five dollars per ton.

Jute butts, five dollars per ton.

Jute, twenty per centum ad valorem; sunn, Sisal grass, and other vegetable substances, not specially enumerated or provided for in this act, fifteen dollars per ton.

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not specially enumerated or provided for in this act, thirty-five per centum ad valorem; [and like manufactures of jute butts, or in which jute butts shall be the component material of chief value, twenty per centum ad valorem].

Flax, hemp, and jute yarns [valued at twenty-four cents or less per pound, thirty per centum ad valorem, valued at above twenty-four cents per pound], thirty-five per centum ad valorem.

Flax or linen thread, twine, and pack thread, and all manufactures of flax, or of which flax shall be the component material of chief value, not specially enumerated or provided for in this act, forty per centum ad valorem.

Flax or linen laces and insertings, embroideries, or manufactures of linen, if embroidered or tamboured in the loom or otherwise, by machinery or with the needle or other process, and not specially enumerated or provided for in this act, thirty per centum ad valorem.

Burlaps, not exceeding sixty inches in width, of flax, jute, or hemp, or of which flax, jute, or hemp, or either of them, shall be the component material of chief value (except such as may be suitable for bagging for cotton), thirty per centum ad valorem.

[Oil-cloths and] Oil-cloth foundations, or floor-cloth canvas, or burlaps exceeding sixty inches in width, made of flax, jute, or hemp, or of which flax, jute, or hemp, or either of them, shall be the component material of chief value, forty per centum ad valorem.

Oil-cloths for floors, stamped, painted, or printed, and on all other oil-cloth (except silk oil-cloth), and on water-proof cloth, not otherwise provided for, forty per centum ad valorem.

Gunny cloth, not bagging, valued at ten cents or less per square yard, three cents per pound; valued at over ten cents per square yard, four cents per pound.

Bags and bagging, and like manufactures, not specially enumerated or provided for in this act (except bagging for cotton), composed wholly or in part of flax, hemp, jute, gunny cloth, gunny bags, or other material, forty per centum ad valorem.

Bagging for cotton, or other manufactures not specially enumerated or provided for in this act, suitable to the uses for which cotton bagging is applied, composed in whole or in part of hemp, jute, *jute butts*, flax, gunny bags, gunny cloth, or other material, and valued at seven cents or less per square yard, one and one-half cents per pound; valued at over seven cents per square yard, two cents per pound.

[Bagging for cotton, composed of jute butts, or of which jute butts shall be the component material of chief value, twenty per centum ad valorem.]

Tarred cables or cordage, three cents per pound.

Untarred manila cordage, two and one-half cents per pound.

All other untarred cordage, three and one-half cents per pound.

Seines and seine and gilling twine, twenty-five per centum ad valorem.

Sail duck, or canvas for sails, thirty per centum ad valorem.

Russia and other sheetings, of flax or hemp, brown or white, thirty-five per centum ad valorem.

All other manufactures of hemp, *or manila*, or of which hemp *or manila* shall be a component material of chief value, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

Grass-cloth and other manufactures of jute, ramp, China and sisal grass, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

SCHEDULE K.—WOOL AND WOOLENS.

All wools, hair of the alpaca, goat, and other like animals, shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

Class one, clothing wools.—That is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote, down clothing wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two and thr e.

Class two, combing wools.—That is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also all hair of the alpaca, goat, and other like animals.

Class three, carpet wools and other similar wools.—Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed. The duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than ordinary condition, as now and heretofore practiced, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty cents or less per pound, ten cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty cents per pound, twelve cents per pound.

Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty cents or less per pound, ten cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty cents per pound, twelve cents per pound.

Wools of the third class, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall be twelve cents or less per pound, two and a half cents per pound; wools of the same class, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound, five cents per pound.

Wools on the skin, the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

Woolen rags, shoddy, mungo, waste, and flocks, 10 cents per pound.

Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not specially enumerated or provided for in this act, valued at not exceeding eighty cents per pound, thirty-five cents per pound and thirty-five per centum ad valorem; valued at above eighty cents per pound, thirty-five cents per pound, and in addition thereto forty per centum ad valorem.

Flannels, blankets, hats of wool, knit goods, and all goods made on knitting-frames, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals, (except such as are composed in part of wool) not specially enumerated or provided for in this act, valued at not exceeding thirty cents per pound, ten cents per pound; valued at above thirty cents per pound, and not exceeding forty cents per pound, twelve cents per pound; valued at above forty cents per pound, and not exceeding sixty cents per pound, eighteen cents per pound; valued at above sixty cents per pound, and not exceeding eighty cents per pound, twenty-four cents per pound; and in addition thereto, upon all the above-named articles, thirty-five per centum ad valorem; valued at above eighty cents per pound, thirty-five cents per pound, and in addition thereto forty per centum ad valorem.

Bunting, ten cents per square yard, and in addition thereto, thirty-five per centum ad valorem.

Women's and children's dress goods, coat linings, Italian cloths, and goods of like description, composed in part of wool, worsted, the hair of the alpaca, goat, or other animals, valued at not exceeding twenty cents per square yard, five cents per square yard, and in addition thereto, thirty five per centum ad valorem; valued at above twenty cents per square yard, seven cents per square yard, and forty per centum ad valorem; if composed wholly of wool, worsted, the hair of the alpaca, goat, or other animals, or of a mixture of them, nine cents per square yard and forty per centum ad valorem, but all such goods with selvedges, made wholly or in part of other materials, or with threads of other materials introduced for the purpose of changing the classification, shall be dutiable at nine cents per square yard and forty per centum ad valorem: *Provided*, That all such goods weighing over four ounces per square yard shall pay a duty of thirty-five cents per pound and forty per centum ad valorem.

Clothing, ready-made, and wearing apparel of every description, *not specially enumerated or provided for in this act*, and balmoral skirts, and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, forty cents per pound, and in addition thereto, thirty-five per centum ad valorem.

Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and childrens' apparel and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer (except knit goods), forty-five cents per pound, and in addition thereto forty per centum ad valorem.

Webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand, or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material, thirty cents per pound, and in addition thereto, fifty per centum ad valorem.

Aubusson, Axminster, and chenille carpets, and carpets woven whole for rooms, forty-five cents per square yard, and in addition thereto, thirty per centum ad valorem.

Saxony, Wilton, and Tournay velvet carpets, [wrought by the Jacquard machine,] forty-five cents per square yard, and in addition thereto, thirty per centum ad valorem.

Brussels carpets, [wrought by the Jacquard machine,] thirty cents per square yard, and in addition thereto, thirty per centum ad valorem.

Patent velvet and tapestry velvet carpets, printed on the warp or otherwise, twenty-five cents per square yard, and in addition thereto, thirty per centum ad valorem.

Tapestry Brussels carpets, printed on the warp or otherwise, twenty cents per square yard, and in addition thereto, thirty per centum ad valorem.

Treble ingrain, three-ply, and worsted-chain Venetian carpets, twelve cents per square yard, and in addition thereto, thirty per centum ad valorem.

Yarn Venetian, and two-ply ingrain carpets, eight cents per square yard, and in addition thereto, thirty per centum ad valorem.

Druggets and bockings, printed, colored, or otherwise, fifteen cents per square yard, and in addition thereto, thirty per centum ad valorem.

Hemp or jute carpeting, six cents per square yard.

Carpets and carpetings of wool, flax, or cotton, or parts of either or other material, not otherwise herein specified, forty per centum ad valorem; and mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description; and the duty on all other mats not exclusively of vegetable material, screens, hassocks, and rugs, shall be forty per centum ad valorem.

Endless belts or felts for paper or printing machines, twenty cents per pound and thirty per centum ad valorem.

SCHEDULE L.—SILK AND SILK GOODS.

Silk, partially manufactured from cocoons, or from waste silk, and not further advanced or manufactured than carded or combed silk, fifty cents per pound.

Thrown silk, in gum, not more advanced than singles, cram, organzine, sewing silk, twist, floss, in the gum, and spun silk, silk threads or yarns, of every description, purified or dyed, thirty per centum ad valorem.

On lastings mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons exclusively, ten per centum ad valorem.

All goods, wares, and merchandise, not specially enumerated or provided for in this act, made of silk, or of which silk is the component material of chief value, fifty per centum ad valorem.

SCHEDULE M.—BOOKS, PAPERS, ETC.

Books, pamphlets, bound or unbound, and all printed matter, [wholly or partly in the English language,] not specially enumerated or provided for in this act, engravings, bound or unbound, etchings, illustrated books, maps, and charts, [fifteen] *twenty-five* per centum ad valorem.

Blank books, bound or unbound, and blank books for press-copying, twenty per centum ad valorem.

Paper, sized or glued, suitable only for printing paper, twenty per centum ad valorem.

Printing paper, unsized, used for books and newspapers exclusively, fifteen per centum ad valorem.

Paper, manufactures of, or of which paper is a component material, not specially enumerated or provided for in this act, fifteen per centum ad valorem.

Sheathing paper, ten per centum ad valorem.
Paper boxes, and all other fancy boxes, thirty-five per centum ad valorem.
Paper envelopes, twenty-five per centum ad valorem.
Paper-hangings and paper for screens or fire-boards, paper antiquarian, demy, drawing, elephant, foolscap, imperial, letter, note, and all other paper not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
Pulp, dried, for paper-makers' use, ten per centum ad valorem.

SCHEDULE N.—SUNDRIES.

Alabaster and spar statuary and ornaments, ten per centum ad valorem.
Baskets and all other articles composed of grass, osier, palm-leaf, whalebone, or willow, or straw, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Beads, and bead ornaments of all kinds, except amber, fifty per centum ad valorem.
Blacking of all kinds, twenty-five per centum ad valorem.
Bladders, manufactures of, twenty-five per centum ad valorem.
Bone, horn, ivory, or vegetable ivory, all manufactures of, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Bonnets, hats, and hoods for men, women, and children, composed of chip, grass, palm-leaf, willow, or straw, or any other vegetable substance, hair, whalebone, or other material, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Bouillons, or cannetille, metal threads, filé, or gespinst, twenty-five per centum ad valorem.
Bristles, fifteen cents per pound.
Brooms of all kinds, twenty-five per centum ad valorem.
Brushes of all kinds, thirty per centum ad valorem.
Bulbs and bulbous roots, not medicinal, and not specially enumerated or provided for in this act, twenty per centum ad valorem.
Burr-stones, manufactured or bound up into mill-stones, twenty per centum ad valorem.
Buttons and button-molds, not specially enumerated or provided for in this act, not including brass, gilt, or silk buttons, twenty-five per centum ad valorem.
Candles and tapers of all kinds, twenty per centum ad valorem.
Canes and sticks for walking, finished, thirty-five per centum ad valorem; if unfinished, twenty per centum ad valorem.
Card-cases, pocket-books, shell boxes, and all similar articles, of whatever material composed, and by whatever name known, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.
Card-clothing, twenty-five cents per square foot; *when manufactured from tempered steel wire, forty-five cents per square foot.*
Carriages, and parts of, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.
Chronometers, box or ship's, and parts thereof, ten per centum ad valorem.
Clocks, and parts of clocks, thirty per centum ad valorem.
Coach and harness furniture of all kinds, saddlery, coach, and harness hardware, silver-plated, brass, brass-plated, or covered, common, tinned, burnished, or japanned, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.
Coal, slack or culm, such as will pass through a half-inch screen, thirty cents per ton of twenty-eight bushels, eighty pounds to the bushel.
Coal, bituminous, and shale, seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel. A drawback of seventy-five cents per ton shall be allowed on all bituminous coal imported into the United States which is afterwards used for fuel on board of vessels propelled by steam which are engaged in the coasting trade of the United States, or in the trade with foreign countries, to be allowed and paid under such regulations as the Secretary of the Treasury shall prescribe.
Coke, twenty per centum ad valorem.
Combs, of all kinds, thirty per centum ad valorem.
[Comfits, sweetmeats, or fruits preserved in sugar, brandy, or molasses, not specially enumerated or provided for in this act, thirty per centum ad valorem.]
Compositions of glass or paste, when not set, ten per centum ad valorem.
Coral, cut, manufactured, or set, twenty-five per centum ad valorem.
Corks and cork bark, manufactured, twenty-five per centum ad valorem.
Crayons of all kinds, twenty per centum ad valorem.
Dice, draughts, chess-men, chess-balls, and billiard and bagatelle balls, of ivory or bone, fifty per centum ad valorem.
Dolls and toys, thirty-five per centum ad valorem.
Emery grains and emery manufactured, ground, pulverized, or refined, one cent per pound.
Epaulets, galloons, laces, knots, stars, tassels, and wings, of gold, silver, or other metal, twenty-five per centum ad valorem.
Fans of all kinds, except common palm-leaf fans, of whatever material composed, thirty-five per centum ad valorem.
Feathers of all kinds, crude or not dressed, colored or manufactured, twenty-five per centum ad valorem; when dressed, colored, or manufactured, including dressed and finished birds, for millinery ornaments, and artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, for millinery use, not specially enumerated or provided for in this act, fifty per centum ad valorem.
Finishing powder, twenty per centum ad valorem.
Fire-crackers of all kinds, one hundred per centum ad valorem.
Floor-matting and floor-mats, exclusively of vegetable substances, twenty per centum ad valorem.
Friction or lucifer matches of all descriptions, thirty-five per centum ad valorem.
Fulminates, fulminating powders, and all like articles, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Fur, articles made of, and not specially enumerated or provided for in this act, thirty per centum ad valorem.
Gloves, kid or leather, of all descriptions, wholly or partially manufactured, fifty per centum ad valorem.
Grease, all not specially enumerated or provided for in this act, ten per centum ad valorem.
Grind-stones, [rough] *finished* or unfinished, one dollar and [fifty] *seventy-five* cents per ton; [finished, two dollars per ton.]
Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, six cents per pound; valued above twenty cents per pound, ten cents per pound.
Gun-wads, of all descriptions, thirty-five per centum ad valorem.
Gutta-percha, manufactured, and all articles of, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.
Hair, human, bracelets, braids, chains, rings, curls, and ringlets, composed of hair, or of which hair is the component material of chief value, thirty-five per centum ad valorem.
Curled hair, except of hogs, used for beds or mattresses, twenty-five per centum ad valorem.
Human hair, raw, uncleaned and not drawn, twenty per centum ad valorem. If clean or drawn, but not manufactured, thirty per centum ad valorem; when manufactured, thirty-five per centum ad valorem.
Hair cloth, known as "crinoline cloth," and all other manufactures of hair not specially enumerated or provided for in this act, thirty per centum ad valorem.
Hair cloth, known as "hair seating," thirty cents per square yard.
Hair pencils, thirty per centum ad valorem.
Hats, and so forth, materials for: Braids, plaits, flats, laces, trimmings, tissues, willow sheets and squares, used for making or ornamenting hats, bonnets, and hoods, composed of straw, chip, grass, palm leaf, willow, hair, whalebone, or any other substance or material, not specially enumerated or provided for in this act, twenty per centum ad valorem.
Hat-bodies of cotton, thirty-five per centum ad valorem.
Hatters' furs, not on the skin, and dressed furs on the skin, twenty per centum ad valorem.
Hatters' plush, composed of silk or of silk and cotton, twenty-five per centum ad valorem.
Hemp seed and rape seed, and other oil seeds of like character, other than linseed or flaxseed, one-quarter of one cent per pound.
India-rubber fabrics, composed wholly or in part of India rubber, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Articles composed of India rubber, not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
India-rubber boots and shoes, twenty-five per centum ad valorem.
Inks of all kinds and ink powders, thirty per centum ad valorem.
Japanned ware of all kinds, not specially enumerated or provided for in this act, forty per centum ad valorem.
Jet, manufactures and imitations of, twenty-five per centum ad valorem.
Jewelry of all kinds, twenty-five per centum ad valorem.
Leather, bend or belting leather, and Spanish or other sole leather, and leather not specially enumerated or provided for in this act, fifteen per centum ad valorem.
Calfskins, tanned, or tanned and dressed, and dressed upper leather of all other kinds, and skins dressed and finished, of all kinds, not specially enumerated or provided for in this act, and skins of morocco, finished, twenty per centum ad valorem.
Skins for morocco, tanned, but unfinished, ten per centum ad valorem.
All manufactures and articles of leather, or of which leather shall be a component part, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Lime, ten per centum ad valorem.
Garden seeds, except seed of the sugar-beet, twenty per centum ad valorem.
Linseed or flaxseed, twenty cents per bushel of fifty-six pounds; but no drawback shall be allowed on oil-cake made from imported seed.
Marble of all kinds, in block, rough or squared, sixty-five cents per cubic foot; veined marble, sawed, dressed, or otherwise, including marble slabs and marble paving-tiles, one dollar and ten cents per cubic foot.
All manufactures of marble not specially enumerated or provided for in this act, fifty per centum ad valorem.
Musical instruments of all kinds, twenty-five per centum ad valorem.
Paintings, in oil or water colors, and statuary not otherwise provided for, thirty per centum ad valorem. But the term "statuary," as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.
Osier, or willow, prepared for basket-makers' use, twenty-five per centum ad valorem.
Papier-maché, manufactures, articles, and wares of, thirty per centum ad valorem.
Pencils of wood filled with lead or other material and pencils of lead, fifty cents per gross and thirty per centum ad valorem; pencil-leads, not in wood, ten per centum ad valorem.
Percussion caps, forty per centum ad valorem.
Philosophical apparatus and instruments, thirty-five per centum ad valorem.
Pipes, pipe-bowls, and all smokers' articles whatsoever, not specially enumerated or provided for in this act, seventy per centum ad valorem; all common pipes of clay, thirty-five per centum ad valorem.
Plaster of Paris, when ground or calcined, twenty per centum ad valorem.
Playing-cards, one hundred per centum ad valorem.
Polishing powders of every description, by whatever name known, including Frankfort black, and Berlin, Chinese, fig, and wash blue, twenty per centum ad valorem.
Precious stones of all kinds, ten per centum ad valorem.
Rags, of whatever material composed, and not specially enumerated or provided for in this act, ten per centum ad valorem.
Rattans and reeds, manufactured, but not made up into completed articles, ten per centum ad valorem.
Salt, in bags, sacks, barrels, or other packages, [ten] *twelve* cents per one hundred pounds; in bulk, [six] *eight* cents per one hundred pounds: *Provided*, That exporters of meats, whether packed or smoked, which have been cured in the United States with imported salt, shall, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, have refunded to them from the Treasury the duties paid on the salt so used in curing such exported meats, in amounts not less than one hundred dollars: *And provided further*, That imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries, and in curing fish on the shores of the navigable waters of the United States, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes stated in this proviso, the duties on the same shall be remitted.
Scagliola, and composition tops for tables or for other articles of furniture, thirty-five per centum ad valorem.
Sealing-wax, twenty per centum ad valorem.
Shells, whole or parts of, manufactured, of every description, not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
Stones, unmanufactured or undressed, freestone, granite, sandstone, and all building or monumental stone, except marble, not specially enumerated or provided for in this act, one dollar per ton; and upon stones as above, hewn, dressed, or polished, twenty per centum ad valorem.
Strings: All strings of catgut, or any other like material, other than strings for musical instruments, twenty-five per centum ad valorem.
Tallow, one cent per pound.
Teeth, manufactured, twenty per centum ad valorem.
Umbrella and parasol ribs, and stretcher-frames, tips, runners, handles, or other parts thereof, when made in whole or chief part of iron, steel, or any other metal, forty per centum ad valorem; umbrellas, parasols, and shades, when covered with silk or alpaca, fifty per centum ad valorem; all other umbrellas, forty per centum ad valorem.
Umbrellas, parasols, and sunshades, frames and sticks for, finished or unfinished, not specially enumerated or provided for in this act, thirty per centum ad valorem.
Waste, all not specially enumerated or provided for in this act, ten per centum ad valorem.
Watches, watch-cases, watch-movements, parts of watches, and watch-materials, not specially enumerated or provided for in this act, twenty-five per centum ad valorem.
[Gold watches and gold watch-cases, forty per centum ad valorem.]
Webbing, composed of cotton, flax, or any other materials, not specially enumerated or provided for in this act, thirty-five per centum ad valorem.

THE FREE LIST.

SEC. 2503. The following articles when imported shall be exempt from duty:

CHEMICALS.

Albumen, in any form or condition; lactarine.
Aconite.
Ambergris.
Annato, roncou, rocou, or orleans, and all extracts of.
Balm of Gilead.
Blood, dried.
Bones, crude, not manufactured, burned, calcined, ground, or steamed.
Bone-dust and bone-ash for manufacture of phosphate and fertilizers.
Carbon, animal, fit for fertilizing only.
Guano, manures, and all substances expressly used for manure.
Musk, crude, in natural pod.
Civit, crude.
Cochineal.
Dyeing or tanning: Articles in a crude state used in dyeing or tanning, not specially enumerated or provided for in this act.
Fish-skins.
Hide-cuttings, raw, with or without hair, and all glue-stock.
Hoofs.
Horns, and parts of horns, unmanufactured, and horn strips and tips.
Ipecac.
Fish-sounds or fish-bladders.
Leather, old scraps.
Leeches.
Rennets, raw or prepared.
Argal, or argol, or crude tartar.
Assafœtida.
Barks, cinchona, or other barks used in the manufacture of quinia.
Brazil paste.
Camphor, crude.
Cassia, cassia buds, cassia vera, unground.
Charcoal.
Cinnamon, and chips of, unground,
Cloves and clove stems, unground.
Cocculus indicus.
Cudbear.
Curry and curry powder.
Cutch.
Divi-divi.
Dragon's blood.
Ergot.
Gambier.
Ginger-root, unground.
Indigo and artificial indigo.
Iodine, crude.
Jalap.
Kelp.
Lac dye, crude, seed, button, stick, and shell.
Lac spirits.
Lemon juice and lime juice.
Licorice root, unground.
Litmus, prepared or not prepared.
Mace.
Madder and munjeet or Indian madder, ground or prepared, and extracts of.
Manna.
Myrobolan.
Orchil, or orchil liquid.
Nutmegs.
Nux vomica.
Ottar of roses.
Salacine.
Oils:
Almond.
Amber, crude and rectified.
Ambergris.
Anise, or anise seed.
Aniline, crude.
Aspic, or spike lavender.
Bergamot.
Cajeput.
Carraway.
Cassia and cinnamon.
Cedrat.
Chamomile.
Citronella or lemon grass.
Civet.
Fennel.
Jasmine, or jasimine.
Juglandium.
Juniper.
Lavender.
Lemon.
Limes.
Mace.
Neroli, or orange flower.
Orange.
Palm and cocoanut.
Poppy.
Rosemary or anthoss.
Sesame or sesamum-seed, or bene.
Thyme or origanum, red or white; valerian.
Pepper, unground, of all kinds.
Pimento, unground.
Saffron and safflower, and extract of, and saffron cake.
Selep, or saloup.
Storax, or styrax.
Turmeric.
Turpentine, Venice.
Valonia.
Vegetable and mineral wax.
Wood ashes, and lye of, and beet-root ashes.
Acids used for medicinal, chemical, or manufacturing purposes, not specially enumerated or provided for in this act.
Alizarine, natural or artificial.
Agates, unmanufactured.
Apatite.
Asbestos, unmanufactured.
Arsenic.
Antimony ore, crude sulphide of.
Arsenic, sulphide of, or orpiment.
Arseniate of aniline.
Baryta, carbonate or witherite.
Bauxite.
Aniline salts or black salts and black tares.
Bromine.
Cadmium.
Calamine.
Cerium.
Cobalt, as metallic arsenic.
[Colcothar, dry, or oxide of iron; but not including any article or substance in condition for or capable of use as a paint or painter's color.]
Chalk and cliff stone, unmanufactured.
Feldspar.
Cryolite or kryolith.
Iridium.
Kieserite.
Kyanite or cyanite, and kainite.
[Lime, borate of.]
Lime, citrate of.
Lime, chloride of, or bleaching powder.
Magnesium.
Magnesite, or native mineral carbonate of magnesia.
Manganese, oxide and ore of.
Mineral waters, all not artificial, [together with the bottles or jugs in which the same are imported].
Osmium.
[Oxidizing paste.]
Palladium.
Paraffine.
Phosphates, crude or native, for fertilizing purposes.
Potash, muriate of.
Plaster of Paris or sulphate of lime, unground.
Quinia, sulphate of, salts of, and cinchonidia.
Soda, nitrate of, or cubic nitrate.
Strontia, oxide of, and proto-oxide of strontian, and strontianite, or mineral carbonate of strontia.
Sulphur, or brimstone, not specially enumerated or provided for in this act.
Sulphur lac or precipitated.
Tripoli.
[Tincal, or crude borax.]
Uranium, oxide of, verdigris or subacetate of copper.
Drugs, barks, beans, berries, balsams, buds, bulbs, and bulbous roots and excrescences, such as nut-galls, fruits, flowers, dried fibers; grains, gums and gum-resin; herbs, leaves, lichens, mosses, nuts, roots, and stems; spices, vegetables, seeds aromatic [garden seeds], and seeds of morbid growth; weeds, woods used expressly for dyeing, and dried insects—any of the foregoing, of which are not edible and are in a crude state, and not advanced in value or condition by refining or grinding, or by other process of manufacture, and not specially enumerated or provided for in this act.
Vaccine virus.
Crude minerals, not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially enumerated or provided for in this act.

SUNDRIES.

Aluminium.
Amber beads and gum.
Animals, brought into the United States temporarily, and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association; but a bond shall be first given in accordance with the regulations.
Animals, [alive,] specially imported for breeding purposes, shall be admitted free upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe; and teams of animals, including their harness and tackle, and the vehicles or wagons actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, shall also be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.
Asphaltum and bitumen, crude.
Arrowroot.
Articles imported for the use of the United States, provided that the price of the same did not include the duty.
Bamboo reeds, no further manufactured than cut into suitable lengths for walking sticks or canes, or for sticks for umbrellas, parasols, or sunshades.
Bamboo, unmanufactured.
Barrels of American manufacture, exported filled with domestic petroleum, and returned empty, under such regulations as the Secretary of the Treasury may prescribe, and without requiring the filing of a declaration at time of export of intent to return the same empty.
Articles the growth, produce, and manufacture of the United States, when returned in the same condition as exported. Casks, barrels, carboys, bags, and other vessels of American manufacture, exported filled with American products, or exported empty and returned filled with foreign products, including shooks when returned as barrels or boxes; but proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if any of such articles are subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded.
Bed-feathers and downs.
Bells, broken, and bell metal broken and fit only to be remanufactured.
Birds, stuffed.
Birds, and land and water fowls.
Bismuth.
Bladders, crude, and all integuments of animals not specially enumerated or provided for in this act.
Bologna sausages.
Bolting-cloths.
[Books, pamphlets, bound or unbound, and all printed matter, exclusively in a foreign language, not specially enumerated or provided for in this act.]
Books, engravings, bound or unbound, etchings, maps, and charts, which shall have been printed and manufactured more than twenty years at the date of importation.
Books, maps, and charts imported by authority or for use of the United States or for the use of the Library of Congress; but the duty shall not have been included in the contract of price paid.
Books, maps, and charts specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States.
Books, professional, of persons arriving in the United States.
Books, household effects, or libraries, or parts of libraries, in use, of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.
Breccia, in blocks or slabs.

Brime.
Brazil pebbles for spectacles, and pebbles for spectacles, rough.
Bullion, gold and silver.
Burgundy pitch.
Burr-stone, in blocks, rough or unmanufactured, and not bound up in mill-stones.
Cabinets of coins, medals, and all other collections of antiquities.
Castor or castoreum.
Catgut strings, or gut-cord, for musical instruments.
Catgut or whip-gut, unmanufactured.
Coal, anthracite.
Coal-stores of American vessels, but none shall be unloaded.
Cobalt, ore of.
Cocoa, or cacao, crude, and fiber, leaves, and shells of.
Coffee.
Coins, gold, silver, and copper.
Coir and coir yarn.
Copper, old, taken from the bottom of American vessels compelled by marine disaster to repair in foreign ports.
Copper, when imported for the United States Mint.
Coral, marine, unmanufactured.
Cork-wood, or cork-bark, unmanufactured.
Cotton.
Curling-stones, or quoits.
Cuttle-fish bone.
Diamonds, rough or uncut, including glaziers' diamonds.
Diamond dust or bort.
Dyeing or tanning articles, in a crude state, used in dyeing or tanning, not specially enumerated or provided for in this act.
Eggs.
Esparto or Spanish grass, and other grasses, and pulp of, for the manufacture of paper.
Emery ore.
Fans, common palm-leaf.
Farina.
Fashion-plates, engraved on steel or on wood, colored or plain.
Felt, adhesive, for sheathing vessels.
Fibrin, in all forms.
Fire-wood.
Fish, fresh, for immediate consumption.
Fish, for bait.
Flint, flints, and ground flint-stones.
Fossils.
Fruit-plants, tropical and semi-tropical, for the purpose of propagation or cultivation.
Fruits, green, ripe, or dried, not specially enumerated or provided for in this act.
Furs, undressed.
Fur-skins of all kinds, not dressed in any manner.
Glass, broken pieces, and old glass which cannot be cut for use, and fit only to be remanufactured.
Glass-plate or disks unwrought, for use in the manufacture of optical instruments.
Goat skins, raw.
Gold-beaters' molds, and gold-beaters' skins.
Gold-size.
Grease, for use as soap-stock only, not specially enumerated or provided for.
Gunny bags, and gunny cloth, old or refuse, fit only for remanufacturing.
Gut and worm gut, manufactured or unmanufactured.
Guts, salted.
Gutta-percha, crude.
Hair, horse or cattle, and hair of all kinds, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially enumerated or provided for in this act; of hogs, curled for beds and mattresses, and not fit for bristles.
Hide-rope.
Hides, raw or uncured, whether dry, salted, or pickled, and skins, except sheep-skins with the wool on, Angora goat-skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured.
Hones and whetstones.
Hop-roots, for cultivation.
Hop-poles.
Ice.
India rubber, crude, and milk of.
India malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.
Ivory, and vegetable ivory, unmanufactured.
Jet, unmanufactured.
Joss-stick, or joss-light.
Junk, old.
[Jute butts.]
Lava, unmanufactured.
Life-boats and life-saving apparatus, specially imported by societies incorporated or established to encourage the saving of human life.
Lithographic stones, not engraved.
Loadstones.
Logs, and round, unmanufactured timber, not specially enumerated or provided for in this act, and ship-timber, and ship-planking.
Maccaroni and vermicelli.
Magnets.
Manuscripts.
Marrow, crude.
Marsh-mallows.
Medals of gold, silver, or copper.
Meerschaum, crude or raw.
Mica and mica waste.
Models of inventions and other improvements in the arts; but no article or articles shall be deemed a model or improvements which can be fitted for use.
Moss, sea-weeds, and all other vegetable substances used for beds and mattresses.
Newspapers and periodicals.
Nuts, cocoa, and Brazil or cream.
Oakum.
Oil-cake.
Oil, spermaceti, whale, and other fish oils of American fisheries, and all other articles the produce of such fisheries.
Olives, green or prepared.
Orange and lemon peel, not preserved, candied, or otherwise prepared.
Ores, of gold and silver.
Palm-nuts and palm-nut kernels.
Paper stock, crude, of every description, including all grasses, fibers, rags of all kinds, other than wool, waste, shavings, clippings, old paper, rope-ends, waste rope, waste bagging, gunny-bags, gunny-cloth, old or refuse, to be used in making, and fit only to be converted into paper, and unfit for any other manufacture, and cotton waste, whether for paper stock or other purposes.
Parchment.
Pearl, mother of.
Personal and household effects, not merchandise, of citizens of the United States dying abroad.
Pewter and Britannia metal, old, and fit only to be remanufactured.
Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported in good faith for the use of any society or institution incorporated or established for religious, philosophical, educational, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale.
Plants, trees, shrubs, and vines of all kinds not otherwise provided for, and seeds of all kinds, except medicinal seeds not specially enumerated or provided for in this act.
Plants, trees, shrubs, roots, seed-cane, and seeds imported by the Department of Agriculture or the United States Botanical Garden.
Platina, unmanufactured.
Platinum, unmanufactured, and vases, retorts, and other apparatus, vessels, and parts thereof, for chemical uses.
Plumbago.
Polishing-stones.
Pulu.
Pumice and pumice stone.
Quills, prepared or unprepared.
Railroad-ties, of wood.
Rattans and reeds, unmanufactured.
Regalia and gems, statues, statuary, and specimens of sculpture, where specially imported in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, seminary of learning, or public library in the United States.
Root-flour.
Rotten stone.
Sago, sago crude, and sago flour.
Saur-kraut.
Sausage skins.
Sea-weed, not otherwise provided for.
Seed of the sugar-beet.
Shark skins.
Shells of every description, not manufactured.
Shingle-bolts and stave-bolts, provided that heading-bolts shall be held and construed to be included under the term stave-bolts.
Handle-bolts.
Shrimps, or other shell-fish.
Silk, raw, or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way.
Silk cocoons and silk waste.
Silk-worms' eggs.
Skeletons, and other preparations of anatomy.
Skins, dried, salted, or pickled.
Snails.
Soap-stocks.
Sodium.
Sparterre, for making or ornamenting hats.
Specimens of natural history, botany, and mineralogy, when imported for cabinets, or as objects of taste or science, and not for sale.
Spunk.
Spurs and stilts, used in the manufacture of earthen, stone, or crockery ware.
Straw, unmanufactured.
Sugar of milk.
Sweepings of silver and gold.
Tamarinds.
Tapioca, cassava, or cassada.
Tea.
Tea-plants.
Teasels.
Teeth, unmanufactured.
Terra alba, aluminous.
Terra japonica.
Tin ore, bars, blocks, or pigs, grain or granulated.
Tonquin, Tonqua or Tonka beans.
Tortoise and other shells, unmanufactured.
Turtles.
Types, old, and fit only to be remanufactured.
Umbrella sticks, crude, to wit, all partridge, hair-wood, pimento, orange, myrtle, and all other sticks and canes in the rough, or no further manufactured than cut into lengths suitable for umbrella, parasol, or sunshade sticks or walking-canes.
Vellum.
Wafers, unmedicated.
Wearing apparel, in actual use, and other personal effects (not merchandise), professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. But this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for sale.
Whalebone, unmanufactured.
Woods, poplar, or other woods, for the manufacture of paper.
Woods, namely, cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods, unmanufactured.
Works of art, painting, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of a consul or minister of the United States indorsed upon the written declaration of the artist; paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions, or to any State, or to any municipal corporation, or religious corporation or society.
Yams.
[Yeast cakes.]
Zaffer.

SEC. 2504. Whenever any vessel laden with merchandise in whole or in part subject to duty has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised, free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house; but under such regulations as the Secretary of the Treasury may prescribe.

SEC. 2505. The produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, which is now admitted into the ports of the United States free of duty, shall continue to be so admitted under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2506. The produce of the forests of the State of Maine upon the Saint Croix River and its tributaries, owned by American citizens, and sawed in the province of New Brunswick by American citizens, the same being unmanufactured in

whole or in part, and having paid the same taxes as other American lumber on that river, shall be admitted into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2507. Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

SEC. 2508. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States, or of any State, for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe. But bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

SEC. 2509. All works of art, collections in illustration of the progress of the arts, science, or manufactures, photographs, works in terra-cotta, Parian, pottery, or porcelain, and artistic copies of antiquities in metal or other material, hereafter imported in good faith for permanent exhibition at a fixed place by any society or institution established for the encouragement of the arts or science, and not intended for sale, nor for any other purpose than is hereinbefore expressed, and all such articles, imported as aforesaid, now in bond, and all like articles imported in good faith by any society or association for the purpose of erecting a public monument, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the parties importing articles as aforesaid shall be required to give bonds, with sufficient sureties, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to the provisions and intent of this act.

SEC. 2510. All lumber, timber, hemp, manila, wire rope, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for foreign account and ownership or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, after the passage of this act may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

SEC. 2511. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 2512. That no duty shall be levied or collected on the importation of peltries brought into the Territories of the United States by Indians, nor on the proper goods and effects, of whatever nature, of Indians passing or repassing the boundary-line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging to Indians, nor be entitled to the exemption from duty aforesaid.

SEC. 2513. There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not herein enumerated or provided for, a duty of ten per centum ad valorem; and all articles manufactured, in whole or in part, not herein enumerated or provided for, a duty of twenty per centum ad valorem.

SEC. 7. That sections twenty-nine hundred and seven and twenty-nine hundred and eight of the Revised Statutes of the United States and section fourteen of the act entitled "An act to amend the customs revenue laws, and to repeal moieties," approved June twenty-second, eighteen hundred and seventy-four, be, and the same are hereby, repealed, and hereafter none of the charges imposed by said sections or any other provisions of existing law shall be estimated in ascertaining the value of goods to be imported, nor shall the value of the usual and necessary sacks, crates, boxes, or covering, of any kind be estimated as part of their value in determining the amount of duties for which they are liable: *Provided*, That if any packages, sacks, crates, boxes, or coverings of any kind shall be of any material or form designed to evade duties thereon, or designed for use otherwise than in the bona fide transportation of goods to the United States, the same shall be subject to a duty of one hundred per centum ad valorem upon the actual value of the same.

SEC. 8. That section twenty-eight hundred and forty-one of the Revised Statutes of the United States is hereby amended and shall on and after the first day of July, eighteen hundred and eighty-three, be as follows:

SEC. 2841. Whenever merchandise imported into the United States is entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port, at the time of entry, to the owner, importer, consignee, or agent: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in said vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the affidavit may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently.

OATH OF CONSIGNEE, IMPORTER, OR AGENT.

I, ——— ———, do solemnly and truly swear (or affirm) that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received, of goods, wares, and merchandise imported in the ———, whereof ——— ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly swear (or affirm) that, to the best of my knowledge and belief (insert the name and residence of the owner or owners,) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost (if purchased) or fair market value (if otherwise obtained) at the time or times and place or places when or where procured, (as the case may be,) of the said goods, wares, and merchandise, including all cost for finishing said goods, wares, and merchandise to their present condition, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

OATH OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

I, ——— ———, do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of ——— contains a just and true account of the goods, wares, and merchandise imported by or consigned to me, in the ———, whereof ——— ——— is master, from ———; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, including all cost of finishing said goods, wares, and merchandise to their present condition, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know or believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly swear (or affirm) that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

OATH OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

I, ——— ———, do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of ——— contains a just and true account of goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their fair market value, at the time or times and place or places when and where procured for my account (or for account of myself or partners); that the said invoice contains also a just and faithful account of all the cost for finishing said goods, wares, and merchandise to their present condition, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 9. *If upon the appraisal of imported goods, wares, and merchandise, it shall appear that the true and actual market value and wholesale price thereof, as provided by law, cannot be ascertained to the satisfaction of the appraiser, whether because such goods, wares, and merchandise be consigned for sale by the manufacturer abroad to his agent in the United States, or for any other reason, it shall then be lawful to appraise the same by ascertaining the cost or value of the materials composing such merchandise, at the time and place of manufacture, together with the expense of manufacturing, preparing, and putting up such merchandise for shipment, and in no case shall the value of such goods, wares, and merchandise be appraised at less than the total cost or value thus ascertained.*

SEC. [9] 10. That all imported goods, wares, and merchandise which may be in the public stores or bonded warehouses on the day and year when this act shall go into effect, except as otherwise provided in this act, shall be subjected to no other duty upon the entry thereof for consumption than if the same were imported respectively after that day; and all goods, wares, and merchandise remaining in bonded warehouses on the day and year this act shall take effect, and upon which the duties shall have been paid, shall be entitled to a refund of the difference between the amount of duties paid and the amount of duties said goods, wares, and merchandise would be subject to if the same were imported respectively after that date.

SEC. [10] 11. Nothing in this act shall in any way change or impair the force or effect of any treaty between the United States and any other government, or any laws passed in pursuance of or for the execution of any such treaty, so long as such treaty shall remain in force in respect of the subjects embraced in this act; but whenever any such treaty, so far as the same respects said subjects, shall expire or be otherwise terminated, the provisions of this act shall be in force in all respects in the same manner and to the same extent as if no such treaty had existed at the time of the passage hereof.

SEC. [11] 12. That in respect of all articles mentioned in Schedule E of section six of this act, this act shall take effect on and after the first day of June, anno Domini eighteen hundred and eighty-three.

SEC. [12] 13. That the repeal of existing laws, or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause, before the said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made; nor shall said repeal or modifications in any manner affect the right to any office, or change the term or tenure thereof. Any offenses committed, and all penalties or forfeitures or liabilities incurred under any statute embraced in or changed, modified or repealed by this act may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses, or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act, shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act, may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed.

Amend the title so as to read: "An act to reduce internal-revenue taxation, and for other purposes."

W. D. KELLEY,
D. C. HASKELL,
EMORY SPEER,
Managers on the part of the House.

JUSTIN S. MORRILL,
N. W. ALDRICH,
JAMES W. McDILL,
WM. MAHONE,
Managers on the part of the Senate.

[During the reading of the report the Clerk was relieved for a portion of the time by Mr. SPEER, Mr. MILLER, and Mr. ROBINSON of Massachusetts.

Before the reading was concluded,

Mr. ANDERSON said: I ask unanimous consent that the further reading of the report be dispensed with, and that it be printed in the RECORD as if read

Mr. BERRY. I object.

The reading of the report as above printed was resumed and concluded.]

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 171) in relation to certain fees allowed registers and receivers;

A bill (S. 729) for the relief of Charles H. Tompkins, of the United States Army; and

A bill (S. 964) for the relief of Joseph C. Irwin.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883;

A bill (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson;

A bill (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands;

A bill (H. R. 5543) to confirm certain entries on the public lands; and

A bill (H. R. 5674) for the relief of Edward Bellows.

INTERNAL REVENUE AND TARIFF.

Mr. KELLEY. In view of the lateness of the time in the session I should be disposed to move the previous question on concurrence in the report of the committee of conference. But if there are gentlemen who desire to propound any questions I have no objection to coming to an understanding as to how much time shall be given to discussion or question and fixing an hour at which the previous question shall be ordered.

Mr. CARLISLE. A sufficient number of gentlemen on this side of the House have notified me of their desire to speak to consume an hour and twenty minutes, without including any time which I might desire to occupy myself. If any debate be allowed I think I should be permitted to make some remarks in connection with this matter.

Mr. KELLEY. I have thought of naming two hours, one for each side of the House, so that the previous question might be ordered at 10 minutes past 4; the debate to be in five-minute speeches, except as in the case of the gentleman from Kentucky [Mr. CARLISLE], so that the previous question should be ordered at 10 minutes past 4.

Mr. ATHERTON. Make it short.

Mr. KELLEY. If less time would suit the other side I will suggest one hour and a half.

Mr. CARLISLE. There is a demand here for more time; at least an hour and a half on our side.

Mr. KELLEY. I understand the demand to be the other way—an hour and a half for the whole debate.

Mr. SPRINGER. An hour and a half on this side.

Mr. REED. That would carry it too late.

Mr. KELLEY. I think that an hour on each side would be enough.

Mr. CARLISLE. More is desired on this side.

Mr. KELLEY. Unfortunately I have gentlemen around me who engross my ear so that I can not understand what is said by gentlemen on the other side.

Mr. MILLS. I think that it would be better to accord an hour and a half on each side.

Mr. KELLEY. That would carry us to the time for a recess.

Mr. CARLISLE. Can we not agree that the vote shall be taken at 5 o'clock?

Mr. ROBINSON, of Massachusetts. There would not be time to take the vote before the recess at half past 5.

Mr. CARLISLE. The vote can be taken in twenty minutes.

Mr. ROBINSON, of Massachusetts. A vote by yeas and nays is seldom taken in twenty minutes' time in this House.

Mr. MILLS. Then let it be understood that the vote shall be taken the first thing this evening, and gentlemen can then be here ready to vote.

Mr. HASKELL. I ask unanimous consent to vacate the order for a recess this evening.

Mr. KASSON. That ought to be done; this is the last day of the session.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] asks unanimous consent that the order for a recess at five and a half o'clock be vacated. Is there objection? [After a pause.] The Chair hears none, and the order for the recess is vacated.

Mr. KELLEY. I am now ready to say that I will consent that the previous question be ordered at 5 o'clock, and the intermediate time be divided between the two sides.

Mr. KASSON. Not the previous question to be ordered at 5, but that the vote shall be taken at 5.

Mr. KELLEY. Let the previous question be now ordered, with the understanding that the vote on agreeing to the report shall be taken at 5 o'clock.

Mr. CARLISLE. I have no objection to that.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] asks unanimous consent that the previous question on the pending conference report be considered as ordered at 5 o'clock. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. KELLEY. Now we will be very happy to hear from gentlemen on that side.

Mr. CARLISLE. I supposed that the chairman of the committee who makes the report would at least favor the House with some statement as to its contents and the effect it will have on the proposition submitted by the Senate.

Mr. KELLEY. Will the gentleman please state that again?

Mr. CARLISLE. I say that I had supposed that the usual course would be followed in this case; that the gentleman who makes the report to the House would at least make a statement as to the effect this conference report will have upon the proposition sent to us by the Senate.

Mr. KELLEY. I had felt no disposition to consume any of the time of the House. All that I can say upon the subject is this: The first sections of the bill contained in the report are the provisions of the bill of the House which was passed during the last session of this Congress for the repealing of certain internal-revenue taxes, together with the amendments made thereto by the Senate touching the tax on tobacco, cigars, snuff, &c. The two together, the House bill and the Senate amendments, it is estimated will repeal from thirty-five to forty millions of dollars of internal taxes.

It is always difficult to estimate the effect of changes in impost duties upon the revenues of the Government. The present object, dear to the heart of the people, is to diminish an excessive revenue. The experience of our country has taught us that a large reduction of impost duties, sufficiently large to invite increased importations of commodities, has not the effect of an immediate diminution of the revenue, whatever effect it may ultimately have, and the reduction is to be measured by its effect upon the industries of the country.

A prosperous people not only satisfy their wants, but gratify their desires, and in doing so consume articles whether they are taxable and dutiable or not. I repeat, a prosperous people are liberal consumers, because they not only supply their wants, but being able to do so, they gratify their desires.

An impoverished people, say, for instance, a laboring people without employment and heads of industrial establishments, called by Carlyle long years ago, when discussing economic questions for the British people, "captains of industries," ruined by sudden changes in the import duties and a large increase of commodities competing at low prices with their own, are not only unable to gratify their desires, but the former class, the laborers, find themselves, as they always have done whenever there have been sudden and great reductions of our tariff duties, impoverished, idle, tending toward extreme poverty, and often falling by whole communities into pauperism or dependence upon public charity.

I have therefore been unable to make an estimate of what the immediate effect of the proposed changes in our tariff will be upon our revenue. The provisions of the proposed bill in many respects have my most cordial approval, while there are other provisions which I can not defend here or elsewhere.

The yielding by the two Houses and the conference committee to the clamor against the maintenance of the manufacture of quinine in this country is a provision I can not approve. The embodying into statute law of what I have always regarded as a mistaken determination of the Treasury Department on the subject of tin-plate is another. The rates of duty on nickel is another. But I need not enumerate all the objections I see.

Upon the whole, I find a bill which is, in my judgment, an improvement upon the present law, and a bill which I believe will by its effect upon import duties and its reduction of excise taxes diminish the revenue some $65,000,000 or $70,000,000 a year. I know in the country no man more capable of making an estimate on this point than the honorable chairman of the conferees on behalf of the Senate, Senator MORRILL, whose estimate is that the adoption of this proposed bill will relieve the people from about $70,000,000 of impositions.

Now, I believe that I can say nothing more specifically on this question than I have said. In a former discussion, when the tariff bill was in Committee of the Whole, I was laughed at for saying that an estimate based on the importation of a preceding year was nothing more than a formulated guess, because the question is, will the imports be greater or less under the altered rates? If we are to import precisely the same articles and to the same amount that we did in a preceding year, then you can make your estimate with accuracy; but if the importations are to change in character and amount, the estimate must be largely without foundation.

It has been suggested to me that in speaking a moment ago of $70,-

000,000 of impositions I used an expression that may mislead. Therefore I wish to say that of this amount from thirty-two millions to thirty-five millions—and I think a much larger amount, but those are the figures given me by those who have made the calculation—would be upon internal taxes, and the remainder, about the same sum, upon import duties.

Mr. FLOWER. How many office-holders do you dispense with?

Mr. KELLEY. The gentleman's question is not relevant to the question put to me by the gentleman from Kentucky [Mr. CARLISLE], and what is more, the gentleman interposes a question touching a branch of revenue reform on which he knows there is no disagreement between him and myself. Therefore I shall not consume any part of the time allowed to this discussion by following the gentleman as he would have me do.

The calculation made in December, 1882, was that the bill then presented would effect a reduction of $47,391,000, including the tobacco taxation and the other taxes included in the House bill. So that with a reduction of $42,000,000 to $45,000,000 upon internal taxes I think the statement that the probable total reduction will be from $65,000,000 to $75,000,000 is entirely within the bounds of probability.

Now, if there are any direct questions to be put to me I shall be glad to answer them if I can.

Mr. SPRINGER. The gentleman will allow me to ask him whether the committee considered the question of the amount of that rebate which the Government will be compelled to pay on the 1st of May on account of taxes already paid upon tobacco?

Mr. KELLEY. Having no possible data from which conclusions which might be trusted could be derived, the committee spent no time in considering that question, or, if the gentleman will pardon me, we wasted no time in its consideration.

Mr. ANDERSON. Will the gentleman state what it is expected the reduction on sugar will amount to?

Mr. KELLEY. It is estimated at $11,000,000; it will probably be slightly in excess of that sum.

Mr. HAMMOND, of Georgia. The gentleman will allow me to ask him whether the committee "wasted" any of its time in considering the instructions of the House that this bill was unconstitutional?

Mr. KELLEY. The committee did not disregard any instruction given it by the House.

Mr. HAMMOND, of Georgia. Why did they not present a report on that subject?

Mr. KELLEY. Because they acted upon their own conclusions.

Mr. HAMMOND, of Georgia. Does the gentleman mean to say they concluded their votes of the 27th of February last were wrong?

Mr. KELLEY. No, sir. The matter is not before the House, and it is not fair to consume the time allotted to this side in discussions which are not pertinent to matters now under consideration.

Mr. HUTCHINS. I wish to call the gentleman's attention to a provision on page 12, lines 127 and 128. I would like to have an explanation of that. Is not that a new provision, so far as tariff legislation is concerned?

Mr. KELLEY. No, sir; I think not.

Mr. HUTCHINS. Does the gentleman think it is covered by the provisions of the existing law?

Mr. KELLEY. I think it is.

Mr. HUTCHINS. The gentleman must be referring to the provision re-enacting the present statute, a provision preceding that to which I allude. There has been inserted a provision designed, I think, to overrule the decision of the Supreme Court of the United States in the case of, I believe, Vietor *vs.* The United States, reported in 104 United States Supreme Court Reports. By this provision you put it in the power of the customs officers to impose the highest rate of duty upon all articles on which two rates are imposed.

Mr. MCKINLEY. That is a new feature practically.

Mr. HUTCHINS. Not "practically;" it is a new feature.

Mr. MCKINLEY. It is a new feature.

Mr. HUTCHINS. What I would like would be to hear the explanation of the chairman of the committee why that change of the law is made.

Mr. KELLEY. I will give it with pleasure. It is a provision for the prevention of litigation and of demands on the Treasury for refunds of duty paid on subsequent charges of construction. Much of the litigation between importers and the Treasury Department results from the fact that the law gives the Treasury no fixed rule of action on such questions. Duties are sometimes imposed on one basis and sometimes on another, and it has frequently happened duties being based on a higher rate applicable to the case have been collected to large amounts, and when the reversal of the rule has been obtained enormous refunds have been demanded, as was the case in the ribbon matter and a number of others which might be referred to. This says to the Treasury Department, if two or more rates of duty should be applicable to any imported article it shall be classified for duty under the highest of such rates.

Another object of the provision is to prevent the evasion of our laws by changing the names of articles and seeking new construction of the Treasury or the courts on old matters under new names. It is to compel importers to invoice their goods by their true character. Is the statement satisfactory to the gentleman?

Mr. HUTCHINS. It is not satisfactory; and I should like to make this suggestion——

Mr. KELLEY. Please make it, then, in the time of your own side of the House, for the time I am speaking in is taken from some who are to succeed me.

Mr. HUTCHINS. I wish to understand the matter.

Mr. KELLEY. I have given you all the information I have on the subject.

Mr. HUTCHINS. It is not satisfactory.

Mr. KELLEY. I now yield the floor to the other side of the House. How much time have I disposed of our portion?

The SPEAKER. Twenty minutes.

Mr. CARLISLE. Mr. Speaker, at this late hour of the session I shall not attempt to make anything like an elaborate statement concerning this report and the effect its recommendations, if adopted, will have on the proposition sent to us by the Senate and on the existing law. Under other circumstances I should not consider it necessary or proper to say anything at all; but inasmuch as the distinguished chairman of the committee has not even attempted to give the House an explanation of the changes proposed, I think it is the duty of some one on this side to submit a brief statement.

I believe, Mr. Speaker, that the public sentiment and the public interest demand a very material reduction of taxation, and I regret exceedingly that the committee has not been able to bring before the House such a measure of relief as will command the general support of this side or be regarded as a satisfactory adjustment by the great body of producers and consumers in the country. I have announced here more than once during the progress of the debate on this subject that I stood ready to vote for an average reduction of even 20 per cent. justly and equitably distributed among all the articles subject to taxation under our customs laws. The same declaration has been made, substantially at least, by several other gentlemen on this side, but it has so far failed to receive a favorable response from those who control the legislation of the House. The proposition now submitted does not, in my judgment, make a reduction of much more than one-half of that amount. It may be true as stated by the gentleman who has just spoken [Mr. KELLEY] that the total reduction proposed by the bill may possibly amount to sixty-five or seventy million dollars; upon that subject, however, I am not prepared to speak accurately, because the time which has elapsed since the report was agreed upon by the conference committee has not been sufficient to enable me to make the necessary investigations and calculations.

But, sir, even if that be true, it is conceded by the gentleman who has just addressed the House that from forty-two to forty-five million dollars of that reduction is taken off the internal-revenue taxes, leaving the remainder, not exceeding $24,000,000 or $25,000,000, to come from customs duties. At least twenty-two or twenty-three millions will be taken from tobacco, snuff, and cigars; about fourteen millions from the taxes on bank capital and deposits and checks; some three millions from matches; while out of the $24,000,000 or $25,000,000 proposed to be taken from the tariff duties nearly $11,000,000 will come from the single article of sugar.

Now, sir, this subject has been under consideration in this House and at the other end of the Capitol for more than a month, and upon certain questions involved in this report test votes have been taken in both legislative departments. When gentlemen come to examine the report made by the conference committee they will be, I think, surprised to find that in some very important instances the deliberate judgment both of the House and Senate has been disregarded, and duties have been placed at higher rates than either of those bodies had agreed to adopt. The first article of any consequence upon which a change of duty is recommended by the report is common earthen and stone ware, printed, painted, or gilded. The report proposes that this ordinary earthen and stone ware, which now pays a duty of 40 per cent. ad valorem, shall hereafter pay a duty of 60 per cent. ad valorem, an apparent increase of exactly 50 per cent. in the rates of duty on this article in common use among all—no, not among all classes, but among very large classes of the American people who are unable to buy or use the more expensive articles of China, porcelain, or bisque ware.

I have said that this is an apparent increase of exactly 50 per cent.; but it ought to be stated in this connection that the duties upon commissions, charges, and packages are proposed to be abolished by this bill, which upon these common articles of earthen-ware may amount to 15 or 17 per cent. upon the duty. Deducting 17 per cent., the highest rate that has yet been claimed by anybody upon this floor, from the 50 per cent. proposed increase, we find that this report proposes to make a clear net increase of 33 per cent. in the duty upon this article over the rates prescribed by the existing law. I regret that the gentleman from Pennsylvania did not see proper to give the House some reason why this enormous increase of duty should be made. It is not a matter of such little consequence as to pass unnoticed either here or in the country.

The next important change proposed by the report is upon the article of iron ore. This House, after a full debate and in an elaborate con-

sideration of the question, voted in Committee of the Whole that the duty upon iron ore should be fixed at 50 cents per ton. The Senate in the proposition sent to the House as a substitute for the internal-revenue bill inserted the same rate of 50 cents per ton upon iron ore. The existing duty upon that article is 20 per cent. ad valorem, which is equivalent to an average rate upon all the kinds of ore, rich as well as poor in metal, of about 57 cents per ton. But on the poorer grades of ore, those which contain proportionately less metal, 20 per cent. ad valorem will amount to much less than 57 cents per ton, while on the better classes or grades it will amount to more. The rate of 50 cents per ton was recommended by the Tariff Commission and agreed to by both Houses of Congress, and consequently the committee of conference had simply to consider a proposition which had met the concurrence of both the bodies it represented, a proposition fixing a duty of 50 cents per ton upon iron ore, a raw material which lies at the very foundation of all of the iron and steel industries of the country. And permit me to say here again that if we are ever to make rational and permanent reductions in our customs-revenue system we must begin at the bottom; we must make the reductions first upon the raw material, and then those who are engaged in making the finished products from it can bear corresponding reductions upon their articles, and ultimately the consumer will be reached and benefited.

Sir, it has been well said that iron is the imperial metal. That nation which can make the cheapest iron will necessarily control the commerce of the world. It will control ship-building and the carrying trade; it will supply the material for the construction of railroads, and it will manufacture and sell to other parts of the world the machinery and agricultural implements required to develop the resources and trade of their people. The ability to produce cheap iron and steel has contributed as much as anything else to secure for England her present commercial supremacy throughout the globe, and she will doubtless continue to hold that supremacy until some other nation can successfully compete with her in the production of these indispensable articles. But according to this report we are not to have cheap iron or steel in this country. Disregarding the deliberate judgment of both Houses, the committee now proposes to increase the duty upon iron ore exactly 50 per cent. above the rate agreed to in the bill; that is to say, the duty is to be increased from 50 cents per ton to 75 cents per ton upon all ores, rich and poor alike. I have no time to comment on this proposition as it deserves, but merely state the fact and leave the House to form its own judgment as to the justice and propriety of the proposed increase.

When we came to the next classification in the same clause, relating to sulphuret of iron, or pyrites, which is brought into this country mainly for the purpose of extracting the sulphur in order that sulphuric acid may be produced for fertilizing purposes, the same rate of 75 cents per ton was put upon the article, and in addition thereto 2½ cents per pound upon all the copper contained therein if it was found to contain over 2½ per cent. of copper by any assay that might be applied to it. The bill as the Senate sent it to us exempted this pyrites from any additional duty over 50 cents per ton, provided it did not contain more than 3½ per cent. of copper by the dry assay. But your committee of conference proposes that an additional duty shall be imposed upon it if it contains over 2½ per cent. of copper by any assay or test that may be applied to it. It is well understood that the dry assay would not develop as large a percentage of copper as the wet assay. Hence the words "dry assay" were stricken out, so that still greater quantities of these pyrites might be brought under this additional duty.

I am not undertaking, sir, to make an argument; I simply want to state the facts in order that this House and the country may know exactly what it is that this committee recommends. The next thing engaging the attention of the conference committee was steel rails, another article upon which both the House and the Senate had expressed their judgment. By a vote in this House the rate upon steel rails had been put at $15 per ton. In the proposition sent to us by the Senate the rate was put at $15.68 per ton; and yet this committee, sent out to reconcile what were supposed to be differences of opinion between the two branches of the legislative department, again disregarded the deliberate judgment of both of them and put the duty at $17 per ton; that is to say, $2 over the rate agreed to by the House and nearly a dollar and a half per ton over the rate agreed to by the Senate, when the fact is that either of the rates proposed by the House or the Senate is practically prohibitory at the present prices.

Sir, if this House is willing to agree to these propositions which I have just mentioned in which its judgment was disregarded and the judgment of the Senate also set at defiance, other gentlemen must take the responsibility for it; I will not carry it on my shoulders.

Then we came to the article of bar-iron; and I am very much afraid I will not be able to go through the list without consuming too much of the time on this side. [Cries of "Go on!"] We found there three classifications—one with the rate of duty at $18 per ton, the next with $20 per ton, and the third with $22 per ton. The committee of conference recommends on the first classification that there shall be a reduction of 8 cents per ton; that is to say from $18 to $17.92. But to compensate for that it recommends that on the next classification there shall be an increase from $20 per ton to $22.40 per ton, which is $2.24 higher on all descriptions of iron embraced in that classification than this House voted in Committee of the Whole a week or ten days ago. The description of bar-iron which this report proposes to put at $22.40 per ton was put by the House at $20.16 per ton, and by the Senate at $20 per ton. The gentleman from Kansas [Mr. HASKELL] shakes his head, but I repeat the statement, and here are the bills lying on my table which any gentleman can take and compare for himself. I have not time to read them now. The description is a little different verbally, because this report does not say anything about the width; neither does the other classification of the Senate say anything about the width, but it covers identically the same article.

Mr. HASKELL. The whole classification is changed.

Mr. CARLISLE. Three classifications are made. But the Senate has put in as its second classification a part of that which was our first classification. We put it at $20.16 in the House bill. It was $20 by the Senate bill, and it is proposed to be put at $22.40 per ton by this report.

Then on the first classification of sheet-iron this conference committee proposes to increase the duties over the Senate bill, not over the House bill but over the Senate bill, to the extent of $2.24 per ton.

It also proposes to insert the following proviso, which is entirely new in our tariff legislation and which will operate most injuriously upon a large and valuable industry, besides greatly increasing the cost of many useful articles of household ware. This is the proviso:

Provided, That plate or sheet or taggers iron, by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid, or by any other material or process, and which is cold-rolled, shall pay one-quarter cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron.

The effect of this will be to impose an additional duty of $5.60 per ton on all plate or sheet iron when pickled or cleaned and cold-rolled, making on sheet-iron not thinner than No. 20 wire-gauge, $30.24 per ton; thinner than No. 20 and not thinner than No. 25, $32.48; thinner than No. 25 and not thinner than No. 29, $39.20 per ton. There are many millions of dollars invested and many thousands of hands employed in this country in the manufacture of enameled ware from sheet-iron that has been pickled or cleaned and cold-rolled, and this provision will be a heavy blow to that great industry as well as to the people at large who purchase and use their goods. I believe that most if not all the iron used in the manufacture of these articles, such as buckets, pitchers, &c., has to be imported, on account of the fact that our domestic iron has not sufficient ductility to bear the heavy, deep stamping to which the material is necessarily subjected. The duties are already very high, almost prohibitory in fact, and if this report shall be agreed to there is great danger that the production of these wares will cease in this country and many workmen be thrown out of employment, not for the want of what is called protection, but because, in order to protect somebody else, who does not need it, the duties are placed so high as to deprive them of the material to work upon.

When we come to steel, one of the most important items in the bill, an entire reclassification was made different in every respect except one, not only from what was done in the Senate but from what was done here in this House. The only respect in which this proposition as now submitted by the committee of conference corresponds with the action of this House is, that on steel worth less than 4 cents per pound it proposes to impose a duty of 45 per cent. ad valorem.

Mr. HASKELL. The next class is just like it.

Mr. CARLISLE. I beg pardon. It is true the next classification is like it as it stands now. The rate was reduced from 2½ cents to 2 cents. So that in those two respects instead of one, as just stated by me, there is a correspondence between what was done by the House and what is recommended by this committee. But in every respect it is different from the classification recommended by the Senate, and in most respects different in rates also.

And now, sir, let us look for a moment at this remarkable clause on steel. In the first place the Senate proposed that on all these kinds of steel valued at 5 cents or less per pound the duty should be 40 per cent. ad valorem. The committee of conference proposes to strike out 5 and draw the line at 4 cents per pound and raise the duty to 45 per cent. ad valorem, thus increasing both ways—first by lowering the value of the article to which this duty shall apply, and next by increasing the percentage of the duty itself.

Large quantities of steel are now admitted at 30 per cent. ad valorem, while some kinds pay 45 per cent. ad valorem, the question as to the rates depending on whether the steel is classed as steel simply or as manufactures of steel not otherwise provided for. Now it is proposed to put 45 per cent. on all of it, and I shall show to the House that this is a most unnecessary and unjust discrimination against the lower and cheaper grades of steel—the Bessemer, Thomas-Gilchrist, and other classes of steel of that character.

On the next grade or classification the committee of conference proposes that there shall be a duty of 2 cents per pound—that is, on all steel valued above 4 cents and not exceeding 7 cents per pound. Any gentleman can easily make the calculation for himself and ascertain what equivalent ad valorem that will be. If that steel is worth 6 cents per pound, 2 cents per pound is 33 per cent. ad valorem; if it is worth 7 cents per pound, 2 cents per pound is about 28½ per cent. ad valorem.

This is crucible cast-steel, and yet on the low grades of Bessemer steel, out of which rods are made to manufacture wire fencing, it is proposed to impose 45 per cent. ad valorem. When we come to the next classification between 7 cents and 10 cents we find a rate of 2¾ cents proposed, and on that a similar calculation shows that if the article be worth 9 cents per pound, the duty will be equivalent to 30 per cent. ad valorem; if it be worth 10 cents per pound, the duty will be 27½ per cent. ad valorem. If it should be worth 7½ cents per pound, which is about the lowest grade that could be admitted under this classification, the equivalent ad valorem would be less than 37 per cent. Then on all valued above 10 cents per pound the duty is 3½ cents per pound; if that steel is worth 11 cents per pound the ad valorem rate will be 29 per cent. If it is worth 12 cents, the ad valorem rate will be 27 per cent.

It will be seen, therefore, that as the value of the article increases the ad valorem decreases all the way through, so that we have here presented for our indorsement the extraordinary proposition that there shall be imposed upon these low and common grades of steel a much higher rate of duty than upon the very finest grades of crucible cast-steel. Why is this? I regret that the gentleman from Pennsylvania [Mr. KELLEY] did not consider it his duty to explain to the House and the country the reason for this discrimination against the steel which is now coming into general use throughout the country, and which by reason of improved processes and methods in its manufacture will soon be as cheap as iron itself. Why should it pay a higher rate of duty than the steel used in the manufacture of razors and the finest qualities of cutlery? Are the farmers of the country realizing such exorbitant profits from their industries that the Government is justifiable in taxing their fencing and their tools and implements higher than it taxes the material used by the manufacturers of fine cutlery? It is proposed not only to give these manufacturers the advantage in the rates of taxation imposed upon their material, but it is also proposed to protect them at the expense of the consumer by a duty of 50 per cent. upon the products of their industries. For them the rule is low rates upon their material and high rates upon their finished product, while for the farmer the rule is high rates upon the material and free competition with all the world in the sale of his products.

It seems to me that some explanation ought to be made to the representatives of the people before they are expected to vote for propositions so extraordinary as those appear to be.

In reference to steel wheels and steel-tired wheels for locomotive and railway purposes, the committee of conference adopted the House classification, but agreed to the Senate rate on the finished article; and I desire to call the attention of my friend from Illinois to the rate proposed on the material from which the wheels are made. It is proposed to put a duty of 2 cents per pound upon ingots and blooms and blanks, which the manufacturers of steel wheels and steel-tired wheels are now using in this country, and this rate is to be imposed, in the language of the bill, "without regard to the degree of manufacture."

All steel not otherwise provided for is admitted under the existing law at 30 per cent. ad valorem. The Senate had proposed 30 per cent. ad valorem in the bill sent to us, but a majority of the conferees on the part of the House asked, and the Senate conferees agreed to increase the duty exactly 50 per cent.; and it is so reported, that is to say, there is an increase from 30 per cent. ad valorem to 45 per cent. ad valorem.

Now, it seems to me, with all respect to gentlemen on the other side, that this proposed change in the law, which will ultimately embrace large classes of importations, ought to have been explained to the House by those who are responsible for the report and who must be responsible for such legislation as may result from it.

Then again, this report proposes to increase the duties upon large classes of cotton goods and upon a very large class of woolen goods. Raw cotton is free and there can be no argument made in favor of an increase of duties upon manufactured cotton goods on the ground that the raw material is subject to a duty as is sometimes urged in the case of woolen goods. With free or nearly free material and with the experience of many years in the manufacture of cotton goods, the time has come when the duties should be diminished instead of increased.

I see the gentleman from Rhode Island [Mr. CHACE] smiling. It is true there is a little duty upon dye-stuffs, and also a duty upon the machinery used in the manufacture of cotton goods. But if I were to make an argument from my friend's standpoint, I would be compelled to contend that the effect of those duties is to give the manufacturers cheaper machinery and cheaper dye-stuffs than they would otherwise have.

I do not, however, agree with that argument, but believe, and gentlemen upon the other side believe, as is clearly manifested when they come to act practically upon these matters, that the imposition of a duty on the foreign article enhances the price of the domestic article. If this be not so, why do we hear day after day on this floor and elsewhere that we must impose high rates of duty on the finished products because we have imposed duties upon the material out of which they are made?

The practice of the gentlemen upon this subject has never conformed to their theory, for in every instance when they are called upon to vote here upon their responsibilities as legislators they indorse the doctrine which we on this side have maintained from the beginning, and insist that the imposition of a duty upon the raw material demands the imposition of a compensatory duty upon the finished product made from it.

The cotton goods to which I was about to refer are admitted under the present law at 35 per cent. ad valorem. This report proposes:

On stockings, hose, half-hose, shirts, and drawers, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, and composed wholly of cotton, 40 per cent. ad valorem.

And again:

Cotton laces, embroideries, insertings, trimmings, lace window-curtains, cotton damask, hemmed handkerchiefs, and cotton velvet, 40 per cent. ad valorem.

The importations during the last fiscal year of the classes of goods which include these articles amounted in round numbers to $17,000,000. Not all of that $17,000,000, however, consisted of these particular articles; but the gentleman from Massachusetts [Mr. RUSSELL], who I regret to say has been called home, substantially admitted in his remarks here when the bill was under discussion in this House that two-thirds of these importations would be affected by this proposed increase of duty.

Mr. ROBINSON, of Massachusetts. Permit me to interrupt the gentleman long enough to say that my colleague [Mr. RUSSELL] is unavoidably absent on account of sickness in his family.

Mr. CARLISLE. I am aware of that fact and regret it very much.

The calculations submitted by the Committee on Ways and Means from the Bureau of Statistics were based upon the assumption that the proposed increase of duty on cotton goods would apply to only one-third of that importation. I have always contended, as gentlemen who heard my remarks at the beginning of the discussion will remember, that it would embrace about two-thirds of the importations; and the gentleman from Massachusetts [Mr. RUSSELL], I repeat, substantially admitted that fact in the debate.

Here, then, is a proposition to increase the duties on an importation of cotton goods amounting last year to $11,500,000, being two-thirds of $17,000,000. For what reason? No increase is proposed upon any material which enters into the manufacture of those goods. They are in large part necessary articles of clothing in common use among all classes of the American people, the laboring people, whose welfare gentlemen upon the other side are so anxious to promote, as well as those of larger means.

Why has not some reason been given by the gentlemen in charge of this report for this proposed increase? Does the gentleman think that the country will overlook this? Do gentlemen think the representatives of the people here on this floor will not be called on when they go home to tell their constituents why it is that they have imposed additional duties upon their clothing at a time when they had been promised relief from excessive taxation? Sir, that question and many others which gentlemen now appear to think very trivial will be pressed upon their attention when the people come to review this legislation.

Then, on a large class of woolen goods another very material increase of duty is proposed. This report proposes to reduce the duty upon wool, the material which enters into the manufacture of these articles, to the extent of about 18 per cent. if we leave out of account the reclassification, the precise effect of which can not now be ascertained. Yet it is proposed to increase the duties on all-wool dress goods, for women's and children's wear, from 6 cents per square yard and 35 per cent. ad valorem, or 8 cents per square yard and 40 per cent ad valorem—the rates under the present law being dependent upon the value of the goods—up to 9 cents per square yard and 40 per cent. ad valorem. No matter what they may be worth, no matter how cheap the article itself may be, it must pay under this bill 9 cents per square yard and 40 per cent. ad valorem.

Mr. ANDERSON. That is an increase over the present law.

Mr. CARLISLE. Yes, sir; an increase over the present law touching, as I shall show presently, a very large importation of goods. These are the cheap, all-wool goods——

Mr. CHACE. Oh, no.

Mr. CARLISLE. Yes; these are the cheap, all-wool dress goods. I am not speaking now of those goods having a cotton or other vegetable warp, but simply of the all-wool goods.

Mr. CHACE. The gentleman is mistaken, as I will show hereafter.

Mr. CARLISLE. They are what is usually denominated the "Sunday wear" of the laboring people of the country. There are several samples of them in the committee-room, which gentlemen can examine if they choose. They are a smooth, attractive quality of all-wool goods purchased very generally by laboring men for the Sunday wear of their wives and children, and I have assurances from the largest importing house at Cincinnati that this increase will include about 95 per cent. of the importations now made under the classification to which they belong in the present law. From New York my information is that it will include from 75 to 80 per cent. of the importations. Importers of course differ in their estimates, as each one examines his own importations and forms his opinion accordingly. But assuming that it embraces only 75 per cent., let us see what the effect will be. Last year the entire importation under the classification to which these goods now belong was $15,241,149.77, upon which the Government collected a duty of $9,773,477.

These figures show very clearly that the gentlemen who prepared these schedules upon cotton and woolen goods knew what classes were

being imported and just how these increases would operate upon the people who buy and use these articles. The gentlemen on the other side who advocate this report ought to give the House and the country some reason for this proposed increase.

Mr. HASKELL. Will the gentleman permit me a remark?

Mr. CARLISLE. If the gentleman desires to ask a question I will yield.

Mr. HASKELL. It is not a question.

Mr. CARLISLE. Mr. Speaker, I ought to say in this connection that only a small quantity of these all-wool dress goods are now imported at the rate of 6 cents per square yard and 35 per cent. ad valorem, because as a general thing they are worth over 20 cents per square yard. The present law is that if they are worth less than 20 cents per square yard the duty shall be 6 cents per square yard and 35 per cent. ad valorem; but if worth over 20 cents per square yard the duty is 8 cents per square yard and 40 per cent. ad valorem. Now, the proposition is to make them all pay 9 cents per square yard and 40 per cent. ad valorem, no matter whether they be worth more or less than 20 cents per square yard, at the same time reducing the duty on the wool, which is the only material from which these goods are manufactured, thus increasing the profit of the manufacturer and injuring other industries of the country just as much entitled to consideration at our hands as they are.

Sir, I entertain no feeling of hostility toward gentlemen engaged in the manufacturing industries of the country. They are honorable and useful callings, and I would encourage and promote them by every legitimate means in my power; but when we are asked to increase the taxes upon the people at large for the benefit of certain gentlemen who simply desire to make experiments in the manufacture of these goods, every consideration of right and justice demands that we should refuse to do so. These goods are not now made in this country to any considerable extent, and the sole purpose of this clause is to tax the whole people of the country, the laboring men and women in every State and county and neighborhood, in order that some manufacturer may try the experiment of making this particular class of goods. The establishments now turning out this class of goods in this country have grown up under the rates now prescribed by law; and if they have supported their business and made reasonable profits under these rates there would seem to be absolutely no reason why the people should be taxed more than they have been heretofore.

Mr. PAGE. I would like to ask the gentleman one question—for information purely. In the judgment of the gentleman from Kentucky does this bill as now proposed by the conference committee increase or diminish the protection to the wool-growers of the United States?

Mr. CARLISLE. Why, there is no question that it diminishes it at least 18 per cent.——

Mr. PAGE. I ask the question because I have not been here during the gentleman's speech.

Mr. CARLISLE. I have made the statement, but will repeat for the benefit of the gentleman from California, that this bill proposes to make a reduction of about 18 per cent. upon the duties on wool if we leave out of account the reclassification, the precise effect of which can not be calculated. A word of explanation will enable the gentleman to understand my meaning. Under the present law if the wool is valued at 32 cents or less per pound it pays a certain rate, but if it is worth more than 32 cents it pays another and higher rate. I speak now of the first class of wool. This bill proposes that the line shall be drawn at 30 cents instead of 32 cents. It proposes a certain rate of duty upon all wool costing not more than 30 cents, and another rate upon all wool costing over 30 cents. This, as the gentleman will see, must have a tendency to diminish the apparent amount of the reduction of duties as it applies the higher rate to a lower class of wool than if the present classification had been retained. The gentleman from Massachusetts [Mr. RUSSELL] made a calculation which brought him to the conclusion that the actual reduction of the duties on wool by these rates and classifications is about 13 per cent.; that is a clear net reduction of the duty on wool to that extent.

Mr. ANDERSON. Before the gentleman from Kentucky concludes will he be kind enough to state what will be the effect of the conference report as compared with the Senate bill instead of the House bill?

Mr. CARLISLE. Does the gentleman mean on wool?

Mr. ANDERSON. No; on the whole thing. Before the gentleman gets through I would like that information.

Mr. CARLISLE. I am about through now, and would be very glad to yield the floor at once, but will give the gentleman such information as I can on the point indicated.

The report made by the conference committee, if adopted by the House, will make a very considerable increase over the rates proposed by the Senate, but it will be less than the bill which we had here in the House. As to the exact increase which this report makes over the Senate proposition as it stood originally, I am not prepared to be very accurate, because we have not had time to make the calculation, and I am not willing to hazard a guess at it.

Mr. HAMMOND, of Georgia. You speak of it as a whole?

Mr. CARLISLE. Yes; I speak of it as a whole.

Another item to which I did not allude is green-glass bottles, and this is another instance in which the committee of conference has disregarded the previously expressed judgment of the Senate and the House. The House proposed, after a full discussion and on a full vote, to impose a duty of 35 per cent. ad valorem on these bottles, while the Senate proposed to impose upon them a duty of only 30 per cent. ad valorem. Now, one would naturally suppose when the committee of conference went out to reconcile disagreements between the two Houses—if we can assume there was a substantial disagreement here—it would have agreed practically upon the rates recommended by the one or the other, or a mean somewhere between them. Instead of that, however, we find this report proposes to impose a duty of 1 cent per pound on all these bottles, which, according to statements made here on the floor during the discussion a week or two ago, would be about 66 per cent. ad valorem, I believe.

Mr. MCMILLIN. Beer-bottles?

Mr. CARLISLE. Beer-bottles and bottles of like character.

I will have to close my remarks, Mr. Speaker, in order that a little time may be left for other gentlemen on this side; but I desire to say again that I have been anxious to see this Congress pass some measure of actual relief to the people. I have been willing and am willing now to make what I consider large concessions in order to secure a just and equitable revision of the tariff. I can not expect to see incorporated in a single measure all that in my opinion ought ultimately to be done; and if the absolute power to dispose of this great question were in my own hands to-day I would not make radical changes at once, but would be disposed to proceed by cautious and conservative methods to relieve the people from taxation and to reduce the revenues of the Government without injuring or alarming the industrial interests of the country. We must all recognize the fact that large interests have grown up under the existing system; that they have been fostered and encouraged by it, and that they have so adjusted themselves to it as to become in a large measure dependent upon the assurance that it will not be suddenly swept away.

Under these circumstances, while I would strenuously insist upon actual and substantial reductions, I would be willing to accept very reasonable and moderate measures as satisfactory indications of a fixed purpose to relieve the people at large without embarrassing special interests. The business of the country will soon adjust itself to any reasonable change that may be made, but it must be more or less injured by the agitation which inevitably results from persistent refusals to settle our revenue system upon a just and permanent basis. The people demand justice and stability in tariff legislation, and when these essentials shall be secured the manufacturing industries of the country will no longer require the interposition of the Government to force prices up and give them the control of the home market, but will become self-reliant and self-sustaining. Then, sir, all our great industrial interests will grow and prosper together, and we will go on developing our wonderful resources and augmenting the wealth and power of the country through all time. [Applause on the Democratic side.]

Mr. KELLEY. I now yield for ten minutes to my colleague on the committee, the gentleman from Kansas [Mr. HASKELL].

Mr. HASKELL. Mr. Speaker, I think it has become apparent to the House and to the country that the road to the conclusion we hope to reach this day on the tariff question has been one hedged about with difficulties and one that has been filled with all manner of obstacles to our progress. That the bill as reported from the committee of conference to this House for its action is in all respects such a one as I would make I can not assert. But it is a bill that is infinitely superior to the present law, and superior to the original Senate bill, both from the standpoint of the importer and merchant and from the standpoint of the manufacturer. It is a bill in which the rates are not in some instances high enough as I think to give adequate protection; yet the bill as a whole is fairly protective to the great interests of the nation, to all its leading industries. It is a bill, considered in all its features, based on the income to the Government the last year, that makes a reduction of from seventy to seventy-five millions of dollars of taxation.

Every member in this House, Mr. Speaker, is familiar with the work of a conference committee. Every member in this House will bear me witness, willing witness, those who have served on such committees, of the difficulty that stands in the way of an adjustment of differences of the many opinions that must be harmonized. Those difficulties were overcome and those opinions harmonized to the best possible effect. No special interest was allowed to stand in the way of the conference in the discharge of its duty to the whole country, that of putting a bill into the House and Senate for their action at the earliest possible moment.

My friend from Kentucky [Mr. CARLISLE] criticises the bill, and, as I understand, declares his intention to vote against it. He makes an argument upon this floor on the provisions of the bill as if the committee of conference had reported a bill to this House totally different from the action either of the House or of the Senate.

I desire to state, Mr. Speaker, that in all great lines of stipulation you will find that it is neither more nor less than the outlines of the House bill or the bill that was considered in the Committee of the Whole of this House. Changes have been made, to be sure, but they are changes that were needed to make the Senate bill as near the House provisions as possible.

This matter of ore my friend from Kentucky alluded to. Now, we increased the rate of duty 25 cents a ton, according to the specific rate. But there is a decrease upon the other hand which was made, and to which my friend from Kentucky did not see fit to allude. The House bill provided that this ore should pay a duty of 50 cents a ton, and upon every pound of copper that it contained it should pay a duty of 2½ cents a pound upon the amount of pure copper secured. Many of the ores that are imported in this country are copper ores from Spain. Now, what did we do in the conference committee? We placed the duty at 75 cents a ton instead of 50, and allowed any ore containing less than 2 per cent. of copper to come in at the same rate; or, which is the same thing, to let ores that contain small percentage of copper come in free, so far as the copper duty is concerned. And this is in larger part a compensation for the increase on the ore. The House bill taxed all the ores that had the least trace of copper in them.

Mr. CARLISLE. Not on the iron ore.

Mr. HASKELL. Ah, but the copper ore here is the iron ore; and that is the ore that is touched by this specific provision of the bill in very large part.

Mr. HUBBELL. May I ask the gentleman from Kansas what was the inducement held out to the conference committee to allow copper ore to come in free practically, while they raised the duty on iron ore?

Mr. HASKELL. We did not provide that all copper ore should come in free as a matter of fact. We exclude all copper ore except such as has less than 2 per cent. of copper in the ore, and the conference committee thought that it would not be wise or just to undertake to impose a duty upon ore containing a less per cent. of copper than that.

Now, Mr. Speaker, in reference to crockery-ware. The provisions of this bill are the same as the House bill. You all heard the argument and a majority of the House voted for it. The pig-iron provision of the bill is the House bill. You all heard the argument and a majority voted for it. The duty on railroad bars is increased over either the provision of the House or the Senate bill; but how much? Two dollars over the House bill, and one dollar and some cents a ton simply over the provisions of the Senate bill; and the present law is $28 per ton. Eleven dollars a ton, therefore, has been taken off railroad iron, even by the conference report; and yet the gentleman from Kentucky contemplates voting against the bill because he can not get a dollar or two more off of it. Galvanized plate is reduced in the conference report from the rate of the House a quarter of a cent a pound. Steel ingots and the whole Bessemer and crucible steel provision, with a single exception, is the same as was voted by this House; and that one single point of difference is simply a difference of classification. We make a dividing line at 10 instead of 11 cents per pound, as the House fixed it at 11. Aside from that there is no change from the House rates; and the whole provision of crucible and Bessemer steel business, including blooms, cogged ingots, blanks, and shapes of steel, the entire category of steel, the whole vast interest of steel and iron of the country, is as you fixed it, and within 5 per cent. of what the Senate fixed it, and less than what the Tariff Commission fixed it as to its crude forms. Steel not otherwise provided for is the same as that at which the House fixed it.

The gentleman from Kentucky complains because we raised it above the Senate provision. We did. Why? Because we had made enumerated forms of steel in the House here 45 per cent., and the unenumerated the same; they made it 40; then they made their unenumerated forms 30 per cent. What was that? It was an inducement of 10 per cent. given to every foreign manufacturer of steel to change his forms and names in order to get 10 per cent. less of a duty rate. There is not a custom-house in the United States in which importations of steel are made that would not have been thrown into hopeless confusion by this provision of the Senate bill, and it would have ended in endless litigation and lawsuits if the conference committee had not changed the Senate rate and made enumerated forms of steel and unenumerated forms of steel precisely the same rate ad valorem. Then the Senate, when it had got through with the entire metal schedule, after putting 40 per cent. upon blooms, left only 35 per cent. upon the finished manufactures of iron and steel. The conference committee simply put the same rate upon blooms and upon enumerated and unenumerated forms and upon the Bessemer steel, and then fixed the finished goods and manufactures also at the same rate through and through, so that the whole great mass of the iron and steel manufactures of the country should have the same rate ad valorem, the one with the other, and that is all. So that in substance, as far as the House has considered the bill, the report of the conference committee, in general terms, has the commendatory vote of this House, and the schedules presented by the conference that were not considered by the House are in nearly every feature the same as were reported to the House by the Ways and Means Committee.

[Here the hammer fell.]

Mr. CARLISLE. I will yield five minutes to the gentleman from Ohio [Mr. ROBINSON].

Mr. ROBINSON, of Ohio. Mr. Speaker, I am opposed to the passage of this conference report for the reason that I consider that the interest I represent has been wrongfully treated. I have in my district 641,000 sheep. I have had some experience as a wool-grower. I know that wool-growing to-day in Ohio and in the old States is barely profitable.

I know to-day that the farmers of Ohio have continued in this business under the assurance and under the expectation that the same protection that has been extended to them since 1867 would be continued.

When I have gone to gentlemen on this floor and have appealed to them in the interest of the wool-growers of Ohio and in the interest of 600,000 wool-growers in the United States I have been met with the statement that the National Wool-Growers' Association have consented to this reduction on wool. But let me ask who compose this National Wool Growers' Association. I know the term "national" gives it a high-sounding title. But I want to say to the gentlemen on this floor I am informed that but four men were present at that conference, but four men there to represent the great wool-growing interest of this country. Two of them were selected, one of them to be president, the other secretary of that association. They come down here and in connection with the National Woolen Manufacturers' Association of the United States they agree to this schedule. They have not consulted a single wool-grower in the United States; not a single representative from a wool-growing district in the United States. Not one single representative in Congress has been consulted as to this schedule. Those parties have gone before the Committee on Ways and Means and before the Tariff Commission, and have represented that this schedule that has been agreed upon was perfectly satisfactory to the wool-growers of the United States.

That, Mr. Speaker, is not true. Not a single, solitary wool-grower of the United States was before the commission that consented to this reduction. They were opposed to it. Take, for instance, Ohio. Let me read you the following from the National Wool Growers' Association and the Ohio association:

Prior to March 2, 1867, wool had no substantial protection.

At that date the present law prescribing duties on imported wools was passed, with the joint and unanimous recommendation of producers and manufacturers. Look at its results. At the date of its passage there were only 22,000,000 sheep in the United States, the annual product of wool was only 60,000,000 pounds; while to-day, sixteen years after the passage, there are 50,000,000 of sheep and an annual product of wool amounting to 300,000,000 pounds, besides an annual supply of 12,000,000 carcasses of mutton. The annual value of this product is more than $85,000,000; the annual value of the mutton product is $40,000,000; the amount of capital invested in sheep alone is more than $300,000,000, while the capital invested in the land necessary for their sustenance is estimated at not less than $1,000,000,000. This industry is divided among flock-masters numbering not less than 800,000, and gives employment to more than a million of persons.

The act of 1867, while stimulating the production of domestic wool as above stated, and thus demonstrating the capacity of our country and people to fully supply the domestic demand, has steadily, year by year, reduced the price of wool to the consumers from 51 cents per pound in 1867 to from 40 to 43 cents per pound at the present time, showing a steady decline (with slight variations occasioned by abnormal conditions) of 8 cents per pound, resulting directly from the competition in domestic production created by the tariff act of 1867. If this industry is permitted to continue without adverse legislation the country will enjoy in the future, as it has done in the past, its benefits and advantages.

The Tariff Commission recommends a reduction in the duties on wool that is equal to about 3 cents per pound.

This change, if it becomes part of a new law, will paralyze, if it does not destroy, our wool-growing industry—will flood our markets with foreign wools, notably those of Australia, where 4,000,000 of people have now 80,000,000 of sheep, and where climate and pasturage combine to facilitate and cheapen the production of wool in such manner as to prevent our successful competition.

The wool tariff of 1867 is the only law worthy of consideration that gives protection to any agricultural interest; repeal it, and the interests of wool-growers will be seriously imperiled; its pursuits will be gradually discontinued; foreign wools will be substituted for domestic wools, and our producers compelled to resort to other agricultural pursuits.

To the Senators and members of Congress, therefore, who represent agricultural districts where more or less wool is produced, and who think agricultural interests entitled to legislative consideration, we earnestly appeal.

We beg your careful attention to this subject. We pray you to restore the tariff duties on wools as created by the act of 1867; we entreat you to take the text of that law as a basis, so as to retain the important provisions eliminated by the commission and to avoid the addition made by the commission, admitting wool on the skin duty free, except as to duty on the "skin alone."

It seems to us that there is absolute injustice to the interest of agriculture in the effort now being made to reduce the duty on wool. We believe that this sentiment is more general among the agricultural population than it is by many presumed to be, and we hope that it will not be disappointed by adverse legislation.

THE NATIONAL WOOL GROWERS' ASSOCIATION,
W. G. MARKHAM, *Secretary.*
THE OHIO WOOL GROWERS' ASSOCIATION,
A. E. SPRAGUE, *Secretary.*

And the following from the Vermont Merino Sheep Breeders' Association:

Whereas the present tariff on wool has developed that industry in the United States to the extent of producing about 250,000,000 pounds yearly, instead of about 60,000,000 pounds annually produced before the present tariff was applied to wool; and

Whereas there are 1,000,000 or more persons employed in the production, with at least $250,000,000 capital invested in that industry, and believing that if either of the bills now before Congress becomes a law with the provisions for abolishing the ad valorem duty on wool, admitting wool on the skins free, and omitting other safeguards in the present tariff to prevent the fraudulent entry and importation of wool, will prove not only detrimental to the wool-growers but destructive of that industry in the United States and a deliberate sacrifice of the interests of the large numbers employed and capital invested in it to further those of a much smaller number of manufacturers and the wool-growers of other countries, where wool can be raised so cheaply as to make it impossible for those of this country to compete with:

We, therefore, not only in behalf of the wool-growers of Vermont, but in the name of more than 1,000 members of the Vermont Merino Sheep Breeders' Association, scattered through half of the States, and in the interests of the wool-growers in every State of the Union, do petition Congress not to revise the present tariff on wool, as is contemplated in the present bills before that honorable body, to ruin our interests and sacrifice our property. And we earnestly request our Senators and Representatives from Vermont to stand by us in our peril and take

such action as will tend to insure us against that destruction and sacrifice, believing the prosperity of much the larger part of the other industries of the whole country will not be benefited by the destruction of ours.

M. B. WILLIAMSON, *President.*
ALBERT CHAPMAN, *Secretary.*

Since arriving in Washington I find the numbers given above are too small for the correct numbers, values, &c. I would refer to the pamphlet signed by Messrs. Markham and Sprague.

ALBERT CHAPMAN.

These petitions voice the sentiment of the wool-growers' associations of the country.

I know if we could have a separate vote on this proposition every Republican on this side of the House would vote to retain the tariff on wool at the present rates. Why, the Ways and Means Committee of this House, after learning that the rates fixed by the commission did not meet the approval of the wool-growers of the country and had not been accepted by them, voted to restore the rates under existing law, and had we ever been permitted to vote upon the amendment in this House it would have passed by a large majority. We have seven months of pasture and five months of feed. Now, if you take the average cost of pasture for our sheep, it is 10 cents per head per month. Our farmers feed their sheep about three bushels of corn per annum during the five months of feed. In addition to this, there is the hay, and you can make your own estimate as to the pasturage, the corn, the feed, the hay, the expense of washing and shearing; and you will readily see there is very little left to the wool-grower of Ohio.

Now, I am a protective-tariff man. I have voted with the protectionists of Pennsylvania and with the protectionists of New England with the assurance—the most positive assurance—that this great interest which I represent should be taken care of. What has been the result? You have in this conference committee increased the tariff on woolen goods. But when we came to you and asked you to increase the tariff on this single item, about the only item the farmers are protected in, you have stricken us down; you have disregarded our appeals, the appeals of 600,000 wool-growers of the United States.

I am gratified to state that the two conferees on the committee from Ohio, Senator SHERMAN and Representative MCKINLEY, made a most gallant fight to keep the old rates, so satisfactory to the wool-growers, in force, but were overridden by numbers, and could only emphasize their protest against this wrong by refusing to concur in the conference report.

When the tariff of 1867 was enacted wool was worth 51 cents per pound. It is by its increased production through the encouragement you have extended to the American farmer that the present price of wool is fixed.

Now I want to call your attention to the fact that wool to-day in the Liverpool market or the London market which comes into competition with wool that is raised by farmers of the United States is worth 23 cents in those markets. Add to that the present tariff on that wool, about 13½ cents, and you have 36½ cents. Add your commissions and insurance and freights, and you have the price of the wool produced in my district in the Boston or New York market to-day.

You take from the farmers of Ohio $1,000,000 per annum upon their wool crop by the enactment of this legislation. I say to you it is the only interest that the farmers of this country are protected in. And you will stand up here and refuse them this just demand. I appeal to you, I appeal to the protective Republicans from Pennsylvania, I appeal to the protective Republicans from the New England States, and ask if you will permit the adoption of this rate and thus injure, as I believe, this most worthy industry?

[Here the hammer fell.]

Mr. CARLISLE. I yield five minutes to the gentleman from Michigan [Mr. HUBBELL].

Mr. HUBBELL. I am at a loss, Mr. Speaker, to understand exactly on what process of reasoning or of concession your conference committee report this measure to the House in its present shape. It seems to one unacquainted with it that one might well draw the inference that the labors of the committee were so protracted and so intense upon the question of iron in its various forms that other interests were given the go-by or were struck a deadly blow.

If this House, after a full discussion, after long debate in the Committee of the Whole, decided anything, they decided that copper ore should not be on the free-list. But here in this conference report we find this conference committee giving away—what? Do they allow any low grade of iron ore to come in free? Not a bit of it. But when they come to copper, after listening to a debate which disclosed the peril this great industry was subject to, when they came to that item, what did they do. They allowed pyrites ores containing not more than 2 per cent. of copper to come in free. In other words, they put in a measure of favoritism which allows Spanish ores to be imported and will absolutely close up the smelting establishments which were in operation under the present tariff law, and were importing their ores from Canada.

Now, that is the proposition submitted here. The only thing needed in this bill for the copper interest was to protect it against the cheap ores. They could have yielded 2 cents a pound on pig, they could have yielded 2 cents a pound on other forms of copper; but they did not yield that. They put 2½ cents a pound on copper ore until you get down to ore containing 2 per cent. of copper, and then they propose to let that ore come in free.

There is only one class of ores that under this bill can come into this country free, and they are Spanish ores. They exist in mountains so large that millions and millions of tons of those ores can be imported into this country.

In the Lake Superior region we are mining at a profit ores that yield only seven-tenths of 1 per cent. of copper. Yet it is proposed to allow these 2 per cent. ores to come in free, which contain iron and sulphur sufficient to pay expenses and leave the copper a clear profit, against the labor and the capital of the country.

This is a greater interest than people seem to understand. Nearly $100,000,000 have been invested in the enterprise of copper mining. Results have not always been good; men who invest have to take risks. And yet by this conference report the copper interest of this country is thrown open to competition with the cheap ores of Spain and with no other ores in the world—the cheap ores of Spain that can be brought here as ballast.

[Here the hammer fell.]

Mr. KELLEY. I now yield ten minutes to the gentleman from Georgia [Mr. SPEER].

Mr. SPEER. Mr. Speaker, I believe that if gentlemen will look at the general condition of the country and consider the demands of business they will take a patriotic view of this question. The wool man will look over and above his wool interest, and the copper man will omit to remember his interest long enough to enable him to forget that there has been a slight reduction of the duty on copper. They will look at the immense work that this Congress has done in the direction of tariff revision, and will not strike down almost at the closing hour of the session the power of the Representatives to reduce taxes and give the people the relief which they demand.

Sir, this Congress has acted with all of that conservatism and good judgment with regard to this great economic question which distinguishes our English-speaking race. We first discussed the entire question anterior to the Tariff Commission. Then we provided for a tariff commission, and that commission put in its work. Then the committees of the Senate and of the House took the matter in charge. From that day down to this moment Congress has been engaged, through its proper authorities, in accomplishing what the people demand, tariff revision and relief to the business interests of this country.

And now, when the work is done, when the conference committee has agreed, when the Senate has adopted the report of that committee, we are called upon to defeat this action and to deny the proposed relief to the people, because this man here does not get all he wanted and that man there does not get all he wanted. That is not right, not just to the people of this great country.

You can not in legislation do any more than you can do in any other business. No man can get everything he wants. In any practical business if you can not get the thing you ask, you ought to take the next best thing to it. The people of this country do not want to go over this question again; they do not want to have another trial of this question.

They are like an old darkey down in my country who used to be called Fiddler Billy. He was not only a good fiddler but he was a good fighter; and one day he got into a fight and was brought before the court and tried and sentenced to receive thirty-nine lashes on his bare back. His lawyer, a slow, methodical old gentleman, sat down to prepare a motion for a new trial. While he was doing so the sheriff took old Fiddler Billy out into the back yard and inflicted the thirty-nine lashes on his back. A moment afterward Billy came in and his lawyer said to him: "Never mind, Billy, you shall have a new trial directly." "No massa," said Billy, "for God's sake don't; I don't want no more new trial." [Laughter.]

And so with the people of this country; they do not want any new trial on this question. They have been lashed by the tongues of orators. Their business has been injuriously affected by the conflict and struggle in the House of Representatives. And now, after all of this agitation and suspense, now as we are approaching the fruition of our labors, the people do not want to see the work continued and to have a new trial of this important question.

A word to Southern men: What does this bill give to you? It protects those vast deposits—iron ores—in which your country is so rich. It protects your forests of lumber which tower in almost untouched extent over the Southern States of this Union. It protects the rice which grows in the Carolinas and in Georgia, and in Louisiana it protects sugar. And it leaves cotton-ties at the rate of duty which they now bear. This House has received petitions from hundreds and thousands of people all over the South, asking that no increase of duty be imposed on cotton-ties. Their petition has been granted. The conferees reserved this to the South. The planting interests of the South have been respected. The agricultural interests of the West are respected in wire rods for fencing. In this way substantial relief has been given to the agricultural interests of both sections.

Mr. BERRY. How about wool?

Mr. SPEER. To-day, sir, America is the greatest wool-producing

country in the world. It successfully competes with all nations, and the protection which you ask for your wool and your sheep ought not to defeat this tariff legislation for the whole country. It takes off twenty-two or twenty-three million dollars from the tobacco interests of the South. It authorizes the poor farmers of the South and the West and everywhere to do that which we have been pleading for every year since I have been on this floor—to sell leaf-tobacco of their own production to the amount of $100. This one provision will give to the people of my district enough money to buy their sugar and their coffee. I could not go back to the mountains of Georgia and tell those sturdy people I had voted against a measure that gave them this relief.

Gentlemen say this measure increases the duty on crockery. What is the present cost of this crockery of which gentlemen speak? You can buy one hundred and twenty-five pieces for $10; and a crate of crockery now is 65 per cent. cheaper than it was in 1856 or 1857.

Mr. Speaker, this is perhaps the last speech that I shall make in this Congress. I came here four years ago to learn; and I have learned. Sir, I have learned that it is right to protect the industries of our country; and I am going home to maintain, so far as I can in my humble way, the principles which I now here enunciate. [Applause.] I have lived, though a young man, in a country without manufactures. I have seen the Southern States of this Union surrounded by a cordon of steel when the people could scarcely get the mere necessaries of life. I have seen the railroads going to pieces; I have seen the locomotives wheezing and straining to draw the trains. I have seen elegant and cultured womanhood clad in the coarsest fabrics; I have seen the people dig down into the dirt of their smoke-houses where the meat had been hung before the war, and boil the dirt so as to get a little salt to put in their victuals when they cooked them. National independence is impossible in the absence of State manufactures. I tell you what we need now in that section of the country is encouragement to our interests, development to our natural resources; and all that we need for this is that capital seeking investment everywhere in this country should have that encouragement which this bill gives it. Then, sir, with home production we can supply the home demand. The money of the South will stay in the South. From one of the poorest we will become, with genial climate, fertile soil, inexhaustible mineral and forest wealth, the richest section of the Union.

I am honest and sincere in my convictions. I do not criticise the candor of those who differ with me. Able men differ with me; and, sir, they have had the amplest opportunity to maintain the correctness of their principles in the committees of the House and Senate and on this floor. What is the result? The finest ability of the anti-protection party has been brought to the resistance of these measures. The opponents of protection have had a full hearing in this forum of the American people. The majority, I think, in this House differs with them.

The work is completed; the issue is made up. Let it be decided by the verdict of this jury of the American people, and let justice, relief, reduction of taxation, and the removal of the burdens of the American people be no longer delayed by the American Congress. [Applause.]

[Here the hammer fell.]

Mr. KELLEY. I yield three minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I wish in a few words to explain the vote I shall give upon the pending proposition. I am in favor of adopting the report of the conference committee on the tariff bill. The country, Mr. Speaker, has been more clamorous upon the question of tariff than any other one question which has agitated the country since I have had the honor to be a member of this House. Values have been unsettled, large interests have gone up and gone down, and doubt and uncertainty have seized the public mind. To-day the paralysis in many of the manufacturing interests of the country has prompted the people to raise their voices for the adjustment of the tariff question. The time has now come at the end of my eight years' service in Congress when we are about to vote upon the first tariff bill that has been brought before Congress for its final action.

This measure proposes to reduce taxation, we are told, $67,000,000 annually, and to that extent to give relief to the people. I am for it. It proposes to settle many of the vexed questions which have agitated Congress and the country for many years. I am in favor of this settlement. The bill does not give all the relief which I desire to see given; but it does take a long stride in the right direction. The article of wool, to which my friend from Kentucky [Mr. CARLISLE] has referred, does not receive the protection which it should have. But there must be a beginning in this reform some time; and I know no better time for that beginning than now. There are errors in this bill, I am sure. Errors will creep into all great bills which relate to so many subjects. But it will be far more practicable to correct these errors hereafter than for Congress to undertake to go over the whole ground again. No tariff can be passed except by compromise. If injustice be done now to any interest a future Congress can correct the error, and the country can at last settle down on a tariff bill which will be just to the people of all sections of the country and just to the various enterprises.

[Here the hammer fell.]

Mr. KELLEY. I yield now for three minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I have never had occasion before to speak on this tariff question, representing as I do a people who are perfectly satisfied with whatever we may do here, with one exception, and that is they do want a bill passed and they want it passed now.

The various interests that are complaining always will complain; and, Mr. Speaker, in my judgment there is no man living to-day who can draw a bill which will suit all the interests in the country.

I am a business man myself, as you are all aware, and I only look at this question in a business light and not in a political one; for it makes no difference to me who governs so long as we are governed well. If this question is to determine who is to be the next Speaker of the House, I do not care whether it be one or the other, but I do believe we should vote for a bill to satisfy all the business interests which demand it.

Now, we are collecting, as we all know, $150,000,000 more a year than is required to carry on this Government. That must be stopped; the people demand it; and the only way you can stop it is by doing one of two things: either you must pay your debt and wipe out your national bonds or you must reduce the income of the Government. Now, our national banking system is based largely upon our national bonds, or entirely so. Now, the people of this country are satisfied with that institution as it now exists. They do not want that wiped out, for one thing. Therefore there is but one thing to do. The people whom I have the honor to represent here do not ask me what I shall reduce. A great many may be willing to reduce the tax on tobacco and others on whisky, some on one thing and some on others; but I do not care what we reduce so long as the revenue of the Government is diminished and the money now in the Treasury is circulated once more among the people.

I have not found it necessary to go before the Committee on Ways and Means to help any interest or any one measure or others. I simply wish now to say this: that I am sure no man can afford to go home to the people, having had the opportunity which I hope we shall have in a short time to vote for or against the bill—I say no man can go home to his people having had such an opportunity after voting against it. I shall vote for the bill if I get a chance to do so.

Mr. TUCKER. I will now take the floor, Mr. Speaker, and will yield three minutes to the gentleman from Ohio [Mr. CONVERSE].

Mr. CONVERSE. Mr. Speaker, I desire only to say a word in reply to the gentleman from Georgia [Mr. SPEER]. He has commented on the conservatism of gentlemen who have had this bill in charge and the conservatism of the measure itself. The first fact which challenges our attention on this point is that the rule requiring a vote of two-thirds to bring forward a measure for final vote without consideration in the Committee of the Whole has been in this case suspended, so that a majority can consider and pass this bill. That rule has always been observed in this and in every other legislative body of America. The rule serves as a guard and protection against unwise, hasty, and inconsiderate legislation. This bill embraces over 4,000 items, is brought in here as an amendment to a bill and rejected without being read, and sent to a committee of conference. It comes back to us now from the conference committee and for the first time has been read within twenty-four hours of the time when this body will cease to exist. It is a bill which embraces every material interest of this country. It enters into the economy of the American people. It changes the relation of money and of property and of labor in all parts of the Union, and yet it is read for the first time now within twenty-four hours of the time when this body is to be dissolved; and that you call conservatism and commend it. You urge that the people want a vote on it of some sort or other, when neither you nor they can judge its effect upon the prosperity of the country.

It is a leap in the dark, Mr. Speaker; it is unwise legislation; it is imprudent legislation. No man on this floor can say or pretend to name the effect of this law on any half dozen of the 4,000 items embraced in this bill. The American people have lived under the present tariff for nearly twenty years, and they can live another year under it, and so give us time to think over and deliberate upon and discuss every one of the items which shall enter into a revenue bill.

This is most unwise legislation, it seems to me, both from a party and political standpoint. Why, look at the bill itself. I do not wonder the gentleman from Massachusetts [Mr. MORSE] commends it; there is not a single industry in New England, from a wooden spoon to a steamship, but is protected amply, while the great industries of the West, embracing the great Ohio interest, are sacrificed simply by haste.

I am sure this House would not agree to this bill as far as the wool interest is concerned unless some great pressure was brought to bear upon it. I remind you, gentlemen, that you are sacrificing one of the great industrial interests in my State. Its importance consists not only in the profits accruing to the flockmaster by the growth of wool and the production of mutton. By it we restore at the same time the fertility of our land, wasted and impoverished in the production of grain, and keep it at a high standard of excellence and value. In ten years, I venture to predict that grain-growing Illinois will wish she had united sheep culture with grain culture. But you strike the blow here at our farmers, and compel them to abandon this industry, and return to the exhausting process of grain-growing. This is mainly the work of New England manufacturers. Let me remind them that we will begin agitating this question the hour that you pass this bill, and keep that

agitation up until we shall have obtained that relief which our industries demand.

[Here the hammer fell.]

Mr. TUCKER. I now yield three minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, this House on last Tuesday took the internal-revenue and tariff bill from the Speaker's table in pursuance of the rule, the adoption of which was accomplished by methods heretofore unknown in the parliamentary history of this country. The Senate amendments were non-concurred in and the bill sent to a committee of conference. The next morning one of the House conferees declined, and on Thursday two of the Senate conferees reported to that body that they could not under the instructions they had received from the Senate serve upon the committee.

On Thursday the conference committee was completed with a complement of five Representatives and five Senators. On Friday, the next day after the conference committee was appointed they had brought into the Senate of the United States a complete revision of the whole tariff schedules, and all of the statutes of the United States relating to the collection of customs and internal revenue. That bill, sir, was reported to the representatives of the people this morning at 1 o'clock, and to-day at 5 o'clock we shall take a vote upon it to determine whether it is to be the law of the land. Four hours only of consideration will be allowed from the time the reading of the bill began until we must vote upon its passage. This bill is no small or inconsiderable measure. It is a bill affecting all of the industries of 52,000,000 people.

It is a bill that exacts and will exact by the iron hand of taxation $220,000,000 annually from the American people which the Government gets, besides at least $500,000,000 which will be exacted from them indirectly through the operations of the protective system. A measure imposing upon the country a burden of six or eight hundred millions of dollars annually has only been before the House of Representatives four hours for discussion. We are required to vote upon it without proper consideration or opportunity of amendment.

How many "little steals," if I may be pardoned for using that expression, may be found hereafter lurking in the new classifications no one can now predict. But if some of these provisions do not "return to plague the inventors," I shall be surprised.

INTERNAL REVENUE REPEALED.

That part of the bill relating to internal revenue secures a reduction of about $41,000,000 of taxes. But no offices are abolished, and the expense of collection, amounting to $5,000,000 a year, is not diminished a particle. The army of spies and informers is retained, and the whole machinery of internal taxation remains in full force and effect.

The reduction secured is upon articles affording little relief to the people. The reduction on tobacco is more than half of the total reduction of internal taxes, and the banks get half of the remaining reduction, while the druggists and the people divide the remaining fourth.

The surplus revenue of the Government now amounts to about $150,000,000 a year. There should have been a substantial reduction of at least $100,000,000 of Government receipts per annum, and this reduction should have been upon such articles as would have afforded relief to the people.

THE CUSTOMS REVENUE.

I do not believe that any real reduction of customs revenue will result from the passage of this bill. It is claimed that there will be a reduction of twenty-five millions of such revenue. I do not believe it. There will be a reduction on sugar of about $11,000,000. This is nearly half of all reductions claimed. If rates have been reduced on any other articles so as to affect the revenue, it is impossible to tell whether the net revenue will be increased or diminished. On some things there will be an increase; on others a decrease. I think the result is in such doubt that all estimates thereon are merely guesses.

All that part of the bill relating to customs duties originated in the Senate and is here in violation both of the letter and spirit of the Constitution, which provides that the bills for raising revenue shall originate in the House of Representatives. The wisdom of that provision in the Constitution has been more than vindicated by the condition in which we are now placed. The representatives of the people are required to pass upon a bill covering all the schedules of customs duties and the general laws relating thereto which has never until this morning been read even in the House. The reading by the Clerk was unintelligible and shed no light upon its provisions, but the time consumed therein enabled members to examine some of the leading provisions of the measure.

It is true that the House has been considering another bill upon the same subject for several weeks past, and in Committee of the Whole House we had proceeded with the various schedules from Schedule A on chemicals to Schedule E on sugar, embracing all that part of this bill relating to chemical products, earthen-ware, and glass-ware, metals, wood and wooden-ware, and a partial consideration but not determination upon the subject of the sugar schedule. The other features of this bill which have not been even discussed in the House are those relating to impost duties upon tobacco, provisions, liquors, cotton and cotton goods, hemp, jute, and flax goods, wool and woolen goods, silk and silk goods, books, papers, and sundries, and the free-list. That on metals, by far the most important subject covered by this bill, has not been considered by the House.

Just what the effect of the pending measure will be upon the revenue of the country, or upon the industries which its provisions affect, it is impossible to tell. But from the brief time allowed me I am assured of one fact, namely, that the pending bill is in no sense a revision of the tariff. While all of the schedules and the general provisions of law are re-enacted in the pending bill, yet in a large majority of the items there is no change whatever from the provisions of existing law. The principal changes are in the schedules concerning metals, earthen-ware and glass-ware, sugar, cotton, and woolen goods.

CHEMICALS.

The schedule on chemicals is but little changed from existing law. There should have been, in order to afford relief to the people, large reductions in the chemical schedule. There has been great demand from the manufacturers of the country to have all dye-stuffs and chemicals entering into manufactures placed upon the free-list. There has been no attention paid to this demand. The chemical schedule produced but $6,700,000 in revenue during the last fiscal year, and the decrease recommended by this bill is so trifling as to have no perceptible effect either upon the revenues or upon the importation of the products or the lessening of their price to the consumers. The whole schedule should have been abolished by a gradual reduction not to exceed five years in extent, excepting a very few articles.

GLASS AND POTTERY.

The schedule in reference to earthen-ware and glass-ware has been revised upward instead of downward, and there is admitted increase in the average rates of from 48 per cent. to 56 per cent. The whole amount of revenues received from articles coming under this schedule during the last fiscal year was $6,600,000. If the importations should be the same for the next fiscal year after the tariff takes effect the revenue would be increased to the extent of $1,200,000. But there will be no increase of revenue, although an increase of tax burdens by the increased cost of the domestic products. Hence by the operation of this bill the items under this schedule will yield less revenue than heretofore, how much it is impossible to tell. The people will be subjected to increased taxation. A reduction of revenue will be secured only by prohibiting importations and fostering a monopoly of manufacturers at an increased expense to all the people of the country.

IRON AND STEEL.

The metal schedule is an enigma. New classifications have been introduced which will produce endless litigation, more Treasury decisions, surprises to merchants, embarrassment to business, if not financial ruin to many interests involved. What is to be the effect upon the revenue by this schedule no one pretends to know. Enough has been discovered, however, to demonstrate that the reductions have not been so severe, except in very few cases, as to take the articles out of the prohibitory rates which they now bear. The strange spectacle, however, is presented of a conference committee reporting larger rates than was agreed upon by either House. These have already been pointed out to some extent by the honorable gentleman from Kentucky.

The metal schedule seems to have been devised by a ring of interested parties who secured their own favored industries at the hazard of slaughtering others. What particular industries will come out unhurt and what will have been benefited or injured time alone will demonstrate. That the whole schedule is crude, ill-digested, inconsistent, and contradictory there can be no doubt. The interests involved were too important to be thus trifled with, and no bill upon this subject should have been passed in the hasty and inconsiderate manner in which this is being rushed through. When it is too late and this Congress shall have adjourned the full effect of our action will have been discovered.

LUMBER.

The schedule on wood and wooden-ware is changed but little, if any, from the existing rate. There is no revision whatever or reduction of burdens on account of the articles in this schedule. The great central States of the Northwest were deeply interested in the removal of duties on lumber; free lumber was demanded by every consideration of fairness, public policy, if not of public health. A ring of lumber men who have already plundered the country to the extent of untold millions and who are fast destroying the great forests of many of our States have been licensed by this bill to pursue their plundering traffic.

SUGAR.

The next schedule in the bill is that of sugar. In this there is a substantial reduction of duties and of revenue to the amount as estimated of $11,000,000. This is about the only reduction of tax burden contained in the tariff part of this bill; but whether the people, the Louisiana sugar-growers, or the New York refiners will get the benefit of the change remains to be seen. The reduction on sugar is about 20 per cent., and if other articles in the bill had been reduced to a similar extent I should have cheerfully supported it.

TOBACCO.

The schedule on imported tobaccos has been but slightly and immaterially changed.

The average ad valorem rate is about 72 per cent. as against 73 per cent. in the present law. In view of the fact that the tax on domestic cigars and tobacco is reduced on the former from $6 a thousand to $3 a thousand, and on domestic tobacco from 15 cents to 8 cents a pound in the internal-revenue part of the bill, it seems to me that there should have been a corresponding reduction of the rates on imported tobacco. The pending bill imposes an internal-revenue tax of only 8 cents a pound on domestic tobacco, snuff, &c., and on imported tobacco of 40 cents a pound and on snuff of 50 cents a pound, and other provisions in like ratio.

The effect of this change it seems to me will be to exclude importations of many articles. We received last year $6,000,000 in duties on imported tobacco. The internal taxes having been reduced one-half with no corresponding reduction of duties on imported articles, there will undoubtedly be a large falling off of the revenue by the practical exclusion of imports and leaving to the domestic manufacturer the monopoly of the home market.

It is estimated that the reduction of internal revenue on tobacco on account of the provisions of this pending bill will amount to $22,000,000. Whether the people are to get the benefit of this reduction of the Government's income is not so certain. I think it will be found that the greater portion of the benefit will go to the tobacco monopolists, and that the consumers of tobacco and the tobacco producers will receive little or no benefit from the change.

PROVISIONS.

The next schedule is that on provisions. Twelve million dollars of revenue were derived from this schedule during the last fiscal year, and the whole schedule, or nearly all of it, should have been wiped out by an intelligent and effective revision of the tariff. The people must have cheaper food, and to the extent in which we cheapen meats and breadstuffs will the purchasing power of the wages of the laborer be increased. Many of the articles in the provisions schedule have no perceptible effect upon the articles themselves and should be abolished as surplusage in the bill.

Some of the items are intended for the use of demagogues who in the rural districts and sometimes even in this Hall endeavor to make it appear that farmers receive protection upon their products. Such, for instance, as beef and pork, hams and bacon, lard, wheat, corn, oats, wheat flour, potatoes, and other like products of the farm. All of these items are retained in this bill in the face of the fact that they produce no revenue or none worth collecting, and are kept in to deceive and humbug the people. There is scarcely an item in the schedule that ought not to be put upon the free-list at once.

LIQUORS.

Schedule H on liquors has not been changed, or at any rate I see no difference upon the casual examination which I have been able to make.

COTTON GOODS.

The schedule on cotton goods has undergone a material change, but here again the revision has gone upward instead of downward in the interest of cheap clothing. The total amount of cotton goods imported into this country during the last fiscal year was valued at $34,000,000, and the duties, averaging 38 per cent. ad valorem, amounted to over $13,000,000. The duties on an average are increased from 38 to 40 per cent. The revenues will of course be lessened by this increase of duties, although there is an estimated increase of revenues upon the same importations of nearly half a million dollars.

The manufactures of cotton goods in this country from the census of 1880 amounted in value to $210,000,000. The average number of hands employed in these establishments, including men, women, and boys under sixteen and girls under fifteen, which are counted as half a hand, amounted to 170,363, and the amount of wages paid for the same time amounted to $45,000,000. If the cotton goods manufactured in this country and imported should all be consumed the annual consumption of such goods would amount to nearly $250,000,000. Just how much the cost of these articles was enhanced by reason of the tariff it is impossible to state.

If enhanced to the extent of the tariff the increased cost to consumers of such goods by reason of the tariff would amount to $100,000,000 annually. Here was a schedule which should have received substantial reductions in order that the price of clothing should have been reduced and the purchasing power of wages increased accordingly. But it seems that the monopolists were more powerful than the representatives of the people, and instead of reduction we have an increase of tax burdens and a decrease in effect of revenue to the Government.

HEMP, JUTE, AND FLAX.

There has been some change in the schedule in regard to hemp, jute, and flax goods, a change in the interest of neither the manufacturers nor the people; an increase of the rates upon raw material, and, in some instances, a decrease of the rate upon the finished product. I am informed by a gentleman of the highest intelligence and thorough knowledge of this business that many establishments engaged in the manufacture of this quality of goods will be closed up on account of the inconsiderate manner in which this schedule has been prepared. The revision is actually a farce and the changes are merely tariff tinkerings.

WOOL AND WOOLEN GOODS.

The next schedule is that of wool and woolen goods, one of the most important schedules in the bill. There is a reduction, it is claimed, on raw wool amounting to 18 per cent. below existing rates, but I do not see a corresponding reduction upon the finished products, and I assume that whatever reduction there may be in the rates on the raw material will inure to the benefit of the manufacturers and not to the consumers. I do not complain of the reduction of the tariff on wool. In fact I am in favor of a rapid reduction of the rates of the tariff on wool and the placing of the product on the free-list within a very few years.

There is no change in the tariff that will produce greater benefits to the people than the placing of wool and raw materials entering into manufacture of woolen goods upon the free-list. No industry would be injured, but all would be promoted and encouraged. Labor would receive some substantial reward and manufacturing receive an encouragement that would produce better times than we have had in this country for many years. The average duties upon the woolen schedule under the present law amount to 61 per cent. ad valorem. The importations for the last fiscal year on wool and woolen goods amounted in value to $47,000,000, and the duties received to $29,000,000. The manufactures of woolen goods for the census year of 1880 amounted to about $200,000,000.

The increased cost to consumers of woolen goods by reason of the tariff is very great, just how much it is impossible to tell. While the raw material is taxed from 25 per cent. ad valorem to 65 per cent. and manufactures of woolen goods including woolen cloths, flannels, blankets, hats of wool, knit goods, and women's and children's dress goods, &c., pay a duty under the present law of from 30 per cent. ad valorem to 130 per cent., an average of perhaps 90 per cent., the average tariff upon the raw material is perhaps 60 per cent., leaving a margin of 30 per cent. for the manufacturers.

The annual consumption of woolen goods in this country amounts to about $250,000,000 in value. It will thus be seen that the tax upon the people as consumers of woolen goods under the present law is most onerous and oppressive. A revision in the interest of consumers was absolutely demanded by the best interests of the country, but instead of such a revision we have a little legislative jugglery which reduces at one end and increases at the other and affords no substantial relief to the people.

SILK GOODS.

There has been but slight change in the schedule on silk and silk goods. There is an estimated reduction of $3,000,000 of revenue, and of rates from 58 per cent. to 50 per cent. ad valorem. If it should appear that there has been a reduction of rates upon the articles that are imported such reduction of rates will increase importations and thus increase the revenue. The revenues derived from this schedule during the last fiscal year amounted to $22,000,000. I think it will appear at the close of the first year after this act takes effect that the revenues from this schedule will amount to $25,000,000, an increase of $3,000,000 instead of a decrease, as is estimated.

BOOKS AND PAPER.

There is little change in the schedule in regard to books, papers, &c. There was room here for a large increase of the free-list, but the revisers of the tariff have neglected to avail themselves of the opportunity.

SUNDRIES.

The next schedule is that of sundries, under which during the last fiscal year there were imported articles valued at $62,000,000 and which paid a revenue of $17,000,000. The average rate of duty under this schedule is 27 per cent. ad valorem, and no practical decrease is recommended or provided in the pending bill. This schedule offered an excellent opportunity for revision by the placing of many articles now heavily taxed upon the free-list.

This whole schedule and those on chemicals, lumber, provisions, and books should have been placed where Mr. Lincoln desired to place slavery, namely, "where the public mind would rest in the belief that it was in the course of ultimate extinction." Most of the articles are those of little importance and come under the denomination of raw material or of articles having little labor bestowed upon them. This schedule and the schedules on chemicals, lumber, provisions, books, papers, &c., contain a large majority of the articles in number which constitute our tariff legislation. They produce in the aggregate less than $40,000,000 of revenue.

If our tariff revisers had "moved upon" these schedules and largely reduced the rates or placed the articles upon the free-list they would have done something to encourage home manufactures and bring genuine relief to a tax-ridden people. In these schedules are embraced many articles the internal taxes upon which are abolished by the pending bill. On page 3 of the pending bill, beginning at line 10, it will be seen that the tax on matches, perfumery, medicinal preparations, and other articles, imposed by Schedule A, following section 3437 of the Revised Statues, is repealed. Schedule A of internal taxes contains a list of the articles upon which the stamp taxes are abolished.

The schedule embraces medicinal preparations, such as pills, powders, tinctures, troches, sirups, cordials, anodynes, tonics, liniments, ointments, essences, and all other medicinal preparations or compositions

whatever; and also perfumery and cosmetics, such as toilet-water, hair-oil, hair restorative, hair-dye, tooth-wash, and all similar articles which may be applied to the hair, mouth, or skin; also, friction matches, cigar-lights, and playing-cards. All these are made free by the pending bill so far as internal taxes are concerned. But the duties on imports of like articles remain, duties which average about 30 per cent. ad valorem, and on important articles the duties on such imports, such as medicinal preparations, amount to 40 per cent. ad valorem. There should have been some reduction of customs duties upon these articles, at least to the amount of the reduction of the internal taxes. As it is, however, whatever reduction of revenue is made will inure to the benefit of the manufacturers and not to the consumers.

THE FREE-LIST.

This brings us to the consideration of the free-list. One of the members of the Ways and Means Committee boasted with some degree of exultation that the bill reported from the House Committee on Ways and Means placed over thirty articles now dutiable upon the free-list, and claimed this as a relief of taxation. Of the thirty articles which the House bill put upon the free-list not one of them affords any relief to the people worth mentioning. For instance, the articles placed upon the free-list by the House bill, thirty in number, are as follows:

Antimony, crude, and regulus; asafœtida; cassia, cassia buds, cassia vera, unground; cinnamon, and chips of, unground; mace; nutmegs; ottar of roses; pepper, unground, black and white; oils of lemon, limes, orange flower, and oranges; pimento (allspice); fuming sulphuric acid; feldspar; magnesia; paraffine; arrowroot, farina, sago, tapioca, cassava or cassada, when specially prepared and fit for food only; bed feathers, downs, and feather beds; crude petroleum oil or rock oil; emery ore; natural flowers not otherwise provided for; fruits, green, ripe and dried, not specially enumerated; glass plates or disks intended for use in manufacturing optical instruments; hop-poles; posts for fences and railroad ties of wood; and last, and perhaps least, braids composed of Lombardy poplar, chip, straw, and grass, and used exclusively for the manufacture of hoods, hats, and bonnets. Such is the list of articles placed upon the free-list by the House bill, and which are intended to bring relief thereby to a tax-ridden people.

But the pending bill does not even go as far as the House bill proposed. I fail to find in the free-list of the pending bill antimony, crude petroleum, or rock oil, natural flowers, posts for fences, and braids composed of Lombardy poplar chips, straw, grass, &c. I also find that jute butts have been taken from the free-list and taxed $5 per ton. There were several other articles taken from the free-list and placed in the schedules to be taxed.

REDUCTIONS THAT MAY NOT REDUCE.

I have already stated that the sections of the Revised Statutes relating to the collection of customs have been revised and re-enacted by the pending bill. It is impossible to understand the significance of all the changes made. But the following new provision in section 2499 of the Revised Statutes is very important, namely:

If two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

This furnished a new rule for construing statutes. It is to control the courts and Treasury officials in construing the law. The common-law rules of statutory construction are to be disregarded. The language is peculiar:

If two or more rates of duty should be applicable to any imported article, &c.

It would be strange if such a thing did not happen often. But how many clauses in the various schedules may have been prepared for the purpose of making them applicable to different articles remains to be seen. The metal schedule offers a fruitful field for Treasury decisions and surprises to importers. Take for example the following clauses:

On page 36 of the printed bill, line 734, will be found the following:

Iron or steel rivet, screw, nail, and fence-wire rods, round, in coils and loops, not lighter than No. 5 wire gauge, valued at 3½ cents or less per pound, six-tenths of 1 cent per pound.

On page 37, line 740, is the following:

Iron or steel wire, smaller than No. 5 and not smaller than No. 10 wire gauge, 1½ cents per pound, &c.

Several other sizes are provided for at increased rates.

The rate is nearly three times greater on one classification of wire than on the other. May there not be many articles imported upon which either rate of duty may be applicable? If so, the highest rate must always be assessed. I am not an expert in such matters, but it seems to me that great uncertainty is introduced in the law by the provision to which I have called attention, and it may be that the reductions which are claimed in the metal schedule will be rendered nugatory by this provision, and that there will be an increase in rates instead of a decrease. In other words, the reductions may not reduce.

NOT A FINAL SETTLEMENT.

Such is the bill which the conference committee after twenty-four hours of labor has evolved and submitted to this House. It can not be regarded as a revision of the tariff in any sense of the term.

The most odious and oppressive features of the present system are preserved and especially the rates upon a vast number of articles of universal consumption which are imposed now for protection with incidental revenue. This bill continues that system of protection which imposes immense burdens upon the people while, at the same time, it brings little or no revenue to the Government. The friends of revenue reform will not accept it as a settlement of the tariff question. As a measure of relief it is a failure; as a revision of the tariff it is a sham. We must look to the next Congress for a revision in the interest of the people. In previous discussions in the Committee of the Whole House upon the schedules which were considered in the committee, I pointed out some of these odious and oppressive features and need not recapitulate them here.

PROTECTION DOGMAS.

I have been somewhat amused at times at the arguments used by gentlemen on the other side, the advocates of the protective system, in order to sustain their theories. From these arguments I have heard enunciated as among the great principles of protection the following propositions:

First. That it is the duty of the Government to protect American laborers from competition with the "pauper labor" of Europe by the imposition of duties on articles manufactured abroad which will compensate for the difference in the price of labor in this country and Europe. This is called "filling the gap" between the wages of home and foreign labor.

Second. That the amount of duty required in order "to fill the gap" must be such as will cause the price of articles manufactured at home to be increased to the amount of the duty on the imported article of like character.

Third. That the imposition of impost duties does not increase the cost of imported articles; that the foreign manufacturer pays the duty for the privilege of selling his goods in this country.

Fourth. That the imposition of duties on imported articles will have the effect to reduce the cost of like articles manufactured in this country.

All the advocates of the protective system in this House have either asserted this doctrine or have acquiesced in the assertion of it by others. It is claimed that protection has cheapened prices of iron and steel and articles made from them; that it has cheapened the price of wool and the manufactures of wool and cotton and of all of the protected articles.

From these fundamental "principles" the following deductions may be drawn:

First. Protection increases prices of articles manufactured in this country.

Second. Protection decreases the prices of articles manufactured in this country.

Third. Protection is absolutely necessary in order "to fill the gap" between the wages of home and foreign labor.

Fourth. Protection reduces the prices of home productions, and thus widens "the gap" which it was intended to close.

Fifth. Protection both closes and widens "the gap."

Sixth. Protection protects our home labor against the pauper labor of Europe.

Seventh. Protection reduces the prices of home labor below the prices paid for "pauper labor" of Europe.

Mr. Speaker, these "great principles of protection" and the logical deductions therefrom prove the fallacy of the protective system and confound and overwhelm its advocates. No arguments that the advocates of revenue reform can produce so completely answer protection fallacies as do protection arguments themselves. Place their arguments in juxtaposition and their fallacies at once appear. I leave the protective system where its advocates have placed it. Its fundamental "principles" are like certain chemicals; kept separate they are harmless, mixed together they explode.

DOES PROTECTION PROTECT?

The advocates of protection insist that they have reduced rates by the pending bill, and that such reduction is in the interest of the people; at the same time they tell us that protection alone can benefit the people. If protection for the sake of protection be beneficial to the people, then the more we have of it the better it will be, and the higher the rates the more will be the protection to home industry and the greater will be the prosperity of our people, even to the exclusion of the foreign article. Then why should they not advocate an increase of rates along the whole line for the sake of bringing relief to the people?

Again, we are told frequently that foreign products must be excluded or the country will be flooded with low-priced goods, our manufacturing establishments closed, and laborers deprived of employment. If this is the danger threatening our laborers and manufacturers why not exclude the foreign products entirely and not pretend to relieve existing burdens by reducing existing rates and allowing articles to come in which are now excluded.

A HOME MARKET.

We sometimes hear gentlemen talk about a home market and the necessity of having a home market for our surplus products, and that such home market can only be created by a protective system. Eighty per cent. of our exports are farm products, and these exports exceed in value $600,000,000 a year.

Can our people consume any more meat and bread and provisions

than they now consume? Our population has been increasing with remarkable rapidity, and immigration amounts to 600,000 or 700,000 a year, and still we have a surplus of farm products of every kind. Can you create a home market for this surplus? It is impossible. There is but one country in the world that has practiced to its fullest extent the theory of exclusion and seclusion. That government is China. China furnished a home market for all her products; she prevented all importations and exportations, and thus enjoyed the operation of the protective system for thousands of years. When the guns of Great Britain battered down her walls of exclusion and opened her ports to the commerce of the world she found and revealed to the rest of the world a system of labor the most degrading and least remunerative to the laborer and the most impoverishing to the government. In that country protection had had full sway, had done its perfect work, and the result was the degradation of labor and the reduction of wages to starvation prices; absence of education and universal poverty and distress.

WHAT REVENUE REFORM WILL ACCOMPLISH.

The advocates of revenue reform have been accused of a deliberate purpose to reduce wages and embarrass the manufacturing interests of the country. Nothing could be further from the truth. We desire no sudden changes. We propose to begin a genuine reform of the revenue by placing all articles known as raw materials upon the free-list, and thus giving encouragement to manufacturers and employment and better wages to the laborer. The leading industries of the country at this time have a plant capable of production largely in excess of the home demand. We can not export our products because the finished article is loaded down with internal taxes. Such articles can not be exported and sold in foreign markets by the side of manufactures not thus burdened.

We must have a larger market for our manufactured products. This must be brought about by the reduction of the cost of production. Such reduction must come about in one of two ways, either by reduction of wages or of the price of the raw materials. I prefer to let wages stand, or rather increase them if possible, and reduce the tax upon raw materials and the price of raw materials, so that we may manufacture all articles in competition with the rest of the world. When we do this and open to our manufacturers the high seas and the markets of the world such an impetus to business, to manufacturing especially, will be given as has been unknown heretofore in the history of this country. It will be the beginning of a new era in American enterprise and industry. It will cause our manufacturing, agricultural, and mining industries to flourish. It will increase the transportation of articles on our railways and steamboats. It will cause our ships to reappear upon the high seas and send the products of our industry to every clime and to every people.

The SPEAKER. The time of the gentleman has expired.

Mr. KELLEY. I yield ten minutes to my colleague on the committee from Minnesota [Mr. DUNNELL].

Mr. DUNNELL. Mr. Speaker, if I have labored for anything through the Forty-seventh Congress, in word and vote, it has been to secure a reduction of the tariff and of taxation. I felt it my duty to take a position in the last session of Congress in which I was followed but by a few on the Republican side of the House. I thought I then discovered a purpose to resist to the end any revision of the tariff. It seemed to me that the appointment of a commission was for the purposes of delay. It did not then appear to me possible that out of a revision made by a tariff commission we could secure, as we have not at last indeed, a proper revision of the tariff. I now find myself, Mr. Speaker, in a strait betwixt two. I am compelled to vote for this bill, but yield to it with the utmost reluctance. It is no such bill as the people had a right to expect and their interests clearly demanded.

It would be easy to follow along in the line indicated by the gentleman from Kentucky [Mr. CARLISLE] and the gentleman from Ohio [Mr. ROBINSON] in pointing out the inconsistencies that exist in the bill. We are, as the gentleman from Illinois [Mr. SPRINGER] has just intimated, taking a leap in the dark. We are voting for a bill which has not yet been considered at length in Committee of the Whole. We were compelled, as an outcome and an outgrowth of the Tariff Commission, to adopt a new rule, revolutionary in its character, hostile to all conservative just legislation, by which we have got at last a bill for which, without amendment, we must vote yes or no. The bill does not meet my approbation; and yet, because of some of its provisions, I shall vote for it, though under a most solemn protest. Let me allude to some items. We are asked to make a reduction of $23,000,000 upon tobacco. That we are compelled to vote for this large reduction is because of a policy, that was foreshadowed and attempted in this House, to make only reductions in the internal-revenue system and not in the tariff.

Two weeks ago to-day, perhaps not intentionally at the time, I precipitated in the House an action which had not been anticipated by those who had then been going on from day to day hopelessly reviewing the report of the commission here in Committee of the Whole. As a result of my declaration that I considered that action as delusive and deceptive, as misleading the people and in no way honoring the House, an attempt was made the very next Monday to pass through the House an internal-revenue bill. I was one of the eighteen who on this side of the House by our votes prevented the passage of the bill. But for the defeat of that bill we should not now have even this poor result of all these labors for which we are called upon to vote.

We are making a reduction of $23,000,000 on tobacco and but $11,000,000 on sugar. We are taking off this large amount from what is properly denominated a luxury and refusing to take it off from sugar, the grand necessity of the people. I have said and say now to this side of the House that if we had had the courage and the pluck to have taken off $25,000,000 from sugar at the last session of Congress and reduced the duty on steel rails from twenty-eight to fifteen dollars a ton, with other needed and just reductions, we would not now be forced to witness the incoming of a Democratic administration in this House.

Now, Mr. Speaker, I insist most respectfully that this is not a proper way to legislate upon so great a subject as the revision of the tariff laws of the country. Yet because it does reduce rates on iron, because steel rails are reduced from $28 to $17.80——

Mr. KELLEY. Seventeen dollars.

Mr. DUNNELL. I accept the correction. Because they are reduced to $17, though this House decided on $15, and the Senate upon a lower figure; because there is a reduction upon iron; because we do get some reduction on sugar and some other articles, I must swallow the bill and vote for it, protesting that it is not what the people ought to have had and what this Congress ought to have given to them.

Mr. KELLEY. I ask the gentleman to correct his statement that the Senate rate was lower. It was higher than the House rate.

Mr. DUNNELL. Higher than the House rate, but lower than the rate as fixed by this report.

I will here read what I said in the House on the 17th of last month, when in Committee of the Whole the House had under consideration the bill reported by the Committee on Ways and Means, but which dropped out of sight from that very day. I said:

I have been surprised that the House in Committee of the Whole has so well kept up its interest to this hour in the pending bill, with the overshadowing fact upon it that the bill has no earthly chance of a passage. We have been debating the provisions of the bill and at the same time substantially admitting that it would not have a passage.

We have now reached a provision in the bill which to me has been of very great interest, because I have believed that in this clause we were to find some relief to the people. This paragraph of the bill does provide a reduction of about $11,000,000. The very men, however, who advocate the passage of the bill and urge that it ought to pass, because it secures that much of reduction of taxes on the people of the country, are themselves admitting, in committee and out of committee, here and elsewhere, that the bill is not to be passed at this session of Congress.

* * * * * * *

The next few days will verify the truthfulness of my statement.

In the last session of Congress it was admitted by everybody on either side of the House that the present tariff, now nearly twenty years old, ought to undergo a radical revision. Gentlemen on this side of the House who urged the appointment of a tariff commission announced that the tariff needed a revision. I saw then clearly, as I thought, that the appointment of a tariff commission meant what is to be a fact in the history of the Forty-seventh Congress.

Now, what we ought to have done in the first session of this Congress was not done, but was turned over to the Tariff Commission. We are now within a few days of a final adjournment of this Congress; one-third of this large and voluminous bill has been passed over. Everybody is pressed with the conviction that this bill can never pass. The country demands its passage, and yet we are standing here to-day debating this clause and that clause, while at the same time we are bound to admit that the present tariff will get no revision.

We have here in this bill pointed out to us the ways and means by which the people are to be relieved from burdens: $11,000,000 from sugar, with a reduction upon steel and iron. Poor as this bill is, unsatisfactory as it is, it would if passed relieve the people of $20,000,000 of burden.

Yet this bill can not pass; it is utterly beyond the expectation of its most sanguine friends that it will pass. We have been deluding ourselves, we have been deluding the country, we have been unsettling the great business interests of the country, while the fiat has gone forth that this bill shall not pass this Congress. Already the steps have been taken to pass through this House next Monday an internal-revenue bill taking from capital the burden which by a proper revision of the tariff should be taken from labor.

Therefore we are here debating the bill, dishonoring ourselves as a dominant party on this side of the House, and dishonoring Congress in its treatment of the people.

My prediction was verified, for on the next Monday the internal-revenue bill was presented, as I have already said, and fortunately defeated. In the debate on that occasion I had three minutes allowed me, and said:

Mr. Speaker, when this Congress came together there was an expectation everywhere throughout the country that there would be a substantial reduction in the revenues of the country. The President has asked it; the Secretary of the Treasury has asked it, and everywhere throughout the length and breadth of the country there had been an expectation that the war tariff, the tariff that was made when large sums of money were needed, when we had an empty Treasury and a rapidly increasing debt, should undergo revision. The country expected on the $50,000,000 raised on the one article of sugar there would at least be a reduction of $20,000,000. The great commercial interests of the country expected that there would be a reduction in the present duty on iron and steel. Here in this House we have already voted to reduce the duty on steel rails from $28 to $15, and when that vote was passed in the House, in the Committee of the Whole, we could have anticipated the declaration that the pending bill must not go through. We are now face to face with the policy declared in New York in October prior to the organization of this House in December a year ago, that the reductions must come from the internal-revenue taxes and from them alone.

And we have been going on writing history for this Congress that all of the reductions it makes shall come from the internal revenue.

Mr. Speaker, I am about to close a service of twelve years in this House. It would give me the most profound satisfaction if on this day I could vote for a revenue bill which would give to the people all the relief which they have a right to demand. My constituents expected

larger reductions, and for them I have not failed to raise my voice. I have often cited sugar; for it has appeared to me to be little less than a crime to raise $50,000,000 annually upon this article of prime necessity. The advocates of this bill only claim a reduction under it of $11,000,000. I fear it will prove to be far less. The reductions upon iron and steel are in too many instances much below the demand While some reduction might have been made in the duty upon tobacco, it is far from the proper thing to reduce $23,000,000 upon this article and but $11,000,000 upon sugar. Larger reductions could have been made upon articles for clothing and food. The luxuries should have been placed at higher rates and the necessities at lower rates. Lumber should have been placed upon the free-list or undergone a large reduction in the duty. The great agricultural interests of the country have not been carefully considered or justly preserved. Nails and spikes, glass, crockery, and, indeed, all the articles which the farmers of the land daily use should bear the least possible rate of duty.

No time is allowed me to say more. We are now to vote upon a bill not open to amendment. We must take it or nothing. I have voted against every bill to reduce internal taxation, but have on more than one occasion signified my willingness to vote for some such reduction if at the same time the tariff duties could be reduced. Both classes of reduction are in the bill before us, though not in proper proportions. I am forced to the conclusion that it is my duty to vote for the bill, though not without protesting against its character and the manner of its construction.

Mr. KELLEY. I yield three minutes to the gentleman from New York [Mr. SMITH].

Mr. SMITH, of New York. I can say I have not occupied five minutes of the time of the Forty-seventh Congress. I shall occupy but three minutes now.

I do not profess to be able to understand the intricacies of this great tariff question, though in my boyhood I sat at the feet of the grandest son of Kentucky, Henry Clay, who taught protective tariff. I received my impressions there. But as I have listened to the debates on both sides of this House, and have seen the divisions and subdivisions on both sides of the House, I have been inclined to think that that great general who was so recently the accredited leader of the great Democratic party, their candidate for President, said more wisdom than I thought at the time when he said that the tariff was a local issue. I think the language on both sides of this Chamber has confirmed largely the declaration of General Hancock.

Mr. Speaker, I feel that this issue is before us and we must meet it. I know that the eyes of this nation are upon this Chamber now. I know that the great interests of this nation are trembling in the scale, and while this bill does not satisfy my desire, while it does not meet my estimate of the true need of the people, removing only a burden of $70,000,000 from the people, when I would prefer that $140,000,000 were taken off the people—as I can not get a whole loaf I shall go for half a loaf, and I shall rejoice in the passage of this bill.

I have nothing more to say.

Mr. TUCKER. I yield two and one-half minutes to the gentleman from Maine [Mr. MURCH].

Mr. MURCH. In the two and one-half minutes allowed to me so kindly by the gentleman from Virginia I can not hope to give the numerous reasons which compel me to vote against this conference report. I will, however, state very briefly two or three of the most important of them.

The first is that we have a bill brought in here, entitled "An act to reduce internal-revenue taxation," and under this title the entire tariff schedule is entered upon; so that the title of the bill is entirely belied. A second reason is, that an already favored class, a money-making class, is, under this bill, relieved of $14,000,000 of taxation. The bankers and banks, the depositors, and the check-holders are the favored beneficiaries under this bill; while the great laboring mass of people whom the gentlemen on this floor have so eloquently described this bill as protecting are not protected in the least particular.

The great iron industry, which is protected so largely here and which employs so many thousand men, was last year, under the benefits given to the iron manufacturers, operating to reduce the wages of the workmen engaged in the iron manufactures to almost starvation point. We witnessed the spectacle of 100,000 iron-workers in this country on strike against starvation wages.

Another thing I wish to notice, Mr. Speaker, is that the glass industry is protected from 125 to 150 per cent. We are told that this bill protects the American mechanic and the American laborer, while I find by the evidence of a translated copy of a contract entered into in Belgium, between glass manufacturers in Philadelphia, in Baltimore, and in the State of New Jersey, that these manufacturers contracted with the foreign cheap labor to come here and underbid the American labor market in an industry protected 150 per cent.

I ask permission to print in the RECORD the paper to which I have referred.

There was no objection. The paper is as follows:

[Translation.]

PHILADELPHIA, *August* 27, 1881.

It is agreed by the undersigned, representatives of the Window-Glass Makers' Association of the East and the Workingmen's Association of Window-Glass Makers that the following shall be the price of wages paid in the districts of New Jersey, Eastern Pennsylvania, and Maryland for the ensuing year. All wages and the percentage will be based on the list below.

The blowers will be paid at the net rate for plain work, or 1⅛ for double.

The gatherers will be paid at the rate of 65 per cent. for plain, and 55 per cent. for double, the net wages of the blowers.

The drawers will be paid 25 per cent. of the net rate of the blowers.

The cutters will be paid 23 cents per 100 feet of plain, and 35 cents for double.

The cutters will be paid for lamp-glasses or sizes below 6 by 8, or for fractions of an inch below 13 by 13, one-half more than the price mentioned.

The polishers will be paid in the proportion given in the last article.

Glass plates not cut to order will be paid for at ordinary rates. When they shall be recut payment will be arranged with the manufacturer.

BASIS OF CALCULATIONS.

The wages-list is based on the price of the Eastern Association, terms being placed opposite the kind of work, as follows:

On sales, with discount on price-current, 70 per cent. the net price as mentioned.

On sales, with discount on price-current, 70 per cent. + 5 per cent.; deduction, 10 per cent.

On sales, with discount on price-current, 75 per cent.; deduction, 10 per cent. + 10 per cent.

On sales, with discount on price-current, 60 and 10 per cent.; addition, 10 per cent.

On sales, with discount on price-current, 55 per cent.; addition, 10 per cent. and 10 per cent.

On sales, with discount on price-current, 50 + 5 per cent.; addition, 10 per cent., 10 per cent., and 10 per cent.

Blower's list, August, 1881.

Grade.	Sizes.					
	10x15.	12x18.	20x24.	29x40.	30x46.	Larger sizes.
First quality	$0 50	$0 65	$0 83	$0 90	$1 30	$1 60
Second quality	45	50	67	75	1 10	1 25
Third quality	40	45	53	60	70	95
Fourth quality	35	40	45	50	60	

F. L BODINE,
EDWARD R. WOOD,
GEORGE HIRES,
For the Manufacturers' Association of Window-Glass Makers.

D. P. SWEARER,
JOSEPH RIGGINS,
THOMAS BEACH,
WM. H. ASHTON,
For the Association of Window-Glass Workers.

[Back of the agreement:] Brette Alphonse, blower, 38 Faubourg de Charlevois.

CONSULATE OF THE UNITED STATES,
Brussels, November 21, 1882.

I, John Wilson, consul of the United States at Brussels, Belgium, do hereby certify that Bretto Alphonse signed the foregoing document in my presence.

Given under my hand and seal the day and year above written.

[SEAL OF THE CONSULATE.] JNO. WILSON, *U. S. Consul.*

This man is engaged als [*sic*] glass blower for the Ualage glas [*sic*] fackture [*sic*], Mr. Edward Wood & Co., Chesnutt [*sic*] strett [*sic*], 400. Philadelphia.

BRETTE ALPHONSE, *Souffleur.*

Mr. TUCKER. I now yield four minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, the first part of this bill under consideration meets with my entire concurrence. That portion of it which reduces internal taxes I think should be adopted by the House. The repeal of the taxes on deposits in banks, of the stamp tax on checks and on matches, the reduction of the tax on tobacco, and the other internal taxes which are reduced by this bill are proper and right, and in my judgment should meet the approval of every member of Congress.

That portion of the bill, however, relating to the tariff, in my opinion, contains some very grave defects. In my opinion the present law is better than the one here proposed. Under the present law the importations are vast and extensive; but under the proposed law the importations will be far greater.

Therefore, instead of accomplishing the end proposed by this legislation—the reduction of revenue—it will simply increase the revenue which will be paid into the Treasury. The consequence of increasing that revenue will be twofold: one to deplete the country of the precious metals, the other to reduce the wages which are now paid to your laboring classes because the manufacturers of this country will be largely crippled in their operations.

Although to the banks themselves it is an advantage to have the tax taken off deposits and capital and checks, yet what will the banks do if the great manufacturing industries of this country shall become so crippled that the banks will not be able to loan money to them, and if that very substratum of the banking business, the $780,000,000 of gold and silver in this country, shall be drained into the foreign markets for the purchase of their products, while your own mills and your own factories shall be idle?

I say that the Congress that shall reduce the tariff duties of this country as now proposed will make a grievous mistake. I am willing to predict here and now that the visitation that will come upon this country for this grievous mistake will be seen and manifested within the next two years. We will be called upon to account for the fact that our mills will be idle, and that the gold and the silver which now

stimulate the industries of this country are drained into foreign markets.

In the metal schedule, with which I am more familiar than any of the others, there are several flagrant incongruities. On pages 29 and 30 of the conference report you will find different kinds of ordinary iron at higher rates of duty than charcoal-iron. On pages 30 and 31 you will find common sheet-iron having a specific duty and tagger-iron at what will certainly prove a less ad valorem rate. This has been demonstrated by actual experience under the present law, whose discriminations respecting these classes of iron are preserved and perpetuated by the bill. In this same paragraph the rate on galvanized sheet iron or steel is only allowed three-fourths of a cent a pound additional, which is not adequate for the protection of the additional labor. Then follows planished or glanced sheet-iron, which is reduced to 2½ cents per pound, a half cent below the present rate of duty. That reduction should not have been made. Then comes sheet-iron which has been pickled and cold-rolled, and only a quarter of a cent additional is allowed, which is wholly inadequate.

Then follows the gross and destructive rate of duty on tin-plate of 1 cent per pound, which I took occasion to characterize in the debate on the House bill. Cotton-ties are fixed at 35 per cent. ad valorem, the same as the present law, and this provision absolutely precludes our own people from manufacturing them. This is an unpardonable blunder.

The carefully prepared provisions relating to steel in its various forms have been simply shorn of their best and most vital features. The distinction between ingots and blooms of five hundred pounds and upward and those below that weight was intended to protect both the manufacturer and the Government from imposition, and it would, in connection with ratings of steel proposed by the Tariff Commission, have resulted in an easy and safe administration of the law; yet this vital principle is eviscerated from the conference bill, and all the evils of the present unsatisfactory system are kept.

There are several more defects which I will not now undertake to point out. The hope that a consistent and harmonious tariff law would be enacted is by this bill disappointed. It will occasion much litigation and it invites by its incongruities evasions and undervaluations.

We imported last year about seventy million dollars' worth of metals. We bought abroad large quantities of iron and steel, nearly all being the products of the heavy industries. This was wholly unnecessary. Now we propose to import more. We substantially say by this conference bill that we desire to increase our importations. Is that wise policy? Is it wise to reduce duties on the ebbing tide of prosperity?

I think we have made a serious mistake, and I, for one, whatever clamor may be raised, will adhere with undeviating fidelity to the policy of protection, believing as I do that the prosperity and happiness of the people of the United States will be better promoted by that policy than by any other one cause over which we have control as legislators.

Mr. KELLEY. I now yield for five minutes to the gentleman from Indiana [Mr. PEELLE].

Mr. PEELLE. I desire to state a few of the reasons which will control me in supporting the report of the committee of conference. There are many items in this bill which, if standing alone, I could not support.

But the people of my district and the people of this country demand a reduction of internal-revenue taxes and a revision of the tariff. I for one am willing that the will of the people should be crystallized into law.

This bill will reduce our revenue nearly seventy millions of dollars; and, if I am not mistaken in the calculations which I have hurriedly made, $20,000,000 of that amount will inure directly to the benefit of the toiling masses of this country.

This is the best bill that we are likely to formulate and pass at this session of Congress. If we could secure a better bill I would be willing to stand here and labor in this Congress to secure it according to the judgment of the various members of Congress, if that could possibly be done. We promised the people in the campaigns of 1880 and 1882 to reduce taxation and revise the tariff, and in furtherance of the promise made in 1880 we provided in the last Congress for the Tariff Commission. That commission furnished us with abundant information at the beginning of this session. We have no excuse for further delay, and we ought now to make good our promise to the people.

I quite agree with the gentleman from Ohio [Mr. ROBINSON] that the duty which it is proposed to place upon the raw material, wool, is not what it should be. That duty is too low on the raw material when we consider the duty proposed to be placed on the manufactured article. I quite agree with the gentleman from Michigan [Mr. HUBBELL] that the copper interest may be somewhat injured because of the rate of duty imposed by this bill.

But, sir, as a representative of 150,000 people I can not stand up here and defeat a bill which affects every industry in this country simply because it can not be made to suit all our various ideas. This is the best bill that we can pass this Congress; it is an infinitely better bill than is the present law. We must take the bad things in it in order to get the good, and this is tolerable since the defects in the bill are far less than in the present law.

Therefore I believe, at least I conceive it to be my duty to vote for this report and to sustain this bill, believing that if we pass it we will have earned the lasting gratitude of the people of the United States.

And we should remember that this is not the only Congress that we are going to have in this country. If there are defects in this bill, subsequent Congresses can correct those defects in accordance with the circumstances of each particular case.

I have said that there were items in this bill which if standing alone I would not support. I would not support standing alone the duty which is imposed by this bill upon sugar; indeed, I should be glad if we could put sugar on the free-list; but when I find that the bill will in that respect reduce the burdens upon the people of this country some $10,000,000 I am willing to support it. If standing alone I would not support the duties which are proposed to be imposed upon steel and iron, but when taken together I can give the report and bill my support.

[Here the hammer fell.]

Mr. KELLEY. I now desire to yield two minutes, or so long as may be required, to enable the gentleman from Massachusetts [Mr. MORSE] to read some telegrams he has received.

Mr. MORSE. As these telegrams have come to me from my constituents, I am bound to give the information to the House, and then gentlemen can vote on the bill before us as they please. First I read a telegram from the chairman of the Democratic State central committee of Massachusetts:

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District of Columbia:

The business interest of Boston demand the passage of some tariff legislation this session. Our political friends can not afford to defeat it.

JONAS H. FRENCH.

Here is a dispatch from a gentleman who was chairman of the Democratic committee in my district, which we carried by 4,000 majority against 2,500 majority in the last election the other way:

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE:

Your constituents implore you to use your influence to pass the tariff bill.

CHAS. E. RAYMOND.

Here is another telegram:

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District of Columbia:

The business people of Massachusetts urgently ask you to pass the tariff bill! There is hardly an exception in this community. I have not heard but one opinion—all favor it.

THOMAS DORR.

Mr. SINGLETON, of Illinois. Do they know what this bill is?

Mr. MORSE. They want a reduction of taxes, and this is the only bill we can vote for which will give it to them. My people are intelligent enough to understand that. They know as much about this bill as the gentleman does. I do not think he knows any more about it than they do.

Mr. SINGLETON, of Illinois. I do not think I do.

Mr. MORSE. I am willing to vote blindly for this bill, so far as details are concerned, when I know that it will result in a reduction of the burdens upon the people. Here are other telegrams I have received.

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District Columbia:

Please use all your efforts to secure the passage of the tariff bill; business interests of the country require it.

GEORGE RIPLY.

—

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District Columbia:

Do everything in your power to serve the business interests of the country by securing the passage of the tariff bill.

WM. A. TOWER.

—

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District Columbia:

Please exert all your influence to secure the passage of the tariff bill; the business interests of the country demand it.

JACOB EDWARDS.

—

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District Columbia:

Use all your influence to secure passage tariff bill; the business interest of the country requires and demands it.

Mr. COBB. Who says that?

Mr. MORSE. Asa P. Potter, of Boston.

Mr. COBB. What does he know about it?

Mr. MORSE. I simply read what he says. The gentleman from Indiana is welcome to his own judgment:

BOSTON, MASS., *March* 3, 1883.

Hon. LEOPOLD MORSE,
Washington, District of Columbia:

Use every effort to secure the passage of the tariff bill. The country depends upon this Congress to give it relief in this way.

EUSTIS C. FITZ.

No one of these men is engaged in manufacturing.

Mr. SPRINGER. This bill will not give them any relief.
Mr. MORSE. If they are satisfied, I am.
[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills and a joint resolution of the following titles:

A bill (H. R. 604) for the relief of William W. Thomas;

A bill (H. R. 4962) to amend section 5463 of the Revised Statutes; and

Joint resolution (H. Res. 303) respecting the administration of justice in Tunis.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 2911) for the relief of the German National Bank of Louisville, Kentucky;

A bill (H. R. 2638) for the relief of J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis; and

A bill (H. R. 6946) for the relief of Clinton D. Smith.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1821) prescribing regulations for the Soldiers' Home, located at Washington, in the District of Columbia, and for other purposes.

TARIFF AND INTERNAL REVENUE.

The House resumed the consideration of the report of the committee of conference on the tariff and internal-tax bill.

Mr. KELLEY. I yield five minutes to my colleague [Mr. FISHER].

Mr. FISHER. Mr. Speaker, there is but little in this conference report which commends it to my favorable consideration. One of the great industries of my district is threatened. Probably $5,000,000 of the $10,000,000 paid for the labor of the charcoal-furnaces of this country will be lost under this measure; $17,000,000 of capital is threatened. Over 20,000 of the 40,000 men engaged in that industry will be driven from employment.

In this report, at line 553, we have a paragraph which imposes a duty of $24.76 a ton upon all iron less than one inch in width or round iron three-fourths of an inch in diameter; while in the same paragraph there is imposed upon charcoal-iron of all shapes, forms, and sizes a specific duty of but $22 per ton. Under the present tariff the duty is $33.60. This iron must suffer a reduction of 50 per cent. If pig-iron could not stand a reduction of 50 cents per ton, or about 7 per cent., how can the manufacturers of charcoal-iron submit to a reduction of 50 per cent.?

But, sir, we have this astonishing fact: While you lay a duty of $24.76 upon common iron, charcoal-iron, of more value, comes in at $2.76 a ton less. The same thing occurs on round iron, in the paragraph under which iron seven-sixteenths of an inch in diameter comes in at the rate of $26.88 a ton, $4.88 more duty per ton than that imposed upon charcoal-iron of similar form and of much more value.

Mr. CARLISLE. That is so.

Mr. FISHER. But while I point out these discrepancies which no member of the conference committee can justify——

Mr. SPRINGER. Or explain.

Mr. FISHER. I desire to say that on the one hand, if this conference report be defeated, we are threatened with a Senate bill immeasurably worse. [Cries of "Oh, no!"] On the other hand, we see an incoming Congress largely composed of men who are free-traders and tariff-for-revenue men, who may give us a much worse bill. So I stand between the devil and the deep sea. All that I can do is to swallow this nasty dose as philosophically as I can, and I shall therefore vote for the report.

[Here the hammer fell.]

Mr. KELLEY. I yield three minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, if I can be permitted to say one or two things in regard to this bill, I believe I will vote for it [laughter] for reasons precisely opposite to several of those which have been stated by some gentlemen on this floor. I regard the idea of taking $22,000,000 off tobacco, and thirteen, fourteen, or fifteen million dollars off another luxury, that is money—at least I consider it a luxury when I have any—and taking only eleven or twelve millions off sugar as simply infamous and outrageous.

Mr. HAMMOND, of Georgia. Yet you are going to vote for it.

Mr. ANDERSON. Yes, for we are virtually in this position: Within a few hours this Congress will close. If this bill will reduce taxation $75,000,000 I am willing to vote for it, with the distinct understanding that in the next Congress I shall endeavor to bring down your pig-iron, lumber, woolen and other things—to knock the jobbery that I believe to be in some items of the tariff bill out of it. I only take this measure because I believe the present law is worse. I want to see the people who buy and use these things protected as well as the men who make them; but I suppose I shall have to take what I can get now, awaiting another opportunity to make greater reductions, and swallow this infamous and nauseous dose. [Laughter.]

[Here the hammer fell.]

Mr. KELLEY. I trust the gentleman from Virginia will now exhaust his time.

Mr. TUCKER. I will take the floor and yield for four minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, There are two kinds of sins: sins of commission and sins of omission. I do not know, sir, that you are guilty of either, but this Congress at the beginning of this session was guilty of the sin of commission, for it spent money with a wild and excessive prodigality. It undertakes to make up or to pay into the Treasury large sums of money by imports under this conference bill which even the gentleman from Kansas [Mr. ANDERSON] confesses to be an infamous juggle. And he votes for the juggle. [Laughter.]

There never was since I have been here, speaking for the people for over twenty years, such a conspicuous failure as this Congress. You failed last session, you fail now; you fail on appropriations, and you fail on the tariff; and you will be known hereafter as the great American Congressional failure. [Laughter and applause on the Democratic side.]

You undertake to-day to make a tariff bill; you can not get everything, of course, but your bill is bad for multifariousness among other things. [Laughter.]

Ohio can not vote for it. Why? I like Ohio. I was born there. Job, it is said in the old Scripture, was a perfect and upright man, feared God and eschewed evil and had 7,000 sheep. [Laughter.] I know what is in this bill. It is your lamb—"little Mary" left out. [Laughter.] There is no innocency in it.

This bill is intended to help iron and not to help the people. We can not vote for it. Our State does not vote for it. I am sorry to see that the best man on the other side of the House, I think his name is ANDERSON [laughter], has given away all the magnificent eloquence which he made here for six days on this subject. No matter, there will be another Congress.

Now, I have had some telegrams sent to me here. They are crowding in—you never saw the like before—from farmers of South Carolina to this side of the House. Here is one of them:

S. S. COX:

Public disgusted. Stand by the farmers. Do not vote for the protection bill that taxes the interests of the people and relieves the banks and monopolies.

MANY FARMERS.

[Laughter and applause].

They have no tariff that does relieve the tax on steel, iron, lumber, and the necessaries of life. Here are some from farmers of Mississippi. [Laughter on Republican side.] I have twenty other telegrams here on this subject. [Laughter.] We can not be fooled, we farmer people. You take them from your manufactures. We know your little jobs. Your telegrams are flying all around this House. Now, pass this bill if you can, and go to your people.

Mr. MORSE. We are going to.

Mr. COX, of New York. When did you turn Republican and protectionist? [Laughter.] We are fighting in the interest of the people.

Mr. MORSE. So am I.

Mr. COX, of New York. We are fighting for their rights.

Mr. MORSE. More than you are.

Mr. COX, of New York. Your relieving monopolies and banks does not show it. I can not in four minutes tell all there is obnoxious in a bill of this character, but the people will know it, and your gavel, Mr. Speaker, will recognize it.

The SPEAKER. The gentleman's time has expired. [Laughter.]

Mr. TUCKER. I now yield three minutes and a half to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON addressed the House. [See Appendix.]

Mr. TUCKER. Mr. Speaker, I have only two or three minutes left, and I want to say one single word. I believe for the first time in the history of this country a tariff bill, which proposed to levy on the people two hundred millions of money, is to be passed without any consideration by the representatives of the people except during the last two or three hours as to a great part of the bill. It went to a Tariff Commission; it came to the Committee on Ways and Means; it went to the Senate. We raised the constitutional question, gentlemen did, on the other side the other day to interpose against the power of the Senate to tax the people of the country; and they swap—I mean no disrespect to gentlemen—but they swap the Constitution for a high tariff. [Applause.] Because, as I understand, they said, We will not raise the constitutional question until we settle the fact as to whether we can get a tariff; let us manipulate the tariff first and see if we can get it. And if we can get what will suit us we will swap the Constitution for that. If we can not, we will throw aside the shield of the Constitution to protect the people from having a reduction of taxation.

Now, Mr. Speaker, I want a reduction of the tariff just as much as other people do, but on a different line. They want a tariff; that is, a high tariff. I want one that is low tariff. That is just the difference between us. You are not anxious to pass a low-tariff bill and we are not anxious to pass a high-tariff bill. The question is, What kind of a tariff are you going to pass? I have resisted to the utmost the passage

of this high-tariff bill, and now we have come to the last hours of the session for a vote upon this, and I do advise gentlemen who want in good faith only hereafter to see the tariff reduced and made equitable to the interests of the country to vote against this bill, and not fasten it upon the people of the country in order to have it revoked next winter.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2638) for the relief of J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis.

A bill (H. R. 2911) for the relief of the German National Bank of Louisville, Kentucky.

A bill (H. R. 6946) for the relief of Clinton D. Smith.

INTERNAL REVENUE AND TARIFF.

Mr. KELLEY. I yield three minutes to my colleague from Pennsylvania [Mr. MUTCHLER].

Mr. MUTCHLER. Mr. Speaker, if it were necessary to relieve the tax-ridden people from that burden which rests upon them by reason of this internal-revenue law, extracting as it does from their current income $100,000,000 a year, to swap the Constitution as we have just now heard it construed in order to relieve them, then I am willing to swap it. [Cries of "No!" "No!"] Yes, sir; I say that this tax of $100,000,000 a year is a burden on our people, and we are justified in doing anything reasonable that will relieve them from it, because we do not need the money.

I have the honor to represent in part on the floor of this House a State which has for many years borne the taunts of the anti-protectionists, because her people are engaged in industries which needed and received the helping hand of the Government. In the formation of this tariff bill those industries suffer more than the industries of any other State. Yet I believe that they will adjust themselves to the bill as it is formed, and that the industries not only of Pennsylvania but of every other State will be benefited by it. We had better settle the question now than leave it open for another whole year. The point to be gained is in relieving a tax-burdened people of $70,000,000, when we do not need one single dollar of that revenue for the purposes of the Government; and we can not justify it.

I say to my Democratic friends on this side of the House if you expect to maintain, to deserve, and to receive the confidence which the people seem to have intrusted us with at the last election, do not insist upon keeping this burden upon them; because in that case they will not trust you. What they want is to be relieved from the taxation that is imposed upon them. You now have the opportunity to do it to the extent at least of $70,000,000 a year; and if we do not do it they will hold us responsible.

In a speech which I had the honor to make on the floor of this House last May I predicted that the party which insisted on extracting this enormous sum of money from the current income of the people every year could not be intrusted with the people's power; and I am gratified to say that the recent elections have proved my predictions to be true.

[Here the hammer fell.]

Mr. KELLEY. I yield the remainder of my time to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. I hope that before this debate closes there may be a moment's consideration given to the main question, instead of picking flaws in a vast and voluminous bill. I could enter into that work, sir, myself if I believed that was the main question before the House of Representatives. I could make protests against here a clause and there a clause, and I can make it against any bill that you can frame by a constant devotion of two years' time to produce a satisfactory result.

What is the object of this bill on the part of the majority of this House? It is to reduce internal revenue and to revise the tariff in the combined sense of inflicting no serious injury on the industries of the country and of lightening taxation admitted to be too severe on the American people. Those two objects are required by this side of the House; only one of them is required by the other side.

Have we then destroyed any recognized national interest? We have the remarkable spectacle here of men who denounce the bill because it protects at all, coming over to shake hands on this side of the House with gentlemen who say it does not protect enough. When the Greeks come to Troy with their Trojan horses it is time for the Trojans to open their eyes. Where, upon the principles maintained by our friends on the other side, will be the wool interest and the woolen interest one year from this time?

Sir, it is a misrepresentation to say that the reduction on woolens is not as great as that on wool. We have as the present rates on wools under 32 cents in value 10 cents per pound; over 32 cents, 12 cents per pound; both specific, and in one case 10 per cent. ad valorem added, and in the other case 12 per cent. ad valorem added. The ad valorem, 10 per cent. and 11 per cent., is taken off and the specific rates remain as under the present law. And more, this report reduces the ad valorem division line from 32 cents to 30 cents, which is in favor of the wool-grower; as it brings a larger amount of wool under the higher rate of duty. And that is all that is done to wool in this schedule.

On woolens, on the contrary, you have reduced the rate, where it was 50 cents per pound and 35 per cent. ad valorem, to 30 cents per pound and 35 cents per pound and the ad valorem. In one case 20 cents of specific duty are taken off and in the other 15 cents. In the other case where the present duty is 20 cents per pound and 35 per cent. ad valorem, it is 10 cents per pound and 12 cents a pound with the 35 per cent. ad valorem. And so on going through the bill. On blankets, flannels, and that class of goods, the reduction is immense, amounting to about 50 per cent. of the present duty. And shall we, who are bound to legislate for all the American people, ignore the interests of all the American people who consume woolens? Or shall we recognize both the wool-grower and the woolen consumer?

Sir, we have been denounced from California to Maine for our high duties on our woolen goods. The reason for the *specific* duty on woolens is compensation for the duty on wool. Shall we merely protect one interest and ignore the other? The manufacturers have their own protection of 35 per cent. ad valorem, and when the gentlemen who have denounced for years the high duties on woolens come over and tell our wool-growers "Dear friends, you are not enough protected; you ought not to vote for the bill"——

Mr. MORRISON. Who told them that?

Mr. KASSON. Gentlemen said that on the floor here repeatedly to wool-growing representatives, and it was said also by individuals off the floor. That is all I need to say about that.

In regard to the effect of the duty on wool, permit me to say that under our protective system wool-raising in this country has been largely developed, and by increasing competition has reduced largely the price of wool, and we are no longer dependent upon the foreign production alone.

Now, sir, upon one or two other points a word or two and I will complete all which time permits me to say. The time has passed in which to denounce the method by which we have reached this bill. We have reached it, and have reached it, I suppose, legally. The question is now whether, because to this little thing or to that individual thing of greater importance, is assigned a rate of duty which we think a little too high or too low, shall we refuse to lighten taxation at all? For myself I had rather explain why I voted for this bill by the simple declaration that the people are now overtaxed and my vote was to lift $70,000,000 off their shoulders, than to answer the question, Why did not you vote for the bill? by going into little details about an offensive rule adopted by the House, and about the bill not going far enough on some article or too far on another, and the thousand petty excuses with which you are amusing yourselves on this floor.

There are articles from which I wanted to take more duty and additional articles which I desired on the free-list, which I thought could be done without detriment to any of our national industries. But I will take this bill, and take it gladly. Four hundred thousand men, chiefly Germans, are interested in one class of individual taxes largely reduced by this bill, which they can not charge over to the consumer—a tax that is known as the special or license tax.

Mr. COBB. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COBB. The hour has arrived at which it was determined a vote should be taken.

The SPEAKER. The Chair was indulging the gentleman from Iowa [Mr. KASSON] for a few moments because of time which had been occupied by the Chair in presenting reports to the House.

Mr. COBB. I insist upon the regular order.

Mr. KELLEY. I now call for a vote on agreeing to the report.

Mr. CARLISLE. I understand that the previous question has been ordered.

The SPEAKER. The previous question has been ordered.

Mr. CARLISLE. I consumed much more of the time allotted to this side of the House than I had intended, and in doing so prevented several gentlemen on this side of the House from participating in this discussion. I now ask general consent that members have leave to print in the RECORD remarks upon the pending measure.

Mr. CURTIN. I could not get time, though I desired to make a few remarks on this subject. I ask leave to print in the RECORD such remarks as I would have otherwise submitted.

Mr. CARLISLE. I ask that general consent be given to print remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Kentucky [Mr. CARLISLE] asks that general leave be given members of the House to print in the RECORD remarks on the pending measure.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. MILLS. I ask leave, not to submit any remarks, but to print certain statistics and documents which I have here in the RECORD, and also that they be printed as a document of the House.

There was no objection, and leave was granted accordingly.
The documents are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 7, 1878.

SIR: I have the honor to acknowledge, from the Secretary of the Senate, the receipt of a copy of a resolution adopted by the Senate on the 17th of April, requesting me to furnish all the information in the possession of this Department as to the total consumption within the United States of all the manufactured articles to which tariff duties apply, including those imported as well as those produced in this country, with the proportion of each, and, in response thereto, to transmit herewith a statement, prepared by the Bureau of Statistics, which furnishes the information requested, so far as data have been obtained for instituting the desired comparison.

As the Department possesses no full information in regard to the value of articles manufactured in the United States since that obtained in 1870, the year of the last decennial census, it became necessary to confine to that year the comparison of the consumption in this country of articles of domestic and foreign production.

Very respectfully, yours,

JOHN B. HAWLEY,
Acting Secretary.

Hon. W. A. WHEELER,
President of the Senate.

Statement showing the amount of the principal manufactured articles subject to customs duties produced in the United States during the year ended June 30, 1870, the amount thereof exported and remaining for consumption, the amount imported for consumption, and the total consumption within the country, with the percentage of the amount imported.

Manufactured articles.	Produced in the census year 1870.	Exported during the fiscal year 1870.	Consumption of domestic, during the year.	Imported for consumption during the fiscal year 1870.	Total consumption in the year.	Percentage of, imported.
Acid, pyroligneous and sulphuric	$280,430	$134,695	$145,735	$212	$145,947	.14
Agricultural implements	52,066,875	1,068,476	50,988,399		50,998,399	
Belts	1,303,410	4,323	1,299,087	(*)	1,299,087	
Blacking	817,768	81,519	736,249	34,034	770,283	4.42
Brass, and manufactures of	10,459,735	169,997	10,289,738	60,554	10,350,292	.58
Brick	29,028,359	25,091	29,003,268	19,118	29,022,386	.06
Brooms and brushes	9,317,108	154,419	9,162,689	248,055	9,410,744	2.63
Buttons	1,778,893		1,778,893	1,150,735	2,929,628	39.27
Cards, playing	765,000	(*)	765,000	2,735	767,735	.35
Carpets	22,766,900	1,864	22,765,036	4,129,207	26,894,243	15.35
Carriages and wagons	67,386,548	444,931	66,941,617	23,423	66,965,040	.03
Cars, railroad	31,070,734	531,611	30,539,123		30,539,123	
Cement	2,033,893	61,490	1,972,403	18,057	1,964,346	.92
Chemicals, drugs, &c	19,417,194	1,345,988	18,071,206	11,871,121	29,942,327	39.64
Chocolate	946,259	(*)	946,259	5,757	952,016	.60
Clocks, cases, and materials	3,022,253	584,673	2,437,580	251,068	2,688,648	9.34
Clothing	161,560,836	424,170	161,136,666	3,888,672	165,025,338	2.35
Combs	688,889	9,666	679,223	218,429	797,652	27.38
Confectionery	15,922,643	14,729	15,907,914	19,286	15,927,200	.12
Copper	14,074,583	1,042,246	13,032,237	592,803	13,625,040	4.35
Cordage and twine	8,979,382	251,343	8,727,039	42,469	8,769,508	.48
Cotton goods	177,903,687	2,381,457	175,522,230	21,900,773	197,423,003	11.09
Crucibles	1,117,463		1,117,463	193	1,117,656	.01
Dye-stuffs and extracts	2,053,300	1,002,636	1,050,664	1,634,278	2,684,942	60.86
Flax, manufactures of	2,178,775		2,178,775	16,460,613	18,639,388	88.31
Fruits and vegetables: canned and preserved	5,425,677	119,024	5,306,653	519,899	5,825,952	8.92
Furniture	69,088,684	1,245,886	67,842,798	805,881	68,648,679	1.17
Gas and lamp fixtures	4,201,778	(*)	4,201,778	(*)	4,291,778	
Glass:						
Window	3,811,308	530,654	18,705,208	1,447,881	22,791,467	17.93
Other manufactures of	15,424,554			†2,638,978		
Glue	4,709,605	5,621	1,703,984	184,542	1,888,526	
Gold leaf and foil	1,411,431	365	1,411,066	2,953	1,414,019	.02
Gunpowder	4,011,839	170,109	4,841,730	27	4,841,757	
Hair-cloth	467,750	4,863	2,434,726	347,628	3,028,481	19.60
Hair-work	1,971,839			246,127		
Hats, &c	28,073,930	194,505	27,879,425	488,133	28,367,558	1.72
Hoop-skirts and corsets	4,758,290	72,047	4,686,243		4,686,243	
Hosiery:						
Cotton	18,411,564	(*)	18,411,564	4,653,583	23,519,080	21.71
Woolen				453,933		
India-rubber and elastic goods	14,566,374	185,844	14,380,530	3,638,841	18,019,371	20.19
Ink, printing and writing	966,802	(*)	966,802	83,098	1,049,900	7.91
Iron and steel, and manufactures of:						
Iron—						
Bar, &c	128,062,627	26,024	128,036,603	3,028,213	131,064,816	2.31
Scales and balances	2,823,816	116,965	2,706,851		2,706,851	
Screws	3,425,473	(*)	3,425,473	34,704	3,460,177	1.00
Sewing-machines and fixtures	15,847,304	2,233,326	13,613,978	57	13,614,035	
Wire and wire-work	8,017,625		8,017,625	137,450	8,155,075	1.68
Other manufactures of, including machinery, steam-engines, &c	140,003,698	3,012,833	136,990,865	20,710,323	157,701,188	13.13
Steel—						
Cutlery	5,622,801	176,595	5,446,206	1,709,029	7,155,235	23.88
Edge-tools	5,482,539	298,652	5,183,887	244,978	5,428,865	4.53
Fire-arms	5,582,258	5,015,732	566,526	554,965	1,121,491	49.48
Needles and pins	955,854	(*)	955,854	389,702	1,345,556	28.96
Saws	3,175,289	11,369	3,163,920	66,379	3,230,299	2.05
Steel pens	180,000		180,000	77,765	257,765	30.17
Other manufactures of	4,578,382	111,401	4,466,981	5,535,634	10,002,615	55.34
Japanned ware	216,145		216,145	23,335	239,480	9.74
Jewelry and manufactures of gold and silver	22,321,029	59,711	22,261,318	723,618	22,984,936	3.15
Lamps, lanterns, and locomotive head-lights	995,289	186,008	809,281		809,281	
Lead:						
Bar and pig	2,246,883	28,315	18,298,881	3,530,826	22,006,488	16.85
Manufactures of	14,080,313			176,771		
Leather	157,230,597	111,077	157,226,529	6,141,487	163,268,007	3.76
Boots and shoes	181,644,090	419,612	181,224,478	(*)	181,224,478	
Saddlery and harness	32,709,981	55,379	32,654,602	61,189	32,715,791	0.19
Gloves and other manufactures of	8,556,564	87,263	8,469,301	4,012,700	12,482,001	32.14
Matches	3,540,008	172,701	3,367,307		3,367,307	
Marble manufactures	30,233,514	180,273	30,053,241	664,991	30,718,232	2.16
Musical instruments	13,905,908	267,400	13,638,508	704,593	14,343,101	4.91
Oils:						
Animal	9,728,667	125,509	9,603,158	1,469,731	26,980,419	5.44
Fish	3,993,139	1,022,710	2,970,429			
Vegetable	13,249,241	312,140	12,937,101			
Oil-cloth, floor	4,211,579		4,211,579	64,521	4,276,100	1.51
Paints and colors	16,932,405	109,906	16,823,499	1,125,173	17,948,672	6.27
Paper	48,676,935	514,592	48,162,343	1,646,078	49,808,421	3.55
Paper-hangings	2,165,510	(*)	2,165,510	115,021	2,280,531	5.04
Percussion-caps	290,000	(*)	290,000	54,356	344,356	15.74

* Not separately specified. † Plate-glass, 1,447,283.

Statement showing the amount of the principal manufactured articles subject to customs duties produced in the United States, &c.—Continued.

Manufactured articles.	Produced in the census year 1870.	Exported during the fiscal year 1870.	Consumption of domestic, during the year.	Imported for consumption during the fiscal year 1870.	Total consumption in the year.	Percentage of, imported.
Perfumery, cosmetics, and fancy soaps	$2,029,582	$284,315	$1,745,267	$407,955	$2,153,222	18.94
Pipes, tobacco	447,330	.....	447,330	280,345	727,675	.....
Plated ware	8,142,150	29,679	8,112,471	92,050	8,204,521	.92
Saltpeter	66,280	.....	66,280	358,139	424,419	84.38
Silk manufactures	12,740,762	11,648	12,729,114	24,257,671	36,986,785	65.58
Starch	5,994,422	107,187	5,887,235	17,642	5,904,877	.28
Stone-ware and earthen-ware	6,045,536	40,949	6,004,587	4,460,228	10,464,815	42.62
Straw goods	7,282,086	10,438	7,271,648	1,189,130	8,460,778	14.05
Sugars, refined	108,941,911	555,482	108,386,429	39,077	108,425,506	.03
Tobacco:						
Cigars	35,503,867	9,584	35,494,283	1,690,866	37,185,149	4.54
Other manufactures of	36,258,177	1,595,221	34,662,956	25,788	34,688,744	.07
Trunks, valises, &c	7,725,488	75,389	7,650,099	.....	7,650,099	.....
Types, stereotype-plates, &c	2,180,001	(*)	2,180,001	22,310	2,202,311	10.13
Umbrellas	4,098,032	844	4,097,188	39,491	4,136,679	.95
Varnish	4,991,405	46,985	4,944,420	88,236	5,032,656	1.75
Watches and watch materials	2,394,361	4,335	2,390,026	2,823,253	5,213,279	54.15
Wood, manufactures of, lumber, manufactures of, doors, sashes, shingles, &c	303,545,452	8,990,434	294,555,018	8,033,233	302,588,251	2.65
Wooden-ware	4,142,124	258,347	3,883,777	(*)	3,883,777	.....
Wool, manufactures of	151,298,196	†177,223	173,211,304	†37,975,206	211,186,510	17.98
Worsted goods	22,090,331					
Zinc, manufactures of	1,224,447	92,159	1,132,288	947,053	2,079,341	45.06

Statement received from the American Iron and Steel Association of the amount of iron and steel, and manufactures thereof, produced in the United States during the year 1876.

Commodities.	Production in 1876.	Exported during the fiscal year 1876-77.	Consumption of domestic during the year 1877.	Imported for consumption during the year 1876-77.	Total consumption during the year.	Percentage of, imported.
Pig-iron	$40,000,000	$59,029	$39,910,971	$1,664,280	$41,575,251	4.00
Bar, angle, &c	27,500,000	194,775	27,305,225	1,394,922	28,700,147	4.08
Plate and sheet	11,500,000	35,723	11,464,277	509,976	11,974,253	4.26
Iron rails	13,700,000	243,811	13,456,189	117,081	13,575,270	.85
Nails	11,500,000	319,584	11,180,416	63	11,180,479	.....
Steel rails	17,000,000	.....	17,000,000	125,408	17,125,408	.73
Other steel	12,800,000	6,378,400	6,421,510	3,882,833	10,304,343	37.68

Statement showing the amount of the principal manufactured articles subject to customs duties in the United States during the year ended June 30, 1880, *the amount thereof exported and remaining for consumption, the amount imported for consumption, and the total consumption within the country, with the percentage of the amount imported.*

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Percentage of, imported.
Agricultural implements	$68,640,486	$2,245,742	$66,394,744	.....	$66,394,744	.....
Beer, ale, and porter	101,058,385	298,818	100,759,567	$754,293	101,513,860	.74
Bells and bell and bronze metals	1,065,824	15,866	1,049,958	5,185	1,055,143	.49
Billiard tables and apparatus	2,289,758	28,390	2,261,368	.....	2,261,368	.....
Blacking	1,491,474	163,021	1,328,453	56,958	1,385,411	4.11
Bone-black, ivory-black, and lamp-black	661,376	66,069	595,307	.....	595,307	.....
Books, pamphlets, maps, and other publications	11,976,764	626,630	11,350,134	2,510,492	13,860,626	18.11
Brass	27,332,483	183,468	27,149,015	414,224	27,563,239	1.50
Bread and breadstuffs:						
Barley malt	18,273,102	(*)	18,273,102	328,900	19,102,002	4.34
Bread and biscuit	65,824,896	686,158	65,138,738	25,113	65,163,851	.04
Wheat-flour, corn-meal, rye-flour, &c	505,185,712	36,339,286	468,846,426	72,338	468,918,764	.01
Maizena, farina, and all other preparations of breadstuffs used as food	2,493,224	2,439,098	54,126	185,217	239,343	77.49
Brick and tile, drain-pipe and terra-cotta ware	33,868,131	50,276	33,817,855	113,210	33,931,065	.33
Brooms and brushes of all kinds	10,560,855	110,410	10,450,445	371,138	10,821,583	3.43
Buttons	4,449,542	(*)	4,449,542	3,853,596	8,303,138	46.41
Carriages, carts, and parts of	76,971,137	823,702	76,147,435	88,396	76,235,831	.12
Cars, railroad, passenger and freight	27,997,591	583,723	27,413,868	.....	27,413,868	.....
Chocolate	1,302,153	2,142	1,300,011	27,442	1,327,453	2.07
Clocks and watches, and parts of	15,034,339	1,453,237	13,581,102	1,771,291	15,352,393	11.54
Coffee, cocoa, and spices, including ginger, pepper, and mustard	22,924,894	93,238	22,831,656	2,144,377	24,976,033	8.59
Coke	5,359,489	(*)	5,359,489	18,406	5,377,895	.34
Combs	951,395	16,098	935,297	231,727	1,167,024	19.85
Copper	2,087,773	793,455	1,294,318	432,522	1,726,840	25.06
Cordage, rope and twine of all kinds, not elsewhere specified	12,492,171	356,808	12,135,363	.....	12,135,363	.....
Cotton	b277,172,086	9,981,418	267,190,668	25,723,252	292,913,920	8.78
Drugs, chemicals, and medicines, not elsewhere specified	59,657,491	2,938,278	56,719,213	13,085,322	74,354,823	17.69
Dye-stuffs	5,253,038	702,750	4,550,288			
Earthen, stone, and china ware	7,942,729	106,724	7,836,005	5,500,994	13,336,999	41.25
Fancy articles, not elsewhere specified	23,447,321	518,198	22,929,123	4,769,064	27,698,187	17.22
Flax, hemp, and jute	19,331,624	1,263,655	18,067,969	24,698,675	42,766,644	57.75
Fruits, preserved, in cans or otherwise	17,599,576	435,290	17,164,286	393,974	17,558,260	2.24
Furs and fur-skins	8,238,712	5,404,418	2,834,294	3,823,969	6,658,263	57.43

*Not separately specified. †Not including carpets. b Included mixed textiles.

Statement showing the amount of the principal manufactured articles subject to customs duties in the United States, &c.—Continued.

Manufactured articles.	Produced in the census year 1880.	Exports, domestic, during the year ended June 30, 1880.	Consumption of domestic, during the year 1880.	Imported for consumption during the year ended June 30, 1880.	Total consumption in the year.	Percentage of, imported.
Gas fixtures and chandeliers	$4,329,656	$36,237	$4,293,419		$4,293,419	
Glass and glass-ware	23,689,580	749,866	22,939,714	$5,133,285	28,072,999	18.29
Glucose	4,551,212	103,771	4,447,441	133,614	4,581,055	2.92
Glue	4,324,072	22,650	4,301,422	280,149	4,581,571	6.12
Hair	1,467,723	24,552	1,443,171	181,096	1,624,267	11.15
Hats, caps, and bonnets:						
Of wool, fur, and silk	8,516,569	198,639	8,317,930	6,420	8,324,350	.08
Of palm-leaf, straw, &c	32,866,116	23,094	32,843,022	1,244,955	34,087,977	3.65
Ice, artificial	544,763		544,763		544,763	
India-rubber and gutta-percha:						
Boots and shoes	9,705,724	28,072	9,677,652	50	9,677,702	
All other manufactures	15,603,924	278,608	15,325,316	285,345	15,610,661	1.83
Iron and steel:						
Iron—						
Sheet, band, and hoop	262,351	15,401	246,950	1,455,041	1,701,991	85.54
Nails and spikes	5,629,240	287,939	5,341,301	2,719	5,344,020	.05
All other manufactures	585,927,289	8,671,068	577,256,221	30,986,929	608,243,150	5.09
Steel—						
Ingots, bars, sheets, and wire	19,964,423	15,223	19,949,200	1,710,190	21,659,390	7.90
Cutlery and edge-tools	15,897,938	998,004	14,899,934	1,722,603	16,622,537	10.36
Files and saws	6,429,638	31,118	6,398,520	155,506	6,554,026	2.37
Fire-arms	5,736,936	2,286,091	3,449,845	751,999	4,201,844	17.90
All other manufactures	8,195,501	311,674	7,883,827	6,808,156	14,691,983	46.34
Jewelry and other manufactures of gold and silver	33,896,910	231,531	33,665,379	289,241	33,954,620	.85
Lamps	3,357,829	263,110	3,094,719		3,094,719	
Lead	5,600,671	49,899	5,550,772	251,827	5,802,599	4.34
Leather:						
Morocco and other fine sole, upper, and other	208,587,421	5,744,360	202,843,061	7,614,471	210,457,532	3.62
Boots and shoes	196,920,481	441,069	196,479,412			
Saddlery and harness	38,081,643	133,705	37,947,938	4,155,010	248,386,021	1.67
All other manufactures of, not elsewhere specified	10,244,713	441,052	9,803,661			
Lime and cement	5,772,318	52,584	5,719,734	389,116	6,108,850	6.37
Manures	23,650,795	588,777	23,062,018		23,062,018	
Marble and stone	33,210,014	453,912	32,756,102	765,732	33,521,834	2.28
Matches	4,668,446	119,246	4,549,200	14,879	4,564,079	.33
Mathematical, philosophical, and optical instruments	4,398,435	87,161	4,311,274	26,941	4,338,215	.62
Metals, metal compositions, and manufactures of	51,608,461		51,608,461	1,096,737	52,705,198	2.08
Musical instruments, all kinds	19,254,739	811,177	18,443,562	898,622	19,342,184	4.64
Naval stores: tar, turpentine, and pitch	5,876,983	2,452,908	3,424,075	11,894	3,435,969	.35
Oil-cloth	5,814,487	7,034	5,807,553	92,733	5,900,286	1.57
Oils:						
Mineral—						
Naphthas	2,990,678	1,192,229	1,798,449			
Illuminating	37,349,613	31,783,575	5,566,038	64	11,868,285	
Lubricating	5,542,858	1,039,124	4,503,734			
Residuum	1,724,370	276,490	1,447,880		1,447,880	
Animal—						
Lard	4,721,066	816,447	3,904,619		3,904,619	
Neat's-foot and other	259,086	23,519	235,567	6,307	241,874	2.61
Vegetable—						
Cotton-seed and oil-cake	7,690,921	9,485,241	c1,794,320			
Linseed	15,393,812	31,214	15,362,598	741,160	14,992,584	4.95
Volatile or essential	902,758	219,612	683,146			
Oleomargarine	6,892,939	2,582,640	4,310,299		4,310,299	
Ordnance stores: gunpowder and ammunition	9,088,127	772,944	8,325,183	239,304	8,564,487	2.79
Paints and painters' colors	25,390,767	231,774	22,958,993	1,065,964	24,024,957	4.44
Paper and stationery	180,179,380	1,183,140	178,996,240	1,795,625	180,791,865	.99
Perfumery	2,203,004	302,993	1,900,011	382,686	2,282,697	16.77
Plated ware, of silver or other metal	11,113,742	292,563	10,821,179		10,821,179	
Printing presses and type	3,476,303	251,227	3,225,076		3,225,076	
Provisions:						
Beef and pork (slaughtering and packing)	303,562,413	75,294,258	228,268,155	79,244	228,347,399	.03
Butter and cheese	25,742,510	18,862,407	6,880,103	538,576	7,418,679	7.26
Lard	23,195,702	27,920,367	c4,724,665	75		
Pickles, preserves, and sauces	2,407,342	17,158	2,390,184	300,872	2,691,056	11.18
Salt	5,191,222	6,613	5,184,609	1,750,175	6,934,784	25.24
Scales and balances	3,252,460	199,412	3,053,048		3,053,048	
Sewing-machines, and parts of	15,928,025	1,649,367	14,278,658		14,278,658	
Silk and silk goods	41,033,045	63,013	40,970,032	31,460,947	72,430,979	43.44
Soap and candles	26,552,627	966,316	25,586,311	311,380	25,897,691	12.02
Spirits, distilled	41,394,896	3,027,545	38,367,351	1,751,134	40,118,485	4.36
Starch	7,477,742	447,842	7,029,900	40,702	7,070,602	.58
Sugar and molasses:						
Refined sugar and molasses	155,484,915	3,257,166	152,227,749	8,979,511	161,207,260	5.57
Candy and confectionery	25,637,033	81,757	25,555,276	9,140	25,564,416	.04
Tallow and grease	14,095,061	8,598,456	5,496,605	193,488	5,690,093	3.40
Tin	606,929	144,185	462,744	16,580,097	17,042,841	97.29
Tobacco:						
Cigars	63,979,575	67,821	63,911,754	2,293,749	66,205,503	3.46
All other manufactures of	54,690,591	1,995,345	52,695,246	46,358	52,741,604	.09
Trunks	7,252,470	183,758	7,068,712		7,068,712	
Umbrellas, parasols, and sunshades	6,917,463	8,230	6,909,233	59,732	6,968,965	.86
Varnish	5,721,174	96,062	5,625,112	120,189	5,745,301	2.09
Vinegar	3,418,038	4,123	3,413,915	34,918	3,448,833	1.01
Wearing apparel	279,684,847	486,233	279,198,614	d1,009	279,199,623	
Whalebone	526,777	255,857	270,930	1,190	271,120	.07
Wine	2,109,193	123,317	1,985,876	5,649,034	7,634,910	74.00
Wood:						
Household furniture	77,845,725	1,653,878	76,191,847	5,147,784	76,339,631	.19
Wooden ware	5,235,474	331,137	4,904,337			
All other manufactures of	380,798,266	10,804,375	369,993,891	6,005,277	380,903,505	1.58
Wool:						
Carpets	32,654,512	8,530	32,645,982	1,313,352	33,959,334	3.87
All other manufactures of, not elsewhere specified	240,454,116	208,046	240,246,070	30,514,775	270,760,845	11.27
Zinc	2,725,165	119,264	2,605,901	585,721	3,191,622	18.36

c Excess of exports. d Mostly included in cotton, silk, and wool manufactures.

JOSEPH NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 2, 1883.

Mr. COX, of New York. And I have some more telegrams. [Laughter.]

The SPEAKER. The question is upon concurring in the report of the committee of conference.

Mr. KELLEY. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 116, not voting 23; as follows:

YEAS—152.

Aldrich,	Fulkerson,	Lynch,	Shelley,
Anderson,	George,	Mackey,	Sherwin,
Barr,	Godshalk,	Marsh,	Shultz,
Belford,	Grout,	Mason,	Skinner,
Beltzhoover,	Guenther,	McCoid,	Smalls,
Bingham,	Hall,	McCook,	Smith, A. Herr
Bisbee,	Hammond, John	McLean, Jas. H.	Smith, Dietrich C.
Bliss,	Hardenbergh,	Miles,	Smith, J. Hyatt
Bowman,	Hardy,	Moore,	Spaulding,
Brewer,	Harmer,	Morey,	Speer,
Briggs,	Harris, Benj. W.	Morse,	Spooner,
Browne,	Harris, Henry S.	Mutchler,	Steele,
Buck,	Haskell,	Neal,	Stone,
Burrows, Julius C.	Hazelton,	Norcross,	Strait,
Burrows, Jos. H.	Heilman,	O'Neill,	Thomas,
Butterworth,	Henderson,	Pacheco,	Townsend, Amos
Calkins,	Hepburn,	Page,	Tyler,
Camp,	Hill,	Parker,	Updegraff,
Candler,	Hiscock,	Payson,	Valentine,
Cannon,	Hitt,	Peelle,	Van Aernam,
Carpenter,	Horr,	Peirce,	Van Horn,
Caswell,	Houk,	Pettibone,	Van Voorhis,
Chace,	Hubbs,	Pound,	Wadsworth,
Crapo,	Humphrey,	Randall,	Wait,
Crowley,	Jacobs,	Ranney,	Walker,
Cullen,	Jadwin,	Ray,	Ward,
Davis, George R.	Jones, Phineas	Reed,	Washburn,
Deering,	Jorgensen,	Rich,	Watson,
De Motte,	Joyce,	Richardson, D. P.	Webber,
Dezendorf,	Kasson,	Ritchie,	West,
Dingley,	Kelley,	Robeson,	White,
Doxey,	Ketcham,	Robinson, Geo. D.	Williams, Chas. G.
Dunnell,	Klotz,	Ross,	Willits,
Dwight,	Lacey,	Ryan,	Wilson,
Ermentrout,	Ladd,	Scoville,	Wise, George D.
Farwell, Chas. B.	Lewis,	Scranton,	Wise, Morgan R.
Farwell, Sewell S.	Lindsey,	Sessinghaus,	Wood, Walter A.
Fisher,	Lord,	Shallenberger,	Young.

NAYS—116.

Aiken,	Cook, Philip	Hoge,	Rice, Theron M.
Armfield,	Covington,	Holman,	Richardson, J. S.
Atherton,	Cox, Samuel S.	House,	Robertson,
Atkins,	Cox, William R.	Hubbell,	Robinson, Jas. S.
Barbour,	Culberson,	Hutchins,	Robinson, Wm. E.
Bayne,	Davidson,	Jones, Geo. W.	Rosecrans,
Beach,	Davis, Lowndes H.	Jones, James K.	Scales,
Belmont,	Dawes,	Kenna,	Simonton,
Berry,	Deuster,	King,	Singleton, Otho R.
Blackburn,	Dibrell,	Knott,	Sparks,
Blanchard,	Dowd,	Latham,	Springer,
Bland,	Dugro,	Leedom,	Stockslager,
Blount,	Dunn,	Le Fevre,	Talbott,
Bragg,	Ellis,	Manning,	Taylor, Ezra B.
Brumm,	Errett,	Martin,	Taylor, Joseph D.
Buchanan,	Evins,	Matson,	Thompson, P. B.
Buckner,	Flower,	McKenzie,	Townshend, R. W.
Cabell,	Ford,	McKinley,	Tucker,
Caldwell,	Forney,	McLane, Robt. M.	Turner, Henry G.
Campbell,	Garrison,	McMillin,	Turner, Oscar
Carlisle,	Geddes,	Miller,	Upson,
Cassidy,	Gibson,	Mills,	Urner,
Chapman,	Gunter,	Money,	Vance,
Clark,	Hammond, N. J.	Morrison,	Warner,
Clements,	Haseltine,	Moulton,	Wellborn,
Cobb,	Hatch,	Muldrow,	Wheeler,
Colerick,	Herbert,	Murch,	Whitthorne,
Converse,	Hewitt, Abram S.	Reese,	Williams, Thomas
Cook, John C.	Hoblitzell,	Rice, John B.	Willis.

NOT VOTING—23.

Black,	Herndon,	Oates,	Rice, Wm. W.
Clardy,	Hewitt, G. W.	Paul,	Russell,
Cornell,	Hooker,	Phelps,	Singleton, Jas. W.
Cravens,	McClure,	Phister,	Thompson, Wm. G.
Curtin,	Mosgrove,	Prescott,	Wood, Benjamin.
Darrall,	Nolan,	Reagan,	

The following additional pairs were announced:

Mr. RICE, of Massachusetts, with Mr. REAGAN.

Mr. THOMPSON, of Iowa, with Mr. CLARDY.

Mr. MCCLURE with Mr. HEWITT of Alabama.

The SPEAKER. On this question the yeas are 152, the nays 116. The conference report is adopted. [Applause.]

Mr. KELLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. MONEY, by unanimous consent, submitted the views of the minority of the Committee on Education and Labor on the bill (H. R. 6204) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which were ordered to be printed.

APPROVAL OF HOUSE BILLS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed House bills and joint resolutions of the following titles:

An act (H. R. 7193) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation in the State of Nebraska;

Joint resolution (H. Res. 355) to authorize Major William Ludlow, United States Army, to accept a civil position;

An act (H. R. 6900) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1884, and for other purposes;

An act (H. R. 2871) to provide for the extension of the Capitol, North O Street and South Washington Railway;

An act (H. R. 1078) to authorize the Seneca Nation of Indians, of the State of New York, to grant title to lands for cemetery purposes;

An act (H. R. 2013) referring to the Court of Claims the claim of Gallus Kirchner;

An act (H. R. 7321) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. 5387) providing for the pay of Rear-Admiral Roger N. Stembel;

An act (H. R. 7486) to prevent the importation of adulterated and spurious teas;

Joint resolution (H. Res. 358) to provide for the publication of the memorial addresses delivered upon the life and character of Hon. John W. Shackelford, of North Carolina;

An act (H. R. 6425) to increase the pension of Robert Henne;

An act (H. R. 5808) to rerate the pension of Frank S. Sowers;

An act (H. R. 5384) restoring the name of James W. Akin to the pension-roll;

An act (H. R. 3106) restoring the name of Mary J. Stover to the pension-roll;

An act (H. R. 2912) granting relief to the heirs of Kunigunda A. Miller, deceased;

An act (H. R. 984) for the relief of Ralph P. Ford;

An act (H. R. 2877) for the relief of William M. Meredith;

An act (H. R. 4562) for the relief of Julia A. Stimers;

An act (H. R. 361) granting a pension to Wellington V. Heusted;

An act (H. R. 507) granting a pension to Mrs. Maria Worthington;

An act (H. R. 1188) granting a pension to Thomas Allcock;

An act (H. R. 1291) granting a pension to D. D. Edwards;

An act (H. R. 1341) granting a pension to James B. White;

An act (H. R. 1581) granting a pension to Mary A. Conken;

An act (H. R. 2095) granting a pension to Esther M. Carey;

An act (H. R. 4387) granting a pension to Anthony B. Graves;

An act (H. R. 5118) granting a pension to Elizabeth Weinstein;

An act (H. R. 5906) granting a pension to Harriet N. Abbott;

An act (H. R. 6400) granting a pension to Mrs. Orpah Meacham;

An act (H. R. 6524) granting a pension to George C. Rust;

An act (H. R. 6833) granting a pension to Kate Quilligan;

An act (H. R. 6943) granting a pension to the widow of the late Major-General G. K. Warren;

Joint resolution (H. Res. 359) to print 5,000 copies of the report of the board on behalf of the United States Executive Departments at the international exhibition of 1876;

Joint resolution (H. Res. 324) to provide for the deficiencies in the appropriations for salaries of officers, clerks, messengers, and others in the service of the House of Representatives for the fiscal year ending June 30, 1883;

An act (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 7181) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 7049) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1884, and for other purposes.

An act (H. R. 7597) to admit free of duty articles intended for the national mining and industrial exposition to be held at Denver, in the State of Colorado, during the year 1883;

An act (H. R. 7623) relative to the Southern exposition to be held in the city of Louisville, State of Kentucky, in the year 1883;

An act (H. R. 5674) for the relief of Edward Bellows;

An act (H. R. 2156) for the relief of certain owners of the steamer Jackson;

An act (H. R. 7682) to authorize the construction of a bridge across

the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Missouri;

An act (H. R. 7077) making appropriations for the support of the Army for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 1410) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes;

An act (H. R. 1860) granting a pension to Daniel M. Morley;

An act (H. R. 3743) granting a pension to Miss Amanda Stokes;

An act (H. R. 5103) granting a pension to Margery Nightengale;

An act (H. R. 5558) granting a pension to Mrs. Susan Bayard;

An act (H. R. 6923) granting a pension to Mrs. Helen M. Thayer;

An act (H. R. 7191) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 7115) to authorize the construction of a bridge across the Thames River, near New London, in the State of Connecticut, and declare it a post-route; and

An act (H. R. 1443) granting a pension to Edgar B. Lamphier.

ORDER OF BUSINESS.

Mr. VALENTINE. I move to suspend the rules, so as to take from the Speaker's table and pass Senate bill No. 1492.

Mr. REED. I ask that the tariff bill which has just been passed be printed. I think there will be no objection to this request. If this be not done the bill will not be before the public for some time, perhaps.

The SPEAKER. Printed in what form?

Mr. REED. The type is all standing, as I am informed.

The SPEAKER. The gentleman from Maine asks unanimous consent that the bill just passed by the adoption of the conference report be printed in the form of a bill with the present type. Is there objection?

Mr. SPRINGER. I object. I desire to have it printed in pamphlet form—not in this voluminous shape. We ought to have 50,000 extra copies.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves to suspend the rules so as to take from the Speaker's table and pass a bill the title of which will be read by the Clerk.

The Clerk read as follows:

A bill (S. 1492) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry—whether or not the "Pound rule" is operating?

The SPEAKER. The "Pound rule" is operating when it is called up. This motion is pending now.

Mr. HOLMAN. I wish to reserve the right to demand a division on this motion to suspend the rules.

The SPEAKER. The gentleman will have the right.

Mr. THOMPSON, of Kentucky. I rise to a point of order. I submit we must now proceed for one hour to consider bills from committees under the Pound rule.

The SPEAKER. The Pound rule is in operation, of course.

Mr. THOMPSON, of Kentucky. I make that point of order.

Mr. VALENTINE. My motion is to suspend that and all other rules for the purpose of passing this bill.

Mr. TOWNSHEND, of Illinois. I move that the House take a recess until 8 o'clock.

The SPEAKER. The gentleman has not the floor to make that motion.

Mr. WASHBURN. Is it in order to move a recess?

The SPEAKER. The Chair can recognize no gentleman. The Chair is waiting for members to take their seats and preserve order in the Hall. The gentleman from Nebraska was recognized to move to suspend the rules and pass a bill the title of which has been stated.

Mr. THOMPSON, of Kentucky. And upon that I make the point of order.

The SPEAKER. The gentleman from Kentucky makes the point of order that the first business in order is the call of committees under the Pound rule. The Chair sustains the point of order and will call the committees.

The Committee on Public Expenditures was called.

Mr. THOMPSON, of Kentucky. I ask unanimous consent to set aside the Pound rule.

Mr. BURROWS, of Michigan. I rise to make a privileged motion. When the committees were called on yesterday I stated that the gentleman from South Carolina, from the Committee on Territories, had been authorized to submit a motion, but was temporarily absent when that committee was reached. I then made a request, which I understand was acceded to, that the call should rest with that committee when this hour next begun.

The SPEAKER. The Committee on Territories was called and passed over because the gentleman from South Carolina was not in his seat. The Chair will again make the request for unanimous consent that he be allowed to return to that committee and call it now. Is there objection?

Mr. SPARKS I move to take a recess until 8 o'clock.

Mr. THOMPSON, of Kentucky. Regular order.

The SPEAKER. The regular order is that the House be in order.

Mr. WASHBURN. I wish to make a privileged motion.

The SPEAKER. The gentleman from South Carolina will be recognized without objection.

The Committee on the Territories was called.

Mr. HOLMAN. I have been seeking, sir, to answer the inquiry of the Chair as to whether or not there was objection to this proceeding. When the same inquiry was made on a former occasion I endeavored then also to obtain the floor to object. I stated then as I state now that I shall object unless the bill is named.

The SPEAKER. The gentleman from Indiana objects.

Mr. HOLMAN. Until the bill is named I do.

The SPEAKER. The gentleman from Indiana states that he objected in time to the call of the Committee on Territories.

Mr. HOLMAN. As I have stated, unless the name of the bill is given.

The SPEAKER. The gentleman must make an unqualified objection or none.

Mr. SPARKS. I object.

The SPEAKER. Objection being made, the Chair is unable to entertain the request.

Mr. WASHBURN. I move that the House take a recess until 8 o'clock.

The SPEAKER. Before submitting the motion that the House take a recess, the Chair desires to lay before the House certain executive communications and requests of members.

CRUISE OF REVENUE-CUTTER CORWIN.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a House resolution, the observations and notes on glaciation, birds, natural history, &c., made upon the cruise of the revenue-cutter Corwin in 1881; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE TO PRINT.

By unanimous consent, leave was granted to print remarks in the RECORD, as follows:

To Mr. CHAPMAN on the tariff bill, and to Mr. PARKER upon pending bills relating to the manufacture and sale of oleomargarine. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HOLMAN to withdraw the papers accompanying House bill 5969, to provide for the payment of female nurses who served during the late war; upon which bill no report has been made.

ORDER OF BUSINESS.

The SPEAKER. The pending motion is the motion of the gentleman from Minnesota [Mr. WASHBURN] that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

ALLEGED CORRUPTION IN INVESTIGATING CERTAIN CLAIMS.

Mr. BRIGGS, from the Committee on Expenditures in the War Department, submitted the report of that committee relative to the investigation made by them under the resolution of the House of April 7, 1882; which was ordered to be printed and laid on the table.

REPORT OF THE COMMISSIONER OF EDUCATION.

Mr. VAN HORN. I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1881 there be printed 4,000 copies for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

Mr. RANDALL. I ask to amend that. I desire to increase the number of copies for the use of the House and Senate and decrease the number to the Department.

The SPEAKER. In what respect?

Mr. RANDALL. I would say 12,000 for the use of the House, 6,000 for the Senate, and the remainder, completing the aggregate, for the Department.

Mr. VAN HORN. I accept the amendment.

Mr. TOWNSHEND, of Illinois. I hope no amendment will be made to that resolution, as it will imperil its passage.

Mr. VAN HORN. I think not.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in ac-

cordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and the bill (H. R. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the late Daniel Carroll, deceased, by the regrading of the streets around square No. 736 in the city of Washington; in which amendments concurrence of the House of Representatives was requested.

The message further announced that the Senate had passed House bills of the following titles:

A bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777; and

A bill (H. R. 684) to offer assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

The message further announced that the Senate had passed a joint resolution, 139, authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; in which concurrence of the House of Representatives was requested.

THE FLOOR OF THE HOUSE.

Mr. BELFORD. I ask that I may have the attention of the House for one moment. I desire to state that the wives of a number of members of Congress are desirous of witnessing the closing scenes of this House. They can not secure seats in the galleries. I therefore ask unanimous consent that they be permitted to occupy seats on the floor of the House.

Several members objected.

Mr. BELFORD. Then, Mr. Speaker, I desire to inquire whether they are not permitted to be on the floor under the rule?

The SPEAKER. They are not.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the bill H. R. 7637, the general deficiency appropriation bill, be taken from the Speaker's table, that the House non-concur in the Senate amendments thereto, and ask for a committee of conference.

Mr. THOMPSON, of Kentucky. I object.

Mr. CANNON. I move to suspend the rules for the purpose I have indicated.

The question being taken on suspending the rules, there were—ayes 102, noes 8.

So (further count not being called for) the rules were suspended, more than two-thirds voting in favor thereof, and the House non-concurred in the Senate amendments to the bill and agreed to ask for a committee of conference.

The SPEAKER. The Chair announces as the conferees on the part of the House Mr. HISCOCK of New York, Mr. ROBESON of New Jersey, and Mr. COX of New York.

REPORT OF COMMISSIONER OF EDUCATION.

The SPEAKER. The question is on agreeing to the report submitted from the Committee on Printing by the gentleman from Missouri [Mr. VAN HORN].

Mr. RANDALL. I desire to offer an amendment so that there shall be 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 5,000 for the Department. I hope the gentleman from Missouri will admit that amendment.

Mr. VAN HORN. I accept the amendment.

The SPEAKER. If there be no objection the amendment will be considered as agreed to.

There was no objection.

The resolution as amended was adopted.

ORDER OF BUSINESS.

Mr. VAN HORN. I desire to present another report.

Mr. PAGE. I ask that the House be in order.

The SPEAKER. Members will please take their seats.

Mr. BROWNE. I desire to inquire if it would not be quite as well for gentlemen who have bills and reports to present to do so from their seats.

The SPEAKER. The Chair thinks it would.

Mr. BROWNE. I think that would be better instead of their coming forward and filling the aisles.

PROCEEDINGS OF THE YORKTOWN CENTENNIAL CELEBRATION.

Mr. VAN HORN. I am directed by the Committee on Printing to report back with a favorable recommendation the Senate concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That 10,000 additional copies of the proceedings of the Yorktown centennial celebration be printed, of which 6,000 shall be for the use of the House and 4,000 for the use of the Senate.

Mr. DUNNELL. I desire to offer an amendment to that resolution.

The Clerk read the proposed amendment, as follows:

Insert at the end of the resolution: "and that there be printed 8,000 copies of volume 3 of the report on forestry, by Dr. Hough, 6,000 for the use of the House and 2,000 for the use of the Senate."

Mr. DUNNELL. I hope there will be no objection to the printing of that report; it is a very valuable document.

Mr. SPRINGER. I object. We can not reach that now.

Mr. DUNNELL. The report was made to the House more than a year ago. It is a very valuable public document. Very many calls are made for it, and I hope there will be no objection to the amendment.

Mr. SPRINGER. I make the point that the amendment is not germane to the resolution.

The SPEAKER. It does not seem to be germane to the resolution. The point of order is sustained.

The resolution reported by the Committee on Printing was adopted.

REPORT ON SORGHUM SUGAR INDUSTRY.

Mr. VAN HORN. I am directed by the Committee on Printing to report back with a favorable recommendation the Senate concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences on the sorghum sugar industry be printed with such portions of the appendix and the accompanying exhibits as may be selected by the Joint Committee on Printing. That there be printed 6,500 additional copies, of which 2,000 shall be for the use of the Senate, 3,000 for the use of the House, 1,000 for the use of the Department of Agriculture, and 500 copies for the use of said National Academy of Sciences.

Mr. DUNNELL. Would not the amendment I offered to the other resolution be germane to this? I think there will be no objection to it.

The SPEAKER. Is there objection to the amendment proposed by the gentleman from Minnesota?

Mr. VAN HORN. I have none.

Mr. SPRINGER. I made the point of order.

The SPEAKER. But it is offered as an amendment to another resolution.

Mr. TALBOTT. The point of order, I understand, is made on the amendment, not on the resolution.

The SPEAKER. It is made on the amendment. The Chair thinks the amendment is not germane to the resolution.

Mr. DUNNELL. I desire to make a single remark and I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Insert at the end of the resolution the following:
"That there be printed 8,000 copies of volume 3 of the report on forestry by Dr. Hough, 6,000 for the use of the House and 2,000 for the use of the Senate."

Mr. SPRINGER. I prefer that proposition should stand on its own merits.

The SPEAKER. The point of order is sustained, and the question is on agreeing to the resolution.

Mr. DUNNELL. I hope, then, the resolution will be voted down. Let us have a division.

The House divided; and there were—ayes 39, noes 9.

Mr. SKINNER. No quorum.

Mr. TALBOTT. I hope the gentleman from New York will withdraw that point.

The SPEAKER. The gentleman from New York [Mr. SKINNER] and the gentleman from Illinois [Mr. SPRINGER] will take their places as tellers.

Mr. SPRINGER. Gentlemen need not think they can force this matter in this way. I am utterly indifferent myself whether this be printed. But I wish the proposition to print the forestry report should come before the House as a distinct proposition and stand upon its own merits. I do not think it is worth printing; and I am willing it should come before the House and stand upon its merits.

The SPEAKER. Then the Chair understands that the point of order is withdrawn against the amendment, and it will be again read.

Mr. SPRINGER. I understand that there is an independent resolution pending before the House now.

The SPEAKER. The Chair understood the gentleman to withdraw his point of order against the amendment.

Mr. SPRINGER. No, sir; I said I was willing that it should come up on its own merits.

The SPEAKER. Then, as the gentleman from New York [Mr. SKINNER] makes the point of order that no quorum has voted, tellers will be ordered.

Mr. TALBOTT. I hope the gentleman will not insist on that point of order.

Mr. SKINNER. I will withdraw the point of order.

The SPEAKER. The point of order being withdraw the concurrent resolution is adopted.

MAPS, ETC., FOR THE CENSUS REPORT.

Mr. VAN HORN, from the Committee on Printing, also reported back with a favorable recommendation Senate joint resolution No. 143, authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census report.

The joint resolution was read, as follows:

Resolved, &c., That the Committee on Printing be, and they are hereby, authorized to instruct the Public Printer to accept private proposals for printing the required number of copies of maps and other illustrations for the census re-

ports from plates or stones which were engraved under special appropriations for printing and engraving for the Tenth Census prior to the act of August 7, 1882, whenever it shall clearly appear that expense can be saved thereby.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

REVISED STATUTES AND LAWS OF THE UNITED STATES.

Mr. VAN HORN also, from the Committee on Printing, reported back with a favorable recommendation Senate bill 2433 to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876.

The bill was read, as follows:

Be it enacted, &c., That an act approved June 20, 1876, be so amended as to increase the number of the pamphlet and bound copies of the laws of the United States to be supplied to the Treasury Department, as provided in sections 6 and 7, from 200 copies to 300 copies; and that the number of pamphlets and bound copies of the laws of the United States printed for distribution by the Secretary of State, as provided in section 5 of the said act, be increased from 2,000 copies to 2,100 copies.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REVISED STATUTES FOR INTERIOR DEPARTMENT.

Mr. VAN HORN also, from the Committee on Printing, reported back with a favorable recommendation Senate joint resolution 95, providing for additional copies of the Revised Statutes for the use of the Interior Department.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of State be, and he is hereby, authorized and directed to deliver to the Secretary of the Interior, for the use of the Department of the Interior and its subordinate bureaus and officers, one hundred copies of the second edition of the Revised Statutes of the United States.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

CONGRESSIONAL DIRECTORY AND CONGRESSIONAL RECORD.

Mr. VAN HORN also, from the Committee on Printing, reported back with a favorable recommendation Senate joint resolution 64, authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD.

The joint resolution was read, as follows:

Resolved, &c., That it shall be lawful for the Public Printer, under the direction of the Joint Committee of the Senate and House of Representatives on Printing, to print for sale, at a price sufficient to reimburse the expenses of such printing, the current Congressional Directory and the current numbers of the CONGRESSIONAL RECORD. The money derived from such sales shall be paid into the Treasury monthly to the credit of the appropriation for public printing, and no sales shall be made on credit.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. VAN HORN moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I have a privileged report from the Committee on Printing.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. It is impossible from the confusion in the Hall to tell what is transpiring at the Clerk's desk.

The SPEAKER. The point of order is well taken, and it is not the fault of the Chair that the House is not in order.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON, of Kentucky. At the time the recess was taken this afternoon the gentleman from South Carolina [Mr. RICHARDSON] had the floor under the Pound rule, and his proposition was not disposed of.

The SPEAKER. This is a privileged matter.

Mr. THOMPSON, of Kentucky. Can the gentleman be taken from the floor by a privileged matter?

The SPEAKER. This is a privileged matter.

REPORT OF FISH AND FISHERIES.

Mr. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation a concurrent resolution of the Senate in regard to the printing of the Report of the Commissioner of Fish and Fisheries for the year 1882.

The resolution was read, as follows:

Resolved by the Senate (the House concurring), That 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1882 be printed; of which 2,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House, 1,500 copies for the use of the Commissioner of Fish and Fisheries, and 500 copies for sale by the Public Printer at a price equal to the additional cost of publication and 10 per cent. thereto added.

The concurrent resolution was adopted.

REPORT OF HEALTH OFFICER OF THE DISTRICT OF COLUMBIA.

Mr. SPRINGER also, from the Committee on Printing, reported back with a favorable recommendation the Senate joint resolution No. 139 authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

The joint resolution was read, as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the report of the health officer of the District of Columbia; 100 for the use of the Senate, 300 for the use of the House of Representatives, and 2,100 for the use of the said health officer of the District of Columbia.

The question was upon ordering the joint resolution to a third reading.

The question was taken; and upon a division there were—ayes 37, noes 21.

So (no further count being called for) the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

BULLETINS OF BUREAU OF ETHNOLOGY.

Mr. SPRINGER also, from the Committee on Printing, reported back with a favorable recommendation the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 3,000 copies each of the bulletins of the Bureau of Ethnology of the Smithsonian Institution, numbers 1 to 12, inclusive, with the necessary illustrations, for the use of the Bureau of Ethnology.

The concurrent resolution was adopted.

REPORT ON SUEZ CANAL.

Mr. SPRINGER also, from the Committee on Printing, reported back with a favorable recommendation the following resolution:

Resolved, That of the report of Professor Nourse on the Suez Canal there be printed 5,000 copies, of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 500 for the Navy Department.

Mr. SPRINGER. This is a report which was called for by the Senate and obtained through the Navy Department as to the condition and workings of the Suez Canal. The fact that the Government is now using this canal for its vessels has induced the Navy Department to ask that this report be printed. I have a special letter from the Secretary of the Navy making the request. The cost will be but small, about $3,000. I hope the resolution will be adopted.

The question being taken, the resolution was not agreed to, there being—ayes 26, noes 61.

Mr. SPRINGER moved to reconsider the various votes by which the resolutions reported from the Committee on Printing were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTH CAROLINA ELECTION CONTEST—LEE VS. RICHARDSON.

Mr. CALKINS. I rise to a question of the highest privilege. In discharge of the duty imposed upon me by the Committee on Elections, I now call up for final disposition the contested-election case of Lee vs. Richardson from the first Congressional district of South Carolina.

Mr. BUTTERWORTH. How much time will this case occupy?

Mr. CALKINS. One hour.

Mr. TALBOTT. What is the report of the committee?

Mr. CALKINS. The majority report is in favor of the sitting member.

Mr. TALBOTT. Then what is the need of bringing it up?

Mr. MORSE. I raise the question of consideration upon this report.

The SPEAKER. The question is, Will the House proceed to consider this contested-election case?

The question being taken, there were—ayes 60, noes 65.

Mr. CALKINS. I call for tellers.

The SPEAKER. No quorum having voted the Chair will appoint tellers. The gentleman from Indiana [Mr. CALKINS] and the gentleman from Massachusetts [Mr. MORSE] will act as tellers.

The House again divided; and the tellers reported—ayes 92, noes 89.

Mr. HAMMOND, of Georgia. I call for the yeas and nays.

The yeas and nays were not ordered, there being ayes 23—less than one-fifth of the last vote.

The SPEAKER. The House decides to proceed with the consideration of the contested-election case.

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. CALKINS] whether he will not call the previous question now?

Mr. WHEELER. I call for tellers on ordering the yeas and nays.

The SPEAKER. The demand comes too late.

Mr. WHEELER. I made the demand immediately after the announcement of the vote.

The SPEAKER. The gentleman is too late.

Mr. WHEELER. My call for tellers was not heard by the Chair; but I made the demand as soon as the Chair announced the vote.

The SPEAKER. The gentleman is not in order.

Mr. WHEELER. I simply wanted to state to the Speaker that there was so much noise he did not hear me the first time I made the demand.

The SPEAKER. The gentleman did not rise in his place and make the request until the result was announced. The gentleman from Indiana [Mr. CALKINS] is entitled to the floor.

Mr. CALKINS. I give notice that in one hour from this time I will call the previous question on the adoption of the resolution reported by the majority of the Committee on Elections. It is nothing more than fair that I should state, before yielding the floor to my colleague on the committee, the gentleman from Tennessee [Mr. PETTIBONE], that there is in this case a minority as well as a majority report.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. Is it in order to move to limit debate on this question to one-half hour?

The SPEAKER. It is not.

Mr. CALKINS. The majority report is in favor of the sitting member, and the minority report is in favor of the contestant. I yield to the gentleman from Tennessee, who has charge of the minority report.

The SPEAKER. The Chair will direct the reading of the resolution reported by the committee.

The Clerk read as follows:

Resolved, That Samuel Lee have leave to withdraw his papers, and this case is dismissed without prejudice.

Mr. PETTIBONE. Mr. Speaker, in the few moments allotted to me on this case, if the House will lend me its ear, I will present the case of the contestant. The testimony is most voluminous. Over 1,000 pages of printed testimony is on our desks. The first Congressional district of South Carolina is composed of the counties of Georgetown, Sumter, Williamsburgh, Horry, Darlington, Marlborough, and Marion. The returns of the State board of canvassers give to the sitting member a majority of over 8,000 votes. If this be an honest majority, if there was an honest election, if the sitting member has been truly declared elected by over 8,000 votes, then it is monstrous that we should unseat him.

But, Mr. Speaker, if that majority was the result of ballot-box stuffing or fraud, which vitiates all things, then it is not right the sitting member should hold his seat for an hour.

Take the case of Georgetown County, embracing nine precincts, eight of which were thrown out and not counted at all. The vote in 1880 was only 919 votes, while the sitting member admits that four years before the vote was 3,836; more than four times as many as voted in 1880. What was the result? Eight of the precincts in Georgetown County were thrown out, as I have said, and were not counted at all. On what pretense were they not counted? They were thrown out, not upon any ground that the vote was not honest; not because any charge of fraud was made; but because the box was sent up by a person who had not a written authority to do it when the law did not demand anything of the kind. Yet, on that pretext, eight precincts in Georgetown County were thrown out, and the entire vote of that county was cut down four votes out of every five. In this way 1,995 votes were taken away in one county from Mr. Lee, when they were cast for him honestly and should have been honestly counted and honestly returned for him.

That was the county of Georgetown. Take now the case of the frauds which were perpetrated in Concord precinct. At this precinct it is claimed by Mr. Richardson and conceded by Mr. Lee that every honest vote cast for Mr. Richardson was 152, because the Republicans refused to vote, as they believed the ballot-box had already been stuffed before the polls opened. Therefore, all who voted were Democrats. That was undeniable. But strange to say when the box was opened a fraudulent excess of forty-one votes was found there. They were all Democratic votes, every one of them. No Republican voted, and not a single Republican ballot was found in the box. It is manifest this fraud was a Democratic fraud. The excess was properly rejected. The managers were Democrats, every one of them. One of the managers swears they found forty-one votes over and above the names on the poll-lists. The only explanation which can be given is that there was a design—a purpose to perpetrate fraud. There was a conspiracy to cheat Mr. Lee out of the vote, not only of that precinct but of all the precincts in that whole district. You can not account for it in any other way.

I have gone over the report which I had the honor to draw, county after county, precinct after precinct. How were these frauds perpetrated? I hold in my hands some tissue ballots. They are as fine as gossamer, twenty or thirty of them, or even forty, were frequently wrapped together and put into the box inside an honest ballot. When they came to count, these were counted as well as others. They were counted in this way: The excess had to be taken out of the box. The managers were Democrats, nine cases out of ten, and they would reach into the box and they could instantly tell the difference between the Democratic and Republican ballots, so that the Republican ballots were taken out and these dishonest ballots were left in the box.

Mr. ATHERTON. In order that we may know what you are claiming in this matter, I wish to ask what county you now refer to?

Mr. PETTIBONE. I refer especially to Georgetown County; but this occurred in all of the counties.

Mr. ATHERTON. Will the gentleman be kind enough to state what others besides Georgetown?

Mr. PETTIBONE. The gentleman knows the facts in evidence; he can examine the matter for himself.

Mr. ATHERTON. No; I do not know that fact. I claim that there is no such evidence anywhere except with reference to Georgetown County. I supposed, as the gentleman made the statement that there were other counties, that he would willingly specify to answer that question.

Mr. PETTIBONE. Now, Mr. Speaker, what is the result of this? I know in the closing hours of this Congress it is too late to do justice to this question. But it is never too late in this business to try to do justice; and the report of this committee shows that there is no question of doubt except in the single district or precinct of Darlington. Now, as to Darlington—as to that precinct—what are the facts? Why, it had always given, down to this election, about 800 Republican majority. It voted about 1,400 votes—from 1,000 to 1,100 Republicans, the balance Democrats. In 1880 it apparently voted the same number, but 800 Republicans were not permitted to go to the polls. Eight hundred went away believing that there was to be another Hamburgh massacre there if they voted.

Now, my friends, how can you account for this? The same number of voters appeared to have voted. If you put in these tissue ballots, if you falsely counted the vote there, you could make up the 800. There ought to have been a falling off; but there was none.

The law of South Carolina at that time demanded that a report should be made to the secretary of state of the number of voters at each poll. No such report was made from Darlington at all. Why was it not made? The secretary of state certifies that no report was made to him. He certifies that he does not know what the true vote was. Well, it turns out that the clerk of the county court was supposed to have made a certificate showing what the vote was. Yet that clerk when put upon the stand swears, "I never made the report; I know nothing about it; it is not true; I never signed it."

Mr. Speaker, the rule of law is that when no one knows or can know how the vote stood the vote must be cast out. It can not be counted. No one knows, and therefore we have taken the ground that Darlington should not be counted, and the majority of the committee agree that if Darlington is not counted Lee should be seated instead of Richardson.

I now yield ten minutes to the gentleman from New York [Mr. JACOBS].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, disagreed to by the House of Representatives; agreed to the committee of conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 5653) for the relief of Kirk W. Noyes;

A bill (H. R. 5661) to modify the postal money-order system, and for other purposes; and

A bill (H. R. 7226) to punish larceny from the person in the District of Columbia.

CONTESTED ELECTION—LEE VS. RICHARDSON.

Mr. JACOBS. Mr. Speaker, I want to say about two things, and I want the men who are to vote upon this question to hear what I have to say. I want to say just this: That in the committee it was conceded that this election and its results turned upon the result of the vote in the Darlington district in South Carolina, where Mr. Richardson got a majority of 1,154 votes counted for him.

Now, I put my vote and my decision in this case upon the ground that Mr. Lee lost about 1,000 votes in that district, which determined the result against him, by intimidation. Why, they say, there was no reason for these black men in that election and in that district to be scared. Two wagon-loads of guns were brought in there in the night without the blowing of a whistle or the ringing of a bell and distributed in the buildings around these polls, and their lively imagination and cowardly fears were worked upon all night; and the story spread throughout the country among the voters who were assembled in the morning; and when the thousand black men arrived they saw the same red-shirted vagabonds and cut-throats there on the steps and around the polling-place, and they were thrust back, struck with knives, threatened with pistols, and forced away from the polls. And yet some men in the committee-room said and would have us to believe that these people had no reason to be scared.

Mr. Speaker, I ask any Northern man here who occupies a seat upon this floor if he has the honor of representing a constituency who under such circumstances would dare to go to the polls and vote at what they believed was the peril of their lives? It is a cowardly thing of this House to expect black men down there to have stronger nerves and braver hearts than any of our constituencies at home.

Now, they say in response to that that these men were not deterred from voting; that they might have gone to some other poll; that they were free to go to two or three other polls in the same district. There was another polling-place within five miles, and five hundred men who attended that poll went home without voting. Now, my Democratic friends, we give you free elections in Iowa to-day, and we ask it everywhere all over this country.

Now I say, Mr. Speaker, that the loss of 1,000 votes in this county by intimidation defeated Lee and gave the seat to his opponent.

Mr. ATHERTON. Let me ask you a question.

Mr. JACOBS. Yes, sir.

Mr. ATHERTON. At what poll do you claim that five hundred men went away?

Mr. JACOBS. It was at a poll about six miles off. If I had the time I would look it up for you.

Mr. ATHERTON. Which one?

Mr. JACOBS. You know which one it was.

Mr. ATHERTON. Well, you say there was one; I want to hear you say which one it was.

Mr. JACOBS. The evidence shows which it was; and, as I have said, there were two polling-places some sixteen miles further off in the same district.

Mr. ATHERTON. I mean the poll at which five hundred men were deterred through intimidation.

Mr. JACOBS. Not deterred; but they did not vote on account of the crowd. Do not misunderstand me.

Now, I say this is the pivotal question to be determined by this Congress, and by you Democrats if you intend to be fair. Let us have done with this brutality and intimidation at elections North and South. We have scared the dog away up to the Canada line for you. Now we ask you to do justice to this black man who has received a majority of the votes.

Mr. FLOWER. Are you talking for a majority of the committee?

Mr. JACOBS. I believe so.

Mr. ATHERTON. No, sir.

Mr. JACOBS. I do not care whether I am or not; I am right. And that is all there is of it. And you gentlemen can not deny it that the whole question turns upon that. But I ask you, as fair men, Democrats and Republicans, whether there is not enough intimidation there to scare the gizzards right out of the Northern voters, out of the Scotch voters of my own county? Not one of you under such circumstances would advise your constituents to go to the polls and attempt to vote by force. And I say it is cowardly in the American Congress to require from these timid wards of the nation more than they do of intelligent freemen who were born free.

Mr. CALKINS. I yield ten minutes to the gentleman from Pennsylvania [Mr. MILLER]. [After a pause.] As the gentleman from Pennsylvania does not seem to be present I yield ten minutes to my colleague on the committee, the gentleman from Texas [Mr. JONES].

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 110) to refund to the State of Georgia certain money expended by said State for the common defense in 1777.

CONTESTED ELECTION—LEE VS. RICHARDSON.

Mr. JONES, of Texas. I shall occupy the attention of the House for but a very few moments. I understand too well its temper and impatience at this time to attempt to do otherwise.

I want to call the attention of the House to the turning-point in this case. In some cases there are two or three decisive points. Sometimes there is but one point decisive of the case. In this case the whole issue is controlled by the election at Darlington precinct in Darlington County.

I wish to premise by observing that no case considered by the Committee on Elections received a more thorough and patient investigation than this. Before the adjournment of Congress at its last session the committee had considered the case, two members being in favor of and two against the contestant. The chairman of the sub-committee, who is also the chairman of the Committee on Elections, having doubts, desired the postponement of the case so that he could give it a thorough investigation and decide upon a thorough analysis of all the facts in the case as to the real merits in it. As the result of the investigation here is the report of the chairman, Mr. CALKINS, stating in substance what I have just said to the House, that the whole case rests upon and is determined by the Darlington precinct.

I wish to call your attention to that precinct for a moment. The contestee, Mr. Richardson, received there a majority of some 1,200 or 1,500 votes. The vote of that precinct was attacked upon the ground that the election was not fair; that the wards of the nation as stated by my friend from New York [Mr. JACOBS] were intimidated and did not vote.

I want to call your attention to the real facts in the case. What were they? These wards of the nation, as the gentleman terms them, before day, on the day of the election, assembled at the market-house, where the election was usually held, and possessed themselves of the expected polling-place. But when day came and the officers appeared, they opened the election in the court-house. About 8 or 9 o'clock the organized wards of the nation as they are termed by the gentleman from New York, seeing that the election was being conducted in the court-house and that the Democrats were voting and had the start, came out, stood around awhile, and their captain or general, their commander-in-chief, one Mr. Smith, a colored man, gave the order, "Go home; you can not vote here to-day;" and they did not try to vote.

They were entitled to vote; no question about that. Necessarily, as a logical sequence of the late war, they were armed with the right to vote, because no man can be a free man who can not exercise the right of suffrage. It is an incident to their freedom. They had the right to vote, and the Government was bound in good faith to the colored people of the South to guarantee them in the exercise of that right.

But it never did undertake, it can not in accordance with the principle and genius of our institutions undertake, to give special consideration to the colored people over the white, to give them precedence in all such cases, to require a man because he happens to be a white man to stand back and wait until the colored man votes, or because the voter happens to be a colored man to require all the white men in that particular district to go on their knees to him and beg him to stay for God's sake and vote, so that there may be no pretense of charging bulldozing, illegality, and violence, and thus deprive the whites of the results of the election.

Mr. VAN VOORHIS. Is this statement in Mr. CALKINS's report correct?

Mr. JONES, of Texas. Yes, it is correct.

Mr. VAN VOORHIS. I mean this: "Attempts were made by the colored voters early in that day to force their way to the box to vote"——

Mr. JONES, of Texas. Oh, yes; Mr. CALKINS states that.

Mr. VAN VOORHIS. Wait a moment. "Which seems to have been prevented by the white voters crowding the stairs leading to the box."

Mr. JONES, of Texas. If the gentleman wants to take the floor away from me——

Many MEMBERS. Order! Order!

The SPEAKER. The gentleman will not be interrupted.

Mr. JONES, of Texas. Resuming, I say that the colored people did not on that occasion try in good faith to vote; but the evidence demonstrates beyond a reasonable doubt that this was seized upon as a pretense to lay the foundation for a contest. That is all there is in the entire case.

Mr. CALKINS. What about the guns?

Mr. JONES, of Texas. Yes, now about the guns. It was said that on that occasion guns were brought in the night and concealed, put in wagons and boxed up. And yet some of the witnesses undertake to swear that they were guns. Now, if they were boxed up and concealed, how could they tell what they were?

Mr. MACKEY. Not boxed up; rolled up in blankets.

Mr. JONES, of Texas. A doctor who visited the House that night or the next day testified that he was there and saw no guns in the house. And nobody pretends that a single gun was exhibited on that occasion.

There was no display of force, but about half after 9 or 10 o'clock Jack Smith, commanding the organized Republican vote on that occasion, in a loud voice proclaimed, "Go home; you can't vote here."

I can not recite all the evidence; I can not do this case half justice. But the evidence shows that the colored voters were assured if they would remain and vote they should have a fair chance, and the testimony also shows that about one hundred Republicans did vote on that occasion.

Mr. RICHARDSON, of South Carolina. One hundred and odd voted.

Mr. JONES, of Texas. Yes; one hundred and eighteen voted.

Mr. CALKINS. I now yield ten minutes to the gentleman from Ohio [Mr. ATHERTON].

Mr. SMALLS. I would like to ask the chairman of the Committee of Elections, and to ask the House, if they will not allow Mr. Lee, the contestant, a half an hour to be heard in this case. The House granted last evening a half an hour to Mr. Frost.

Mr. CALKINS. Allow me to suggest to the gentleman from South Carolina [Mr. SMALLS] that at the close of the thirty minutes it would be a proper time to ask that unanimous consent. For my part I have no objection to it.

Mr. SMALLS. I would like to get that consent now, so that we may know just where we are.

ADMISSION TO THE GALLERIES.

Mr. MCKENZIE. I ask unanimous consent that the reporters' gallery may be thrown open to the occupation of the wives and friends of Congressmen, who are now unable to obtain seats in the other galleries.

The SPEAKER. The gentleman from Kentucky [Mr. MCKENZIE] asks consent that the rules be so suspended as to permit the reporter's gallery to be occupied by the wives and friends of members of Congress.

There was no objection, and it was ordered accordingly.

ELECTION CONTEST—LEE VS. RICHARDSON.

The SPEAKER. The gentleman from Ohio [Mr. ATHERTON] is entitled to the floor.

Mr. ATHERTON. I can not, Mr. Speaker, in the brief time which I have accorded to me for this argument, do more than make a short statement to attempt to meet whatever has been produced by way of argument on the other side as fully as I may.

In this case, as has been stated, this Congressional district consists

of eight counties. There were one hundred and one election districts in those eight counties.

The contestee in this case asked the sub-committee, and also asked the Committee on Elections, and as I understand it he now asks the House, not to take advantage of such technical objection as may exist in respect to any of these voting precincts, but to count all votes honestly cast. And by his concession, out of one hundred and one voting precincts there are only thirty-one in respect to which there is now any question between the contestant and contestee.

As to these thirty-one precincts, objection is made that fraud was committed in some of them, and that there was intimidation in others. As it has been said that in the opinion of gentlemen who have investigated this question the election turns upon the result in Darlington precinct, it is well enough perhaps to look into that and see how the matter stands. The condition of things in that precinct has been substantially stated by the learned gentleman from Texas [Mr. JONES]. At that precinct an organized effort had been made by the colored voters to get possession of the polls. They met the night before the election and a plan of operations was unfolded to them by their leader They were to meet at sunrise, or, as is stated in the testimony, at the "crack of day," and armed with clubs they proposed to take possession of the polls where they expected the election to be held. They did come together and surrounded the polls. They were armed with clubs. They proposed to take possession and carry things in their own way. For that reason or some other the election was directed to be held at the court-house. After the negroes had assembled about the ordinary voting-place, the market-house, it was discovered that the election was being held at the court-house.

Now the question is, was there any intimidation there which prevented the colored men from voting? There is an attempt made on the part of a witness, who sadly needs corroboration, to indicate that the night before the election two wagons filled with arms were brought near the court-house, and arms concealed were taken into a store, and a portion of them, as one witness says, taken into the court-house.

Now, the answer to that, and perhaps the only answer that is required, is that it is totally disproved by the testimony adduced in this case. In reply to the meager testimony as to arms being brought there we have the testimony of several persons who had the best means of information. We have the testimony of a physician who early in the morning was called to the very store in which it is said these arms were stored. He had the best opportunity for knowing, being in all the rooms of the store on that morning, whether any such arms were stored there. He says there were none within his knowledge, and he had full knowledge upon the subject. A manager of the election was called and stated that no such arms to his knowledge were about the court-house or about the polls. The sheriff of the county was called as a witness, and stated that hearing some rumor that arms were carried about there he had the most diligent investigation made, and he declares that no arms were stored about the court-house; that this story about the storage of arms was a mere fabrication. So with a large number of witnesses who gave their testimony in the case.

All the colored people who testify to this matter testify in a peculiar way. For instance, they say that two wagons came there the night before the election; that the arms were all wrapped up, and they did not pretend that they saw them. At one time they say there were two men with each wagon, making four altogether; at another time they say there were eighteen or twenty men—colored Democrats, who were characterized in a peculiar way as though it were a crime for a colored man to be a Democrat in that part of the country. But I say the testimony is given in such a way as not to carry with it any weight, and it is contradicted.

[Here the hammer fell.]

Mr. CALKINS. I yield to the gentleman five minutes longer.

Mr. ATHERTON. Now, upon the question of intimidation, even if there were arms there, unless somebody saw them, unless somebody was intimidated by their presence, it would have no effect upon the election. The only witness who says he saw any arms there at all says he saw them through a window in a store. There was no pretense that they were ever unwrapped; there was no pretense that the large number of colored men who came there ever saw them at all. The election was quietly conducted, with the exception of a little fracas between a white man and a colored man, which was quelled almost in an instant. The colored voters came there and attempted to take possession of the polls; they did not succeed. They found the election was being held elsewhere. At the beginning of the election so many white men crowded around the polls that the colored men had not instantly the opportunity to vote. They were commanded by the chairman of the county committee early in the day that under these circumstances they were to leave and not vote at all. They left by reason of his command, not by reason of any intimidation.

Mr. MOULTON. Is it not true that they were invited to vote by the white people?

Mr. ATHERTON. Yes, sir; the white men invited and urged them to vote, but they refused, simply because they could not have complete possession of the polls to carry the election as they chose.

Now, the rule upon this subject is well understood. In order to make intimidation a matter interfering with the integrity of the vote, it must be such as would induce a person of ordinary courage to forego the right of voting rather than incur the danger.

I say on a full investigation in this case there is not a single word of testimony from any witness entitled to any credence at all that he was prevented from voting. An attempt by one or two witnesses was made to show something of that kind, but the whole tenor of the testimony of witnesses who could not be questioned was that that was a peaceable election; that they came there in the manner I have indicated; that they went away, not by any intimidation, but at the command of their leader, who did not choose to have them vote if they could not take possession of the poll and hold it with their clubs.

We have given this case a most thorough and most careful investigation, which has induced not simply the members of the Democratic persuasion to agree to a majority report, but which has induced the most careful members of the committee against their prejudices, if they have any, to unite with us in saying the sitting member is entitled to his seat and that Mr. Lee is not.

Mr. CALKINS. I believe I have seven minutes of my time remaining, and I will yield five minutes to the gentleman from Colorado and reserve two minutes to myself.

Mr. SMALLS. I ask the chairman of the Committee on Elections whether the half hour asked for Mr. Lee has been conceded to him?

Mr. CALKINS. We can arrange that in a few moments.

Mr. SMALLS. Let us arrange it now.

Mr. ATHERTON. Perhaps the contestee will want some time, too.

Mr. BELFORD. Mr. Speaker, on one occasion I was the victim of the political injustice of this House in an election case. I had carried my State by 1,700 majority, and the Democratic party, having a majority in this House, wantonly and shamefully turned me out of my seat. That I assert to be an historical fact. [Laughter and applause.] And therefore when I approach any contested-election case I desire above all things to approach it and consider it as an honest man.

The difficulty with our politics to-day, Mr. Speaker, is that it is rotten from top to bottom [laughter and applause], rotten in the primaries, rotten in the county conventions, rotten in the State conventions, and I do not say it in any offensive sense, but I say it is rotten in the method by which we decide these election cases.

What I arose for, Mr. Speaker, was to call the attention of the House and the country to the fact that whether a man is elected or not, and his seat is contested, two sessions of Congress go by before that question is submitted to the adjudication of this tribunal. We live in a country operated by the suffrage and dominated by the majority of the people. We form constituent elements of a House with political majorities which decide political questions without regard to personal rights whatever. And you all know it. What is this case? Here is a case where it is alleged that violence, intimidation, and fraud have been practiced at an election. The evidence to my judgment is conclusive. What I insist on is—and I call upon Democrats and Republicans—and I will vote with you Democrats next session of Congress to unseat any Republican who has been elected by fraudulent means, because I believe the supreme hour has come when you, Democrats, and we, Republicans, must rally to the support and perpetuity of the principles upon which this Republic rests and depends. [Laughter and applause.] Oh, gentlemen, you may laugh, but I tell you, as God reigns, unless the good men of both parties unite their shields, unless the good men of both parties in this House and out of it stand up for honest government, our Republic will not outlive the lifetime of our children.

I am speaking from the deep convictions of my soul on this question, and I am speaking because in my judgment it is a disgrace to this Congress that these election cases are postponed until the last hour of the session; that men who are entitled to a seat on this floor have no hearing until the last hour of the last day of the session; that men who are legitimately entitled to a seat have their honor discredited in the last hour of the last day of the session of Congress. In the name of God, if we can do it, to-night let us avow that in future we will try to act honestly and justly in matters that affect the great and vital and permanent interests of this Republic, of which we are all citizens. [Applause.]

Mr. CALKINS. Mr. Speaker, this is the twenty-second election case which has been brought into the House for its decision by the Committee on Elections of this Congress, and in a few moments that committee will have completed all of the labors imposed upon it, and reported upon all of the cases that were committed to its charge.

I have neither the time nor the disposition to discuss the case before the House. It is known to all of its members that after a careful consideration of the case I came to the conclusion that the sitting member ought to retain his seat. I believe so now; and unless the House wants to grant further time to the contestant and the contestee to argue the case, I shall call the previous question.

Mr. SMALLS. Mr. Speaker, I ask unanimous consent that Mr Lee, the contestant in this case, be heard. I listened to a noble statement uttered last evening by the gentleman from Texas; and, sir, in the language of that gentleman, I ask now, as a matter of right and justice, that Mr. Lee, the contestant in this case, may be heard in his own behalf.

Mr. BUTTERWORTH. Well, how much time?

Mr. SMALLS. He wants thirty minutes, the same time that was granted by the House to the gentleman from Missouri, Mr. Frost, last evening.

Mr. BUTTERWORTH. That was a case where the gentleman to whom you refer was a sitting member. I am willing to agree that fifteen minutes' time may be allowed, but I shall object to any more.

Mr. MOULTON. I think he ought to have the time.

Mr. CALKINS. If I can have the attention of the House, I think this matter can be arranged in a few moments. Let me ask if fifteen minutes for Mr. Lee and fifteen minutes for Mr. Richardson, the contestee, will be sufficient? If so, I believe the House will agree to it.

Mr. COX, of New York. Mr. Richardson ought certainly to have an oportunity of being heard in his own case.

Mr. WHITE. He should have the time; but the contestant should be heard, I claim.

Mr. SMALLS. I would have been satisfied in this case if the House, instead of allowing a general discussion, as has been allowed, had granted the entire time to Mr. Richardson and to Mr. Lee. But I do not think that it would be right or just now to deprive Mr. Lee of the opportunity of being heard in his own behalf.

Mr. CALKINS. I hope there will be no objection to allowing fifteen minutes on each side.

Mr. SMALLS. I ask thirty minutes for Mr. Lee.

Mr. CALKINS. I hope fifteen minutes will be granted to each.

The SPEAKER. The Chair will submit the question to the House. The gentleman from Indiana asks unanimous consent that fifteen minutes be allowed to the contestant and fifteen to the contestee. Is there objection?

Mr. WHITE. I object unless the contestant is allowed half an hour at least. He ought to have it.

Mr. CALKINS. Then I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

Mr. WHITE. I withdraw the objection.

The House divided; and there were—ayes 97, noes 82.

So the previous question was ordered.

Mr. SMALLS. I demand the yeas and nays on ordering the previous question.

Mr. PETTIBONE and Mr. WHITE. Let us have tellers.

The SPEAKER. The Chair will submit the question——

Mr. CALKINS. May I have the attention of the Chair and of the gentleman from South Carolina for a moment? The gentleman from Kentucky [Mr. WHITE] made objection evidently under a mistake, and withdrew it while the Chair was putting the question to the House on ordering the previous question. I again ask, therefore, unanimous consent that fifteen minutes be allowed on each side; that is, to the contestant and the contestee.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MOULTON. That is right.

The SPEAKER. The previous question is ordered, and the gentlemen are allowed fifteen minutes on each side. The contestant, Mr. Lee, is recognized.

Mr. LEE. Mr. Speaker and gentlemen of the House of Representatives, it was not my purpose to ask this House to allow me to say a single word during the discussion of this case. I had hoped that the House would find it convenient to give sufficient time for the gentlemen who desired to present my case, and who had agreed to present it, to have been heard instead of myself, and if the House will allow me now I would like to be permitted to yield five minutes of my time to the gentleman from Massachusetts, [Mr. RANNEY.]

Mr. MOULTON. I object.

Mr. LEE. Then I ask if I would be permitted, before I close my own argument, in my fifteen minutes, to yield at least five minutes of my time to my colleague from South Carolina [Mr. MACKEY], who is desirous of speaking upon this question, and who has prepared himself for it.

The SPEAKER. The Chair will submit that question after the gentleman has occupied such part of the time as he desires.

Mr. LEE. Mr. Speaker, from the report made by the chairman of the Committee on Elections I see that Darlington precinct, in the county of Darlington, is the principal precinct upon which a majority of one of the Committee on Elections reported in favor of allowing me the privilege of withdrawing my papers without prejudice. I find in the minority report, signed by seven gentlemen, namely, Mr. PETTIBONE, Mr. JACOBS, Mr. THOMPSON of Iowa, Mr. RITCHIE, Mr. WAIT, Mr. HAZELTON, and Mr. RANNEY, resolutions declaring that the sitting member is not entitled to his seat, and that the contestant was honestly and fairly elected; and in that report, differing as it does from the one sheet which comes from the committee representing the majority of the eight members, I find the testimony presented to the House which I am sure has not been examined into by the members of this House. If this report should be read we would find a complete answer to the gentleman from Ohio [Mr. ATHERTON], who signed the majority report, when he says there is no evidence that guns were stored in the court-house and in the buildings surrounding the court-house, where the polls were held at that precinct. I find in the testimony presented by the committee the very names of the parties who actually unloaded those two wagons which were loaded with Winchester rifles, those rifles that are familiar to the Republicans of South Carolina, for they have met them at midnight as well as at noonday. They have met them in the roads; they have had to face them in their cabins when the honest voters were quietly reposing in their beds. Here are the names of the parties who actually unloaded the wagons. And we proved by witnesses that these men are living men in the town of Darlington. Did the contestee call these men to deny the fact that these men had unloaded these guns? Not a single witness, not a single man was called to deny the statement that they unloaded these wagons. Witnesses were produced by the contestee, but they said they did not see any guns. They did not deny that these men unloaded these wagons, but they gave merely negative testimony that they did not see it. I grant that that might be so.

Here are the names: Moses Bishop, Sam Hindes, Rosser Hart, Charles Bishop, &c., all living in the county and town of Darlington. The gentleman in whose store some of these guns were stored lived in the county, and while the testimony was being taken I was present and saw that gentleman in the town day after day; but that gentleman was not put upon the stand to deny that guns were stored in his store. A doctor who happened to have gone into that building that day swore that he did not see any guns, but at the same time he admitted that they may have been there. We prove that the store at that Darlington poll was stored with guns and that men were in there with guns, and that on the occasion when this little fracas which the gentleman from Ohio [Mr. ATHERTON] spoke of occurred between a colored man and a white man these men were seen, that they came to the lights and showed themselves with their guns in their hands, ready—to do what? Ready to shoot down the colored men at that poll as they have shot them down on other occasions.

What, Mr. Speaker, is the character of this Darlington poll? Is it a Democratic poll or a Republican poll? The testimony shows that Darlington County has always been carried by the Republican party by seven or eight hundred majority; and in this election it is carried by the Democrats, giving to the contestee eleven hundred and odd majority; and when we go to investigate the means by which this result is brought about, what do we meet? We meet this: Every single election officer denies that he knows anything about the result at that poll. The clerk says he does not remember what the vote was. Every manager that was put upon the stand by the contestee swears that he does not remember what the result was. When we summon the clerk of the court to appear before the notary public taking the testimony and produce the records that were in his possession, he denies that the records were in his office. When he is asked whether he had not made a certificate to the fact as to the result of that election, he denies that he made any such certificate. He knows nothing about what the result at that poll was; and that is all the evidence that there is in this volume of over eight hundred pages to show what the result at Darlington poll was. But we proved that before every election previous to 1878 the Republicans always carried the Darlington polls by about seven hundred majority.

I understand the chairman of the Committee on Elections to say that he agrees with the minority report signed by these gentlemen except in this one particular—Darlington poll. And he says that the evidence is not sufficient to show that there was sufficient violence at that poll to prevent the colored men from voting. I would like my friend from Indiana, the chairman of the committee, to make a visit down to the Southern States at some of our elections and attempt in the guise of a colored man to go to one of these polls; he will find out whether the violence is sufficient or not to keep colored men away from the polls. Where was the ballot-box? The ballot-box was moved from this market-house where the colored men were charged with going in force to take possession of it. Why, gentlemen, it was the custom there, as the evidence shows, that the colored men and the white men would go to the polls to try who would get there first to vote—that was during the Republican times—and whoever would get to the polls first quietly voted and left and the others then went and voted. But since the Democrats have been in power they put in every single officer at these polls from their own party; and then the white men changed the polls upon the colored men, and when the colored men are expecting the polls to be held at one place they find out at 6 o'clock—the news will come that they are being held at another place; and the white men will be inside in force, and will then burst out and take possession of the polls.

What did they do at Darlington? They crowded the steps—there were two steps going up to this poll—they crowded the steps from bottom to top, as this testimony will show. They were dressed in red shirts, armed with pistols, armed with knives, armed with guns, to prevent these colored men from going up the steps to vote. There is testimony here showing that some of the colored men pressed half way up the steps and were hurled down and dragged down; others attempted to crawl up on the outside of the steps and their holds were broken loose and they fell to the ground.

There was a riot below the steps, to which the gentleman from Ohio [Mr. ATHERTON] alludes as "a little fracas," in which pistols were drawn upon the colored men. Those who were charged with being the

instigators of that riot, the colored men, not the white men, were carried to the guard-house and there imprisoned. Other colored men standing by, seeing the stores closed and guns in them, were told by their leader, Jack Smith, after having tried several times to get up to the polls and vote, to go home in order to save bloodshed.

The chairman of the Committee on Elections says that the colored men could have gone to another poll near by. Where is that "other poll near by?" The nearest poll to Darlington is Florence.

Mr. RANNEY. How far away?

Mr. LEE. It was ten miles away. There came on the stand over two hundred witnesses who swore that two hundred colored men stood at the polls at Florence from 6 o'clock in the morning until 6 o'clock at night, and were forcibly and violently kept away from the polls. The United States supervisor testified that it was impossible for these men to vote at that poll.

We took the testimony of two hundred and forty witnesses at the Darlington poll, who testified that it was impossible for the colored men to get up those steps and vote without being killed themselves or killing those who were upon the steps. And who were on the steps? They were white Democrats dressed in red shirts, the meaning of which we in the South know very well. That uniform means in the South violence; it means to the colored men "stand back." Let me read the testimony of only one man.

Mr. BURROWS, of Michigan. Tell what it is; do not read it.

Mr. LEE. On page 312 of this record will be found the testimony of Mr. Horace Leonard, who said that he got half way up the steps and was dragged down to the bottom of the steps, and fearing that he would be killed he went home and remained there. Over eight hundred men, as was proven by testimony not only of the men themselves, but by the testimony of a physician living there, a Northern gentleman, who is practicing now in that town, who is the physician of a large number of Democratic families in that town—he testified that there were from 800 to 1,000 men who left that poll that day without voting, and that in his judgment they could not vote without having violence committed upon them.

If that poll is counted, then Mr. Richardson, the contestee, is elected. If that poll is rejected, as the minority of the Committee on Elections report it should be, that elects me. [Applause on the Republican side.] I say that the meaning of the vote here to-night will be known to us in the South; and if you put your approval upon such acts as I have described as taking place in Darlington County, do not be surprised when you hear the returns come up to the North stating that the Democrats have carried the elections in the South. I have told you what the colored men have to go through, not only at one poll, but throughout the entire South, and especially in this district which I have the honor to represent here. [Great laughter.]

At this poll the Democrats never have cast over 300 votes in a fair election; never have cast over 300 votes for Mr. Richardson or for any other candidate, while, as the record will show, the Republicans usually cast from 1,300 to 1,400 votes. What is the situation of that district as regards voters? We have in the sixth district of South Carolina, the first district that was represented on this floor by Hon. Joseph H. Rainey, 6,000 Republican majority. That majority has been overcome by tissue ballots, such as I have here.

[Here the hammer fell.]

Mr. HAZELTON. I ask that the gentleman have ten minutes longer.

Mr. RANNEY. I ask that he have five minutes longer.

The SPEAKER. Is there objection to extending the time for five minutes?

Several members objected.

The SPEAKER. Objection is made, and the gentleman from South Carolina [Mr. RICHARDSON] is recognized for fifteen minutes.

Mr. MILLER. I hope there will be order so that we can hear the other side of this case. This side of the House ought to listen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had disagreed to the amendments of the House to the resolution of the Senate for printing the report of the Commissioner of Education for 1881, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HAWLEY, Mr. GORMAN, and Mr. BLAIR.

The message also announced that the Senate further insisted on its amendments, disagreed to by the House, to the sundry civil appropriation bill, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

ELECTION CONTEST—LEE VS. RICHARDSON.

The House resumed the consideration of the report of the Committee on Elections.

Mr. RICHARDSON, of South Carolina. Mr. Speaker, the time for which I was elected to this Congress is about expiring. It is true it would matter but little to me personally whether I continue to hold this seat for a few hours longer or whether you take it from me. It is true it would matter but little to the constituency I represent if you deprive them of their Representative upon this floor for the few remaining hours of this Congress.

Perhaps it might be thought that I could well afford to remain quiet and let this case be decided as you may see proper to decide it. But behind all these considerations there is this question: Is it right to do so? And then there is another question: Is it right to take from this Government $10,000 or $12,000 and pay it to one who is not at all entitled to it?

I therefore come before you almost an utterly impartial advocate in this case. I have no interest except to see that the right is done and that my constituency are not placed in any false light.

Now, Mr. Speaker and gentlemen of the House, this election was had; the election officers ascertained who was elected, and they gave to the contestee the certificate. The contestant filed his complaint, claiming that a number of things had been done which ought not to have been done, by which he had been deprived of a number of votes. What did the contestee do? When the contestant claimed that certain votes and polls which had not been counted should be counted, the contestee's answer was "Count the whole poll in the district; count the last voter who voted, and let the result decide this election." Then the contestant comes up and presents his case. He goes through every box after every poll in the Congressional district had been restored to the count, restored by the consent of the contestee. He goes into the count, and says "These boxes have not been purged as they ought to be," though they were purged according to the law of South Carolina. In purging them, when the contestant comes to add up the result, lo and behold! by his own purging, by his own count, the contestee still has a majority. He who in the outset came to the Elections Committee and said, "Oh, it is wrong to throw out the vote of any freeman, or to throw out any poll," turns from his position and claims that now in order to give him the seat you must throw out the vote of Darlington precinct; you must not count it.

I will stop but a moment to call the attention of the House to the methods resorted to by the contestant and by the honorable gentleman who presented the report in his behalf to reach the result that they did. Take, for example, the poll at Timmonsville; and this is but one of many. There the vote was some 800 or 900. The election officers in returning the vote returned that there was in that box an excess of only 11 votes. Both the United States supervisors of election signed a report saying that there only 11 votes in excess in all that box. When that box was purged under the law of South Carolina, which requires that some one blindfolded shall draw from the box the number of votes in excess, only 4 Republican votes were drawn and 7 Democratic votes. The Republican and Democratic United States supervisors certified to this. But there was standing by that box a friend of the contestant, a bystander, who swore on his examination that he was certain there went into that box for the contestant 199 votes, when the count gave him only 75 votes.

I only bring up that case for the purpose of showing that from the count of that box the contestant and the honorable gentleman who makes the minority report deduct 124 votes of the contestee and give that number to the contestant, making a difference of 248 votes. That is the way the result is reached in this case—reducing the vote of the contestee enough to give the seat to the contestant if you throw out the vote of Darlington precinct. I will not waste time in showing the other methods resorted to in order to bring down the vote of the contestant to a point from which, if you deduct the vote of Darlington Court House, the seat will be given to the contestant. I address myself at once to the single question involved in this case. After purging the poll, as has been done, after resorting to such means as I have mentioned to bring down the vote of the contestee, the question then turns, as I am willing to concede, upon the vote at Darlington Court House. What was the vote there? As has been said, it gave the contestee some 1,100 majority. The contestant asked to have it thrown out, not on account of fraud, for no fraud was charged against it.

One word as to the charge in regard to tissue ballots. They were used only in Georgetown County, and the authorities of South Carolina threw out every box in that county but one, because there were tissue ballots.

Now, as to the Darlington poll, what is the proof? The proof is that there was not a single gun fired or exhibited. There was no violence threatened. The colored people who met there in the morning, having been accustomed at election after election to have possession of the polls, were incensed because on this occasion the election was held where the law of South Carolina required in so many words that it should be held—in the court-house, instead of at the market-place, where it had been held before. Under these circumstances the order was given to the negroes by their leader that they should go away, and they did go away; they did not vote, or at least only 117 of them voted. There is no proof that they did not vote elsewhere, or at least that most of them did not vote elsewhere. The contestant presents the names of 240 persons who he claimed did not vote there.

Mr. RANNEY. Will the gentleman state how far they would have to go to vote elsewhere?

Mr. RICHARDSON, of South Carolina. They left in the morning; most of them by 8 o'clock, all of them between that and 2 o'clock. They had only eight or ten miles to go in order to vote elsewhere.

But we examined two hundred and forty names, and out of that number only one hundred and eighty and odd say they did not vote elsewhere. Seventy-five of those men do not say that they voted elsewhere. They say they intended to vote at Darlington court-house. The proof is that if they had remained there they could have voted; that the poll was cleared; and that from 2 o'clock to 6 o'clock in the day the proof is after the white people had voted, who did have possession of the polls and did crowd the place in the morning, that then they could all have voted. There is not a word of proof showing that any one had a pistol or knife. There is nothing of the sort in the testimony. I read it all through, and there is nothing of the sort in the case. The white people had possession of the poll to vote, and when they got through voting the poll was opened for the colored people.

Mr. HARRIS, of Massachusetts. Where do you find the law which provides that the white people shall vote first to the exclusion of the colored people?

Mr. RICHARDSON, of South Carolina. The law is that whoever gets to the poll first votes first. The question has been asked why heretofore only a few white people voted there. It was because the colored people held the poll at former elections, and the white people could not vote there and had to go elsewhere. This time they got there first and voted there and did not have to go elsewhere. This is proved by Mr. Lee's own testimony. Most of his own witnesses, colored voters, left about 8 o'clock. Some remained until 10 and some until 12.

Now, is this sufficient to vitiate a poll? If there were arms there, none were exhibited. Suppose it were true. I do not know any were carried, but suppose they were as a precautionary measure, still none were exhibited at the polls, and there was no purpose of intimidation. If you throw out this poll on that ground, you might throw out any poll in the whole Congressional district.

Having said this much, Mr. Speaker, I am perfectly willing to leave the case to the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I ask the gentleman from Indiana to yield to me to make a conference report on the sundry civil appropriation bill.

Mr. CALKINS. I yield for that purpose.

Mr. HISCOCK. I ask the Clerk to read the report which I send up.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7595) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, having met, after full and free conference have been unable to agree.

FRANK HISCOCK,
BENJAMIN BUTTERWORTH,
J. C. S. BLACKBURN,
Managers on the part of the House.

WM. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. HISCOCK. It appears by the report which has been submitted that every amendment of the Senate to the appropriation bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884, is open. Such, however, is not the case, except so far as formal action is concerned in making a report to the House. I have no doubt we can agree.

But there are some four or five provisions in the sundry civil appropriation bill placed there by the House to which the Senate disagree, or rather which the Senate insist shall be stricken from the bill.

One of these is legislation on the bill in reference to the application of pensions of inmates of soldiers' homes to their support. I believe, sir, that is the only provision which the Senate insist should go out of the bill which was not put there by an amendment offered by a committee of the House. Two other propositions in the bill the Senate insist should go out, the one which provides for the sale of a portion of the Brooklyn navy-yard, and another which provides for the sale of the Chelsea Hospital property. These provisions it is insisted shall not be enacted into law. There is an additional provision which was placed in the bill proposed by the Military Committee, to turn over all of the military reservations to the Interior Department for sale. This provision in the House bill is also objected to on the part of the Senate.

There is a still more important provision in the bill, the one which repeals the pre-emption laws and to some extent amends the homestead laws. These provisions of the House bill are also objected to by the Senate. By Senate amendments they were stricken from the bill; and, so far as those provisions are concerned, I may be pardoned in saying that the Senate refuses to consider the propriety of the House provisions with reference to them. They refuse to consider whether they are right or wrong. They refuse to consider them even by amendments. They refuse to submit amendments with reference to them, denying the right of the House to place any legislation in any appropriation bill.

Mr. HARRIS, of Massachusetts. Do they refuse to consider them on their merits?

Mr. HISCOCK. And their non-concurrence, Mr. Speaker, is just upon that account, and upon none other. I omitted to mention still another provision of the House bill that was stricken out by a Senate amendment, and that was the ratification of the Sioux treaty by the House.

The gentleman from Massachusetts inquired of me whether they refuse to consider these provisions upon their merits. They do. We have offered to receive from them amendments perfecting them. They decline to offer amendments perfecting these provisions, and they say that they shall go out of the bill. They say it earnestly, Mr. Speaker, and I do not know, sir, but what they will refuse concurrence with this House in these provisions, even if allowed to amend them at their will, to the extent of defeating the bill.

I am not prepared to advise the House that such will be their course, but I am prepared to advise the House that they are determined in their opposition to the provisions; not because the legislation is bad, not because it is vicious, but simply because they are placed in a general appropriation bill.

I, sir, must add in this connection that some legislation placed upon this bill by the House, equally pronounced, they have amended by submitting alterations or amendments on their part, and I refer now to that provision placed in the bill by the House with reference to the Yellowstone Park reservation. They have made no point of order against that legislation; but they have considered it open to amendment, and have united with us in perfecting that provision of the bill. They have also placed in the bill another provision in reference to the Choctaw Indians, which I believe to be affirmative legislation equally as pronounced, equally as distinct as legislation as these provisions to which they object.

Mr. Speaker, it will be remembered by the House that all of these provisions, with the exception of the one that I have referred to—turning the pensions of soldiers in the homes into the homes for their support—were placed upon the bill as reported to this House by the Committee on Appropriations by amendments offered by committees having charge of these subjects distinctly.

Mr. ATKINS. Let me ask the gentleman if the appropriations for the military posts have been stricken out?

Mr. HISCOCK. They have been; but that item, I will say, has not been absolutely stricken from the bill. To some extent negotiations are now pending with reference to that. It was stricken from the bill originally by a Senate amendment; but they have not refused absolutely to perfect legislation of some kind or to take steps toward legislation with reference to the military posts.

The provisions that I have referred to, having been placed in the bill by amendments offered to the bill as reported to the House by the Committee on Appropriations, by committees of this House having charge of the subject-matter, the conference committee on the part of the House have felt it to be their duty to report a disagreement upon all of the Senate amendments to the bill, which report we have presented here, and I now ask action upon it.

I move that the House concur in the report of the committee of conference; that it insist upon its disagreement to the amendments of the Senate and agree to a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair will appoint as the conferees on the part of the House the gentleman from New York, Mr. HISCOCK, the gentleman from Ohio, Mr. BUTTERWORTH, and the gentleman from Kentucky, Mr. BLACKBURN.

CONTESTED-ELECTION CASE—LEE VS. RICHARDSON.

The SPEAKER. The time allowed for debate having expired in the contested-election case, and the previous question having been ordered, the Clerk will report the resolution on which a vote is to be taken.

Mr. RICHARDSON, of South Carolina. Before that, Mr. Speaker, as I have not been able in the few moments allowed to present this case to the House as it deserves, I ask permission to print with my remarks some additional facts.

There was no objection. [See Appendix.]

Mr. SMALLS. Permit me to ask, Mr. Speaker, that we be allowed the same privilege with reference to the pending case.

The SPEAKER. The Chair hears no objection. [See Appendix.]

The question is on agreeing to the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Samuel Lee have leave to withdraw his papers, and this case is dismissed without prejudice.

Mr. PETTIBONE. I move to substitute the resolutions of the minority of the committee.

The SPEAKER. That motion can not now be entertained, as the previous question is operating.

Mr. MACKEY. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MACKEY. The previous question was voted down.

The SPEAKER. The previous question was voted up. [Laughter.]

Mr. CALKINS. There is evidently an error here, which we can probably remedy in a moment.

The SPEAKER. In what respect does the gentleman claim there was an error?

Mr. CALKINS. There are two sets of resolutions reported from the committee, but the vote has been ordered on the majority resolution. Should not the vote be properly taken first upon the resolution submitted by the minority? That is the custom.

The SPEAKER. That would be the case when they were offered as a substitute, but they have not been presented.

Mr. CALKINS. I understand that they were offered.

The SPEAKER. At what time?

Mr. CALKINS. The minority resolutions were presented at the time the case was called up, but I believe were not read.

The SPEAKER. They were presented and printed with the report of the committee, as is the custom; but they have not been presented to the House to be voted upon under the demand for the previous question.

Mr. PETTIBONE. I move to reconsider the vote by which the previous question was ordered.

Mr. CALKINS. There is no disposition on either side to get into a jangle about this, and I think we can straighten it in a moment.

The SPEAKER. If the Chair is allowed to put the motion to reconsider there will be no difficulty.

Mr. CALKINS. I do not think that is necessary; delay may be caused by calling for tellers, &c. The usual course is to let the vote come first on the minority resolutions.

The SPEAKER. That is so; because it is usual to offer them before calling the previous question.

Mr. CALKINS. I ask unanimous consent that the resolutions of the minority may be offered now.

There was no objection.

The SPEAKER. The Clerk will read the resolutions which are proposed as a substitute for the report of the majority.

The Clerk read as follows:

I. *Resolved*, That John S. Richardson was not elected as a Representative to the Forty-seventh Congress of the United States from the first Congressional district of South Carolina, and is not entitled to occupy a seat in this House as such.

II. *Resolved*, That Samuel Lee was duly elected as a Representative from the first Congressional district of South Carolina to the Forty-seventh Congress of the United States, and is entitled to his seat as such.

ENROLLED BILLS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;

A bill (H. R. 5653) for the relief of Kirk W. Noyes;

A bill (H. R. 5661) to modify the postal money-order system, and for other purposes;

A bill (H. R. 7226) to punish larceny from the person in the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

Joint resolution (H. Res. 277) providing for a new mixed commission, in accordance with the treaty of April 25, 1866, with the United States of Venezuela.

A bill (H. R. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large relating to contracts under the War Department; and

A bill (H. R. 7240) for the relief of William H. Donohoe.

CONTESTED ELECTION—LEE VS. RICHARDSON.

The SPEAKER. The question is on agreeing to the resolutions offered as a substitute for the resolution reported by the majority of the committee.

Mr. RANNEY and Mr. HORR called for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND, of Georgia. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND, of Georgia. Are we to vote on both resolutions at once, or can they be divided?

The SPEAKER. The yeas and nays have been ordered on both. They might have been divided; but the division was not called for in time. The Clerk will call the roll.

The question was taken; and there were—yeas 124, nays 114, not voting 53; as follows:

YEAS—124.

Aldrich,	Brumm,	Dawes,	George,
Anderson,	Buck,	Deering,	Godshalk,
Barr,	Burrows, Julius C.	De Motte,	Grout,
Bayne,	Campbell,	Dezendorf,	Guenther,
Belford,	Candler,	Doxey,	Hall,
Bingham,	Cannon,	Dunnell,	Hammond, John
Bisbee,	Carpenter,	Dwight,	Harmer,
Bowman,	Caswell,	Errett,	Harris, Benj. W.
Brewer,	Chace,	Farwell, Chas. B.	Haseltine,
Briggs,	Crapo,	Farwell, Sewell S.	Haskell,
Browne,	Cullen,	Fisher,	Hazelton,
Heilman,	Marsh,	Reed,	Strait,
Henderson,	Mason,	Rice, John B.	Taylor, Joseph D.
Hepburn,	McCoid,	Rich,	Thomas,
Hill,	McCook,	Ritchie,	Townsend, Amos
Hitt,	McKinley,	Robinson, Geo. D.	Tyler,
Horr,	McLean, Jas. H.	Robinson, Jas. S.	Updegraff,
Houk,	Miles,	Ryan,	Valentine,
Hubbell,	Morey,	Scranton,	Van Horn,
Hubbs,	O'Neill,	Sessinghaus,	Van Voorhis,
Humphrey,	Pacheco,	Shallenberger,	Wait,
Jadwin,	Page,	Sherwin,	Walker,
Jones, Phineas	Parker,	Shultz,	Ward,
Jorgensen,	Payson,	Skinner,	Washburn,
Joyce,	Peelle,	Smalls,	Watson,
Lacey,	Peirce,	Smith, A. Herr,	West,
Lewis,	Pettibone,	Smith, Dietrich C.	White,
Lindsey,	Pound,	Smith, J. Hyatt	Williams, Chas. G.
Lord,	Prescott,	Spooner,	Willits,
Lynch,	Ranney,	Steele,	Wood, Walter A.
Mackey,	Ray,	Stone,	Young.

NAYS—114.

Aiken,	Culberson,	Hutchins,	Robinson, Wm. E.
Armfield,	Curtin,	Jones, Geo. W.	Rosecrans,
Atherton,	Davidson,	Kenna,	Ross,
Atkins,	Davis, Lowndes H.	King,	Scales,
Barbour,	Deuster,	Klotz,	Scoville,
Beach,	Dibrell,	Knott,	Shelley,
Belmont,	Dowd,	Ladd,	Singleton, J. W.
Beltzhoover,	Dugro,	Latham,	Singleton, Otho R.
Berry,	Dunn,	Leedom,	Sparks,
Blackburn,	Ellis,	Le Fevre,	Springer,
Blanchard,	Ermentrout,	Manning,	Stockslager,
Blount,	Evins,	Martin,	Talbott,
Bragg,	Flower,	McKenzie,	Thompson, P. B.
Buchanan,	Forney,	McLane, Robt. M.	Townshend, R. W.
Caldwell,	Fulkerson,	McMillin,	Tucker,
Calkins,	Garrison,	Miller,	Turner, Henry G.
Carlisle,	Geddes,	Mills,	Turner, Oscar
Cassidy,	Gibson,	Money,	Upson,
Chapman,	Gunter,	Morrison,	Vance,
Clark,	Hammond, N. J.	Morse,	Warner,
Clements,	Hardenbergh,	Moulton,	Wellborn,
Cobb,	Hardy,	Muldrow,	Wheeler,
Colerick,	Harris, Henry S.	Murch,	Whitthorne,
Converse,	Hatch,	Mutchler,	Willis,
Cook, Philip	Herbert,	Randall,	Wilson,
Covington,	Hewitt, G. W.	Reese,	Wise, George D.
Cox, Samuel S.	Hoge,	Rice, Theron M.	Wise, Morgan R.
Cox, William R.	Holman,	Richardson, D. P.	
Cravens,	House,	Robertson,	

NOT VOTING—53.

Black,	Dingley,	Moore,	Simonton,
Bland,	Ford,	Mosgrove,	Spaulding,
Bliss,	Herndon,	Neal,	Speer,
Buckner,	Hewitt, Abram S.	Nolan,	Taylor, Ezra B.
Burrows, Jos. H.	Hiscock,	Norcross,	Thompson, Wm. G.
Butterworth,	Hoblitzell,	Oates,	Urner,
Cabell,	Hooker,	Paul,	Van Aernam,
Camp,	Jacobs,	Phelps,	Wadsworth,
Clardy,	Jones, James K.	Phister,	Webber,
Cook, John C.	Kasson,	Reagan,	Williams, Thomas
Cornell,	Kelley,	Rice, Wm. W.	Wood, Benjamin.
Crowley,	Ketcham,	Richardson, J. S.	
Darrall,	Matson,	Robeson,	
Davis, George R.	McClure,	Russell,	

So the substitute was agreed to.

The following additional pairs were announced:

Mr. WEBBER with Mr. BLAND.

Mr. SPAULDING with Mr. JONES of Arkansas.

Mr. URNER with Mr. HOBLITZELL.

Mr. DAVIS, of Illinois, with Mr. HOOKER.

Mr. MOORE with Mr. SIMONTON.

Mr. KETCHAM with Mr. BLACK.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. JACOBS with Mr. HEWITT of New York, on this vote.

Mr. KASSON with Mr. CABELL, on this vote.

Mr. NORCROSS. I withdraw my vote, being paired with Mr. WILLIAMS, of Alabama.

Mr. VAN HORN. I ask that the reading of the names be dispensed with.

Several members objected.

The names of members voting were read.

The result of the vote was then announced as above stated.

Mr. PETTIBONE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on agreeing to the resolutions as amended by the adoption of the substitute.

Mr. TOWNSHEND, of Illinois, and Mr. ATHERTON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 6, not voting 157; as follows:

YEAS—128.

Aldrich,	Brewer,	Carpenter,	Deering,
Anderson,	Briggs,	Caswell,	De Motte,
Barr,	Browne,	Chace,	Dezendorf,
Bayne,	Brumm,	Crapo,	Dingley,
Belford,	Buck,	Cullen,	Doxey,
Bingham,	Burrows, Julius C.	Darrall,	Dunnell,
Bisbee,	Butterworth,	Davis, George R.	Dwight,
Bowman,	Cannon,	Dawes,	Errett,

Farwell, Chas. B.	Jorgensen,	Peirce,	Spooner,
Farwell, Sewell S.	Joyce,	Pettibone,	Steele,
Fisher,	Kasson,	Pound,	Stone,
George,	Lacey,	Prescott,	Strait,
Godshalk,	Lewis,	Ranney,	Taylor, Joseph D.
Grout,	Lindsey,	Ray,	Thomas,
Hall,	Lord,	Reed,	Townsend, Amos
Hammond, John	Lynch,	Rice, John B.	Tyler,
Harmer,	Mackey,	Rich,	Updegraff,
Harris, Benj. W.	Marsh,	Ritchie,	Urner,
Haseltine,	Mason,	Robinson, Geo. D.	Valentine,
Haskell,	McCoid,	Robinson, Jas. S.	Van Aernam,
Hazelton,	McCook,	Ryan,	Van Horn,
Heilman,	McKinley,	Scranton,	Van Voorhis,
Henderson,	McLean, Jas. H.	Sessinghaus,	Walker,
Hepburn,	Miles,	Shallenberger,	Ward,
Hitt,	Moore,	Sherwin,	Washburn,
Horr,	Morey,	Shultz,	Watson,
Houk,	O'Neill,	Skinner,	West,
Hubbs,	Pacheco,	Smalls,	White,
Humphrey,	Page,	Smith, A. Herr	Williams, Chas. G.
Jacobs,	Parker,	Smith, Dietrich C.	Willits,
Jadwin,	Payson,	Smith, J. Hyatt	Wood, Walter A.
Jones, Phineas	Peelle,	Spaulding,	Young.

NAYS—6.

Calkins,	Miller,	Richardson, D. P.	Wilson.
Jones, George W.	Rice, Theron M.		

NOT VOTING—157.

Aiken,	Crowley,	Jones, James K.	Robeson,
Armfield,	Culberson,	Kelley,	Robinson, Wm. E.
Atherton,	Curtin,	Kenna,	Rosecrans,
Atkins,	Davidson,	Ketcham,	Ross,
Barbour,	Davis, Lowndes H.	King,	Russell,
Beach,	Deuster,	Klotz,	Scales,
Belmont,	Dibrell,	Knott,	Scoville,
Beltzhoover,	Dowd,	Ladd,	Shelley,
Berry,	Dugro,	Latham,	Simonton,
Black,	Dunn,	Leedom,	Singleton, Jas. W.
Blackburn,	Ellis,	Le Fevre,	Singleton, Otho R.
Blanchard,	Ermentrout,	Manning,	Sparks,
Bland,	Evins,	Martin,	Speer,
Bliss,	Flower,	Matson,	Springer,
Blount,	Ford,	McClure,	Stockslager,
Bragg,	Forney,	McKenzie,	Talbott,
Buchanan,	Fulkerson,	McLane, Robt. M.	Taylor, Ezra B.
Buckner,	Garrison,	McMillin,	Thompson, P. B.
Burrows, Jos. H.	Geddes,	Mills,	Thompson, Wm. G.
Cabell,	Gibson,	Money,	Townshend,
Caldwell,	Guenther,	Morrison,	Tucker,
Camp,	Gunter,	Morse,	Turner, Henry G.
Campbell,	Hammond, N. J.	Mosgrove,	Turner, Oscar
Candler,	Hardenbergh,	Moulton,	Upson,
Carlisle,	Hardy,	Muldrow,	Vance,
Cassidy,	Harris, Henry S.	Murch,	Wadsworth,
Chapman,	Hatch,	Mutchler,	Wait,
Clardy,	Herbert,	Neal,	Warner,
Clark,	Herndon,	Nolan,	Webber,
Clements,	Hewitt, Abram S.	Norcross,	Wellborn,
Cobb,	Hewitt, G. W.	Oates,	Wheeler,
Colerick,	Hill,	Paul,	Whitthorne,
Converse,	Hiscock,	Phelps,	Williams, Thomas
Cook, John C.	Hoblitzell,	Phister,	Willis,
Cook, Philip	Hoge,	Randall,	Wise, George D.
Cornell,	Holman,	Reagan,	Wise, Morgan R.
Cox, Samuel S.	Hooker,	Reese,	Wood, Benjamin.
Cox, William R.	House,	Rice, Wm. W.	
Covington,	Hubbell,	Richardson, J. S.	
Cravens,	Hutchins,	Robertson,	

The following additional pairs were announced:

Mr. CANNON with Mr. ATKINS.

Mr. NEAL with Mr. BLAND.

Mr. MOORE with Mr. SIMONTON.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. HALL with Mr. HERBERT.

Mr. MOORE. I desire to say that I was paired with Mr. SIMONTON, but with the right to vote to make a quorum, and I have voted.

Mr. SPAULDING. I am paired with Mr. JONES, of Arkansas, but I have voted to make a quorum.

Mr. KASSON. I am paired, but I have voted to make a quorum.

The result of the vote was then announced as above stated.

Mr. ATHERTON and Mr. BRAGG made the point that no quorum voted.

Mr. PETTIBONE. I move a call of the House.

Mr. ATHERTON. You can have it.

The motion for a call of the House was agreed to.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Black,	Davis, Lowndes H.	Mosgrove,	Russell,
Bland,	Ford,	Murch,	Simonton,
Buckner,	Geddes,	Neal,	Stockslager,
Burrows, Jos. H.	Herndon,	Nolan,	Taylor, Ezra B.
Cabell,	Hewitt, Abram S.	Oates,	Thompson, Wm. G.
Camp,	Hooker,	Paul,	Wait,
Campbell,	Jones, James K.	Phelps,	Webber,
Candler,	Kelley,	Phister,	Williams, Thomas
Clardy,	Kenna,	Reagan,	Wood, Benjamin
Cornell,	Ketcham,	Rice, Theron M.	Young.
Covington,	Matson,	Rice, Wm. W.	
Cox, Samuel S.	McClure,	Robeson,	

Mr. TUCKER. I desire to announce that my colleague, Mr. CABELL, is detained from the House by sickness.

Mr. MCKENZIE. My colleague, Mr. PHISTER, is detained from the House to-night on account of sickness.

The SPEAKER *pro tempore*. The call of the roll shows 255 members answering to their names; more than a quorum.

Mr. PETTIBONE. I move to dispense with all further proceedings under the call.

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. ATHERTON. I call for a division.

The House divided; and there were—ayes 99, noes 6.

Several MEMBERS. No quorum.

The SPEAKER *pro tempore*. It does not require a quorum to decide that motion. The ayes have it, and further proceedings under the call are dispensed with.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A joint resolution (S. R. 143) authorizing the Committee on Printing to instruct the Public Printer relative to the maps, &c., for the census reports;

A bill (S. 2433) to amend sections 6 and 7 of the act providing for the publication of the Revised Statutes and the laws of the United States, approved June 20, 1876;

Joint resolution (S. R. 64) authorizing the sale of the Congressional Directory and the current numbers of the CONGRESSIONAL RECORD;

Joint resolution (S. R. 95) providing for additional copies of the Revised Statutes for the use of the Interior Department;

Joint resolution (S. R. 139) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

A bill (H. R. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department; and

A bill (H. R. 7240) for the relief of William H. Donohoe.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. The Chair takes occasion to lay before the House the request of the gentleman from Maryland, Mr. HOBLITZELL, to be excused from attendance for the remainder of to-night's session on account of sickness. If there be no objection leave of absence will be granted.

There was no objection.

Mr. ARMFIELD. I ask that my colleague, Mr. VANCE, be excused from further attendance this evening on account of sickness.

The SPEAKER. The Chair hears no objection. The gentleman from New York, Mr. ROBINSON, makes the same request, which, if there be no objection, will be granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 832) for the relief of Marzel Altman;

A bill (H. R. 3243) for the relief of Ernest F. Unland;

A bill (H. R. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia;

A bill (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia;

A bill (H. R. 7289) to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief-justice of said court, the powers and duties now conferred upon said chief-justice, relative to the extradition of fugitives from justice;

A bill (H. R. 6930) to levy an assessment of the real estate in the District of Columbia in the year 1883, and every third year thereafter, for purposes of taxation; and

A bill (H. R. 3220) to ratify the issuance of duplicate checks in certain cases by the superintendent of the mint of the United States at San Francisco.

ELECTION CONTEST—LEE VS. RICHARDSON.

The SPEAKER *pro tempore*. A quorum being present, the next business in order is the call of the roll on agreeing to the resolution of the Committee on Elections as amended.

The question was taken; and there were—yeas 114, nays 8, not voting 169; as follows:

YEAS—114.

Aldrich,	Chace,	Farwell, Chas. B.	Heilman,
Anderson,	Crapo,	Farwell, Sewell S.	Henderson,
Barr,	Cullen,	Ford,	Hepburn,
Bisbee,	Darrall,	George,	Hill,
Bowman,	Davis, George R.	Godshalk,	Hitt,
Briggs,	Dawes,	Grout,	Horr,
Browne,	De Motte,	Guenther,	Houk,
Brumm,	Dezendorf,	Hall,	Hubbell,
Buck,	Dingley,	Hammond, John	Hubbs,
Burrows, Julius C.	Doxey,	Harmer,	Jacobs,
Cannon,	Dunnell,	Harris, Benj. W.	Jadwin,
Carpenter,	Dwight,	Haseltine,	Jones, Phineas
Caswell,	Errett,	Hazelton,	Jorgensen,

Joyce,	Peelle,	Shultz,	Van Aernam,
Lacey,	Peirce,	Skinner,	Van Horn,
Lindsey,	Pettibone,	Smalls,	Van Voorhis,
Lord,	Prescott,	Smith, A. Herr	Wadsworth,
Lynch,	Ranney,	Smith, J. Hyatt	Walker,
Mackey,	Ray,	Spooner,	Ward,
Marsh,	Reed,	Steele,	Washburn,
Mason,	Rice, John B.	Stone,	Watson,
McKinley,	Rich,	Strait,	West,
McLean, Jas. H.	Ritchie,	Taylor, Joseph D.	White,
Miles,	Robinson, Geo. D.	Thomas,	Williams, Chas. G.
Moore,	Robinson, Jas. S.	Townsend, Amos	Willits,
Morey,	Ryan,	Tyler,	Wood, Walter A.
Page,	Sessinghaus,	Updegraff,	Young.
Parker,	Shallenberger,	Urner,	
Payson,	Sherwin,	Valentine,	

NAYS—8.

Calkins,	Holman,	Miller,	Richardson, D. P.
Cook, John C.	Jones, Geo. W.	Rice, Theron M.	Townshend, R. W.

NOT VOTING—169.

Aiken,	Cravens,	Kenna,	Robertson,
Armfield,	Crowley,	Ketcham,	Robeson,
Atherton,	Culberson,	King,	Robinson, Wm. E.
Atkins,	Curtin,	Klotz,	Rosecrans,
Barbour,	Davidson,	Knott,	Ross,
Bayne,	Davis, Lowndes H.	Ladd,	Russell,
Beach,	Deering,	Latham,	Scales,
Belford,	Deuster,	Leedom,	Scoville,
Belmont,	Dibrell,	Le Fevre,	Scranton,
Beltzhoover,	Dowd,	Lewis,	Shelley,
Berry,	Dugro,	Manning,	Simonton,
Bingham,	Dunn,	Martin,	Singleton, J. W.
Black,	Ellis,	Matson,	Singleton, Otho R.
Blackburn,	Ermentrout,	McClure,	Smith, Dietrich C.
Blanchard,	Evins,	McCoid,	Sparks,
Bland,	Fisher,	McCook,	Spaulding,
Bliss,	Flower,	McKenzie,	Speer,
Blount,	Forney,	McLane, Robt. M.	Springer,
Bragg,	Fulkerson,	McMillin,	Stockslager,
Brewer,	Garrison,	Mills,	Talbott,
Buchanan,	Geddes,	Money,	Taylor, Ezra B.
Buckner,	Gibson,	Morrison,	Thompson, P. B.
Burrows, Jos. H.	Gunter,	Morse,	Thompson, Wm. G.
Butterworth,	Hammond, N. J.	Mosgrove,	Tucker,
Cabell,	Hardenbergh,	Moulton,	Turner, H. G.
Caldwell,	Hardy,	Muldrow,	Turner, Oscar
Camp,	Harris, Henry S.	Murch,	Upson,
Campbell,	Haskell,	Mutchler,	Vance,
Candler,	Hatch,	Neal,	Wait,
Carlisle,	Herbert,	Nolan,	Warner,
Cassidy,	Herndon,	Norcross,	Webber,
Chapman,	Hewitt, Abram S.	Oates,	Wellborn,
Clardy,	Hewitt, G. W.	O'Neill,	Wheeler,
Clark,	Hiscock,	Pacheco,	Whitthorne,
Clements,	Hoblitzell,	Paul,	Williams, Thomas
Cobb,	Hoge,	Phelps,	Willis,
Colerick,	Hooker,	Phister,	Wilson,
Converse,	House,	Pound,	Wise, George D.
Cook, Phillip	Humphrey,	Randall,	Wise, Morgan R.
Cornell,	Hutchins,	Reagan,	Wood, Benjamin
Cox, Samuel S.	Jones, James K.	Reese,	
Cox, William R.	Kasson,	Rice, Wm. W.	
Covington,	Kelley,	Richardson, J. S.	

Mr. NORCROSS. Mr. Speaker, has a quorum voted?

The SPEAKER *pro tempore*. A quorum has not voted.

Mr. NORCROSS. Then I would like to have my vote recorded.

The SPEAKER *pro tempore*. The gentleman is too late, unless he answered upon the roll-call.

Mr. NORCROSS. I am paired with the gentleman from Alabama [Mr. WILLIAMS], reserving the right to vote when necessary to make a quorum.

The SPEAKER *pro tempore*. That statement will go into the RECORD, but the gentleman can not vote now.

Mr. TOWNSHEND, of Illinois. My colleague from Illinois, Mr. SMITH, is ill this evening, and in order to enable him to leave the House, I have consented to vote. I cast my vote for that reason.

The roll-call being concluded,

The SPEAKER *pro tempore*. On this vote there are—yeas 114, nays 8.

Mr. ATHERTON. No quorum.

Mr. PETTIBONE. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Belford,	Ford,	McKinley,	Russell,
Black,	Geddes,	McLane, Robt. M.	Shelley,
Blackburn,	Gibson,	Mosgrove,	Sherwin,
Bland,	Gunter,	Moulton,	Singleton, Jas. W.
Buckner,	Hardy,	Nolan,	Skinner,
Burrows, Jos. H.	Heilman,	Oates,	Smith, Dietrich C.
Butterworth,	Herndon,	Paul,	Taylor, Ezra B.
Cabell,	Hewitt, Abram S.	Phelps,	Thomas,
Camp,	Hoblitzell,	Phister,	Thompson, Wm. G.
Campbell,	Hooker,	Prescott,	Vance,
Clardy,	Jones, James K.	Reagan,	Van Aernam,
Cornell,	Jorgensen,	Rice, John B.	Wait,
Covington,	Kelley,	Rice, Wm. W.	Webber,
Cox, Samuel S.	Ketcham,	Richardson, J. S.	Wellborn,
Davis, Lowndes H.	Ladd,	Robertson,	Williams, Thomas
Deuster,	McClure,	Robeson,	Wise, Morgan R.
Dugro,	McCook,	Robinson, Wm. E.	Wood, Benjamin.
Ermentrout,	McKenzie,	Ross.	

Mr. HERBERT. I desire to announce that my colleague, Mr. OATES, is sick in bed, and has been for the last two days. My colleague, Mr. HERNDON, is extremely sick, and Mr. SHELLEY is by his bedside nursing him. My colleauge, Mr. WILLIAMS, is also sick.

Mr. BLISS. My colleague, Mr. ROBINSON, was compelled to leave the House on account of sickness.

Mr. BLANCHARD. Mr. DUGRO, of New York, left the House, being sick, and desires to be excused from further attendance this evening.

The SPEAKER *pro tempore*. The Chair hears no objection.

The roll-call discloses the presence of 219 members. More than a quorum.

Mr. PETTIBONE. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the proposition reported from the Committee on Elections as amended, on which the yeas and nays have been ordered.

Mr. TOWNSHEND, of Illinois. I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. RANDALL. Say two hours.

Mr. CANNON. I think we had better not take a recess, as it is entirely probable in the course of an hour that we can then take a recess with safety until morning.

Mr. TOWNSHEND, of Illinois. I insist upon my motion.

Mr. CANNON. Wait half an hour longer; perhaps we can then take a recess.

Mr. BRAGG. Why not move to take a recess, then, for a half hour?

The SPEAKER *pro tempore*. Does the gentleman from Illinois insist upon his motion?

Mr. TOWNSHEND, of Illinois. I do.

The House divided; and there were—ayes 29, noes 98.

So the House refused to take a recess.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll.

Mr. TOWNSHEND, of Illinois. I move that the House take a recess for one hour.

The motion was not agreed to.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The question was taken; and there were—yeas 122, nays 6, not voting 163; as follows:

YEAS—122.

Aldrich,	Farwell, Sewell S.	Mackey,	Shallenberger,
Anderson,	Fisher,	Marsh,	Sherwin,
Barr,	George,	Mason,	Shultz,
Bayne,	Godshalk,	McCoid,	Skinner,
Bingham,	Grout,	McCook,	Smalls,
Bisbee,	Guenther,	McKinley,	Smith, A. Herr
Bowman,	Hall,	McLean, Jas. H.	Smith, J. Hyatt
Brewer,	Hammond, John	Miles,	Spaulding,
Briggs,	Harmer,	Moore,	Spooner,
Browne,	Harris, Benj. W.	Morey,	Steele,
Brumm,	Haskell,	O'Neill,	Stone,
Buck,	Hazelton,	Pacheco,	Strait,
Burrows, Julius C.	Heilman,	Page,	Taylor, Jos. D.
Candler,	Henderson,	Parker,	Townsend, Amos
Cannon,	Hepburn,	Payson,	Updegraff,
Carpenter,	Hill,	Peelle,	Urner,
Caswell,	Hitt,	Peirce,	Valentine,
Chace,	Horr,	Pettibone,	Van Horn,
Crapo,	Houk,	Pound,	Van Voorhis,
Cullen,	Hubbell,	Prescott,	Wadsworth,
Davis, George R.	Hubbs,	Ranney,	Walker,
Dawes,	Humphrey,	Ray,	Ward,
Deering,	Jacobs,	Reed,	Washburn,
De Motte,	Jones, Phineas	Rice, John B.	Watson,
Dezendorf,	Jorgensen,	Rich,	West,
Dingley,	Joyce,	Ritchie,	White,
Doxey,	Lacey,	Robinson, Geo. D.	Willits,
Dunnell,	Lewis,	Robinson, Jas. S.	Wood, Walter A.
Dwight,	Lindsey,	Ryan,	Young.
Errett,	Lord,	Scranton,	
Farwell, Chas. B.	Lynch,	Sessinghaus,	

NAYS—6.

Calkins,	Jones, George W.	Rice, Theron M.	Townshend, R. W.
Cook, John C.	Miller,		

NOT VOTING—163.

Aiken,	Carlisle,	Dunn,	Holman,
Armfield,	Cassidy,	Ellis,	Hooker,
Atherton,	Chapman,	Ermentrout,	House,
Atkins,	Clardy,	Evins,	Hutchins,
Barbour,	Clark,	Flower,	Jadwin,
Beach,	Clements,	Ford,	Jones, James K.
Belford,	Cobb,	Forney,	Kasson,
Belmont,	Colerick,	Fulkerson,	Kelley,
Beltzhoover,	Converse,	Garrison,	Kenna,
Berry,	Cook, Philip	Geddes,	Ketcham,
Black,	Cornell,	Gibson,	King,
Blackburn,	Covington,	Gunter,	Klotz,
Blanchard,	Cox, Samuel S.	Hammond, N. J.	Knott,
Bland,	Cox, William R.	Hardenbergh,	Ladd,
Bliss,	Cravens,	Hardy,	Latham,
Blount,	Crowley,	Harris, Henry S.	Leedom,
Bragg,	Culberson,	Haseltine,	Le Fevre,
Buchanan,	Curtin,	Hatch,	Manning,
Buckner,	Darrall,	Herbert,	Martin,
Burrows, Jos. H.	Davidson,	Herndon,	Matson,
Butterworth,	Davis, Lowndes H.	Hewitt, Abram S.	McClure,
Cabell,	Deuster,	Hewitt, G. W.	McKenzie,
Caldwell,	Dibrell,	Hiscock,	McLane, Robt. M.
Camp,	Dowd,	Hoblitzell,	McMillin,
Campbell,	Dugro,	Hoge,	Mills,

Money,	Reagan,	Singleton, Otho R.	Vance,
Morrison,	Reese,	Smith, Dietrich C.	Van Aernam,
Morse,	Rice, Wm. W.	Sparks,	Wait,
Mosgrove,	Richardson, D. P.	Speer,	Warner,
Moulton,	Richardson, J. S.	Springer,	Webber,
Muldrow,	Robertson,	Stockslager,	Wellborn,
Mureh,	Robeson,	Talbott,	Wheeler,
Mutchler,	Robinson, Wm. E.	Taylor, Ezra B.	Whitthorne,
Neal,	Rosecrans,	Thomas,	Williams, Chas. G.
Nolan,	Ross,	Thompson, P. B.	Williams, Thomas
Norcross,	Russell,	Thompson, Wm. G.	Willis,
Oates,	Scales,	Tucker,	Wilson,
Paul,	Scoville,	Turner, Henry G.	Wise, George D.
Phelps,	Shelley,	Turner, Oscar	Wise, Morgan R.
Phister,	Simonton,	Tyler,	Wood, Benjamin.
Randall,	Singleton, Jas. W.	Upson,	

The following additional pairs were announced:

Mr. JOYCE with Mr. HAMMOND of Georgia.

Mr. RAY with Mr. TURNER of Georgia, Mr. RAY reserving the right to vote to make a quorum.

Mr. KETCHAM with Mr. COBB.

Mr. HENDERSON with Mr. BLOUNT, Mr. HENDERSON reserving the right to vote to make a quorum.

By unanimous consent the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. ATHERTON. No quorum.

Mr. PETTIBONE. I move that there be a call of the House.

The question was taken.

Mr. ATHERTON. I demand a division.

The House divided; and there were—ayes 76, noes 40.

Mr. ATHERTON. No quorum.

The SPEAKER *pro tempore*. A quorum is not required on this vote.

Mr. ATHERTON. I call for tellers.

Tellers were ordered; and Mr. ATHERTON and Mr. PETTIBONE were appointed tellers.

The House again divided; and the tellers reported—ayes 71, noes 17.

Mr. HOLMAN and Mr. ATHERTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 46, not voting 130; as follows:

YEAS—115.

Anderson,	Doxey,	Jorgensen,	Ryan,
Armfield,	Dunnell,	Lacey,	Sessmgnaus,
Barr,	Dwight,	Latham,	Sherwin,
Bayne,	Errett,	Lewis,	Shultz,
Beltzhoover,	Evins,	Lindsey,	Skinner,
Berry,	Farwell, Chas. B.	Lord,	Smalls,
Bingham,	Farwell, Sewell S.	Lynch,	Smith, J. Hyatt
Bisbee,	Fisher,	Martin,	Sparks,
Bliss,	George,	McKinley,	Spooner,
Bowman,	Godshalk,	McLean, Jas. H.	Steele,
Briggs,	Grout,	Miles,	Stone,
Buck,	Guenther,	Moore,	Strait,
Burrows, Julius C.	Hammond, John	Morey,	Taylor, J. D.
Calkins,	Harmer,	Morse,	Thomas,
Campbell,	Harris, Benj. W.	O'Neill,	Townsend, Amos
Candler,	Haseltine,	Pacheco,	Tyler,
Carpenter,	Haskell,	Peelle,	Valentine,
Chace,	Heilman,	Peirce,	Van Aernam,
Chapman,	Hepburn,	Pettibone,	Van Horn,
Cook, John C.	Herbert,	Pound,	Walker,
Cox, William R.	Hill,	Prescott,	Ward,
Crapo,	Hitt,	Ranney,	Washburn,
Cullen,	Holman,	Reed,	Watson,
Davis, George R.	Houk,	Rice, John B.	West,
Dawes,	House,	Rich,	White,
Deering,	Hubbs,	Richardson, D. P.	Williams, Chas. G.
De Motte,	Humphrey,	Ritchie,	Willits,
Dezendorf,	Jacobs,	Robinson, Geo. D.	Wood, Walter A.
Dingley,	Jones, Phineas	Robinson, Jas. S.	

NAYS—46.

Atherton,	Cravens,	Hutchins,	Scoville,
Atkins,	Davidson,	Knott,	Singleton, Otho R.
Beach,	Davis, Lowndes H.	Le Fevre,	Springer,
Bragg,	Dibrell,	Manning,	Talbott,
Buchanan,	Dowd,	McKenzie,	Tucker,
Caldwell,	Ellis,	Money,	Turner, Oscar
Carlisle,	Ermentrout,	Muldrow,	Warner,
Cassidy,	Forney,	Murch,	Wellborn,
Clark,	Hardenbergh,	Mutchler,	Wheeler,
Cobb,	Hardy,	Reese,	Whitthorne.
Colerick,	Hatch,	Rice, Theron M.	
Cook, Philip	Hoge,	Rosecrans,	

NOT VOTING—130.

Aiken,	Caswell,	Gibson,	Kasson,
Aldrich,	Clardy,	Gunter,	Kelley,
Barbour,	Clements,	Hall,	Kenna,
Belford,	Converse,	Hammond, N. J.	Ketcham,
Belmont,	Cornell,	Harris, Henry S.	King,
Black,	Covington,	Hazelton,	Klotz,
Blackburn,	Cox, Samuel S.	Henderson,	Ladd,
Blanchard,	Crowley,	Herndon,	Leedom,
Bland,	Culberson,	Hewitt, Abram S.	Mackey,
Blount,	Curtin,	Hewitt, G. W.	Marsh,
Brewer,	Darrall,	Hiscock,	Mason,
Browne,	Deuster,	Hoblitzell,	Matson,
Brumm,	Dugro,	Hooker,	McClure,
Buckner,	Dunn,	Horr,	McCoid,
Burrows, Jos. H.	Flower,	Hubbell,	McCook,
Butterworth,	Ford,	Jadwin,	McLane, Robt. M.
Cabell,	Fulkerson,	Jones, George W.	McMillin,
Camp,	Garrison,	Jones, James K.	Miller,
Cannon,	Geddes,	Joyce,	Mills,
Morrison,	Ray,	Singleton, J. W.	Vance,
Mosgrove,	Reagan,	Smith, A. Herr	Van Voorhis,
Moulton,	Rice, Wm. W.	Smith, Dietrich C.	Wadsworth,
Neal,	Richardson, J. S.	Spaulding,	Wait,
Nolan,	Robertson,	Speer,	Webber,
Norcross,	Robeson,	Stockslager,	Williams, Thomas
Oates,	Robinson, Wm. E.	Taylor, E. B.	Willis,
Page,	Ross,	Thompson, P. B.	Wilson,
Parker,	Russell,	Thompson, Wm. G.	Wise, George D.
Paul,	Scales,	Townshend, R. W.	Wise, Morgan R.
Payson,	Scranton,	Turner, Henry G.	Wood, Benjamin
Phelps,	Shallenberger,	Updegraff,	Young.
Phister,	Shelley,	Upson,	
Randall,	Simonton,	Urner,	

So a call of the House was ordered.

The following additional pairs were announced:

Mr. UPDEGRAFF with Mr. WISE of Virginia.

Mr. PAUL with Mr. SCALES.

Mr. SMITH, of Illinois, with Mr. TOWNSHEND, of Illinois.

Mr. HENDERSON. I withdraw my vote. I am paired with the gentleman from Georgia, Mr. BLOUNT.

Mr. JOYCE. Being paired, I withdraw my vote if there is a quorum on this roll-call.

Mr. ANDERSON. I ask that the reading of the names be dispensed with.

Mr. HOLMAN. I object.

The names of members voting were read.

The SPEAKER *pro tempore* (Mr. ROBINSON, of Massachusetts). On this vote the yeas are 115, the nays are 46. The motion is agreed to, and a call of the House is ordered. The Clerk will call the roll.

Mr. BRAGG. I make the point of order that the roll-call discloses a quorum present. I move that further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The point of order can not be sustained.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 6018) to amend section 4919 of the Revised Statutes relating to the recovery of damages for infringement of patents.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for the printing of 5,500 additional copies of the proceedings of the court of inquiry to investigate the loss of the steamer Jeanette, in the Artic seas.

CONTESTED ELECTION—LEE VS. RICHARDSON.

The SPEAKER. A call of the House has been ordered. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Black,	Ford,	Matson,	Ross,
Blackburn,	Geddes,	McClure,	Russell,
Blanchard,	Gibson,	McCoid,	Scales,
Bland,	Godshalk,	McCook,	Scranton,
Blount,	Gunter,	McKinley,	Shelley,
Bowman,	Hammond, N. J.	McLane, Robt. M.	Singleton, Jas. W.
Brumm,	Harris, Henry S.	McMillin,	Smith, A. Herr
Buckner,	Hepburn,	Mills,	Smith, Dietrich C.
Burrows, Jos. H.	Herndon,	Money,	Speer,
Butterworth,	Hewitt, Abram S.	Morrison,	Springer,
Cabell,	Hewitt, G. W.	Mosgrove,	Taylor, Ezra B.
Calkins,	Hill,	Moulton,	Thompson, Wm. G.
Camp,	Hoblitzell,	Neal,	Townsend, Amos
Campbell,	Hooker,	Nolan,	Townshend, R. W.
Cannon,	Hubbell,	Oates,	Turner, Henry G.
Clardy,	Jadwin,	Paul,	Updegraff,
Cobb,	Jones, Geo. W.	Pettibone,	Vance,
Converse,	Jones, James K.	Phelps,	Van Aernam,
Cornell,	Jorgensen,	Phister,	Van Voorhis,
Covington,	Kelley,	Reagan,	Wadsworth,
Curtin,	Kenna,	Rice, John B.	Wait,
Darrall,	Ketcham,	Rice, Wm. W.	Webber,
Doxey,	King,	Richardson, J. S.	West,
Dugro,	Ladd,	Robertson,	White,
Dwight,	Leedom,	Robeson,	Williams, Thomas
Ellis,	Mackey,	Robinson, Jas. S.	Wise, George D.
Farwell, Chas. B.	Marsh,	Robinson, Wm. E.	Wood, Benjamin.
Flower,	Mason,	Rosecrans,	

The SPEAKER *pro tempore*. On the call of the roll 180 members have responded to their names—more than a quorum.

ENROLLED BILLS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 277) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela;

A bill (H. R. 832) for the relief of Marzel Altmann.

A bill (H. R. 3220) to ratify the issuance of duplicate checks in certain cases by the superintendent of the mint of the United States at San Francisco:

A bill (H. R. 3243) for the relief of Ernest F. Unland;
A bill (H. R. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia; and
A bill (H. R. 7289) to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief-justice of said court, the powers and duties now conferred upon said chief-justice, relative to the extradition of fugitives from justice.

ELECTION CONTEST—LEE VS. RICHARDSON.

The SPEAKER *pro tempore*. On the roll-call 180 members have responded to their names—more than a quorum.

Mr. PETTIBONE. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. KASSON. I move to postpone the further consideration of the pending election case for four hours.

The SPEAKER *pro tempore*. The Chair thinks that would not be in order after the previous question has been ordered.

Mr. WHITE. I hope we will go on with this case.

Mr. KASSON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KASSON. Was the motion made to reconsider the vote by which the previous question was ordered? My impression is it was not.

Mr. PETTIBONE. My recollection is that the motion to reconsider was made and laid upon the table.

Mr. MURCH. Would it be in order to move to take a recess at the present time?

The SPEAKER *pro tempore*. The Chair would entertain that motion.

Mr. MURCH. I move that the House take a recess until 10 o'clock.

The SPEAKER *pro tempore*. The gentleman from Maine moves that the House take a recess until 10 o'clock this day.

Mr. MURCH. I withdraw that motion for the present.

The SPEAKER *pro tempore*. The regular order is the call of the roll.

Mr. KASSON. I again submit the inquiry whether the motion to reconsider was made?

The SPEAKER *pro tempore*. The Chair is informed it was not made.

Mr. KASSON. Then I make the motion to reconsider.

Mr. DEZENDORF. And I move to lay that motion on the table. I give notice that you shall not pass anything between now and 12 o'clock to-morrow unless we have a decision on this question. [Cries on Democratic side of "All right!" "Go ahead!"]

Mr. MURCH. I renew my motion for a recess.

Mr. WHITE. I rise to a question of order.

The SPEAKER *pro tempore*. No question of order can be entertained until the House is in order.

Mr. WHITE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE. I desire to know whether the gentleman from Iowa [Mr. KASSON] can be recognized to make that motion if the record shows that he voted on the wrong side? I call for the record of the gentleman in order to ascertain on which side he voted.

The SPEAKER *pro tempore*. The Chair is informed that there was no roll-call on the question, and therefore there is no presumption one way or the other.

Mr. MACKEY. I desire to make a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MACKEY. I desire to call the attention of the Chair to clause 8 of Rule XVI.

The SPEAKER. For what purpose?

Mr. MACKEY. To show that this motion to reconsider can not be entertained.

The SPEAKER. The Chair does not understand how that is applicable. That clause relates to a motion to suspend the rules.

Mr. MACKEY. By no means. I refer to the amended rule. This is the clause:

> Pending a motion to suspend the rules, or on any question of consideration which may arise on a case involving the constitutional right to a seat, and pending the motion for the previous question, or after it shall have been ordered on any such case, the Speaker may entertain one motion to adjourn; but after the result thereon is announced, he shall not entertain any other motion till the vote is taken on the pending question; and pending the consideration of such case only a motion to adjourn or to take a recess (but not both in succession) shall be in order, and such motions shall not be repeated without further intervening consideration of the case for at least one hour.

Now my point of order is that pending the consideration of this case the Chair can entertain only a motion to adjourn or a motion to take a recess.

Mr. MURCH. Then I make the motion that the House now take a recess until 9 o'clock.

Mr. KASSON. It is always in order to move to reconsider.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. KASSON] has made the motion that the vote by which the previous question was ordered upon the pending subject shall be reconsidered, and the gentleman from Virginia [Mr. DEZENDORF] has moved to lay that motion on the table. The Chair thinks that both of these motions are in order, notwithstanding the eighth clause of Rule XVI. The Chair understands that the point of order of the gentleman from South Carolina [Mr. MACKEY] is answered so far as that is concerned.

Mr. BURROWS, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS, of Michigan. I desire to inquire of the Chair if the calling of the roll can be interrupted by the motion to reconsider? The Speaker had directed the Clerk to call the roll, and the Clerk had called the first name on the roll.

The SPEAKER *pro tempore*. The Chair will inquire; if that is so, the Chair misapprehended it.

Mr. PETTIBONE. The first name was called.

Mr. MURCH. That point is too late; I insist upon my motion to take a recess.

Mr. BURROWS, of Michigan. The Clerk will know.

The SPEAKER *pro tempore*. The Chair thinks there is a misapprehension. He is informed that a name was called.

Mr. PETTIBONE. We all heard it.

The SPEAKER *pro tempore*. But no answer was made, and there is no record of the fact. The Chair must be guided by the statement of the Clerk.

Mr. MURCH. I insist on my motion for a recess.

Mr. PAGE. I desire to call attention of the House to Rule XVIII, and I ask that it may be read by the Clerk.

Mr. PETTIBONE. Read it yourself.

Mr. PAGE. I will read it; it is as follows:

> When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

The SPEAKER *pro tempore*. The Chair does not know what the point of the gentleman is.

Mr. PAGE. My point of order is that the motion to reconsider is in order.

The SPEAKER *pro tempore*. The Chair so holds, and has so ruled.

Mr. PAGE. I did not so understand the Chair.

Mr. DEZENDORF. And I move to lay the motion to reconsider on the table.

Mr. MACKEY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MACKEY. Was not a motion to reconsider the vote by which the previous question was ordered once made already this evening?

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that that motion was not made. The gentleman will undoubtedly recollect that by unanimous consent the previous question was considered as ordered. It was not made in fact, but was an arrangement by unanimous consent.

Mr. MURCH, I insist upon my motion for a recess until 9 o'clock.

The SPEAKER *pro tempore*. The Chair thinks the motion to reconsider is first in order; this being the last day of the session.

Mr. POUND. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POUND. I understand the Chair to say that the previous question was ordered by unanimous consent. Is that so?

The SPEAKER *pro tempore*. It was so ordered.

Mr. POUND. Then a motion to reconsider is not in order, and has never been entertained under such circumstances.

The SPEAKER *pro tempore*. The Chair entertains the motion.

Mr. POUND. Unanimous consent is tantamount to a suspension of the rules, and a motion to reconsider a suspension of the rules has never been entertained.

Mr. HUMPHREY. Unanimous consent is conclusive evidence that everybody voted in favor of the motion; and therefore it is not competent to move to reconsider it.

The SPEAKER *pro tempore*. The Chair having disposed of the various points of order, will put the question. The motion is to reconsider the vote by which the previous question was ordered and to lay that motion on the table. The question will be upon laying upon the table the motion to reconsider.

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. ATHERTON. I call for a division.

The House divided; and there were—ayes 74, noes 24.

Mr. SPARKS and Mr. HOLMAN. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, tellers will be ordered, and the Chair will appoint as tellers Mr. DEZENDORF, of Virginia, and Mr. HOLMAN, of Indiana.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 5538) to reduce internal taxation, and for other purposes; when the Speaker signed the same.

ELECTION CASE—LEE VS. RICHARDSON.

The committee again divided; and the tellers reported—ayes 74, noes 13; no quorum voting.

Mr. PETTIBONE. I move a call of the House.

The motion was agreed to, there being—ayes 101, noes 47.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Aiken,	Ermentrout,	Leedom,	Scales,
Belford,	Fisher,	Mackey,	Scoville,
Berry,	Flower,	Manning,	Scranton,
Black,	Fulkerson,	Marsh,	Shelley,
Blackburn,	Geddes,	Matson,	Singleton, J. W.
Blanchard,	Gibson,	McClure,	Skinner,
Bland,	Hammond, N. J.	McCoid,	Smith, A. Herr
Blount,	Hardenbergh,	McLane, Robt. M.	Smith, Dietrich C.
Brewer,	Harris, Henry S.	McMillin,	Spaulding,
Browne,	Hazelton,	Miles,	Speer,
Brumm,	Henderson,	Mills,	Strait,
Buckner,	Hepburn,	Morrison,	Taylor, E. B.
Burrows, Jos. H.	Herndon,	Mosgrove,	Thomas,
Butterworth,	Hewitt, Abram S.	Moulton,	Thompson, Wm. G.
Cabell,	Hewitt, G. W.	Mutchler,	Townsend, Amos
Calkins,	Hiscock,	Neal,	Townshend, R. W.
Camp,	Hitt,	Nolan,	Turner, Henry G.
Campbell,	Hoblitzell,	Oates,	Urner,
Cannon,	Hooker,	Paul,	Vance,
Cassidy,	Horr,	Pettibone,	Van Aernam,
Chace,	Hubbell,	Phelps,	Wait,
Clardy,	Hubbs,	Phister,	Walker,
Cobb,	Jacobs,	Pound,	Washburn,
Converse,	Jadwin,	Ray,	Webber,
Cornell,	Jones, George W.	Reagan,	West,
Covington,	Jones, James K.	Rice, Wm. W.	White,
Crowley,	Jones, Phineas	Richardson, J. S.	Williams, Thomas
Culbertson,	Kelley,	Robertson,	Willis,
Darrall,	Kenna,	Robinson, Wm. E.	Willits,
Davis, Lowndes H.	Ketcham,	Rosecrans,	Wise, George D.
Dugro,	Knott,	Ross,	Wood, Benjamin.
Dwight,	Ladd,	Russell,	

MESSAGE FROM THE SENATE.

During the roll-call a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7611) to adjust the salaries of postmasters.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 7061) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. PAGE. I move that the House non-concur in the amendment of the Senate to the shipping bill and ask a committee of conference.

Mr. DEZENDORF. I object. There is no business in order except proceeding with the unfinished business.

CONTESTED ELECTION—LEE VS. RICHARDSON.

The call of the roll was resumed and concluded.

The SPEAKER *pro tempore*. One hundred and sixty-four members have answered to their names. A quorum is present.

DEFICIENCY APPROPRIATION BILL.

Mr. ROBESON. I rise to a question of high privilege and submit the report of the committee of conference on the deficiency appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 11, 13, 21, 22, 27, 31, 41, 42, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 12, 14, 15, 16, 17½, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 43, 44, 48, 49, 51 and 52; and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment insert the following:

"And the salaries due all District employés for current services shall be paid in full, notwithstanding suspensions heretofore made in the accounts of the commissioners of the District by the accounting officers of the Treasury."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,319.43;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"To pay D. F. Murphy, Official Reporter of the Senate, for extra services and for clerk-hire paid out by him, $1,000, for the second session of the Forty-seventh Congress."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Charles Carter for cleaning extra room of Committee on Appropriations, $60."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay W. B. Green for clerical work in completing the records of the Committee on Accounts, a sum equal to one month's pay, $180."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "second" and insert "seventh;" and the Senate agree to the same.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

EUGENE HALE,
WM. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the conference report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the deficiency appropriation bill submit the following written statement in explanation of the conference report:

The amount appropriated by the bill as agreed upon is $2,813,187.80, being $527,853.69 more than was contained in the bill as it passed the House.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

Mr. ROBESON. I desire to say that all the increases in this bill are audited accounts from the officers of the Treasury and a certain set of accounts; not large in amount, under a decision of the Supreme Court for repayment of balances on property sold for taxes. There is also an appropriation of $150,000 to settle the title, under the decision of the Supreme Court of the United States, to the soldiers' cemetery at Arlington. With this statement I move the previous question.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. ROBESON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech; and

A bill (H. R. 6930) to levy an assessment of the real estate in the District of Columbia in the year 1883, and every third year thereafter, for purposes of taxation.

EMMA H. COLLINS.

On motion of Mr. URNER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Emma H. Collins.

JEROME E. PAMPEL.

On motion of Mr. URNER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Jerome E. Pampel.

JAMES H. BONE.

On motion of Mr. WHEELER, by unanimous consent, leave was granted to James H. Bone to withdraw a paper filed by him as evidence with the Committee on War Claims.

WITHDRAWAL OF PAPER.

On motion of Mr. WHEELER, by unanimous consent, leave was granted to withdraw from the Committee on Elections a paper designated "A notice to take evidence at Pleasant Hill," upon his depositing a certified copy of said paper.

LEAVE OF ABSENCE.

Mr. CONVERSE, by unanimous consent, was granted leave of absence for the rest of this night's session, on account of sickness.

ORDER OF BUSINESS.

Mr. PAGE. I ask unanimous consent——

Mr. WHITE. Regular order.

Mr. PAGE. I ask by unanimous consent that the bill to remove burdens from American shipping be taken up, the Senate amendments non-concurred in, and a conference asked on the disagreeing votes of the two Houses.

Mr. THOMPSON, of Kentucky. I object.

Mr. PAGE. I do not think gentlemen will object to take up the shipping bill when it is understood I only ask for non-concurrence and a committee of conference.

Mr. SPARKS. I object.

Mr. PAGE. I move to suspend the rules.

Mr. WHITE. I demand the regular order.

The SPEAKER. The regular order is the consideration of the election case.

Mr. DEZENDORF. If the election case does not lose any of its rights I withdraw my objection.

Mr. PETTIBONE. But only on that understanding.

Mr. BRAGG. I object to that, as the regular business is to lay on the table.

The SPEAKER. The gentleman from California moves to suspend the rules and take from the Speaker's table the shipping bill, and to non-concur in the Senate amendments and ask for a conference on the disagreeing votes of the two Houses.

The House divided; and there were—ayes 99, noes 5.

Mr. SPARKS. No quorum has voted.

The SPEAKER appointed as tellers Mr. PAGE and Mr. SPARKS.

Mr. DINGLEY. I ask unanimous consent to make a single statement in regard to this bill.

Mr. SPARKS. I object.

The House again divided; and the tellers reported—ayes 95, noes 3.

Mr. PAGE. I withdraw the motion, as I find there is no quorum present.

Mr. TUCKER rose.

Mr. WHITE. Regular order.

The SPEAKER. The regular order is the contested-election case.

Mr. BRAGG. Can that motion be withdrawn except by unanimous consent?

The SPEAKER. The gentleman moved to suspend the rules and has now withdrawn it.

Mr. KASSON. I ask to take from the Speaker's table the bill (H. R. 6018) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for infringement of patents. It is known as the bill to relieve the farmers from vexatious patent suits. It passed the House at the last session and is now returned with Senate amendments which are not satisfactory.

Mr. WHITE. I object.

Mr. KASSON. I move to suspend the rules. It will not interfere with the election case but for a moment.

The SPEAKER. The regular order is the contested-election case.

Mr. PETTIBONE. I move to dispense with all further proceedings under the call.

The House divided; and there were—ayes 43, noes 23.

Mr. KASSON. Is it not in order to submit a motion on my bill to relieve the farmer from vexatious patent suits?

The SPEAKER. The regular order is the election case.

Mr. McCOOK. I move we take a recess until 9 o'clock, and I insist on my motion being put.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman from New York moves the House take a recess until 9 o'clock.

Mr. DEZENDORF. We hold our place on the election case.

Mr. BRAGG. Hold on to everything you have got.

Mr. DEZENDORF. Do I understand the Chair to say we still retain our rights?

The SPEAKER. You lose no rights.

Mr. BRAGG. I tell you that man must have his money for service which he has never rendered.

Mr. McCOOK. I withdraw my motion.

The SPEAKER. The regular order is on the resolution as amended in the contested-election case.

Mr. BRAGG. I make the point of order that is not the question. The question as I understand it was on the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote by which the previous question was ordered, or rather it was on the motion of the gentleman from Virginia [Mr. DEZENDORF], to lay that motion to reconsider on the table.

Mr. HOLMAN. That is the motion.

The SPEAKER. That is the pending motion.

Mr. KASSON. I renew my request to take up House bill 6018 to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patent.

Mr. ROBINSON, of Massachusetts. I object to that bill.

Mr. HOLMAN. What is it?

Mr. KASSON. I will state what it is.

Mr. WHITE. I ask that unanimous consent be given to the gentleman from Iowa for the purpose he has indicated, provided it does not prejudice the contested-election case now under consideration. When his case is disposed of will the election case be then the first thing in order?

The SPEAKER. The Chair is not able to hear the gentleman from Kentucky.

Mr. WHITE. That is because the Chair does not keep order.

Mr. KASSON. It does not lose any of its rights.

The SPEAKER. The pending question is on the motion of the gentleman from Virginia [Mr. DEZENDORF], to lay on the table the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote by which the previous question was ordered, and on that motion the yeas and nays had been ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 6, not voting 199; as follows:

YEAS—86.

Anderson,	Harris, Benj. W.	Morey,	Smalls,
Barr,	Haseltine,	Norcross,	Smith, J. Hyatt
Bingham,	Heilman,	O'Neill,	Spooner,
Bisbee,	Henderson,	Page,	Steele,
Briggs,	Hitt,	Parker,	Strait,
Brumm,	Horr,	Payson,	Taylor, Joseph D.
Buck,	Houk,	Peelle,	Thomas,
Carpenter,	Hubbs,	Peirce,	Townsend, Amos
Caswell,	Humphrey,	Pettibone,	Valentine,
Chace,	Jacobs,	Pound,	Van Aernam,
Cullen,	Jorgensen,	Ranney,	Van Voorhis,
Davis, George R.	Joyce,	Ray,	Walker,
Dawes,	Kasson,	Reed,	Ward,
De Motte,	Lewis,	Rice, John B.	Washburn,
Dingley,	Lord,	Rice, Theron M.	Watson,
Doxey,	Lynch,	Rich,	Williams, Chas. G.
Dunnell,	Mackey,	Ritchie,	Willits,
Farwell, Sewell S.	McCoid,	Robinson, Jas. S.	Wise, Morgan R.
Ford,	McCook,	Shallenberger,	Wood, Walter A.
Godshalk,	McKinley,	Sherwin,	Young.
Hammond, John	McLean, Jas. H.	Shultz,	
Harmer,	Miles,	Skinner,	

NAYS—6.

Browne,	Deuster,	Lacey,	Moore.
Calkins,	Farwell, Chas B.		

NOT VOTING—199.

Aiken,	Culberson,	Jones, Geo. W.	Robinson, Wm. E.
Aldrich,	Curtin,	Jones, James K.	Rosecrans,
Armfield,	Darrall,	Jones, Phineas	Ross,
Atherton,	Davidson,	Kelley,	Russell,
Atkins,	Davis, Lowndes H.	Kenna,	Ryan,
Barbour,	Deering,	Ketcham,	Scales,
Bayne,	Dezendorf,	King,	Scoville,
Beach,	Dibrell,	Klotz,	Scranton,
Belford,	Dowd,	Knott,	Sessinghaus,
Belmont,	Dugro,	Ladd,	Shelley,
Beltzhoover,	Dunn,	Latham,	Simonton,
Berry,	Dwight,	Leedom,	Singleton, Jas. W.
Black,	Ellis,	Le Fevre,	Singleton, Otho R.
Blackburn,	Ermentrout,	Lindsey,	Smith, A. Herr
Blanchard,	Errett,	Manning,	Smith, Dietrich C.
Bland,	Evins,	Marsh,	Sparks,
Bliss,	Fisher,	Martin,	Spaulding,
Blount,	Flower,	Mason,	Speer,
Bowman,	Forney,	Matson,	Springer,
Bragg,	Fulkerson,	McClure,	Stockslager,
Brewer,	Garrison,	McKenzie,	Stone,
Buchanan,	Geddes,	McLane, Robt. M.	Talbott,
Buckner,	George,	McMillin,	Taylor, Ezra B.
Burrows, Julius C.	Gibson,	Miller,	Thompson, P. B.
Burrows, Jos. H.	Grout,	Mills,	Thompson, W. G.
Butterworth,	Guenther,	Money,	Townshend, R. W.
Cabell,	Gunter,	Morrison,	Tucker,
Caldwell,	Hall,	Morse,	Turner, Henry G.
Camp,	Hammond, N. J.	Mosgrove,	Turner, Oscar
Campbell,	Hardenbergh,	Moulton,	Tyler,
Candler,	Hardy,	Muldrow,	Updegraff,
Cannon,	Harris, Henry S.	Murch,	Upson,
Carlisle,	Haskell,	Mutchler,	Urner,
Cassidy,	Hatch,	Neal,	Vance,
Chapman,	Hazelton,	Nolan,	Van Horn,
Clardy,	Hepburn,	Oates,	Wadsworth,
Clark,	Herbert,	Pacheco,	Wait,
Clements,	Herndon,	Paul,	Warner,
Cobb,	Hewitt, Abram S.	Phelps,	Webber,
Colerick,	Hewitt, G. W.	Phister,	Wellborn,
Converse,	Hill,	Prescott,	West,
Cook, John C.	Hiscock,	Randall,	Wheeler,
Cook, Philip	Hoblitzell,	Reagan,	White,
Cornell,	Hoge,	Reese,	Whitthorne,
Covington,	Holman,	Rice, Wm. W.	Williams, Thomas
Cox, Samuel S.	Hooker,	Richardson, D. P.	Willis,
Cox, William R.	House,	Richardson, J. S.	Wilson,
Crapo,	Hubbell,	Robertson,	Wise, George D.
Cravens,	Hutchins,	Robeson,	Wood, Benjamin.
Crowley,	Jadwin,	Robinson, Geo. D.	

So the motion to lay on the table was agreed to.

The following additional pairs were announced:

Mr. WELLBORN with Mr. DEERING.

Mr. SMITH, of Pennsylvania, with Mr. BARBOUR.

Mr. WAIT with Mr. COVINGTON.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. RYAN with Mr. ATKINS.

Mr. JONES, of New Jersey, with Mr. VANCE.

By unanimous consent the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BRAGG and Mr. HOLMAN. No quorum.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. What business is before the House?

The SPEAKER. The pending motion is to lay upon the table the motion to reconsider the vote by which the previous question has been ordered in the contested-election case.

Mr. BUTTERWORTH. Is it debatable?

The SPEAKER. It is not debatable.

Mr. BRAGG. Is not the question before the House a call of the House?

Mr. PETTIBONE. I move a call of the House.

The SPEAKER. The Chair does not think that motion is in order.

Mr. BRAGG. The point has been made that no quorum voted.

The SPEAKER. The Chair thinks there is a quorum in the House.

Mr. BRAGG. I would like to know whether the rule authorizes the Chair to judge that there is a quorum present when the roll-call shows that a quorum is not present?

The SPEAKER. It is determined under the rule by a count.

Mr. BRAGG. Is there any better count than the record of the vote?

The SPEAKER. There is a great deal better than the record on this vote. The Chair will state in response to the gentleman's point that the previous question has been ordered. After the previous question is ordered, unless it is ascertained upon actual count by the Speaker that there is no quorum present the motion for a call of the House is not in order.

Mr. BRAGG. I am very sorry that the Speaker overrules the judgment of the late occupant of the chair, who did entertain the motion.

The SPEAKER. The gentleman who occupied the chair did exactly right. The point was not called to his attention.

Mr. SPRINGER. Would it be in order to lay on the table the whole subject in regard to this election case?

The SPEAKER. There is a pending motion to lay on the table.

Mr. SPRINGER. There are some matters of public business that we must transact before to-day at 12 o'clock.

Mr. PETTIBONE. I understand that there is no quorum present on the last vote. I call for tellers on that question.

Mr. ELLIS. I rise to a parliamentary inquiry, or rather I desire to renew the inquiry made by the gentleman from Illinois, and ask if a motion to lay this contested-election case upon the table is not in order?

The SPEAKER. A motion is already pending to lay upon the table the motion to reconsider the vote by which the previous question was ordered, which motion is in order.

Mr. ELLIS. If the motion I suggest is in order, to lay the whole subject upon the table, I move that the contested-election case and all proceedings had therein be laid upon the table.

Mr. PEELLE. The motion to lay upon the table is already pending.

Mr. SPRINGER. Well, this is to lay that on the table too.

Mr. WHITE. Before that question is decided I would like to be heard on the point of order.

Mr. WASHBURN. I move that the House take a recess until 9 o'clock.

Mr. SPARKS. I move to amend by inserting "10 o'clock."

The SPEAKER. A motion to take a recess would be in order. The question is on agreeing to the amendment submitted by the gentleman from Illinois.

The motion was not agreed to.

The question recurring upon the motion of Mr. WASHBURN, it was not agreed to.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it

Mr. SPRINGER. Under our rules the hour fixed for adjournment now is 11 o'clock, and unless we vacate that rule the session of this House will close at 11 o'clock to-day, or to-morrow, that being the end of our legislative day.

The SPEAKER. The Chair has heard the point of order raised by the gentleman from Illinois, and overrules it.

Mr. YOUNG. I desire to submit a motion to suspend the rules and take up a bill relating to foreign patents.

The SPEAKER. The motion can not now be entertained.

ENROLLED BILL SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendments, bills of the House of the following titles, namely:

A bill (H. R. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

A bill (H. R. 4218) for the relief of Robert L. McConnaughey;

A bill (H. R. 3837) for the relief of William D. Martin;

A bill (H. R. 151) for the relief of David S. Booth, M. D.;

A bill (H. R. 6308) for the relief of C. H. Miller;

A bill (H. R. 7462) to create three additional land districts in the Territory of Dakota;

A bill (H. R. 6889) for the relief of Mrs. Louisa F. Stone;

A bill (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell;

A bill (H. R. 4926) for the relief of Charles Kortzenborn;

A bill (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry in lieu of Pembina, in the Territory of Dakota;

A bill (H. R. 3850) for the relief of Joseph Westcott & Son;

A bill (H. R. 3842) to pay Charles W. Button costs of advertising property levied on by the collector of the United States internal revenue for the fifth district of the State of Virginia;

A bill (H. R. 3267) granting a pension to Clara Wible;

A bill (H. R. 2294) granting a pension to John Glenn;

A bill (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding offices in the Territories;

Joint resolution (H. R. 333) validating certain contracts executed by the Postmaster-General; and

A bill (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois.

The message further announced that the Senate had passed with amendments House bills of the following titles, in which amendments the concurrence of the House was requested:

A bill (H. R. 6928) to regulate licenses in the District of Columbia; and

A bill (H. R. 660) for the relief of Samuel Chase Barney.

CONTESTED ELECTION—LEE VS. RICHARDSON.

Mr. SKINNER. I rise to a question of order. When the roll-call discloses no quorum, are any motions in order except a motion to adjourn and a motion for a call of the House?

The SPEAKER. Some matter may come in of higher privilege.

JOHN BAILEY.

Mr. BISBEE. I rise to present a privileged report. I submit a report from the special committee raised to investigate the conduct of John Bailey, an officer of the House.

The SPEAKER. The report is privileged. Under the resolution appointing the committee it was authorized to report at any time.

Mr. McMILLIN. Can that report be received while the previous question is pending?

The SPEAKER. The gentleman from Florida submits a report from the special committee in relation to charges against John Bailey, an officer of the House. The report will be printed and laid on the table.

Mr. BISBEE. I ask to have the resolution reported by the committee read:

The Clerk read as follows:

Resolved, That the charges contained in the said resolution against John Bailey as an officer of this House are not proven, and do not furnish sufficient grounds for the conclusion that said Bailey is guilty of any improper conduct, and that your committee be discharged from the further consideration of the case.

RICHARD CROWLEY.
WILLIAM ALDRICH.
H. BISBEE, Jr.
E. L. MARTIN.

Mr. WHITE. I make the point of order that the House having been found without a quorum, nothing is in order but a motion to adjourn, a motion for a recess, or a motion for a call of the House, and that this report is not in order.

The SPEAKER. Under a resolution of the House the report is in order at any time.

The report was ordered to be printed, and to lie on the table.

Mr. COX, of North Carolina. I ask permission to file the views of the minority.

The SPEAKER. Has the gentleman got them ready?

Mr. COX, of North Carolina. Yes, sir.

The SPEAKER. The views of the minority will be received and will be printed with the report of the majority.

Mr. KLOTZ. I ask unanimous consent to have printed in the RECORD some remarks on the subject of that report.

Mr. BISBEE and others objected.

Mr. ROBINSON, of Ohio. I ask unanimous consent that the gentleman from Pennsylvania [Mr. KLOTZ] be permitted to make his remarks now.

Mr. BISBEE. I do not object to that. I only object to remarks on this subject being printed which are not delivered in the House.

Several members objected.

CONTESTED ELECTION—LEE VS. RICHARDSON.

The SPEAKER. The question is on the motion to lay on the table the motion to reconsider the vote by which the previous question was ordered in the contested-election case. The Clerk will call the roll.

The question was taken; and there were—yeas 79, nays 4, not voting 208; as follows:

YEAS—79.

Anderson,	Davis, George R.	Houk,	Morey,
Barr,	Dawes,	Hubbs,	Norcross,
Bingham,	De Motte,	Humphrey,	O'Neill,
Bisbee,	Deuster,	Jacobs,	Peelle,
Bowman,	Dezendorf,	Lewis,	Peirce,
Briggs,	Farwell, Sewell S.	Lindsey,	Pettibone,
Brumm,	Harmer,	Lord,	Pound,
Buck,	Harris, Benj. W.	Lynch,	Prescott,
Butterworth,	Heilman,	Mackey,	Ranney,
Carpenter,	Henderson,	McKinley,	Ray,
Caswell,	Hepburn,	McLean, Jas. H.	Reed,
Chace,	Hitt,	Miles,	Rich,
Cullen,	Horr,	Moore,	Richardson, D. P.

Ritchie,	Shultz,	Taylor, Jos. D.	Watson,
Robinson, Geo. D.	Skinner,	Thomas,	White,
Robinson, Jas. S.	Smith, J. Hyatt	Valentine,	Williams, Chas. G.
Ryan,	Spooner,	Van Voorhis,	Willits,
Sessinghaus,	Steele,	Walker,	Wood, Walter A.
Shallenberger,	Stone,	Ward,	Young.
Sherwin,	Strait,	Washburn,	

NAYS—4.

Cannon,	Kasson,	Lacey,	Rice, Theron M.

NOT VOTING—208.

Aiken,	Davidson,	Jadwin,	Richardson, J. S.
Aldrich,	Davis, Lowndes H.	Jones, George W.	Robertson,
Armfield,	Deering,	Jones, James K.	Robeson,
Atherton,	Dibrell,	Jones, Phineas	Robinson, Wm. E.
Atkins,	Dingley,	Jorgensen,	Rosecrans,
Barbour,	Dowd,	Joyce,	Ross,
Bayne,	Doxey,	Kelley,	Russell,
Beach,	Dugro,	Kenna,	Scales,
Belford,	Dunn,	Ketcham,	Scoville,
Belmont,	Dunnell,	King,	Scranton,
Beltzhoover,	Dwight,	Klotz,	Shelley,
Berry,	Ellis,	Knott,	Simonton,
Black,	Ermentrout,	Ladd,	Singleton, Jas. W.
Blackburn,	Errett,	Latham,	Singleton, Otho R.
Blanchard,	Evins,	Leedom,	Smalls,
Bland,	Farwell, Chas. B.	Le Fevre,	Smith, A. Herr
Bliss,	Fisher,	Manning,	Smith, Dietrich C.
Blount,	Flower,	Marsh,	Sparks,
Bragg,	Ford,	Martin,	Spaulding,
Brewer,	Forney,	Mason,	Speer,
Browne,	Fulkerson,	Matson,	Springer,
Buchanan,	Garrison,	McClure,	Stockslager,
Buckner,	Geddes,	McCoid,	Talbott,
Burrows, Julius C.	George,	McCook,	Taylor, Ezra B.
Burrows, Jas. H.	Gibson,	McKenzie,	Thompson, P. B.
Cabell,	Godshalk,	McLane, Robt. M.	Thompson, Wm. G.
Caldwell,	Grout,	McMillin,	Townsend, Amos
Calkins,	Guenther,	Miller,	Townshend, R. W.
Camp,	Gunter,	Mills,	Tucker,
Campbell,	Hall,	Money,	Turner, Henry G.
Candler,	Hammond, John	Morrison,	Turner, Oscar
Carlisle,	Hammond, N. J.	Morse,	Tyler,
Cassidy,	Hardenbergh,	Mosgrove,	Updegraff,
Chapman,	Hardy,	Moulton,	Upson,
Clardy,	Harris, Henry S.	Muldrow,	Urner,
Clark,	Haseltine,	Murch,	Vance,
Clements,	Haskell,	Mutchler,	Van Aernam,
Cobb,	Hatch,	Neal,	Van Horn,
Colerick,	Hazelton,	Nolan,	Wadsworth,
Converse,	Herbert,	Oates,	Wait,
Cook, John C.	Herndon,	Pacheco,	Warner,
Cook, Philip	Hewitt, Abram S.	Page,	Webber,
Cornell,	Hewitt, G. W.	Parker,	Wellborn,
Covington,	Hill,	Paul,	West,
Cox, Samuel S.	Hiscock,	Payson,	Wheeler,
Cox, William R.	Hoblitzell,	Phelps,	Whitthorne,
Crapo,	Hoge,	Phister,	Williams, Thomas
Cravens,	Holman,	Randall,	Willis,
Crowley,	Hooker,	Reagan,	Wilson,
Culberson,	House,	Reese,	Wise, George D.
Curtin,	Hubbell,	Rice, John B.	Wise, Morgan R.
Darrall,	Hutchins,	Rice, Wm. W.	Wood, Benjamin.

Mr. PETTIBONE. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The SPEAKER. On this vote the yeas are 79 and the nays are 4.

Mr. BRAGG and Mr. SPARKS. No quorum.

Mr. PETTIBONE. I move that there be a call of the House.

The SPEAKER. That motion is not in order.

Mr. PETTIBONE. I understand the call of the roll showed that there was no quorum present.

The SPEAKER. It showed that no quorum voted.

Mr. PETTIBONE. Ah!

Mr. BUTTERWORTH. Mr. Speaker, I want to appeal to that side of the House——

Several members objected, and called for the regular order.

Mr. BUTTERWORTH. This is the regular order. I want to appeal to that side of the House to stop this filibustering proceeding. I want to make a motion to go to the Speaker's table with a view to taking up the bonded bill.

Mr. WHITE. You certainly would not make a motion to take up the whisky bonded bill on the Sabbath day.

Mr. BUTTERWORTH. I never knew you to be so concerned about the Sabbath day before. What I want is to get rid of this business and dispose of it. I therefore beg my friends on the other side——

Mr. HUMPHREY. Not to filibuster.

Mr. BUTTERWORTH. Yes; so that we may go to business on the Speaker's table.

Mr. WHITE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE. I call for the reading of Rule XVIII.

The SPEAKER. The gentleman will state his point of order.

Mr. WHITE. I make a point of order under Rule XVIII, which is as follows:

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and therefore any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

The SPEAKER. The gentleman will state his point of order.

Mr. WHITE. My point of order is that the gentleman from Iowa having made a motion to reconsider the vote by which the previous question was ordered, and this being within the last six days of the session, that motion must be settled now, and the gentleman from Ohio is not entitled to the floor.

The SPEAKER. The gentleman from Kentucky makes a point of order against that which is not before the House.

Mr. BUTTERWORTH. I ask for a vote to be taken on the pending question, so that we may go to business on the Speaker's table.

Mr. RANDALL. I call for the regular order.

Mr. CALKINS. I desire to submit a proposition to this House to see if we can not come to some understanding with reference to the pending subject. I suggest that my colleague on the Committee on Elections [Mr. PETTIBONE] give notice that at a certain hour of to-day he will call up the contested-election case again for further consideration.

Mr. WHITE. I object to any such agreement, and call for the regular order.

Mr. CALKINS. It is not an agreement at all.

Mr. WHITE. No; and never will be.

Mr. CALKINS. It is a matter in the power of the gentleman in charge of the case. It is known to this House that there are many bills on the Speaker's table——

Mr. WHITE. Yes, and we do not want to go to the Speaker's table.

Mr. CALKINS. Which the Senate has passed and which this House ought to pass.

Mr. WHITE. What are they?

Mr. CALKINS. I do not ask that any rights be waived with reference to the pending subject. I only suggest to the gentleman in charge of it to give notice that at a certain time he will again call up the election case and proceed with its consideration, no right being waived by the gentleman. The question is whether that gentleman will consent to fix an hour at which he will again insist upon the consideration of this election case, and in the mean time allow the House to proceed to the consideration of bills which should be passed by this House.

Mr. RANDALL. I object, and call for the regular order.

Mr. HISCOCK. I rise to a privileged report.

The SPEAKER. The gentleman will present it.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I rise to submit the report from the committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the bill of the House (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The SPEAKER. The statement accompanying the report will be read.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the sundry civil appropriation bill submit the following written statement in explanation of the conference report:

The bill as agreed upon in the conference appropriates $24,206,147.47, being $659,200 less than as it was passed by the Senate and $1,683,210.59 less than the current appropriations.

FRANK HISCOCK,
BENJ. BUTTERWORTH,
JO. C. S. BLACKBURN,
Managers on the part of the House.

Mr. HOLMAN. I now trust that instead of reading the report, which will furnish no information to the House, the gentleman from New York [Mr. HISCOCK] will state what has been the result of the conference.

Mr. HISCOCK. Is that accepted in lieu of the reading of the report?

Mr. HOLMAN. I think there is no necessity for reading that report.

Mr. HISCOCK. Very well. This bill, as it passed the House, carried $23,119,232.50; as it passed the Senate it carried $24,565,347.47, and as we have agreed upon the bill it carries $23,906,147.47. The amount yielded by the Senate is $659,200.

Of items which have heretofore been included in other appropriation bills this bill carries about $500,000, I believe. Therefore the amount in this bill which has usually been included in bills of this character is about $23,406,147.47.

In regard to the real points of difference between the House and the Senate, I regret to say that we have yielded them all.

Mr. HOLMAN. Oh, dear!

Mr. HISCOCK. I refer to the points of difference stated when I presented the disagreeing conference report, and not to points of difference involving only amounts of money. The same principle exists with regard to them all. As I stated to the House when I presented the disagreeing report, the Senate conferees insisted that all the provisions in disagreement were of the character of affirmative legislation, and ought not to be upon a general appropriation bill, and insisted that it should be eliminated.

Your conferees unanimously came to the conclusion from that position the Senate would not recede. We were confronted with the alternative of yielding all the points on the part of the House, or having the bill fail, and we yielded.

I regret as much, I believe, as any member of this House the surrender; I especially regret the surrender of certain of them. It was insisted, especially with reference to the provision of the bill repealing the preemption laws, that there was no time afforded the Senate for the discussion and examination of so grave a question. What that suggestion was, made perhaps for the purpose of soothing our feelings while the Senate refused to concur with us upon the broader principle, I have stated. The Senate conferees planted themselves upon the doctrine that legislation would not be tolerated by the Senate upon a general appropriation bill.

This was the position of Senators on both sides of the Senate Chamber, neither side being more willing than the other to make concessions in this respect.

Mr. HOLMAN. The gentleman will allow me to ask whether the bill as now agreed upon by the conferees does not contain a Senate amendment which is to be regarded as general legislation—as much so as any of the five or six propositions which have been struck out?

Mr. HISCOCK. I think not.

Mr. HOLMAN. Why not?

Mr. HISCOCK. I suppose the gentleman refers to the provision in regard to the Cherokee Indians.

Mr. HOLMAN. Is there not a provision in regard to the Yellowstone Park?

Mr. HISCOCK. There is. If that is the one the gentleman refers to.

Mr. HOLMAN. I refer to both.

Mr. HISCOCK. A provision in regard to Yellowstone Park was included in the bill as it passed the House, a provision of affirmative legislation. For some reason—gentlemen, of course, can surmise as correctly as myself what that reason was—for some reason the point was not made against that legislative provision either in the Committee on Appropriations of the Senate or in the Senate. It was not stricken from the bill; but they proceeded to consider and amend. It was hardly proper for us to ask to strike our legislation from the bill. We all believe legislation on that subject desirable.

Mr. HOLMAN. Before my friend takes his seat will he not permit, for the information of the House, the reading of the three Senate amendments agreed to by this conference committee—one in regard to the sale of vessels, one in regard to the Yellowstone Park, and one authorizing the adjustment of the Cherokee Indian claim?

Mr. HISCOCK. The provision in regard to the sale of vessels was not in this bill, but in the deficiency bill.

Mr. HOLMAN. Then I ask that the other two may be now read.

Mr. HISCOCK. With reference to the Cherokee Indian provision it is doubtful whether as formulated by the Senate it is affirmative legislation. It appropriates a certain sum, a part of the sum which it is claimed is due from the United States to that tribe, and provides that the title to certain lands shall be conveyed to the United States in trust for certain Indian tribes.

Mr. HOLMAN. And that was put on by the Senate.

Mr. HISCOCK. It is in the form of a provision for carrying out treaty stipulations.

Mr. HOLMAN. It is a purely legislative measure.

Mr. HISCOCK. Of course the argument made on the part of the Senate was that the condition imposed upon the payment of the money was a proper condition, and not one of affirmative legislation.

I am not going to argue the question whether the Senate was right in this. I have had occasion heretofore to examine the subject. The sundry civil bill for the current year, as it passed the House at the last session, was amended in the Senate in respect to the Cherokee Indians. I was dissatisfied with the form of the provision proposed, and had too little time to examine the question; and the Senate amendment was disagreed to then. The conferees were not satisfied with its form as presented in this bill, as it came from the Senate without amendments. We were not, however, insisting there should be no legislation in the bill, and we perfected the Senate amendment.

Mr. BRAGG. What became of the Sioux ratification?

Mr. HISCOCK. The Sioux ratification is stricken from the bill, and a provision is inserted appropriating $10,000 for the purpose of procuring the assent, I believe, of two-thirds of the adult males of that tribe to the treaty the House proposed to ratify.

Mr. HOLMAN. How much is appropriated?

Mr. HISCOCK. Ten thousand dollars. It was claimed on the part of the Senate that the old treaty, which the late treaty modified and changed, contained an express provision that future treaties between the tribe and the United States should only be entered into with the consent of two-thirds of the adult males of the tribe. The want of such assent was one of the objections made to our legislation, and the bill was amended so as to provide for procuring such assent.

Mr. VALENTINE. Do you provide for a ratification of the treaty?

Mr. HISCOCK. We do not. [Cries of "Vote!" "Vote!"]

Mr. BLISS. I desire to ask my colleague [Mr. HISCOCK], the chairman of the conference committee, in what respect the amendment which provided for the sale of certain lands in the city of Brooklyn adjoining the navy-yard differs from the amendment which was attached to the deficiency bill providing for the sale of a certain number of vessels.

Mr. HISCOCK. I do not think, Mr. Speaker, there is the slightest difference in the world between them.

Mr. BLISS. If that is the case, then I hope that this report will not be concurred in.

Mr. NEAL. I hope it will.

Mr. BLISS. I am opposed to the Senate making any rule which deals differently with substantially the same propositions.

Mr. HISCOCK. In my judgment there is no substantial difference between the provisions. A proposition with reference to the sale of ships was upon the deficiency bill, and I do not think that it escaped the observation of the Senate. [Laughter.] Certainly no point was made against it. The point was made against the sale of a part of the Brooklyn navy-yard and against the sale of the Chelsea Hospital. In regard to the latter there certainly were members of the Senate, I suppose, who were very friendly to that provision, yet they strenuously insisted upon this point against affirmative legislation.

I submit to the House a statement exhibiting the appropriations at this session, and contrasted with those of the first session of this Congress and with the appropriations of the Forty-sixth Congress for the fiscal year 1882.

The aggregate of the appropriations at this session is $229,327,511.36, as against $295,510,639.86 by the first session of this Congress, and as against $219,367,983.38 appropriated by the last session of the Forty-sixth Congress. You will bear in mind, however, that in last year's appropriations were $24,000,000 in round numbers to be charged to the previous year, rendered necessary by the fact that the second session of the Forty-sixth Congress failed to make the necessary appropriations for the fiscal year 1882, for the payment of pensions and for branches of the service where the expenditure is not discretionary but regulated by law.

Deduct that amount from last year's appropriations, and we are below them in round numbers $41,000,000; $14,000,000 of this difference is in the pension appropriations; $18,738,000 in the appropriations for rivers and harbors; showing our appropriations for the expenses of the Government and miscellaneous purposes for the next fiscal year to be about $9,000,000 less than for the current year.

The appropriation for pensions for 1882 was $66,000,000 only. For the next fiscal year we have appropriated $86,000,000. Adding the difference, $20,000,000, to the appropriations for the fiscal year 1882, exclusive of rivers and harbors, $11,441,300, the aggregate is $227,926,683.38, as against our appropriations for the next fiscal year of $229,327,511.36. We have been compelled to provide for a two years' growth of the country, and we have appropriated over $2,000,000 for the increase of the Navy.

Our deficiency bill this year carries only $2,813,187.83; about $500,000 of that only is for the current year, the balance to pay audited claims and judgments against the United States.

History of the fourteen regular appropriation bills, 1883-'84.

Title.	Estimates, 1883.	Estimates, 1884.	Date.	As reported.	Date.	As passed House.
Pension	$100,000,000 00	$101,575,000 00	Jan. 6	$81,575,000 00	Jan. 13	$86,575,000 00
Military Academy	419,574 47	420,644 93	Dec. 12	305,657 50		305,657 50
Fortifications	1,220,000 00	1,000,000 00	Jan. 6	325,000 00		325,000 00
Consular and diplomatic	1,315,055 00	1,390,905 00	Dec. 8	1,258,255 00	Dec. 9	1,258,255 00
Navy	17,249,148 46	23,481,078 54	Jan. 16	15,209,100 23	Jan. 25	15,208,800 23
Post-Office	43,661,800 00	46,741,111 25	Dec. 11	43,948,520 00	Dec. 20	44,229,520 00
Indian	5,841,713 91	6,725,731 54	Dec. 4	5,208,955 91	Dec. 7	5,208,955 91
Army	29,187,386 67	28,570,643 44	Dec. 19	24,681,500 00	Jan. 14	24,696,500 00
Legislative, &c	19,228,773 65	21,840,175 08	Feb. 2	20,367,463 65	Feb. 16	20,383,730 05
Sundry civil	26,312,259 01	34,186,376 35	Feb. 19	22,325,720 67	Feb. 24	23,119,232 50
District of Columbia	1,781,299 66	1,775,149 54	Jan. 4	1,682,772 23	Jan. 5	1,667,462 23
River and harbor	8,500,000 00	4,573,000 00	Feb. 20	7,987,000 00	Mar. 2	8,047,000 00
Deficiency	24,275,460 32	2,166,758 78	Feb. 26	2,037,989 09	Mar. 1	2,285,334 11
Agricultural	502,980 00	521,270 00	Dec. 12	406,820 00	Dec. 13	406,820 00
Miscellaneous	30,000,000 00	1,000,000 00		750,000 00		750,000 00
Totals	309,495,451 15	275,967,844 45		228,069,753 68		234,467,207 53
Exclusive of river and harbor	300,995,451 15	271,394,844 45		220,082,753 68		226,420,207 53

History of the fourteen regular appropriation bills, 1883-'84.—Continued.

Title.	Date.	Passed Senate committee.	Date.	Passed Senate.	Law, 1884.	Law, 1883.	Law, 1882.
Pension	Feb. 3	$865,750,000 00	Feb. 10	$86,575,000 00	$86,575,000 00	$100,000,000 00	$66,000,000 00
Military Academy	Dec. 22	319,507 50	Jan. 4	319,507 50	318,657 50	335,557 04	322,435 37
Fortifications	Feb. 16	740,000 00	Feb. 21	740,000 00	670,000 00	375,000 00	575,000 00
Consular and Diplomatic	Dec. 18	1,316,755 00	Dec. 20	1,321,755 00	1,296,755 00	1,256,655 00	1,229,435 00
Navy	Feb. 9	15,727,434 23		15,891,434 23	15,894,434 23	14,819,976 80	14,991,444 59
Post-Office	Jan. 16	44,539,520 00	Jan. 20	44,514,520 00	44,489,520 00	44,643,900 00	43,350,783 23
Indian	Dec. 15	5,363,155 91	Dec. 19	5,376,255 91	5,362,655 91	5,229,374 01	5,628,648 47
Army	Jan. 29	25,473,500 00		24,949,900 00	24,681,350 00	27,258,000 00	27,207,800 00
Legislative, &c		20,598,879 55	Feb. 24	20,639,329 55	20,464,296 22	20,038,000 65	18,565,554 16
Sundry civil	Feb. 28	24,835,919 36	Mar.	24,565,347 47	23,906,147 47	25,589,358 06	24,715,492 75
District of Columbia	Feb. 17	1,635,889 73		1,666,514 73	1,699,867 23	1,695,098 04	1,724,166 22
River and harbor						18,738,875 00	11,441,300 00
Deficiency	Mar. 2	2,934,813 27	Mar. 3	2,944,336 50	2,813,187 80	25,689,951 10	
Agricultural	Dec. 20	404,640 00	Dec. 21	404,640 00	405,640 00	427,280 00	335,500 00
Miscellaneous		750,000 00		750,000 00	9,413,614 16	3,280,426 59	
Total		231,115,014 55		230,662,540 89	229,327,511 36	295,510,639 86	*219,367,983 38
Exclusive of river and harbor		231,115,014 55		230,662,540 89	229,327,511 36	276,771,764 86	†207,926,683 38

*Appropriated. †Includes deficiencies provided for.

I now move the adoption of the report.

Mr. HOLMAN. I trust the gentleman from New York will allow those amendments to be read.

Mr. HISCOCK. I demand the previous question.

Mr. BROWNE. I hope the gentleman will yield to me for a moment.

Mr. HOLMAN. Division.

Mr. CANNON. The gentleman from New York did yield to the gentleman from Indiana, but the Chair did not hear him.

Mr. HISCOCK. I did yield to the gentleman from Indiana.

Mr. BROWNE. I desire but one minute. In eight hours, Mr. Speaker, this Congress will adjourn *sine die*. Upon my motion an amendment very important to me and, I believe, to the people of the United States was incorporated in this bill. It has been struck out by the conference committee. I do not now propose that the House shall refuse to concur in this report, but I desire in behalf of my people to protest against the action, particularly of the Senate conferees, in taxing the people of the United States to support a class of pensioners in the soldiers' homes and at the same time to pay them pensions.

I protest, also, against the conclusion which has been reached by which, under the present law, if the occupant of a home should die while in that soldiers' home, the balance of his pension shall go to his widow or personal representatives, while if he should happen to die when he is absent from the home on furlough, it is retained by the officers of the home and covered into the treasury of the home. It is inequitable, it is unjust, it is an outrage; and while I shall not oppose a concurrence in the report of the conference committee, because of the lateness of the hour, I feel it to be my duty to enter my solemn protest against that action. If I thought by non-concurrence a different result would be reached, I would ask the House to refuse to concur.

Mr. HISCOCK. A single word, which bears somewhat on what has been said by the gentleman from Indiana in behalf of the conferees on the part of the House. If we believed that non-concurrence in reference to that provision, and non-concurrence in reference to the provision repealing the pre-emption laws and non-concurrence in reference to one or two other provisions in this bill, would result in their enacting them into law, we would not have brought in this report.

Mr. BLACKBURN. I desire on behalf of the conferees of the House to say this: That the criticism of the gentleman from Indiana does not apply to those gentlemen selected by the House to settle the disputed points on this bill. I am very sure there was no effort spared by the representatives of the House to bring about the result contemplated by the amendment of the gentleman from Indiana. The chairman of this committee of conference on the part of the House, the chairman of the Committee on Appropriations of the House, has stated fairly it was only after the conferees sent from this wing of the Capitol had become thoroughly satisfied it was impossible for them to carry out the wish of the House in this regard they ever consented to make a report yielding the views expressed by the House and held by themselves.

There are many things in this bill I am very sure this House does not desire to enact into law; that the conferees sent there by the House did not desire to make law; that did not receive my approval nor that of a single conferee that you have appointed. They come back and bring you a report which they say to you is the best they can get, and submit it for you to determine whether under the circumstances you will insist on a further conference.

Mr. HISCOCK. Mr. Speaker, while possibly if the bill fails it might not produce an extra session, because it would be in the power of Congress to pass a joint resolution continuing the law for the current year, yet that would inconvenience the Government, for it is very necessary the appropriations should be made on another basis or varied as to certain branches of the service. And we were therefore presented with the alternative of an extra session or the continuance of the law for the present year.

It is not unlikely if an extra session was the alternative of the failure of this bill the Senate would have receded from its position, but I doubt not that branch of Congress was quite as well informed as ourselves, and appreciated the fact that at the last moment the joint resolution I have referred to could be passed. It of course would be free from the obnoxious legislation, and therefore what would be gained by insisting the bill under consideration should carry it? We can not force it upon the Senate.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 31, 38, 40, 43, 56, 57, 58, 67, 73, 74, 77, 83, 84, 88, 89, 90, 91, 99, 102, 112, 116, 119, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20, 24, 25, 27, 28, 30, 32, 35, 39, 41, 42, 48, 49, 51, 59, 61, 62, 63, 64, 65, 66, 68, 70, 71, 72, 75, 76, 78, 81, 85, 86, 87, 93, 94, 95, 96, 100, 101, 103, 105, 106, 108, 109, 110, 111, 113, 114, 115, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 134, and agree to the same.

Amendments numbered 2 and 3: That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with an amendment as follows: In lieu of "$1,500" insert "$1,800;" and in lieu of "$2,500" insert "$3,000;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$630,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$485,700;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$361,000;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and strike out in line 6, page 10 of the bill, the word "ten" and insert "seven;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from is disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and in line 8, page 10 of the bill, strike out "fifteen" and insert "twelve;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: Strike out the language proposed to be inserted by said amendment, and in line 10, page 10 of the bill, strike out "1,000" and insert "700;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$10,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and strike out after the word "dollars," in line 26, page 21 of the bill, down to and including line 4, page 22; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"FOR THE NATIONAL BOARD OF HEALTH.

"For compensation and personal expenses of members of the board, $10,000."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,500;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "for the enlargement and construction of such military posts as in the judgment of the Secretary of War may be necessary, $200,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amend-

ments as follows: Strike out of said amendment the words "for West India reports, $4,000," and in lieu of "$12,000" insert "$7,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,500;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out "fifty" and insert "thirty-five;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with amendments as follows: In line 27, page 32 of the bill, after the word "dollars," insert "the same to be immediately available;" and in lines 3 and 4 of said amendment strike out the words "next fiscal," and add after the word "year" "1884;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 16, page 53 of the bill, after the word "law," insert "and exclusive of officers detailed for Arctic Sea service;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with amendments as follows: In lieu of "forty-five" insert "twenty-five," and after the word "mules," in line 14, page 34 of the bill, insert the words "and six horses;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of "$4,500" insert "$3,100;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,651.75;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: On page 36, line 10 of the bill, after the word "approved," insert "March 3;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "60,000;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lines 8 and 9 of said amendment strike out the words "for the tracts occupied by" and insert "to the United States in trust only for the benefit of;" and in line 10 of the amendment, after the word "Osages," insert "now occupying said tract, as they respectively occupy the same, before the payment of said sum of money;" and after the word "money," in line 11, strike out the balance of said amendment; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert:

"For the purpose of procuring the assent of the Sioux Indians as provided by article 12 of the treaty between the United States and the different bands of the Sioux Nation of Indians made and concluded April 29, 1868, to agreement made with said Sioux Indians transmitted to the Senate February 3, 1883, by the President, with such modification of said agreement as will fully secure to them a title to the land remaining in the several reservations set apart to them by said agreement, and to the Santee Sioux the proceeds of that portion of their separate reservation not allotted in severalty, $10,000, or so much thereof as may be necessary, to be immediately available and to be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "and," insert the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,402,000;" and the Senate agree to the same.

Amendments numbered 132 and 133: That the House recede from its disagreement to the amendments of the Senate numbered 132 and 133, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter proposed to be inserted by said amendments insert:

"To enable the Acting Secretary of the Senate and the Clerk of the House to pay the officers and employés of the Senate and House of Representatives, respectively, borne on the annual and session rolls, on the 3d day of March, 1883, one month's extra pay at the rate of compensation then paid them by law, which sum shall be immediately available.

"That a joint commission consisting of three Senators, to be appointed by the Presiding Officer of the Senate, and three members-elect of the Forty-eighth Congress, to be appointed by the Speaker of the House of Representatives, shall during the recess of Congress consider the question of the salaries and compensation of the officers and employés of the Senate and House, respectively; and also the number of such employés necessary for the official transaction of the business of the two Houses, and shall report to the two Houses on the second Monday of December next their conclusions with reference to the whole subject, and shall recommend legislation respecting the same, if in their judgment any legislation is necessary."

And the Senate agree to the same.

FRANK HISCOCK,
BENJ. BUTTERWORTH,
JO. C. S. BLACKBURN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

The SPEAKER. The question is on the demand for the previous question on the report of the conference committee.

The previous question was ordered.

The question was taken.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 84, noes 8.

Mr. HOLMAN. I believe that is no quorum. Owing to the lateness of the hour, Mr. Speaker, I do not feel justifiable perhaps in insisting upon the point of order that no quorum is present, although I must be permitted to say that it has very seldom occurred within my experience of the conduct of business in this House where the reading of a paper, which is also a very short one, and which was necessary to be read for the information of the House, whose reading would occupy but a moment, was refused, while ten, fifteen, or twenty minutes of discussion was allowed. That has been unexampled in my experience here.

Mr. HISCOCK. I understood the gentleman to ask for a discussion in lieu of the reading of the statement.

Mr. HOLMAN. I asked that the two legislative clauses should be read for the information of the House, so that the fact might appear on the record in connection with the proceedings of the House on this bill, and with reference to the matter of how entirely inexcusable the Senate was in their demand that the House should recede from its position with reference to legislation, while they themselves were legislating in a manner equally objectionable, as far as the question of applying legislation to appropriation bills is concerned, upon the same bill. It was to show this fact conclusively that I desired to have these items read.

I withdraw the point of order.

So (no further count being demanded) the report of the conference committee was agreed to.

Mr. HISCOCK moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREPARATION OF INTERNAL-REVENUE DIES, PLATES, STAMPS, ETC.

Mr. HISCOCK, by unanimous consent, introduced a joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate.

Mr. HISCOCK. I ask unanimous consent for the present consideration of that joint resolution.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, That the sum of $20,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the alteration of dies, plates, and stamps, and such other expenses as are incident in preparing for the collection of the taxes on tobacco, snuff, cigars, and cigarettes and special taxes at the reduced rates provided in the act of the present session reducing internal-revenue taxation, and for the preparation of the proper blanks for claims for the rebate provided for in said act.

The SPEAKER. The gentleman from New York asks for the present consideration of the joint resolution.

The Chair hears no objection.

Mr. RANDALL. Is there any provision there for additional force?

Mr. HISCOCK. No. The joint resolution explains itself fully, and so I will ask the House to vote upon it at once.

The joint resolution was read a first and second time, ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION CASE—LEE VS. RICHARDSON.

Mr. HISCOCK. I move that the House take a recess until to-morrow morning at 9 o'clock.

Mr. PEELLE. I raise the point of order upon that. The only business in order is the consideration of the contested-election case.

The SPEAKER. What point of order does the gentleman raise?

Mr. PEELLE. I raise the point of order that a motion to take a recess has been voted down once since the consideration of this election case began.

The SPEAKER. How long ago has it been?

Mr. PEELLE. It is true that other business has intervened——

The SPEAKER. The Chair overrules the point of order.

Mr. HISCOCK. I will modify my motion that we take a recess for five hours.

Several MEMBERS. That is right.

Mr. ROBESON. I suggest that it be limited to four hours.

Mr. BUTTERWORTH. Mr. Speaker, there is very important business upon the Speaker's table to be attended to, and as we have very few hours of this session remaining I hope the House will not agree to take a recess.

Mr. HISCOCK. I make the motion to take a recess for five hours.

The SPEAKER. That will be until half-past 9 o'clock.

Mr. HOLMAN. I move to amend by making it 10 o'clock.

The SPEAKER. The Chair will submit the motion of the gentleman from New York.

The question was taken; the House divided, and there were—ayes 67, noes 55.

Mr. HOLMAN, Mr. BUTTERWORTH, Mr. BLACKBURN, and others. No quorum.

Mr. BUTTERWORTH. I move to proceed to business on the Speaker's table.

The SPEAKER. The only business in order is the appointment of tellers.

Mr. HISCOCK and Mr. BLACKBURN were appointed tellers.

The House again divided; and the tellers reported—ayes 68, noes 53.

Mr. WILLIS. No quorum.

The SPEAKER. The tellers will keep their places.

Mr. BROWNE. Would it be in order to ask unanimous consent to pass over the pending business temporarily to take up the pension cases which have been reported and are now on the Private Calendar and dispose of them at once? I ask unanimous consent that that be done.

Mr. WHITE. I object. The only business before the House is the contested-election case. I do not want to waive any rights in that case.

Mr. HISCOCK. I suppose that there is no objection to other gentlemen taking the places of the tellers for a short time?

The SPEAKER. If there be no objection the Chair thinks the tellers might be relieved if tired.

Mr. ROBINSON of Massachusetts, and Mr. THOMPSON of Kentucky took the places of the tellers.

Mr. BISBEE. I ask unanimous consent to submit a proposition.

Mr. MORSE. Oh, no!

Mr. ROBESON. Would it be in order to ask unanimous consent to suspend for the present the pending order and proceed to business under a suspension of the rules?

Mr. BRAGG and Mr. WHITE objected.

Mr. ROBESON. It could not do any harm.

Mr. BISBEE. I hope the House will listen to my proposition. Will the gentleman from Tennessee withdraw his privileged question for a moment? Then we can take up the bonded-extension bill for consideration.

Mr. WHITE. I object.

Mr. BUTTERWORTH. I ask that the tellers make their report so that if a quorum is not present there may be a call of the House.

The SPEAKER. The tellers have reported ayes 69, noes 53.

Mr. WILLIS. No quorum.

The SPEAKER. The Chair thinks there is a quorum present on a count.

Mr. MCKENZIE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCKENZIE. Will it be in order to make a few remarks on the general political situation?

The SPEAKER. By unanimous consent only.

Mr. BISBEE. I move that the gentleman have leave to print.

Mr. RANDALL. I ask that my colleague [Mr. KLOTZ] be allowed to print some remarks in the RECORD.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois.

CONTESTED ELECTION—LEE VS. RICHARDSON.

Mr. BUTTERWORTH. I move a call of the House.

The SPEAKER. The previous question is pending.

Mr. RANDALL. I did not hear any objection to the request I made that my colleague [Mr. KLOTZ] have leave to print some remarks.

Several members objected.

Mr. BUTTERWORTH. I rise to make a parliamentary inquiry. I understand the Speaker to have decided there is a quorum present by count.

The SPEAKER. Yes, sir.

Mr. BUTTERWORTH. If that is so, then the motion I desire to make is in order. I move that the morning hour be dispensed with.

Several members called for the regular order.

The SPEAKER. The regular order is the contested-election case. The previous question has been ordered, and a motion is pending to lay upon the table the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote ordering the previous question. The regular order is the call of the yeas and nays on the motion to lay on the table the motion to reconsider.

Mr. PAGE. I ask unanimous consent that we take a recess for five hours.

Mr. THOMPSON, of Kentucky. I object.

Mr. PAGE. Four hours then.

Mr. THOMPSON, of Kentucky. I object to taking a recess for any time. I desire to make an inquiry of the Chair. I am a teller, and I wish to know how long I have to stay here.

Mr. SPRINGER. I rise to make a proposition to the House. All of the cases on the Private Calendar relating to pensions except two or three have been reached and disposed of. On Friday night of this week the chairman of the Committee on Invalid Pensions had the right to have these cases called up. But other business was very pressing and the pension business was allowed to go by. I ask unanimous consent that we take up these cases that are left and dispose of them.

Several members objected.

The SPEAKER. The Chair has been requested to state that there are on the Speaker's table a number of House bills with Senate amendments. In the case of some of these bills the amendments are very unimportant, but unless they are considered the bills would fail. The Chair has been requested to ask unanimous consent that such of these bills be taken up and considered as there is no objection to.

Mr. RANDALL. I object, unless my colleague has the right to print. That is a courtesy which has never been refused before.

Mr. BUTTERWORTH. I object also. Let business proceed in its regular order.

Mr. WHITE. We will never consent to pass the whisky bill on Sunday.

Mr. HOOKER. I make the point of order that if we go to the Speaker's table, we shall take up the business there in its order.

The SPEAKER. There is no question pending as to that. The regular order is called for. The Clerk will call the roll on the pending question, which is to lay on the table the motion to reconsider the vote by which the previous question was ordered in the election case.

The question was taken; and there were—ayes 71, no 1, not voting 219; as follows:

YEAS—71.

Anderson,	Dunnell,	Moore,	Robinson, Jas. S.
Barr,	Harmer,	Morey,	Sherwin,
Bingham,	Harris, Benj. W.	Morse,	Skinner,
Bisbee,	Haskell,	Parker,	Smalls,
Briggs,	Henderson,	Payson,	Smith, J. Hyatt
Buck,	Hepburn,	Peelle,	Spooner,
Butterworth,	Hiscock,	Peirce,	Steele,
Calkins,	Hitt,	Pettibone,	Strait,
Cannon,	Horr,	Pound,	Taylor, Joseph D.
Carpenter,	Houk,	Prescott,	Thomas,
Chace,	Hubbs,	Ranney,	Valentine,
Cullen,	Humphrey,	Ray,	Van Horn,
Davis, George R.	Jacobs,	Reed,	Wadsworth,
Dawes,	Lacey,	Rice, Theron M.	Walker,
De Motte,	Lindsey,	Rich,	White,
Dezendorf,	Lynch,	Ritchie,	Williams, Chas. G.
Dingley,	Mackey,	Robeson,	Young.
Doxey,	McLean, Jas. H.	Robinson, Geo. D.	

NAY—1.

Browne.

NOT VOTING—219.

Aiken,	Clements,	Geddes,	Kenna,
Aldrich,	Cobb,	George,	Ketcham,
Armfield,	Colerick,	Gibson,	King,
Atherton,	Converse,	Godshalk,	Klotz,
Atkins,	Cook, John C.	Grout,	Knott,
Barbour,	Cook, Philip	Guenther,	Ladd,
Bayne,	Cornell,	Gunter,	Latham,
Beach,	Covington,	Hall,	Leedom,
Belford,	Cox, Samuel S.	Hammond, John	Le Fevre,
Belmont,	Cox, William R.	Hammond, N. J.	Lewis,
Beltzhoover,	Crapo,	Hardenbergh,	Lord,
Berry,	Cravens,	Hardy,	Manning,
Black,	Crowley,	Harris, Henry S.	Marsh,
Blackburn,	Culberson,	Haseltine,	Martin,
Blanchard,	Curtin,	Hatch,	Mason,
Bland,	Darrall,	Hazelton,	Matson,
Bliss,	Davidson,	Heilman,	McClure,
Blount,	Davis, Lowndes H.	Herbert,	McCoid,
Bowman,	Deering,	Herndon,	McCook,
Bragg,	Deuster,	Hewitt, Abram S.	McKenzie,
Brewer,	Dibrell,	Hewitt, G. W.	McKinley,
Brumm,	Dowd,	Hill,	McLane, Robt. M.
Buchanan,	Dugro,	Hoblitzell,	McMillin,
Buckner,	Dunn,	Hoge,	Miles,
Burrows, Julius C.	Dwight,	Holman,	Miller,
Burrows, Jos. H.	Ellis,	Hooker,	Mills,
Cabell,	Ermentrout,	House,	Money,
Caldwell,	Errett,	Hubbell,	Morrison,
Camp,	Evins,	Hutchins,	Mosgrove,
Campbell,	Farwell, Chas. B.	Jadwin,	Moulton,
Candler,	Farwell, Sewell S.	Jones, Geo. W.	Muldrow,
Carlisle,	Fisher,	Jones, James K.	Murch,
Cassidy,	Flower,	Jones, Phineas	Mutchler,
Caswell,	Ford,	Jorgensen,	Neal,
Chapman,	Forney,	Joyce,	Nolan,
Clardy,	Fulkerson,	Kasson,	Norcross,
Clark,	Garrison,	Kelley,	Oates,

O'Neill,	Ryan,	Stone,	Ward,
Pacheco,	Scales,	Talbott,	Warner,
Page,	Scoville,	Taylor, Ezra B.	Washburn,
Paul,	Scranton,	Thompson, P. B.	Watson,
Phelps,	Sessinghaus,	Thompson, Wm. G.	Webber,
Phister,	Shallenberger,	Townsend, Amos	Wellborn,
Randall,	Shelley,	Townshend, R. W.	West,
Reagan,	Shultz,	Tucker,	Wheeler,
Reese,	Simonton,	Turner, Henry G.	Whitthorne,
Rice, John B.	Singleton, Jas. W.	Turner, Oscar	Williams, Thomas
Rice, Wm. W.	Singleton, Otho R.	Tyler,	Willis,
Richardson, D. P.	Smith, A. Herr	Updegraff,	Willits,
Richardson, J. S.	Smith, Dietrich C.	Upson,	Wilson,
Robertson,	Sparks,	Urner,	Wise, George D.
Robinson, Wm. E.	Spaulding,	Vance,	Wise, Morgan R.
Rosecrans,	Speer,	Van Aernam,	Wood, Benjamin
Ross,	Springer,	Van Voorhis,	Wood, Walter A.
Russell,	Stocksiager,	Wait,	

Mr. PEELLE. I ask that the reading of the names be dispensed with.

Mr. ATHERTON. I object.

The names of those voting were then read.

Mr. BRAGG. I make the point that no quorum has voted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. 1745) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and to place him on the retired-list of Army officers.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 7462) to create three additional land districts in the Territory of Dakota.

ORDER OF BUSINESS.

Mr. HOUSE. I ask unanimous consent that the gentleman from Pennsylvania [Mr. KLOTZ] have leave to address the House on the general question.

Several members objected.

Mr. YOUNG. I ask unanimous consent that at 11 o'clock we take a vote on the bonded-extension bill without discussion.

Mr. RANDALL. I object.

Mr. YOUNG. I also ask that following that we take a vote on this election without discussion.

Mr. WHITE. Do I understand the gentleman from Ohio [Mr. YOUNG] to propose to swap off a colored Representative for whisky?

Mr. YOUNG. I do. [Great laughter.]

Mr. WHITE. On the Lord's day?

Mr. YOUNG. I would rather have a colored Representative here than a crank. Why should my friend from Pennsylvania object to the proposition that at 11 o'clock to-day we take a vote on the bonded-extension bill without discussion and after that take a vote on the contested-election case? We can in that way decide two questions; and that will permit us to take a recess now. If that is objected to, then we will have to stay here, Mr. Speaker, until your hammer falls.

Mr. WHITE. Whisky may go up after this case is over, perhaps, but not now.

Mr. PRESCOTT. I ask for the present consideration of House bill No. 7469.

Mr. BUTTERWORTH. I object.

Mr. PRESCOTT. It does not appropriate any money.

Mr. WILLIS. Then I object to it. [Laughter.]

Mr. PRESCOTT. It is all right; it only provides that a poor woman may have her claim examined by the War Department.

FRENCH SPOLIATION BILL.

Mr. WALKER. I have been appealed to by gentlemen on both sides of the House and have been instructed by the Committee on Foreign Affairs to ask to take from the Speaker's table a Senate bill in which gentlemen here are interested, or many of their constituents are. It does not take a dollar from the Treasury. It is known as the French spoliation claims bill.

Mr. BRAGG. I object.

Mr. WALKER. It is Senate bill 1465.

Mr. VALENTINE. The bill I want to take up is No. 1492.

Mr. WALKER. The purpose of the bill is——

Mr. BRAGG. I have made objection to the bill, and that objection has not been withdrawn, and debate is out of order. The regular order is that the House shall proceed with the contested-election case, which is a question of the highest privilege, and I must insist that our colored friends shall have their rights.

Mr. PETTIBONE. I call for the regular order.

Mr. WALKER. The gentleman from Wisconsin objected under a misapprehension of the character of the bill. He has withdrawn his objection.

Mr. BRAGG. If the purpose of the bill is to relieve the House from it and to get it out into some other place, I will not object.

Mr. WALKER. That is the only purpose of the bill.

Mr. RANDALL. Let the bill be read.

Mr. WHITE. I reserve all points of order upon it.

Mr. RANDALL. There is an understanding that the election case comes up immediately after this.

Mr. MORSE. There is no understanding at all. The only thing is unanimous consent to consider this bill.

Mr. THOMPSON, of Kentucky. I object.

The SPEAKER. The bill will be read.

The bill was read, as follows:

A bill to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to 31st day of July, 1801.

Be it enacted, &c., That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims within two years from the passage of this act, as hereinafter provided: *Provided*, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803; nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819; nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor: *Provided*, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court; and after the hearings are closed, the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress for final action the facts found by it and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimants or Congress. And nothing in this act shall be considered as committing the United States to the payment of any of such claims.

SEC. 7. That there shall be in each case a right of appeal to the Supreme Court of the United States, which appeal may be granted on the same terms as are usual in appeals from the Court of Claims.

Mr. WALKER. There is probably not a gentleman on this floor——

Mr. THOMPSON, of Kentucky. I withdraw my objection.

Mr. BUCHANAN. I renew the objection.

Mr. HOUSE. Do not do that.

Mr. HOLMAN. Regular order.

Mr. BUCHANAN. I object to any French spoliation claim.

Mr. WALKER. Allow me to make a brief statement. If gentlemen will give me their attention for a single moment I think I can convince them that the bill ought to pass.

There is probably not one among the members of this House who does not number among his constituents one or more who are interested in this bill. For eighty years they have been pleading to Congress, and Congress has responded by forty-three reports in their favor.

All the bills which have heretofore been reported have looked to the creation of a commission; and appropriated a specific sum, from $5,000,000 to $7,000,000, to meet these claims. Twice both Houses have passed a bill and sent it to the Executive, and in each case it was vetoed. The first time it was vetoed practically because we had not enough money to meet the claims of this kind. The second time it was vetoed because it was considered that there was a war existing between France and the United States at the time, which would render these claims invalid as claims upon the United States.

I will state that the purpose is simply to send these people to the Court of Claims. The action of the court is to be merely advisory. Whatever the court may do is to be reported to Congress, and must have the final action of Congress. This bill can not in any way commit the Government.

Mr. WILLIS. So I understand that Congress must assent to the decision of the court before anything can be paid?

Mr. WALKER. Unquestionably; and there is a specific provision that Congress is not committed to the decision of the court.

Mr. HOLMAN. Mr. Speaker, it is understood that no rights are waived in regard to this bill.

Mr. BUCHANAN. There is too much money involved in this bill to permit it to be taken up and passed in this way.

Mr. WALKER. Let me say to my friend that there is not a dollar of appropriation involved. The bill does not commit the Government to an expenditure of one cent.

Mr. WILSON. This is as honest a measure as ever was reported to the House.

Mr. WALKER. The bill was passed in the Senate without a division. It was unanimously reported from the Committee on Foreign Affairs in this House. It is the least that we can do to grant these people a hearing. For eighty years they have been knocking at these doors; and the matter has been reported upon favorably again and again.

The SPEAKER. Objection is made.

Mr. CALKINS. Do I understand that objection is made? [Cries of "No!" "No!"]

The SPEAKER. The Chair understands that the gentleman from Georgia [Mr. BUCHANAN] objects.

Several MEMBERS (to Mr. BUCHANAN). Withdraw the objection.

Mr. CALKINS. If we can have order, I desire to make a statement to the House.

Mr. WALKER. Mr. Speaker, my friend from Georgia withdraws his objection to the bill. I ask for a vote. [Cries of "Regular order!"]

Mr. CALKINS. If the gentleman from Georgia withdraws his objection to the French spoliation bill, I desire that it shall be first considered before I make my statement.

Mr. RANDALL. Regular order!

Mr. WILSON. This is the regular order. The bill has been read.

Mr. CALKINS. Does my colleague [Mr. HOLMAN] object to the French spoliation bill?

Mr. HOLMAN. For what purpose is my colleague [Mr. CALKINS] recognized?

Mr. CALKINS. I desire to make a statement to the House as soon as the French spoliation bill is out of the way.

Mr. RANDALL. The French spoliation bill has not been entered upon.

The SPEAKER. Certainly not.

Mr. HOLMAN. The regular order has been called for.

Mr. CALKINS. Do I understand the gentleman from Pennsylvania [Mr. RANDALL] to object to this bill?

Mr. RANDALL. I never will agree to pass a bill with the House in its present condition.

Mr. WILLIAMS, of Wisconsin. No bill was ever better considered in both Houses than this.

Mr. HOUSE. If objection is made to this bill I desire to know who objects.

Mr. RANDALL. I object.

Mr. WALKER. Mr. Speaker, may I rise to a parliamentary inquiry? Who objects to the present consideration of this bill?

The SPEAKER. It has just been stated.

Mr. WALKER. I ask who objects.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] called for the regular order.

Mr. BUCHANAN. Since making my objection I have been informed that this bill passed the Senate unanimously. I withdraw my objection.

Mr. HOLMAN. I call for the regular order.

ORDER OF BUSINESS.

Mr. CALKINS. I rise for the purpose of unhinging, if I can, the lock in which the House has found itself. I desire to make a statement which I believe will be satisfactory to all. Both sides of this Chamber recognize the fact that there are many bills which can be called up and considered by the House in regular order, and which ought to be so considered, to many of which there is no objection. For instance, my friend from Maine [Mr. DINGLEY] desires to call up the amendments of the Senate to the shipping bill, a measure of vital interest to the country. Other gentlemen have in their charge pension bills. Now, I desire to make a proposition to the House upon which, in my judgment, all sides will unite. It is that the present dead-lock on the election case shall be postponed, say, until 8 or 9 o'clock.

Mr. RANDALL. I object. Regular order.

Mr. HATCH. The election case can not be postponed by unanimous consent.

Mr. CALKINS. Will the gentleman hear me a moment?

Mr. HATCH. It is not necessary for the gentleman to go any further than his proposition to postpone the case. It can never be done with my consent.

Mr. CALKINS. Of course if the feeling of this House is that no further public business shall be transacted my statement is at an end. But if the feeling on both sides of the Chamber is that public business should go forward in an orderly manner, I hope that an honorable agreement may be arrived at between the two sides of the House. I ask gentlemen on both sides to agree to something which is reasonable, so that the public business may be proceeded with.

Mr. RANDALL. The public business is about through.

Mr. CALKINS. I admit that, but there are a great many of these bills which can be taken up and one objection will save all rights. There can be no hasty legislation in the present temper of the House. Any one of us can stop it, but if the business on the table is ready to be presented to the House there can be no objection to taking it up. Why not let it come up? I do not want any business passed which is deleterious to the country, but I simply submit whether we can not agree now in common fairness and in common honesty.

A MEMBER. And in common decency.

Mr. CALKINS. And in common decency, as my friend says, to postpone the dead-lock on the election case until 9 o'clock this morning.

A MEMBER. Ten o'clock.

Mr. CALKINS. Well, 10 o'clock, when that case shall be taken up without further obstruction, and during that time other business may be considered. Is there anything, Mr. Speaker, objectionable to any member on the floor in that?

Mr. HATCH. As the gentleman has occupied about five minutes in his statement and explanation, can not we have one minute on this side? When you talk about common fairness and common honesty and common decency we on this side believe there is less fairness and less honesty and less decency in this election case; and if you gentlemen on that side——

Mr. VAN VOORHIS. I call the gentleman to order, and ask that his words be taken down. [Great laughter.]

Mr. HATCH. You must take the responsibility of it.

Mr. REED. I think we ought to have the regular order.

Mr. CALKINS. Now, Mr. Speaker, if a majority of this House wishes to decide that question, ought it not in common honesty to be permitted to do so? Suppose the majority shall be reversed——

Mr. ERMENTROUT. It has been already reversed by the flat of the people.

Mr. CALKINS. Suppose the majority was reversed and my friends on the other side determined a certain thing should be done, I ask my friend whether he would not change his tactics and believe, the majority having been changed, it ought to be permitted to decide questions as they arise?

Mr. HATCH. If you go to the record in the Forty-sixth Congress you will find that you did the same thing day in and day out.

Mr. CALKINS. In election cases? Never.

Mr. HATCH. In cases more important than this.

Mr. CALKINS. Never in an election case.

Mr. HATCH. More important by far than this election case.

Mr. CALKINS. I yield to the gentleman from Kentucky [Mr. THOMPSON] for a question.

Mr. ERMENTROUT. I call the gentleman to order. This proceeding is all out of order.

The SPEAKER. The gentleman must come to order.

Mr. ERMENTROUT. I object to these interlocutory remarks between the two sides of the House.

Mr. CALKINS. I have yielded to the gentleman from Kentucky for a question.

Mr. THOMPSON, of Kentucky. Mr. Speaker, the gentleman has yielded to me for a question. If I understand the proposition of the gentleman from Indiana, it is that this election case shall be postponed until 10 o'clock. Furthermore the consideration of this case shall then be proceeded with without further obstruction.

Mr. CALKINS. And during the time other bills shall be taken up.

Mr. THOMPSON, of Kentucky. And in the mean time that other bills shall be taken up.

Mr. RANDALL. I object to it.

Mr. MANNING. Does the gentleman mean by there being no further obstruction that we are then to take a vote in this case.

Mr. CALKINS. Yes.

Mr. THOMPSON, of Kentucky. I hope our side will understand this. It will afford the opportunity to press a great many important bills in which we are all deeply interested. We are not trading off the rights of our constituents. We should accomplish nothing if we hang on as we have been. While agreeing to the gentleman's proposition we will be able in the mean time to take up and act on a great many important bills.

Mr. MANNING. Let the gentleman from Kentucky appeal to the other side of the House for such an understanding.

Mr. THOMPSON, of Kentucky. I appeal to my own side, because they have sense enough to appreciate we are not now accomplishing anything.

Mr. CALKINS. My friend from Kentucky will yield to me. The other side of the House will bear me out in the fact that I have voted all the way through to sustain the report of the majority in this case. I voted constantly and expect constantly to vote that the contestee is

entitled to his seat, but I am unwilling if I can prevent it to see the House prevented from taking up the other business, and I think we will be able to take up the business on the Speaker's table if this matter shall be postponed until 10 o'clock, and then that we shall have a vote without further obstruction on this election case.

Mr. MONEY. Then I understand the gentleman proposes to take up this case at 10 o'clock just as it is now?

Mr. CALKINS. I hope we will be able to make some arrangement that will obviate the present difficulty.

Mr. MONEY. And you expect us to yield on this side. If it is proposed to take a recess, and this matter is then to be called up in exactly the same condition that it is now, I shall have no objection; but it must be in the same condition that it is at this moment, and none other.

Mr. CALKINS. Of course if the other side is united in that conclusion, that they will not vote to make a quorum, undoubtedly that is the end of the matter, and there is no opportunity for a conference between us, because there is nothing to be agreed to.

Mr. SPRINGER. We can agree to non-concur.

Mr. HATCH. I understand the gentleman from Indiana to say that he is asking us to cast our votes in order to make a quorum in reference to this election case?

Mr. CALKINS. No; all that I ask you to do is to vote your sentiments upon the case.

Mr. HATCH. We are doing that now. I demand the regular order, Mr. Speaker.

Mr. THOMPSON, of Kentucky. I understand my friends on this side are unwilling that anything whatever shall be done, but insist upon occupying the same position that they now hold.

Mr. HATCH. I have demanded the regular order.

Mr. SIMONTON. The gentleman from Indiana proposes to postpone this election case until 10 o'clock to-day. This is Sunday morning. Let me ask him if he would not be willing to postpone it, say for a week longer, until next Sunday?

Mr. THOMPSON, of Kentucky. I sincerely hope our friends on this side will agree to this proposition.

Mr. ERMENTROUT. No, we will not agree to it; it is not a reasonable proposition.

Mr. THOMPSON, of Kentucky. There are some men that do not see reason in anything.

Mr. ERMENTROUT. That is generally the observation of gentlemen who want to have their own way without reference to the sentiments or opinions of anybody else.

Mr. HATCH. I must insist upon the regular order.

Mr. CALKINS. I believe I have the floor.

The SPEAKER. The gentleman has not the floor.

Mr. CALKINS. I asked unanimous consent, and have been endeavoring to get at an understanding with the other side.

The SPEAKER. The gentleman does not seem to be successful in his efforts.

Mr. CALKINS. Of course an objection necessarily ends the thing, and no agreement can be arrived at. But it does not put an end to the effort, nor does it hide the fact that if we should be assured that enough gentlemen on the other side would vote their sentiments upon that question, the election case, when it comes up, it would be sufficient to make a quorum, and we would then have an opportunity of reaching and disposing of matters of public importance which are now upon the Speaker's table. I recognize, of course, the fact that we can not make any agreement where objection is made, but if enough gentlemen on the other side would pledge themselves to stand by and vote to make a quorum, then there would be no difficulty about a conclusion.

Mr. THOMPSON, of Kentucky. There are many bills here upon the Speaker's table which demand our attention. But in response to the request of my friend from Indiana let me ask him if we consent to take a vote on the election case, if he will not precede it by giving us a vote, those of us on this side who desire to get a vote upon it, on the bonded spirits bill? [Cries of "No!"]

The SPEAKER. The House will be in order. Gentlemen must take their seats, otherwise the Sergeant-at-Arms will see to it that order is maintained in the Hall.

Mr. HATCH. I have called the regular order, Mr. Speaker, and I insist upon the demand.

Mr. CALKINS. Of course having by unanimous consent obtained the floor to make this statement, I can not be taken off it until I get through.

The SPEAKER. The regular order is called for and the Chair will be compelled to recognize the demand. The regular order is the motion to lay upon the table the motion to reconsider the vote by which the previous question was ordered.

Mr. CALKINS. Allow me a moment longer. If I can not obtain unanimous consent there is still hope that we may be able to come to some arrangement about this matter.

Mr. NEAL. Regular order.

Mr. THOMAS. I rise to a question of order. I want to know when the regular order is called and a gentleman is speaking in violation of the rules if he is to be allowed to go on and on in the face of the demand for the regular order?

Mr. THOMPSON, of Kentucky. Of course he is. That is what these rules were made for. [Laughter.]

Mr. CALKINS. The gentleman from Illinois has no right to take me off my feet in that manner.

Mr. THOMAS. After the regular order has been called the gentleman has no right to the floor.

Mr. CALKINS. I deny that you can take me off my feet by calling the regular order.

The SPEAKER. The gentlemen are entirely out of order.

Mr. ROBESON. I ask my friends on both sides of the House to permit me to make a brief statement. Of course I know it is out of order and can be made only by unanimous consent.

It is now 6 o'clock in the morning. We are pursuing public business in the face of the country. We are making a record for history. This Congress, and every individual member here present, must remember that what we are doing now is being done in the face of the country. I wish to make no criticisms upon the actions or the motives of anybody; but I think it will be for the interest of good legislation, that it will be for the common good of this country, that we now take a recess for three hours. I ask unanimous consent then in the interest of good government, in order to avoid the necessity of remaining here when it will be difficult, if not impossible, to secure the presence of a quorum when every member is fatigued and no business can be safely transacted, to avoid anything that may arise in the shape of personal controversy, to avoid difficulty in the transaction of the public business, and the putting of ourselves thereby in a false attitude before the country—I ask unanimous consent that we now take a recess for three hours and that the differences now existing remain exactly as they are until we reassemble.

It will give gentlemen time to reflect. The Senate has taken a recess. It will give every man time to cool. Then let us come back in three hours and try to do our duty according to our convictions.

The SPEAKER. The gentleman from New Jersey [Mr. ROBESON] asks unanimous consent that the House take a recess until 9 o'clock.

Mr. BUTTERWORTH. I object. I desire to suggest——

The SPEAKER. Objection being made the Clerk will call the roll.

The question was taken; and there were—yeas 67, nays 6, not voting 218; as follows:

YEAS—67.

Anderson,	Doxey,	McLean, Jas. H.	Smalls,
Barr,	Dunnell,	Moore,	Spooner,
Bingham,	Guenther,	Norcross,	Steele,
Bisbee,	Harmer,	Parker,	Stone,
Briggs,	Harris, Benj. W.	Peelle,	Strait,
Brumm,	Haseltine,	Peirce,	Taylor, Joseph D
Buck,	Haskell,	Pettibone,	Thomas,
Butterworth,	Hepburn,	Prescott,	Urner,
Cannon,	Hitt,	Ranney,	Valentine,
Carpenter,	Horr,	Ray,	Van Aernam,
Chace,	Hubbs,	Rice, Theron M.	Van Voorhis,
Davis, George R.	Humphrey,	Rich,	Walker,
Dawes,	Jacobs,	Ritchie,	Ward,
De Motte,	Klotz,	Robinson, Geo. D.	White,
Deuster,	Lindsey,	Robinson, Jas. S.	Williams, Chas. G.
Dezendorf,	Lynch,	Shallenberger,	Young.
Dingley,	Mackey,	Skinner,	

NAYS—6.

Browne,	Jones, Geo. W.	Reed,	Wadsworth.
Calkins,	Lacey,		

NOT VOTING—218.

Aiken,	Clements,	Garrison,	Kasson,
Aldrich,	Cobb,	Geddes,	Kelley,
Armfield,	Colerick,	George,	Kenna,
Atherton,	Converse,	Gibson,	Ketcham,
Atkins,	Cook, John C.,	Godshalk,	King,
Barbour,	Cook, Philip,	Grout,	Knott,
Bayne,	Cornell,	Gunter,	Ladd,
Beach,	Covington,	Hall,	Latham,
Belford,	Cox, Samuel S.	Hammond, John	Leedom,
Belmont,	Cox, William R.	Hammond, N. J.	Le Fevre,
Beltzhoover,	Crapo,	Hardenbergh,	Lewis,
Berry,	Cravens,	Hardy,	Lord,
Black,	Crowley,	Harris, Henry S.	Manning,
Blackburn,	Culberson,	Hatch,	Marsh,
Blanchard,	Cullen,	Hazelton,	Martin,
Bland,	Curtin,	Heilman,	Mason,
Bliss,	Darrall,	Henderson,	Matson,
Blount,	Davidson,	Herbert,	McClure,
Bowman,	Davis, Lowndes H.	Herndon,	McCoid,
Bragg,	Deering,	Hewitt, Abram S.	McCook,
Brewer,	Dibrell,	Hewitt, G. W.	McKenzie,
Buchanan,	Dowd,	Hill,	McKinley,
Buckner,	Dugro,	Hiscock,	McLane, Robt. M.
Burrows, Julius C.	Dunn,	Hoblitzell,	McMillin,
Burrows, Jos. H.	Dwight,	Hoge,	Miles,
Cabell,	Ellis,	Holman,	Miller,
Caldwell,	Ermentrout,	Hooker,	Mills,
Camp,	Erret,	Houk,	Money,
Campbell,	Evins,	House,	Morey,
Candler,	Farwell, Chas. B.	Hubbell,	Morrison,
Carlisle,	Farwell, Sewell S.	Hutchins,	Morse,
Cassidy,	Fisher,	Jadwin,	Mosgrove,
Caswell,	Flower,	Jones, James K.	Moulton,
Chapman,	Ford,	Jones, Phineas	Muldrow,
Clardy,	Forney,	Jorgensen,	Murch,
Clark,	Fulkerson,	Joyce,	Mutchler,

Neal,	Robeson,	Sparks,	Wait,
Nolan,	Robinson, Wm. E.	Spaulding,	Warner,
Oates,	Rosecrans,	Speer,	Washburn,
O'Neill,	Ross,	Springer,	Watson,
Pacheco,	Russell,	Stockslager,	Webber,
Page,	Ryan,	Talbott,	Wellborn,
Paul,	Scales,	Taylor, Ezra B.	West,
Payson,	Scoville,	Thompson, P. B.	Wheeler,
Phelps,	Scranton,	Thompson, Wm. G.	Whitthorne,
Phister,	Sessinghaus,	Townsend, Amos	Williams, Thomas
Pound,	Shelley,	Townshend, R. W.	Willis,
Randall,	Sherwin,	Tucker,	Willits,
Reagan,	Shultz,	Turner, Henry G.	Wilson,
Reese,	Simonton,	Turner, Oscar	Wise, George D.
Rice, John B.	Singleton, Jas. W.	Tyler,	Wise, Morgan R.
Rice, Wm. W.	Singleton, Otho R.	Updegraff,	Wood, Benjamin
Richardson, D. P.	Smith, A. Herr	Upson,	Wood, Walter A.
Richardson, J. S.	Smith, Dietrich C.	Vance,	
Robertson,	Smith, J. Hyatt	Van Horn,	

The SPEAKER. On this vote the yeas are 67 and the nays are 6.

Several MEMBERS. No quorum.

Mr. WHITE. I ask that Rule XVII be read.

The SPEAKER. Gentlemen can not have rules read unless there is some reason for it.

Mr. HOUSE. It is perfectly apparent we are doing nothing, and worse than nothing. Let us agree to take a recess.

Mr. ROBESON. I move that the House take a recess until half past 9.

The question was taken; and there were—ayes 65, noes 14.

Mr. KLOTZ. I call for the yeas and nays.

The yeas and nays were not ordered (only 10 members voting therefor).

So the motion was agreed to; and accordingly (at 6 o'clock and 20 minutes a. m., Sunday, March 4) the House took a recess until half past 9 o'clock.

MORNING SESSION.

The recess having expired the House reassembled at 9 30 o'clock a. m.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to make a statement to the House for two minutes.

Mr. HOLMAN. On the condition that that shall make no change in the status of the pending question.

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman from Ohio [Mr. TOWNSEND] will state what his purpose is.

NEWBURGH CENTENNIAL CELEBRATION.

Mr. TOWNSEND, of Ohio. I will state my purpose and then will make my request known to the House.

Congress at its last session passed a joint resolution appropriating $25,000 to pay for a monument and centennial celebration at Newburgh, New York, Washington's Headquarters. The terms of that resolution were such as to appropriate $10,000 for the monument and $15,000 for the other incidents connected with the celebration. The committee in charge of the work and also the Secretary of War desire to have that joint resolution so amended as to permit them to use the $25,000 in the erection of the monument, leaving to the State of New York and the citizens of Newburgh the expenditures incident to the celebration. It is a more simple and a more satisfactory method, and puts the national contribution where it would be lasting and more permanent. It is to make that slight change in this resolution that I ask the consent of the House.

The SPEAKER. Is it a Senate resolution on which the gentleman desires action?

Mr. TOWNSEND, of Ohio. It is. It passed the Senate. The Secretary of War is anxious it should be so arranged, and I do not know any reason why it should not be.

The SPEAKER. The gentleman from Ohio [Mr. TOWNSEND] asks unanimous consent to take from the Speaker's table for consideration at this time a Senate joint resolution, which the Clerk will read.

The Clerk read as follows:

A joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's Headquarters, at Newburgh, New York.

Resolved, &c., That sections 2 and 3 of the joint resolution of Congress approved July 1, 1882, authorizing the Secretary of War to erect at Washington's Headquarters, in the city of Newburgh, New York, a memorial column, and to aid in defraying the expenses of the centennial celebration to be held at that city in the year 1883, be, and the same are hereby, amended so as to read as follows: "That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, in the erection of a suitable monument or column on the grounds belonging to the State of New York, and known as Washington's Headquarters, with such inscriptions and emblems as may properly commemorate the historical events which occurred at Newburgh and vicinity during the war of the Revolution: *Provided*, That the design for said monument or column, with the inscriptions and emblems to be placed thereon, shall be subject to the approval and adoption of the joint select committee directed to be appointed by the joint resolution to which this is an amendment: *And provided further*, That no part of the said sum of $25,000 shall be used in defraying the expenses of said centennial celebration."

The SPEAKER. Is there objection to the consideration at this time of the joint resolution which has just been read?

Mr. HOLMAN. I hope the gentleman from Ohio [Mr. TOWNSEND] will explain again the purpose of this joint resolution; repeat briefly his statement in regard to the action of the State of New York touching the other expenses contemplated by the original joint resolution of Congress.

Mr. TOWNSEND, of Ohio. The State of New York has appropriated, I think, $15,000, and the citizens of Newburgh and the council of Newburgh have appropriated another sum, perhaps ten or fifteen thousand dollars, which amounts they expect will be sufficient to pay for certain outside property and the ordinary expenditures of the celebration.

The terms of the appropriation made by Congress limited the expenditures for the memorial column to $10,000, and the remainder, $15,000, was to be expended for general expenditures. The committee thought that it would be more satisfactory to the public, after the Yorktown celebration, that the Government should have nothing to do with the ordinary expenses, such as brass bands, ice-cream, and all that, but that all the money appropriated by the Government should be expended upon the memorial column, and the citizens of New York think so too.

Mr. HOLMAN. That seems to be a very proper measure.

There bing no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the Senate joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 565.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. It is that these requests for unanimous consent are to be understood as not interfering at all with the condition of the pending business before the House.

The SPEAKER. Certainly not. The Chair would like to submit a proposition to the House, which has been requested by gentlemen on both sides of the House. It is that House bills with Senate amendments, of which there are a great number, may be taken up subject to objection.

Mr. RANDALL. Subject to one objection?

The SPEAKER. To one objection, if that is desired.

Mr. THOMPSON, of Kentucky. I object to that arrangement.

The SPEAKER. The Chair will state that the Senate has done the same thing with Senate bills with House amendments.

Mr. HOLMAN. I wish to say that I will not object to that arrangement, for it is fair enough, perhaps, but I hope it will be coupled with the understanding that inasmuch as nearly all of these bills are of a private character, some opportunity will be given to bring forward also in the same manner bills of a more general character which may be regarded as of considerable importance.

The SPEAKER. The proposition suggested by the Chair was only to include House bills with Senate amendments, upon the Speaker's table, or which had been reported from committees of the House.

Mr. THOMPSON, of Kentucky. I will withdraw my objection for the present.

The SPEAKER. The Chair hears no objection to the proposed arrangement.

SILAS Q. HOWE.

Mr. TUCKER. I now ask unanimous consent to take from the Speaker's table the bill which I indicated a moment ago.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (S. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Silas Q. Howe, surviving partner of William T. Pate & Co., of Patriot, Indiana, the sum of $19,385; the same being the amount due them for taxes paid the 16th of March, A. D. 1867, on distilled spirits which had already paid the tax required by law; and an amount sufficient to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. THOMPSON, of Kentucky. I object to that bill.

Mr. TUCKER. I desire to state that this bill was reported favorably to the Senate from the Committee on Finance and passed by the Senate.

Mr. MANNING. I desire to state that General BROWNE, from Indiana; who was district attorney at the time and prosecuted in the Federal court the persons proposed to be relieved by this bill, would state, if he were present, that he had become convinced that the assessment was erroneous and there was improper seizure thereon, and that the parties should be relieved.

Mr. TUCKER. I desire to state that the Committee on Ways and Means of this House reported the bill unanimously. I hope the objection will be withdrawn.

Mr. THOMPSON, of Kentucky. I can not withdraw my objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, with amendments in which

the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. 7327) to establish certain post-routes.

A. SCHUYLER SUTTON.

The SPEAKER. The agreement made a few moments ago was that House bills returned from the Senate with amendments should be taken up at this time subject to one objection. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 5771) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872.

Be it enacted, &c., That the act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, from and after the passage of this act."

The amendment of the Senate was, in line 11 of the bill, to strike out the words "the passage of this act" and insert in lieu thereof the words "March 4, 1883;" so that it would read "at the rate of $40 per month from and after March 4, 1883."

Mr. BRAGG. Before that bill is acted upon, I would like to know if it shows what the disability is for which $40 a month is to be given?

Mr. THOMPSON, of Kentucky. I will object to this bill and to all of them.

Mr. HOLMAN. In view of that fact, I call for the regular order.

PAY OF HOUSE EMPLOYÉS.

Mr. PEELLE. I desire to offer a resolution which has been handed to me at the suggestion of the Clerk, directing that officer immediately upon the adjournment to pay to the employés of the House borne on the annual roll their salary for the month of March.

The SPEAKER. The Clerk will read the resolution.

Mr. HOLMAN. I desire to make a single remark. Mr. Speaker, we can not overlook the fact that this is Sunday. On such days, in the past history of this country, measures which were indispensable for the administration of the Government have been considered; but within my recollection there has been, in respect to the common credit of the country, no disposition to go into general legislation upon the Sabbath day.

The SPEAKER. The resolution sent to the desk by the gentleman from Indiana [Mr. PEELLE] will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed immediately after the adjournment to issue to the employés of the House borne on the annual roll, their respective salaries for the month of March.

There being no objection the resolution was considered and adopted.

JOHN P. MALONEY.

Mr. MARTIN. I have a resolution similar in character to that just adopted. I think when it has been read there will be no objection to it. It provides simply for paying to the messenger of the official reporters the salary which he earned before he was sworn into office. It would no doubt have been inserted in the deficiency appropriation bill if that bill had not been passed under a suspension of the rules. I ask the Clerk to read the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to John P. Maloney, messenger of the Official Reporters, the sum of $38 out of the contingent fund of the House.

There being no objection, the resolution was considered and adopted.

EDUCATION REPORT FOR 1881.

Mr. VAN HORN. I ask that the resolution of the Senate in reference to printing the report of the Commissioner of Education for 1881 be taken from the Speaker's table, that the amendments of the House be insisted upon, and that the request of the Senate for a conference on the disagreeing votes of the two Houses be agreed to.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

The SPEAKER announced the appointment of Mr. VAN HORN, Mr. ANDERSON, and Mr. RANDALL as the conferees on the part of the House.

Mr. HOLMAN. I must interpose my objection to any other legislation to-day than such as is absolutely necessary to carry on the Government. I think this decent respect to the common credit of the country has always been recognized in our legislation.

REPORT ON FORESTRY.

Mr. SPRINGER. Mr. Speaker, last evening I objected to and made a point of order upon the amendment of the gentleman from Minnesota to a bill then before us, that amendment providing for printing the forestry report. I then stated that I would report from the Committee on Printing, with the amendments of the committee, the resolution sent to us on that subject. In pursuance of the promise I then made I now report that resolution, with the amendments of the committee, and will allow the matter to rest with the House.

The Clerk read the resolution, as follows:

Resolved by the House (the Senate concurring), That there be printed 20,000 copies of the third annual report of the Commissioner of Forestry, transmitted to the House in May last by the Commissioner of Agriculture; 13,000 copies for the use of the House of Representatives, 5,000 copies for the use of the Senate, and 2,000 copies for the Commissioner of Forestry.

The amendments reported by the Committee on Printing were read, as follows:

Strike out "twenty" and insert "eight;" strike out "thirteen" and insert "five;" strike out "five" and insert "two;" strike out "two" and insert "one;" so as to provide for 8,000 copies in the aggregate, 5,000 for the House of Representatives, 2,000 for the Senate, and 1,000 for the Commissioner of Forestry.

The amendments were agreed to.

The resolution as amended was adopted.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF TAX AND TARIFF ACT.

Mr. SPRINGER. I have another resolution on the subject of printing.

The SPEAKER. Is it privileged?

Mr. SPRINGER. Yes, sir.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the House of Representatives 15,000 extra copies of the pamphlet edition of the "act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; that the Doorkeeper be directed to forward, in separate wrappers, the quota of each Representative and Delegate to his address at the earliest date practicable.

Mr. THOMPSON, of Kentucky. I demand the regular order.

The SPEAKER *pro tempore* (Mr. BLACKBURN). The Chair will state to the gentleman from Kentucky that this is the regular order.

Mr. SINGLETON, of Illinois. Is not this subject to objection? If so, I object. This is not a privileged report.

The SPEAKER *pro tempore*. The Chair will state that the resolution is privileged; it was not read subject to objection. The question is upon agreeing to the resolution.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMPSON, of Kentucky. When the House took a recess we then had a motion to reconsider and a motion to lay that motion to reconsider upon the table, upon which the House was dividing.

The SPEAKER *pro tempore*. The Chair will state that under the rule the committee making this report has the right to report at any time, and reports a privileged resolution, which it is now in the pleasure of the House to adopt or reject.

Mr. SINGLETON, of Illinois. I demand a division.

The House divided; and there were—ayes 64, noes 16.

So the resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VOTE OF THANKS TO SPEAKER.

Mr. RANDALL. Mr. Speaker, I submit the following resolution.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to the Hon. J. WARREN KEIFER, the Speaker, for the ability and courtesy with which he has presided over the deliberations of the House during the Forty-seventh Congress.

Mr. BLANCHARD. I desire to know, Mr. Speaker, whether one objection will prevent the consideration of that resolution?

The SPEAKER *pro tempore*. It is a matter of privilege, and one objection will not suffice to prevent its consideration.

Mr. McMILLIN. Under what rule? [Cries of "Question!"]

Mr. RANDALL. Under the rule of propriety.

The SPEAKER *pro tempore*. The ayes seem to have it by the——

Mr. BLANCHARD. I demand a divison. [Cries of "Oh!"]

The House divided; and there were—ayes 86, noes 8.

So the resolution was adopted.

ORDER OF BUSINESS.

Mr. PETTIBONE. I now demand the regular order of business.

Mr. BINGHAM. Will the gentleman from Tennessee yield to me for one moment?

The SPEAKER *pro tempore*. For what purpose does the gentleman from Pennsylvania rise?

Mr. BINGHAM. I ask unanimous consent to take up the bill H. R. 7327, which is the post-route bill, in order that the amendments of the Senate may be concurred in.

Mr. PETTIBONE. I yield for that purpose.

Mr. THOMPSON, of Kentucky. I demand the regular order of business against everything.

Mr. WHITE. This is an important public measure, and I trust the gentleman from Kentucky will not insist upon his objection.

Mr. THOMPSON, of Kentucky. I hope the gentleman from Indiana will consent to pass my bill. I demand the regular order of business.

Mr. BINGHAM. I ask recognition, then, Mr. Speaker, to suspend

the rules and concur in the amendments of the Senate to the post-route bill.

Mr. BRAGG. I make the point of order against that motion. The House was operating under the previous question on the election case. By general consent that election case was waived for the purpose of taking up House bills with Senate amendments to be considered under the rule of unanimous consent, one objection preventing consideration.

The SPEAKER *pro tempore*. The point of order is sustained. The present occupant of the chair was not advised of the motion which was pending at the time the recess was taken by the House.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. This bill being of public concern ought to pass by common consent, and I would ask the Chair whether it will in any way interfere with the business pending before the House.

The SPEAKER *pro tempore*. The Chair will state, in answer to the gentleman, it will not affect the status of that bill in any way.

Mr. HOLMAN. Or anything else before the House?

The SPEAKER *pro tempore*. Not in the slightest degree.

Mr. BRAGG. I only made the point of order, Mr. Speaker, for the purpose of having it understood that it should not interfere in any way with the matter existing before the House.

The SPEAKER *pro tempore*. The Chair so understands.

Mr. THOMPSON, of Kentucky. I demand the regular order of business.

Mr. CANNON. Does the Chair hold it is not in order to suspend the rules?

The SPEAKER *pro tempore*. On the contrary the Chair has held it is in order to suspend the rules.

Mr. BINGHAM. Then I call for a vote.

The SPEAKER *pro tempore*. Then the question recurs on the motion of the gentleman from Pennsylvania, to suspend the rules and concur in the Senate amendments to the post-route bill.

Mr. ELLIS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it. The Chair will be glad to hear gentlemen, but he can not hear more than one at a time.

Mr. ELLIS. I trust the Chair will not recognize any gentleman claiming attention who is out of his seat.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and gentlemen will resume their seats in order that the business of the House may proceed.

Mr. VAN HORN. Mr. Speaker, I desire to make some adverse reports from the Committee on Printing.

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman while a motion to suspend the rules and pass a bill is pending.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMPSON, of Kentucky. Is it in order to move a suspension of the rules when there is a motion pending to reconsider and lay upon the table the vote ordering the previous question on the contested-election case?

The SPEAKER *pro tempore*. The Chair would say in response to the gentleman from Kentucky that the motion of the gentleman from Pennsylvania is to suspend all rules; and under the rules of the House that motion is to be entertained during the last six days of a session.

Mr. THOMPSON, of Kentucky. I make the point of order that that is not absolutely binding upon the Speaker. The rules provide that the Speaker may entertain the motion, not that he shall entertain it. It is discretionary with the Speaker. The rule says that during the last six days of the session the Chair may entertain motions to suspend the rules. But the language is only directory, and he can not, pending a motion to reconsider and lay upon the table, when there is a privileged question pending and that motion is made in reference to it, he can not set that aside and entertain any other motion.

The SPEAKER *pro tempore*. The Chair does not disagree with the conclusions reached by the gentleman from Kentucky. But the Chair will state that the motion of the gentleman from Pennsylvania to take up and consider the post-route bill, the title of which has been reported to the House, was entertained by the Chair before any point of order was made by the gentleman from Kentucky or any other gentleman.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I have been standing in my place here demanding the regular order from the very first moment of the reassembling of this House after the recess until now. I have never omitted a single occasion to demand the regular order when anything was attempted to be brought before the House.

The SPEAKER. The Chair admits that the gentleman from Kentucky demanded the regular order. But the motion of the gentleman from Pennsylvania was submitted to the House, when, as the Chair understands it, there was no objection until the gentleman from Wisconsin [Mr. BRAGG] rose in his place and made the point of order that by an understanding which obtained in the House before the recess the motion could not probably be entertained if that point of order was pressed against it. The Chair will state also that it was in answer to the inquiry of the gentleman from Wisconsin that the present occupant of the chair stated that he was not advised of the condition of this bill and the motion pending when the House took a recess. The Chair hardly feels under the circumstances that it would be dealing fairly with the gentleman from Pennsylvania, after having received and entertained his motion to suspend the rules for the purpose indicated, to entertain the point of order made now. The Chair thinks it is too late.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I insist that if this course is to be determined upon there should be some regularity about these recognitions, and the House should be permitted to know what motions the Chair will entertain. If it is held in order to move a suspension of the rules and pass this bill on the motion of the gentleman from Pennsylvania, notwithstanding the situation of the House upon the election case, it must be in order to move to suspend the rules for any other purpose. But if that be the understanding of the House, and it be recognized that such motions may be made and entertained by the Chair, I will withdraw my objection; that is to say, if we exclude this election case and take up the general business pending before the House, I shall be content. That is all I ask. You can bring in all the measures you want if you will do that. But I insist that the first thing to be done is to get rid of this election case in some manner. I do not care how you dispose of it, but get it out of the way, so that we can get to the consideration of the public business on the Speaker's table.

Mr. SINGLETON, of Illinois. I make the point of order that the Chair is fully informed of the fact that there is no quorum present, and hence that it requires unanimous consent in the absence of a quorum, of which fact, I have said, the Chair is sufficiently informed, to do any business whatever.

The SPEAKER *pro tempore*. The Chair has no official information of that fact.

Mr. SINGLETON, of Illinois. The Chair must have official information of the fact, because the effort has been made time and again within the last six hours to discover the presence of a quorum in the House without success.

The SPEAKER *pro tempore*. The Chair has no such information; on the contrary, on a vote taken immediately preceding the recess the Chair has official information that there was a quorum.

Mr. ROBESON. The Chair is not informed of the absence of a quorum. Indeed the House at the hour that it took a recess this morning, by a vote which required a quorum, the last detailed vote taken, found itself with a quorum.

Mr. SINGLETON, of Illinois. The regular order, then, which has been demanded, is the further consideration of the election case.

Mr. BRAGG. Let me state, Mr. Speaker, that I made the point of order against the bill called up by the gentleman from Pennsylvania on the motion to suspend the rules. The Speaker declared that the point of order was well taken. Upon the suggestion of the Chair then that this bill if acted upon would not change the relations of the election case, the business before the House, I withdrew the point of order with that understanding. After that the bill was received by the Speaker and the motion entertained; and the point of order subsequently to that I hold comes too late, not having been renewed at the time that I withdrew it.

The SPEAKER *pro tempore*. The Chair agrees entirely with the conclusions of the gentleman from Wisconsin, and has already in substance so stated.

The question is upon agreeing to the motion of the gentleman from Pennsylvania to suspend the rules and take from the Speaker's table and agree to the Senate amendments to the bill the title of which has been reported by the Clerk.

The motion was agreed to (two-thirds voting in favor thereof).

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General;

A bill (H. R. 151) for the relief of David S. Booth, doctor of medicine;

A bill (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry in lieu of Pembina, in the Territory of Dakota;

A bill (H. R. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

A bill (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories;

A bill (H. R. 2294) granting a pension to John Glenn;

A bill (H. R. 3837) for the relief of William D. Martin;

A bill (H. R. 3850) for the relief of Joseph Wescott & Son;

A bill (H. R. 3267) granting a pension to Clara Wible;

A bill (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia;

A bill (H. R. 4218) for the relief of Robert L. McConnaughey;

A bill (H. R. 4926) for the relief of Charles Kortzenborn;

A bill (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell;

A bill (H. R. 6308) for the relief of C. H. Miller; and
A bill (H. R. 6889) for the relief of Mrs. Louisa F. Stone.

REPORT ON EDUCATION.

The SPEAKER. The Chair announces as a conferee on the part of the House on the disagreeing votes of the two Houses on the resolution relating to printing the educational report Mr. SHERWIN, of Illinois, in place of Mr. ANDERSON, of Kansas, who asks to be excused.

ORDER OF BUSINESS.

Mr. WHITE. I rise to a question of order. I call for the regular order, and I insist the regular order, under Rule XVIII, is the contested-election case.

The SPEAKER. The Chair so understands.

Mr. HASKELL. I ask the gentleman from Kentucky to withhold his call for the regular order.

Mr. WHITE. For what purpose?

Mr. HASKELL. For a resolution about to be introduced.

Mr. THOMPSON, of Kentucky. I demand the regular order, and shall not withdraw the demand.

CORRECTION OF CLERICAL ERROR IN ENROLLMENT.

Mr. BINGHAM. I send to the desk a privileged resolution for immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills be, and they are hereby, authorized to correct a clerical error in the bill of the House (H. R. 7611) to adjust the salaries of postmasters, by inserting after the word "two" the word "hundred," under the third class, where the gross receipts do not exceed $2,700.

Mr. HOLMAN. I think there will no public interest suffer by a delay in making that correction. I call for the regular order.

The SPEAKER. This is the regular order. It is a privileged matter to correct a clerical error in enrollment.

Mr. HOLMAN. I do not think this is in itself a privileged motion. The bill itself should never have passed the House.

The SPEAKER proceeded to put the question on agreeing to the resolution.

Mr. HOLMAN. I hope the RECORD will show that I called for the regular order.

The SPEAKER. The RECORD may show that. This is a matter pertaining to the business of the House and has always been treated as privileged.

Mr. HOLMAN. I make the parliamentary inquiry whether this is a privileged motion?

The SPEAKER. It has been always so held and that has been the practice.

The question was taken, and on a *viva voce* vote the Speaker stated that the "ayes" evidently had it.

Mr. HOLMAN. I call for a division. There is no privilege in this, and never has been.

The House divided; and there were—ayes 118, noes 5.

Mr. HOLMAN. I raise the question of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Pennsylvania, Mr. BINGHAM.

The House again divided; and the tellers reported—ayes 144, noes 3.

So the resolution was agreed to.

Mr. BINGHAM moved to reconsider the vote by which the resolution was agreed to and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE. I rise to ask unanimous consent to introduce and put on its passage a joint resolution providing for the appointment of an assistant Journal clerk of this House.

Mr. PETTIBONE. I object.

Several MEMBERS. Do not object.

Mr. PETTIBONE. I withdraw my objection.

Mr. HOLMAN. I rise to move that the House take a recess for such time as may be deemed proper.

The SPEAKER. The Chair will first submit the proposition of the gentleman from Indiana [Mr. BROWNE]. He asks unanimous consent to introduce for consideration at this time a joint resolution for the purpose he has indicated.

Mr. SKINNER. I object.

Mr. PETTIBONE. I call for the regular order.

Mr. KNOTT addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. KNOTT. Mr. Speaker, I have been a member of this House for twelve years. During that time I have never trespassed upon its courtesy. I have never refused a courtesy to any gentleman with whom I have been associated. In an hour and a half I close my Congressional career forever. Under these circumstances I appeal to the courtesy and magnanimity of the gentlemen around me to allow me to have taken from the Speaker's table a bill in which my constituents and the people of my State are profoundly interested.

Mr. WHITE. What is that bill?

Mr. KNOTT. I will tell the gentleman if he will wait. In order that we may have the poor privilege of voting upon an amendment to that bill proposed by the Senate, I appeal to the courtesy and magnanimity of this House to allow us to have taken from the Speaker's table the House bill No 5656, the bonded-spirits bill.

Mr. WHITE. The whisky bill? Never, on Sunday! I call for the regular order.

Mr. WHEELER. I hope under such circumstances the request of the gentleman from Kentucky [Mr. KNOTT] will be granted, and that he may have the privilege of allowing the House to vote upon the amendment to which he refers.

Mr. ALDRICH. I, too, hope the request of the gentleman from Kentucky [Mr. KNOTT] will be granted.

Several members called for the regular order.

The SPEAKER. Gentlemen will be patient. There is no danger of the bill being taken up under objection.

Mr. KNOTT. I move to suspend the rules in order to take up the bill I have indicated, so that we may have a fair vote.

Mr. PETTIBONE. I object.

Mr. WHITE. I call for the regular order. [After a pause.] Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair hears the call of the gentleman.

ELECTION CONTEST—LEE VS. RICHARDSON.

Mr. PETTIBONE. I ask again for the regular order, in order that we may dispose of the pending election case of Lee against Richardson.

The SPEAKER. The regular order is the motion of the gentleman from Virginia [Mr. DEZENDORF] to lay upon the table the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote by which the previous question was ordered on the contested-election case. The yeas and nays have been ordered upon the motion to lay on the table. It relates to a case involving the right of a member to his seat in this House, and is one of high constitutional privilege. Otherwise the Chair would feel bound to recognize members to move to suspend the rules.

Mr. TUCKER. Is it in order, notwithstanding the pending of this election case, to move to suspend the rules and take up a bill?

The SPEAKER. As against a matter of high constitutional privilege, the Chair is in doubt. The Chair, however, does not see any difficulty in disposing of the pending case if the House desires to get it out of the way.

Mr. TUCKER. Then I move to suspend the rules for the purpose of taking up the Senate bill which I indicated a few moments ago.

Mr. PETTIBONE. I object.

Mr. WHITE. I call for the regular order. The motion of the gentleman from Virginia is not in order under Rule XVIII.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7327) to establish certain post-routes.

ELECTION CONTEST—LEE VS. RICHARDSON.

Mr. PETTIBONE. I call for the regular order.

The SPEAKER. The regular order is the motion to lay on the table the motion to reconsider the vote ordering the previous question.

Mr. TUCKER. I was about to submit a motion to suspend the rules.

The SPEAKER. The Chair can not entertain that motion.

Mr. WILLIS. Is it in order to move to lay this election case on the table? If so, then I move to suspend the rules and lay the case on the table.

The SPEAKER. The Chair will entertain that motion, because it relates to the pending question of privilege.

Mr. ROBINSON, of Massachusetts. It will require a two-thirds vote to carry the motion in the form in which it is put?

The SPEAKER. The motion is to suspend the rules and lay on the table the pending election case and all propositions connected with it.

Mr. WILLIS. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE. My point of order is that when the House took a recess this morning there was no quorum here. After we had been here for hours there was no quorum in the Hall.

The SPEAKER. The gentleman will state his point of order.

Mr. WHITE. My point of order is that under those circumstances the Speaker has no right to entertain a motion to suspend the rules.

The SPEAKER. The point of order is overruled.

Mr. WHITE. Then the Speaker takes the responsibility.

The SPEAKER. The motion to suspend the rules relates to the pending case before the House.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Even if we had a quorum here, are there not five roll-calls which may be had between this and the determination of the

contested-election case, which would take two hundred minutes, even if there was a quorum?

The SPEAKER. That is not a parliamentary inquiry; it is a question of fact.

Mr. CANNON. Well, is not that the fact?

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 36, nays 130, not voting 125; as follows:

YEAS—36.

Beach,	Hardenbergh,	Morrison,	Townshend, R. W.
Blackburn,	Holman,	Robertson,	Turner, Henry G.
Browne,	Kasson,	Robeson,	Turner, Oscar
Caldwell,	Knott,	Sparks,	Van Voorhis,
Cox, Samuel S.	McKenzie,	Speer,	Wheeler,
Deuster,	McLane, Robt. M.	Springer,	Whitthorne,
Ellis,	Miller,	Steele,	Willis,
Flower,	Mills,	Stockslager,	Wilson,
Guenther,	Money,	Thompson, P. B.	Wise, Morgan R.

NAYS—130.

Aldrich,	Ford,	Lynch,	Shultz,
Anderson,	George,	Mackey,	Skinner,
Barr,	Godshalk,	Marsh,	Smalls,
Bayne,	Grout,	McCold,	Smith, A. Herr
Belmont,	Hall,	McCook,	Smith, Dietrich C.
Bingham,	Hammond, John	McKinley,	Smith, J. Hyatt
Bisbee,	Harmer,	McLean, Jas. H.	Spaulding,
Bowman,	Harris, Benj. W.	Miles,	Spooner,
Brewer,	Haseltine,	Moore,	Strait,
Briggs,	Haskell,	Morey,	Talbott,
Brumm,	Hazelton,	Norcross,	Taylor, Ezra B.
Buck,	Heilman,	O'Neill,	Taylor, Jos. D.
Burrows, Julius C.	Hepburn,	Pacheco,	Thomas,
Campbell,	Hill,	Parker,	Townsend, Amos
Candler,	Hiscock,	Payson,	Tyler,
Carpenter,	Hitt,	Peelle,	Updegraff,
Chace,	Horr,	Peirce,	Valentine,
Covington,	Houk,	Pettibone,	Van Aernam,
Crapo,	Hubbell,	Pound,	Van Horn,
Cullen,	Hubbs,	Prescott,	Wadsworth,
Davis, George R.	Humphrey,	Ranney,	Wait,
Dawes,	Jacobs,	Ray,	Walker,
Deering,	Jadwin,	Reed,	Ward,
De Motte,	Jones, Geo. W.	Rice, John B.	Washburn,
Dezendorf,	Jones, Phineas	Rice, Theron M.	Watson,
Dingley,	Jorgensen,	Rich,	Webber,
Doxey,	Joyce,	Ritchie,	White,
Dunnell,	Kelley,	Robinson, Geo. D.	Williams, Chas. G.
Dwight,	Ketcham,	Robinson, Jas. S.	Willits,
Errett,	Lacey,	Scranton,	Wood, Walter A.
Farwell, Chas. B.	Lewis,	Sessinghaus,	Young.
Farwell, Sewell S.	Lindsey,	Shallenberger,	
Fisher,	Lord,	Sherwin.	

NOT VOTING—125.

Aiken,	Cook, John C.	Hoblitzell,	Randall,
Armfield,	Cook, Philip	Hoge,	Reagan,
Atherton,	Cornell,	Hooker,	Reese,
Atkins,	Cox, William R.	House,	Rice, Wm. W.
Barbour,	Cravens,	Hutchins,	Richardson, D. P.
Belford,	Crowley,	Jones, James K.	Richardson, J. S.
Beltzhoover,	Culberson,	Kenna,	Robinson, Wm. E.
Berry,	Curtin,	King,	Rosecrans,
Black,	Darrall,	Klotz,	Ross,
Blanchard,	Davidson,	Ladd,	Russell,
Bland,	Davis, Lowndes H.	Latham,	Ryan,
Bliss,	Dibrell,	Leedom,	Scales,
Blount,	Dowd,	Le Fevre,	Scoville,
Bragg,	Dugro,	Manning,	Shelley,
Buchanan,	Dunn,	Martin,	Simonton,
Buckner,	Ermentrout,	Mason,	Singleton, Jas. W.
Burrows, Jos. H.	Evins,	Matson,	Singleton, Otho R.
Butterworth,	Forney,	McClure,	Stone,
Cabell,	Fulkerson,	McMillin,	Thompson, Wm. G.
Calkins,	Garrison,	Morse,	Tucker,
Camp,	Geddes,	Mosgrove,	Upson,
Cannon,	Gibson,	Moulton,	Urner,
Carlisle,	Gunter,	Muldrow,	Vance,
Cassidy,	Hammond, N. J.	Murch,	Warner,
Caswell,	Hardy,	Mutchler,	Wellborn,
Chapman,	Harris, Henry S.	Neal,	West,
Clardy,	Hatch,	Nolan,	Williams, Thomas
Clark,	Henderson,	Oates,	Wise, George D.
Clements,	Herbert,	Page,	Wood, Benjamin.
Cobb,	Herndon,	Paul,	
Colerick,	Hewitt, Abram S.	Phelps,	
Converse,	Hewitt, G. W.	Phister,	

So (two-thirds not voting in favor thereof) the motion of Mr. WILLIS to suspend the rules was not agreed to.

The following pairs were announced:

Mr. CANNON with Mr. BLACK.

Mr. BUTTERWORTH with Mr. AIKEN.

Mr. REAGAN with Mr. RICE of Massachusetts.

The result of the vote was announced as above stated.

MESSAGES FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate.

A message from the Senate, by Mr. CHALMERS, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the concurrent resolution of the House to correct a clerical error in the bill (H. R. 7611) to adjust the salaries of postmasters.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. 138) concerning the erection of a memorial column at Washington's headquarters at Newburgh, New York.

ELECTION CONTEST—LEE VS. RICHARDSON.

Mr. PETTIBONE. I call for the regular order.

The SPEAKER. The regular order is the call of the roll on the motion of the gentleman from Virginia [Mr. DEZENDORF], to lay on the table the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote by which the previous question was ordered upon the resolution reported from the Committee on Elections. The Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 2, not voting 161; as follows:

YEAS—128.

Aldrich,	Farwell, Sewell S.	Lynch,	Shultz,
Anderson,	Fisher,	Mackey,	Skinner,
Barr,	Ford,	Marsh,	Smalls,
Bayne,	George,	McCold,	Smith, A. Herr
Bingham,	Grout,	McCook,	Smith, Dietrich C.
Bisbee,	Guenther,	McKinley,	Smith, J. Hyatt
Bowman,	Hall,	McLean, Jas. H.	Spooner,
Briggs,	Hammond, John	Moore,	Steele,
Browne,	Harmer,	Morey,	Stone,
Brumm,	Harris, Benj. W.	Norcross,	Strait,
Buck,	Haseltine,	O'Neill,	Taylor, Ezra B.
Burrows, Julius C.	Haskell,	Pacheco,	Taylor, Joseph D.
Campbell,	Heilman,	Page,	Thomas,
Candler,	Hepburn,	Parker,	Townsend, Amos
Cannon,	Hill,	Payson,	Tyler,
Carpenter,	Hiscock,	Peelle,	Updegraff,
Caswell,	Hitt,	Peirce,	Valentine,
Chace,	Horr,	Pettibone,	Van Aernam,
Crapo,	Houk,	Pound,	Van Horn,
Crowley,	Hubbell,	Prescott,	Wadsworth,
Cullen,	Hubbs,	Ranney,	Wait,
Darrall,	Humphrey,	Ray,	Walker,
Davis, George R.	Jacobs,	Rice, John B.	Ward,
Dawes,	Jadwin,	Rice, Theron M.	Washburn,
Deering,	Jones, Phineas	Rich,	Watson,
De Motte,	Joyce,	Ritchie,	Webber,
Dezendorf,	Kasson,	Robeson,	West,
Dingley,	Kelley,	Robinson, Geo. D.	White,
Doxey,	Lacey,	Robinson, Jas. S.	Williams, Chas. G.
Dunnell,	Lewis,	Scranton,	Willits,
Dwight,	Lindsey,	Sessinghaus,	Wood, Walter A.
Farwell, Chas. B.	Lord,	Sherwin,	Young.

NAYS—2.

Jones, George W. Miller.

NOT VOTING—161.

Aiken,	Cravens,	Kenna,	Robinson, Wm. E.
Armfield,	Culberson,	Ketcham,	Rosecrans,
Atherton,	Curtin,	King,	Ross,
Atkins,	Davidson,	Klotz,	Russell,
Barbour,	Davis, Lowndes H.	Knott,	Ryan,
Beach,	Deuster,	Ladd,	Scales,
Belford,	Dibrell,	Latham,	Scoville,
Belmont,	Dowd,	Leedom,	Shallenberger,
Beltzhoover,	Dugro,	Le Fevre,	Shelley,
Berry,	Dunn,	Manning,	Simonton,
Black,	Ellis,	Martin,	Singleton, Jas. W.
Blackburn,	Ermentrout,	Mason,	Singleton, Otho R.
Blanchard,	Errett,	Matson,	Sparks,
Bland,	Evins,	McClure,	Spaulding,
Bliss,	Flower,	McKenzie,	Speer,
Blount,	Forney,	McLane, Robt. M.	Springer,
Bragg,	Fulkerson,	McMillin,	Stockslager,
Brewer,	Garrison,	Miles,	Talbott,
Buchanan,	Geddes,	Mills,	Thompson, P. B.
Buckner,	Gibson,	Money,	Thompson, Wm. G.
Burrows, Jos. H.	Godshalk,	Morrison,	Townshend, R. W.
Butterworth,	Gunter,	Morse,	Tucker,
Cabell,	Hammond, N. J.	Mosgrove,	Turner, Henry G.
Caldwell,	Hardenbergh,	Moulton,	Turner, Oscar
Calkins,	Hardy,	Muldrow,	Upson,
Camp,	Harris, Henry S.	Murch,	Urner,
Carlisle,	Hatch,	Mutchler,	Vance,
Cassidy,	Hazelton,	Neal,	Van Voorhis,
Chapman,	Henderson,	Nolan,	Warner,
Clardy,	Herbert,	Oates,	Wellborn,
Clark,	Herndon,	Paul,	Wheeler,
Clements,	Hewitt, Abram S.	Phelps,	Whitthorne,
Cobb,	Hewitt, G. W.	Phister,	Williams, Thomas
Colerick,	Hoblitzell,	Randall,	Willis,
Converse,	Hoge,	Reagan,	Wilson,
Cook, John C.	Holman,	Reed,	Wise, George D.
Cook, Philip	Hooker,	Reese,	Wise, Morgan R.
Cornell,	House,	Rice, Wm. W.	Wood, Benjamin.
Covington,	Hutchins,	Richardson, D. P.	
Cox, Samuel S.	Jones, James K.	Richardson, J. S.	
Cox, William R.	Jorgensen,	Robertson,	

The SPEAKER. On this vote the yeas are 128, the nays 2.

Several MEMBERS. No quorum.

Mr. PETTIBONE. I move a call of the House.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. SPAULDING, from the Committee on Enrolled Bills, reported

that the committee had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate; and

Joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the resolution of the House for printing the report of the Commissioner of Forestry.

The message also announced that the Senate had agreed to the report of the committee on conference on the disagreeing votes of the two Houses upon the resolution of the Senate for printing the report of the Commissioner of Education for 1881.

DEATH OF HON. ALEXANDER H. STEPHENS.

Mr. REESE. Mr. Speaker, in behalf of the Georgia delegation, I desire, upon information just received of the death of our governor, Hon. Alexander H. Stephens, and my predecessor in this Congress, to offer the following resolution.

The Clerk read as follows:

Resolved, That this House has just learned with the deepest sorrow of the death of Hon. Alexander H. Stephens, governor of the State of Georgia, and so long a useful, faithful, and distinguished member of this House; and that this House herewith expresses its heartfelt sympathy with the people not only of Georgia but the people of the whole country in the loss of a statesman and patriot.

The resolution was unanimously adopted.

EDUCATION REPORT FOR 1881.

Mr. VAN HORN. I submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the resolution to print 32,000 copies of the report of the Commissioner of Education for 1881, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives numbered 1 and 2.

That the Senate recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment as follows: Insert in lieu of the proposed amendment the word "twelve."

R. T. VAN HORN,
SAM. J. RANDALL,
J. C. SHERWIN,
Managers on the part of the House.

JOS. R. HAWLEY,
H. W. BLAIR,
A. P. GORMAN,
Managers on the part of the Senate.

The conference report was adopted.

Mr. VAN HORN moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. WHEELER, by unanimous consent, was granted leave to print in the RECORD some remarks on the case of Lee against Richardson. [See Appendix.]

Mr. GROUT, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill (S. 1465) relative to French spoliation claims. [See Appendix.]

Mr. KLOTZ. I ask permission to print in the RECORD some remarks on the investigation of the Chief Clerk of the House.

Mr. HAZELTON. That is objected to, because it would be the most unfair thing in the world.

The SPEAKER. Objection is made, and leave to print is refused.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

UNITED STATES TELEGRAPH SERVICE.

Mr. BINGHAM, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. 7542) to authorize the appointment of a commission to examine into the telegraph service of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. LYNCH. I move to suspend the rules——

Mr. PETTIBONE. I call for the regular order.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. HISCOCK. I offer the following resolution:

Resolved, That a committee of three members of the House be appointed, to join a similar committee on the part of the Senate, to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The resolution was adopted.

The SPEAKER appointed as members of such committee on the part of the House Mr. HISCOCK, Mr. ROBESON, and Mr. ATKINS.

DISTRIBUTION OF DOCUMENTS.

Mr. SIMONTON submitted the following resolution:

Resolved, That all documents and books ordered by the present Congress to be published which are actually furnished prior to the first Monday of December next shall be allotted as heretofore to the members of the present Congress and transmitted as fast as printed, unless otherwise ordered by the members thereof.

The resolution was adopted.

Mr. SIMONTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Mr. KLOTZ. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. KLOTZ. On the 6th day of January of this year I made certain charges against one of the employés of this House. I charged that that employé was connected with the Washington Gaslight Company, and that he had been using his official position in this House for the purpose of defeating all legislation adverse or inimical to that company. After I had made that statement the gentleman from Maine [Mr. MURCH], without consulting me with reference to the matter, offered a series of resolutions embodying what I had stated and asking for a committee of investigation. The resolution was adopted, and on the following day another resolution was also passed. The committee was then appointed and the investigation commenced. Shortly afterward, at a meeting of that investigating committee——

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that he does not perceive wherein he presents a question of personal privilege.

Mr. KLOTZ. I am coming to that; I will state it in a moment. I say that after that investigation had commenced the gentleman from Maine withdrew from the support of the resolutions he had presented and left me to fight it out myself. [Laughter.]

The SPEAKER. Will the gentleman submit his question of privilege?

Mr. KLOTZ. I am proceeding now to state what it is.

The SPEAKER. The Chair does not think the gentleman presents a question of personal privilege.

Mr. KLOTZ. I am just coming to the point, if the Chair will bear with me for a moment. What I wish to say is that this withdrawal, and the subsequent action of the committee, places me in a false position at home with my people, and the assumption might go out among them that in this matter I had been guilty of some wrong. After having made the charges I did, and after the resolution appointing the committee of investigation was adopted, I deemed it incumbent upon me that I should sustain the charges or else it would have been assumed at my home that I had made them without proper consideration or information on my part, and therefore I was, under the circumstances, necessitated to employ an attorney at my own expense and a clerk and to follow up that investigation for three or four weeks. That investigation was finally concluded after bringing testimony from different parts and hearing the various officers and employés of the House who were supposed to have any information upon the subject.

Finally the investigation was concluded and the committee agreed upon a report. That was some two or three weeks ago, but that report, Mr. Speaker, was only submitted to the House this morning. The House did not read the report. The views of the minority were submitted at the same time, and the House did not read them. I had no opportunity myself to examine the committee's report. The House as yet knows nothing of its contents.

And when I asked the House a short time ago either to permit me to make a brief statement of my connection with this investigation upon the floor, as a matter of justice to myself, or in the event that objection was made to that to permit me to print a statement of the case, I was denied the privilege. That objection, Mr. Speaker, coming from the committee that investigated the charges, I may be permitted to say, comes from them with very ill grace when they gave me no opportunity of seeing the report. Now, the question of personal privilege which I submit is that this, under the circumstances, since it tends to place me in a false position, I think gives me a right either to make a brief statement or to print some facts which will vindicate myself from having made unjust accusations and charges in connection with the subject. As the session is now about concluded, I simply ask leave to print a statement as a matter of justice to myself.

Mr. HAZELTON. I object to any leave to print in connection with the matter.

Mr. KLOTZ. Have I not the right under the circumstances? I claim it as a matter of privilege that I be permitted to print a statement in this connection.

The SPEAKER. Objection is made. The Chair thinks the gentleman does not present a question of privilege.

Mr. MURCH. Mr. Speaker, I wish to make a very brief statement to the House.

The SPEAKER. The Chair can only recognize the gentleman by unanimous consent.

Mr. MURCH. I ask unanimous consent to be permitted to make a remark.

Mr. PETTIBONE. Regular order.

Mr. MURCH. The gentleman from Pennsylvania in his question of personal privilege has made an allusion to me as withdrawing from the investigation of the charges submitted against one of the employés of the House. Now, I wish to set myself right before the House.

Mr. PETTIBONE. I object.

Mr. HAZELTON. There is no attack upon the gentleman from Maine.

Mr. MURCH. I construe it as an attack upon me.

Mr. PETTIBONE. I do not yield. I move a call of the House.

A MEMBER. Print what you want to say.

Mr. MURCH. I do not want to print.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. ERRETT. I object.

Mr. MURCH. Then I ask the privilege of printing, since objection is made to hearing my statement.

Mr. HAZELTON. I object, unless we know exactly what it is the gentleman desires to insert. I object to striking any man without his having a chance to strike back. This is an attack on John Bailey which will give him no opportunity whatever to reply.

REPORT ON INDUSTRIAL EDUCATION.

Mr. VAN HORN, from the Committee on Printing, reported back the following concurrent resolution of the Senate:

Resolved by the Senate of the United States (the House of Representatives concurring), That of the report on industrial education furnished by the Commissioner of Education to the Senate, in compliance with the resolution of December 15, 1882, there be printed 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Commissioner of Education.

The committee recommend the following amendments:

Amend by striking out so that it will read "2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Commissioner of Education."

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJUSTMENT OF SALARIES OF CONGRESSIONAL EMPLOYÉS.

The SPEAKER. The Chair desires at this time to announce the appointment of Mr. HISCOCK, Mr. BLACKBURN, and Mr. FORNEY as members of the joint commission authorized in the sundry civil appropriation bill for the next fiscal year to consider the question of the salaries and compensation of the employés of the Senate and House of Representatives, and also as to the number of such employés necessary for the official transaction of the business of the two Houses.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. CHAPMAN to withdraw from the files of the House the petition and papers for the relief of Charles N. Mullan.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

ADVERSE REPORTS.

Mr. SMITH, of Pennsylvania, by unanimous consent, from the Committee on War Claims, reported back with adverse recommendations a bill and sundry petitions as follows; and the same were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5357) for the relief of Norah Walsh;

The petition of Mrs. Nora Walsh, of Mississippi;

The petition of Julia A. Nutt, widow and executrix of Haller Nutt;

The petition of G. R. Brandon;

The petition of Pleasant H. Thompson;

The petition of the trustees of the Indiana Methodist church, of Norfolk County, Virginia; and

The petition of Joseph J. Farrow, of Heyward County, Tennessee.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7611) to adjust the salaries of postmasters.

ADVERSE REPORTS.

Mr. HOLMAN, from the Committee on War Claims, by unanimous consent, reported back with adverse recommendations the following bills and petitions; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Helen A. Newlin;

A bill (H. R. 2978) for the relief of Jackson Briscoe;

A bill (H. R. 3341) for the relief of George F. Brott;

The petition of Edward B. Smith;

The petition of Elizabeth M. Patterson; and

A bill (H. R. 5358) for the relief of Alfred Smith.

REPORTS TO BE FILED WITH THE CLERK.

The SPEAKER. The Chair will state a number of members have indicated they had reports which they desired to submit. If there be no objection these reports may be filed with the Clerk and be entered upon the Journal as though they had been presented formally in the House.

Mr. HOLMAN. I suggest that the period of the presentation of such reports be limited to three days.

The SPEAKER. It being understood that they shall be presented within three days. [After a pause.] The Chair hears no objection.

RELIEF OF VOLUNTEER OFFICERS.

Mr. STEELE. I ask unanimous consent to take from the Speaker's table the bill (H. R. 4676) for the relief of certain volunteer officers of the Army for services actually performed during the rebellion, for the purpose of moving concurrence in the Senate amendment thereto. This bill gives relief to as deserving, if not the most deserving, class of our soldiers of the late war; men who were prevented from muster through no fault or neglect on their part, most frequently because of being sick in hospital or prisoners of war.

Mr. SPARKS. I do not know that there is any objection to the bill mentioned by the gentleman from Indiana. But gentlemen on the Republican side must remember that the first and only business now in order is the contested-election case of Lee *vs.* Richardson, which they forced upon the House in the expiring hours of this Congress, and got their "foot in it." [Laughter].

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. STEELE].

Several members objected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that Mr. ANTHONY and Mr. BAYARD had been appointed a committee on the part of the Senate to join such committee as might be appointed by the House of Representatives to wait upon the President of the United States and inform him that Congress having finished its business is now ready to close its session by adjournment.

ORDER OF BUSINESS.

Mr. PETTIBONE. I call for the regular order which is a question of the highest privilege.

The SPEAKER. The regular order is called. The question is on laying on the table the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote ordering the previous question in the contested-election case.

Mr. ATHERTON. The pending question, I suggest, is a call of the House.

The SPEAKER. The Chair has correctly stated the question.

EDWARD ELLIS.

On motion of Mr. HOUK, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Edward Ellis; and the same were referred to the Quartermaster-General for investigation.

SECOR & CO., ETC.

Mr. SKINNER. I ask unanimous consent to withdraw the bill (H. R. 4044) for the relief of Secor & Co., Perine, Secor & Co., and Zeno Secor, with the accompanying papers, there having been no adverse report thereon.

I desire to state that I introduced this bill at the first session of this Congress, under a total misapprehension of its contents or nature, at the request of a personal friend who desired to discuss it before the proper committee. I disclaim in full any purpose to urge its consideration, and have refused to advance it in any way.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SKINNER]?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes; and

A bill (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERWIN, by unanimous consent, leave was given to withdraw from the files of the House papers in the claim of A. C. Fassett, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. McLEAN, of Missouri. I desire to call up for present consideration a Senate bill——

Mr. PETTIBONE. I object. I call for the regular order.

Mr. HAMMOND, of Georgia. Call the roll.

The SPEAKER. The Chair will submit the request of the gentleman from Missouri [Mr. McLEAN]. He asks unanimous consent to take from the Speaker's table for present consideration a bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 2504) to amend the act of August 5, 1882, making appropriations for the naval service.

Mr. THOMPSON, of Kentucky, and others objected.

Mr. CHAPMAN. I ask unanimous consent to take from the Speaker's table the bill (H. R. 660) for the relief of Samuel Chase Barney, for the purpose of moving concurrence in a verbal amendment made by the Senate.

Mr. BERRY. I object.

Mr. CHAPMAN. I hope the gentleman will not object until he hears the amendment read.

Mr. BERRY. I withdraw the objection.

Mr. ANDERSON. Read the bill.

The SPEAKER. The amendment of the Senate may be read.

The amendment of the Senate was read.

Mr. HUMPHREY. I object.

WITHDRAWAL OF PAPERS.

Mr. SMITH, of Illinois, asked and obtained consent to withdraw from the files of the House papers in the case of H. W. Hippen.

PHEBE C. DOXSIE.

Mr. LACEY. I ask consent to take from the Speaker's table for passage at this time Senate bill No. 43, granting a pension to Phebe C. Doxsie.

The SPEAKER. The Chair will state that this bill at one time was lost between the two Houses and failed to pass for that reason. Is there objection to the present consideration of the bill?

Mr. THOMPSON, of Kentucky, and others objected.

The SPEAKER. Objection is made, and the bill is not before the House.

WITHDRAWAL OF PAPERS.

Mr. HOUK asked consent to withdraw from the files of the House papers in the case of J. D. Hale, and that the same be referred to the Quartermaster-General and Third Auditor; no adverse report.

Mr. BERRY. I object to that.

The SPEAKER. The question is upon granting leave to withdraw the papers indicated.

The question was taken, and leave was granted accordingly.

POLITICAL ASSESSMENTS.

Mr. KASSON. I report back from the Committee on Civil Service Reform Senate bill No. 2288 to prevent officers or employés of the United States from collecting moneys from other officers or employés of the United States, and to prevent officers and employés of the United States from paying moneys to other officers or employés of the United States for political objects. I will state that the provisions of this bill are incorporated into existing law; and therefore I move that the bill be laid upon the table.

The bill was laid on the table, and the accompanying report ordered to be printed.

TENEDORE TEN EYCK.

Mr. DAVIS, of Illinois. I ask consent to take from the Speaker's table for consideration at this time Senate bill No. 1745 to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and place him on the retired-list of Army officers.

Several members objected.

The SPEAKER. Objection is made, and the bill is not before the House.

WITHDRAWAL OF PAPERS.

Mr. RYAN asked and obtained consent to withdraw from the files of the House papers in the case of W. H. Wilson.

MARTHA J. COSTON.

Mr. WARD. I ask unanimous consent to take from the Private Calendar and pass Senate bill No. 706, for the relief of Martha J. Coston.

Mr. BERRY and others objected.

Mr. TOWNSHEND, of Illinois. Let the bill be read.

The SPEAKER. Objection is made, and the bill is not before the House.

Mr. PETTIBONE. I call for the regular order, the case of Lee vs. Richardson.

UNITED STATES COURTS IN TEXAS.

Mr. WELLBORN. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 2299.

Mr. PETTIBONE. I object.

The SPEAKER. The title of the bill will be read.

The Clerk read the title of the bill, which was:

A bill (S. 2299) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection; and the bill was accordingly taken from the Speaker's table, read three several times, and passed.

Mr. WELLBORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PETTIBONE. I now move a call of the House.

The SPEAKER. That motion is not in order.

PHEBE C. DOXSIE.

Mr. LACEY. I now ask consent to take from the Speaker's table Senate bill No. 43, granting a pension to Phebe C. Doxsie.

Mr. BERRY. I object.

NORTHERN DISTRICT OF SANDUSKY.

Mr. RICE, of Ohio. I ask consent to take from the Speaker's table and pass at this time Senate bill No. 2445, to amend section 2603 of the Revised Statutes of the United States, fixing the boundary of the northern district of Sandusky.

Mr. ROBINSON, of Ohio. I object.

ORDER OF BUSINESS.

Mr. HOOKER. I ask consent to take up Senate bill No. 1075. It passed the Senate unanimously.

Mr. PETTIBONE. I object.

Mr. HOOKER. Oh, don't. [Laughter].

BILLS AND JOINT RESOLUTIONS APPROVED.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 3258) granting a pension to Mrs. Elizabeth A. Hendrickson;

An act (H. R. 5543) to confirm certain entries on public lands;

Joint resolution (H. Res. 331) for the printing of the Agricultural Report for the year 1883.

An act (H. R. 7482) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 110) to refund the State of Georgia certain money expended by said State for the common defense in 1777;

An act (H. R. 2638) for the relief of J. J. Coffey and Rebecca S. Lewis, mother of Burge Rawle Lewis;

An act (H. R. 2911) for the relief of the German National Bank of Louisville, Kentucky;

An act (H. R. 6946) for the relief of Clinton D. Smith;

An act (H. R. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;

An act (H. R. 5661) to modify the postal money-order system, and for other purposes;

An act (H. R. 5653) for the relief of Kirk W. Noyes;

An act (H. R. 7226) to punish larceny from the person in the District of Columbia;

An act (H. R. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866;

An act (H. R. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department;

An act (H. R. 7240) for the relief of William H. Donohoe;

An act (H. R. 5538) to reduce internal-revenue taxation, and for other purposes;

An act (H. R. 832) for the relief of Marzel Altmann;

An act (H. R. 3243) for the relief of Ernest F. Unland;

An act (H. R. 3220) to ratify the issuance of duplicate checks in certain cases by the superintendent of the mint of the United States at San Francisco;

An act (H. R. 7289) to confer upon the senior associate justice of the supreme court of the District of Columbia, in the absence or inability of the chief-justice of said court, the powers and duties now conferred upon said chief-justice relative to the extradition of fugitives from justice;

An act (H. R. 6236) to amend certain sections of the Revised Statutes relating to the District of Columbia;

An act (H. R. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands;

Joint resolution (H. Res. 277) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela;

Joint resolution (H. Res. 281) to pay the Capitol police one month's extra pay;

Joint resolution (H. Res. 367) making appropriations for the alteration of internal-revenue dies, plates, and stamps, and for providing blanks for rebate;

An act (H. R. 3267) granting a pension to Clara Wible;

An act (H. R. 6308) for the relief of C. H. Miller;

An act (H. R. 7327) to establish certain post-routes;

An act (H. R. 301) for the relief of Stephen P. Yeomans and Andrew Leech;

An act (H. R. 3842) to pay Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia;

An act (H. R. 2294) granting a pension to John Glenn;

An act (H. R. 3850) for the relief of Joseph Wescott & Son;

An act (H. R. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

An act (H. R. 151) for the relief of David S. Booth, doctor of medicine;

An act (H. R. 6889) for the relief of Mrs. Louisa F. Stone;

An act (H. R. 7462) to create three additional land districts in the Territory of Dakota;

An act (H. R. 7637) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes;

An act (H. R. 814) making Saint Vincent, in the State of Minnesota, a port of entry, in lieu of Pembina, in the Territory of Dakota;

An act (H. R. 4999) for the relief of E. S. Montell, executrix of the estate of James E. Montell;

An act (H. R. 3837) for the relief of William B. Martin;

An act (H. R. 1926) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil offices in the Territories;

An act (H. R. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia;

An act (H. R. 6930) to levy an assessment of the real estate in the District of Columbia in the year 1883, and every third year thereafter, for purposes of taxation;

An act (H. R. 4218) for the relief of Robert L. McConnaughey;

An act (H. R. 7611) to adjust the salaries of postmasters;

An act (H. R. 7595) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois;

An act (H. R. 4926) for the relief of Charles Kortzenborn;

An act (H. R. 7148) to establish a railway bridge across the Illinois River, extending from a point within five miles of Columbiana, in Greene County, to a point within five miles of Farrowtown, in Calhoun County, in the State of Illinois; and

Joint resolution (H. Res. 333) validating certain contracts executed by the Postmaster-General.

NOTIFICATION OF THE PRESIDENT.

Mr. HISCOCK. The committee appointed on the part of the House to wait upon the President of the United States, in conjunction with the committee appointed on behalf of the Senate, have performed that duty and report that the President has requested them to inform the two Houses of Congress that he has no further communication to make to them.

VALEDICTORY OF THE SPEAKER.

The SPEAKER. Gentlemen, the time has come when our official relations as Representatives in the Forty-seventh Congress are to be dissolved. In a moment more this House of Representatives will be known only in history. Its acts will stand, many of them, it is believed, through the future history of the Republic.

On the opening day of this Congress I ventured the suggestion and the expressions of a hope that it should be marked "as peculiarly a business Congress."

It has successfully grappled with more of the vital, material, and moral questions of the country than its predecessors. Many of these have been settled wisely and well by appropriate legislation. It would be quite impossible at this time to enumerate the many important laws which have been enacted to foster and promote the substantial interests of the whole country.

This Congress enacted into a law the first 3 per cent. funding bill known to this country, and under it a considerable portion of the Government debt has been refunded at lower rates than ever before.

It did not hesitate to take hold of the question of polygamy, and it is believed it has struck the first effective blow in the direction of destroying that greatest remaining public crime of the age.

Laws have been passed to protect the immigrant on his way across the sea and upon his arrival in the ports of this country.

Laws have also been passed to extend the charters of the banking institutions so that financial disorder can not take place which would otherwise have come at the expiration of old bank charters.

Many public acts will be found relating to the Indian policy and the land policy of this country which will prove to be wise.

The post-office laws have been so changed as to reduce letter postage from 3 to 2 cents, the lowest rate ever known in the United States.

No legislation of this Congress will be found upon the statute-books revolutionary in character or which will oppress any section or individual in the land. All legislation has been in the direction of relief.

Pension laws have been enacted which are deemed wise, and liberal appropriations have been made to pay the deserving and unfortunate pensioner.

Internal-revenue taxes have been taken off and the tariff laws have been revised.

Sectionalism has been unknown in the enactment of laws.

In the main a fraternal spirit has prevailed among the members from all portions of the Union. What has been said in the heat of debate and under excitement and sometimes with provocation is not to be regarded in determining the genuine feeling of concord existing between members. The high office I have filled through the sessions of this Congress has enabled me to judge better of the true spirit of the members that compose it than I could otherwise have done.

It is common to say that the House of Representatives is a very turbulent and disorderly body of men. This is true more in appearance than in reality. Those who look on and do not participate see more apparent confusion than exists in reality. The disorder that often appears upon the floor of the House grows out of an earnest, active spirit possessed by members coming from all sections of the United States, and indicates in a high degree their strong individuality and their great zeal in trying to secure recognition in the prompt discharge of their duty. No more conscientious body of men than compose this House of Representatives, in my opinion, ever met. Partisan zeal has in some instances led to fierce word-contests on the floor, but when the occasion which gave rise to it passed by party spirit went with it.

I am very thankful for the considerate manner in which I have been treated by the House in its collective capacity. I am also very thankful to each individual member of this body for his personal treatment of me. I shall lay down the gavel and the high office you clothed me with, filled with good feeling toward each member of this House. I have been at times impatient and sometimes severe with members, but I have never purposely harshly treated any member. I have become warmly attached to and possessed of a high admiration not only for the high character of this House as a parliamentary body, but for all its individual members. I heartily thank the House for its vote of thanks.

The duties of a Speaker are of the most delicate and critical kind. His decisions are in the main made without time for deliberation, and are often very far-reaching and controlling in the legislation of the country on important matters, and they call out the severest criticism. The rules of this House which leave to the Speaker the onerous duty and delicate task of recognizing individuals to present their matters for legislation render the office in that respect an exceedingly unpleasant one. No member should have the legislation he desires depend upon the individual recognition of the Speaker, and no Speaker should be compelled to decide between members having matters of possibly equal importance or of equal right to his recognition.

I suggest here that the time will soon come when another mode will have to be adopted which will relieve both the Speaker and individual members from this exceedingly embarrassing if not dangerous power.

During my administration in the chair very many important questions have been decided by me, and I do not flatter myself that I have in the hurry of these decisions made no mistakes. But I do take great pride in being able to say that no parliamentary decision of mine has been overruled by the judgment of this almost evenly politically balanced House, although many appeals have been taken.

I congratulate each member of this House upon what has been accomplished by him in the discharge of the important duties of a Representative, and with the sincerest hope that all may return safely to their homes, and wishing each a successful and happy future during life, I now exercise my last official duty as presiding officer of this House by declaring the term of this House under the Constitution of the United States at an end, and that it shall stand adjourned *sine die*. [Hearty and continued applause.]

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By the SPEAKER: Memorial of the Legislative Assembly of Mon-

tana Territory relative to the military reservation of Fort Keogh—to the Committee on Military Affairs.

By Mr. CAINE: The petition of John T. Caine, for compensation as Delegate in the Forty-seventh Congress—to the Committee on Elections.

By Mr. DINGLEY: The resolutions adopted by the Legislature of Maine, relative to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. MACKEY: The petition of the Chamber of Commerce on Charleston, South Carolina, protesting against the transfer of the revenue-marine service to the Navy Department—to the Committee on Commerce.

By Mr. SKINNER: The petition of Walter Cook and others, of New York, in relation to the importation of works of art—to the Committee on Ways and Means.

By Mr. WASHBURN: Memorial of the Legislature of Minnesota, asking an appropriation for the construction of a light-house at Grand Marais, on Lake Superior—to the Committee on Commerce.

Also, a joint resolution asking for the construction of a bridge across the Saint Croix River between Wisconsin and Minnesota—to the same committee.

By Mr. WATSON: The petition of W. C. Evans, Hon. W. G. Galbrant, and 40 others, citizens of Erie, Pennsylvania, for the establishment of an international peace congress—to the Committee on Foreign Affairs.

By Mr. WHEELER: Papers relating to the pension claim of Edna Roberts and of W. J. Duly—severally to the Committee on Invalid Pensions.

Also, the petition of Mrs. Elizabeth L. Coleman, for relief—to the Committee on War Claims.

Also, papers relating to the claim of J. M. Huston, of Mrs. Mary A. Gibbs, of George W. Kennard, of W. R. Newsom; of James T. Morgan, administrator; of John Young, and of Mrs. Caroline Devan—severally to the same committee.

By Mr. YOUNG: The petition of James Dalton and others, praying Congress to continue the immigrant inspection service—to the Committee on Commerce.